

**Town of Medway  
Zoning Board of Appeals Meeting  
School Committee Presentation Room  
Medway Middle School  
45 Holliston St, Medway MA**

**MINUTES OF MEETING**

**May 3, 2017**

**Present:** Chairman David Cole; Clerk Carol Gould; Committee Members: Eric Arbeene, William Kennedy, Brian White; Associate Members Rori Stumpf.

**Also present:** Stephanie Mercandetti, Director, Community & Economic Development; Mackenzie Leahy, Administrative Assistant, Community & Economic Development

Ezra Glenn, Consultant

Chairman Cole called the meeting to order at 7:37 PM.

**Citizen Comments:**

There were no members of the public that wished to make comments on items other than those already on the agenda.

**Public Hearings:**

**7:35 P.M. – The Applicant, Timber Crest LLC, seeks a Comprehensive Permit under MGL c. 40B, Sections 20-23 as amended, to allow construction of a 157 unit development to be called “Timber Crest Estates” containing 25% affordable units on 170.36 acres which is comprised of the properties located at 143 Holliston Street, 153R Holliston Street, 177A Holliston Street, 21R Fairway Lane, 13 Ohlson Circle, 102 Winthrop Street, 11 Woodland Road, 0R Woodland Road, and 165 Holliston Street, Medway, MA.**

The Board was in receipt of the following documents:

- Unit Tabulation
- Four Agreements between Homeowners and Timber Crest
- Public Comments, Karyl Spiller-Walsh & Eugene Walsh
- Public Comments, Charlie Myers, received May 2, 2017
- Public Comments, Sean MacEvoy, received May 3, 2017
- Public Comments, Dave & Sara Dahlheimer, received May 3, 2017
- Change.org Petition Signed by residents, submitted by Andrew Hamilton, received at the hearing May 3, 2017
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Mounir Tayara, Applicant, Attorney Agostino, RIW, Paul Cusson, Delphic Associates, and Jim Pavlik, Outback Engineering, were in attendance.

Attorney Agostino gave a brief overview of the history of the project and hearings over the past months.

Ms. Mercandetti stated that over the course of the past 21 hearings, the Board has received around 140 documents for the project—an enormous amount of documentation.

Attorney Agostino stated that he had one more document that he would like to submit, an assignment of the Purchase and Sales Agreements to the actual developing entity. Some of the documents indicate that Mounir Tayara, individually, would be the holder of the contract rights, and the developer wanted to ensure that it was properly addressed.

**Public Comment:**

Dennis Crowley, Board of Selectmen, stated that he was making comments not as a board member, but as a resident. Mr. Crowley stated that he had four primary concerns. Fern Path has been discussed a number of times and the issue has not been resolved. Mr. Crowley stated that it is on record that the Town has, on its capital improvement plan, plans to increase the size of the water main on Holliston Street. The Capital Improvement Plan is a moving document and there is a possibility that improvements to Holliston Street are not made within the timeframe that had been discussed at previous hearings. Mr. Crowley explained that his understanding of the roadways were that they assumed the streets would be Town accepted; [the requested for the roads to become public roads] would need to go before Town Meeting to become Town accepted. He would like to know who would be maintaining the roads in the meantime—how the trash and snow would be taken care of. Mr. Crowley explained that the plans show six phases, but he hasn't seen any information on the timing of the phases yet. He is concerned about the phasing relative to the water and sewer capacity and how long those approved calculations would be reserved for.

Dave Dahlheimer, 21 Fairway Lane, stated that he had a number of conditions that he would like the Board to condition if approved: he read his letter "RE: Timber Crest 40B Application," from May 3, 2017, into record.

Cindy Maliniak, 14 Fairway Lane, read the letter from Charlie Myers, "RE: Timber Crest Public Comments," from May 2, 2017, into record.

Andrew Hamilton, 7 Fairway Lane, read the citizen's petition from Change.org, received May 3, 2017 at the public hearing, into record.

Larry Ellsworth, 148 Holliston St, stated that Holliston Street has had numerous fatal and nonfatal accidents over the past several years, many of which have caused property damage. More auto turns and trips will not enhance public safety on the road. The Eversource utility distribution along Holliston Street is fragile, and seems to be getting more fragile with more power outages along the road. Between accidents, aging, and unstable infrastructure in electrical distribution, he wondered if the infrastructure can handle the additional households and wondered if there was an opportunity to improve the infrastructure along Holliston Street so that there was a benefit to the existing residents.

Sean MacEvoy, 31 Fairway Lane, stated that the reduction in scale from the original submission to the present was due to the discovery that the developer would not have legal access to Fern Path. It was not as a result of a concern for density or scale so they should not get credit for that. Mr. MacEvoy referenced many of the points from his letter received May 3, 2017, regarding lot removal and buffering.

Gary Neubauer, 4 Ohlson Circle, asked the Board if there was a time limit for the construction. Ms. Leahy explained that the applicant must begin construction within 3 years and that depending on whether or not there was a time limit for completion within the decision, which could also limit the construction period. Ms. Mercandetti stated that the applicant provided a construction sequencing plan and that would be tied to the decision; what Ms. Leahy was saying was that there may be a timeframe for completion of the project, but the construction sequencing plan would provide details on what was completed within each phase. Mr. Neubauer stated that he was concerned because the subdivision of Ohlson Circle was intended to include sidewalks and curbing, but the developer has since left and the bond has not been used to complete those roadways. Mr. Neubauer would like to see the roadways completely constructed first. Mr. Neubauer was also concerned about how long Ohlson Circle may be "ripped up" during installation of the utilities for the development.

Lori MacKay, 106 Winthrop St, was concerned about lot 72 [behind her home] and requested the removal of the lot and a natural barrier along her property line. Ms. MacKay was also concerned about snow removal and how the salt would be captured so that it didn't corrupt the environment.

Jose Figueiral, 9 Woodland Road, was concerned about the status of the stream in the project, the classifications, and the distance from which work can be done. Ms. Leahy explained that the status of the stream is determined by the Wetlands Protection Act, the Conservation Commission would make that determination. Attorney Agostino stated that if the stream was intermittent, there is a 100 foot no touch and an additional 100 feet where work can be done subject to an Order of Conditions with the Conservation Commission.

Kathy Campbell, 8 Fairway Lane, referred to the Change.org petition, and read one of the comments attached to the letter.

Bill Richards, 167 Holliston Street, asked for clarification regarding the previously eliminated lots and whether or not they appeared on the current plan.

Andrew Hamilton, 7 Fairway Lane, stated that whether or not the stream was reclassified, at the present moment, it was classified perennial.

Dennis Crowley, stated that nobody is happy with the 40B, Town regulations are thrown out the window. Mr. Crowley stated that residents can do something about the 40B if they didn't like the development and let their legislators know.

Andrew Bush, 3 Ohlson Circle, asked the Board how many of the developments were outstanding. Ms. Mercandetti stated that the Planning and Economic Development Board is designated with permitting typical subdivisions and most of the projects are completed or newer developments permitted in the past few years, with only a few that are older. The Town holds performance bonds for those developments that are not completed. Chairman Cole stated there have been some 40B developments that were permitted and never began construction, but all other developments had been completed. Mr. Bush stated that the development is out of character with the community.

Cindy Maliniak, asked if there would be conditions regarding construction vehicles on existing roadways. Attorney Agostino stated that a Construction and Maintenance Plan would be submitted with the final plans. Ms. Maliniak asked what recourse the residents can take if they do not agree with the ZBA's decision. Ms. Mercandetti explained the appeal process.

Jackie Anderson, 18 Juniper Road, encouraged the Board to consider the minimum requirements to approve this type of project and also the number of vehicles per household and how quickly that number can increase.

Virginia Calapa, 7 Kimberly Drive, was concerned with the roadway proposed from the western portion of the development and the number of cars that would be coming out of the development. Ms. Leahy explained that typically the two means of egress are associated with the fire safety of a development, the applicant has work with the Fire Chief to provide what he believes will be adequate as an alternative to what is typically provided.

Chief Lynch, was in attendance and stated that traffic issues are not his concern, but access is his concern. He explained that the second means of egress is for purposes of access if the other means is blocked. In addition, sprinklers provide an added protection that may actually provide better protection for the homes than a second means of egress would.

Lori MacKay, stated her continued concern about Winthrop Street.

Ellen Schaefer, 13 Fairway Lane, was concerned about access on the East side in the case of emergency. Chief Lynch stated that they would be able to access the properties with the ambulance and UTV.

Moira Keating, 15 Diane Drive, reinforced Virginia Calapa's comments and asked when the Traffic Feasibility Study was conducted because she was concerned about the level of traffic coming out of the soccer fields.

Mr. White stated that the traffic study states that the area is reasonably safe, if not safer at the end of the project and unfortunately one of the main issues is enforcement—many of the previous comments have been about speeds. The applicant has intended to mitigate with signs and additional measures being put in to help reduce speeds.

Dave Dahlheimer stated that what the developers want as conditions and what bylaws they want to see go out the window shouldn't guide the decision process.

Jose Figueiral stated that he was concerned about potential health issues related to groundwater, mosquitoes, and ticks.

Lori MacKay asked what would happen if her property was impacted by stormwater from development. Mr. Glenn suggested that they could pictures prior to the development, but that if the property was impacted, there is a condition that the development does not result in increased runoff to abutting properties and if there is, then they would need to revise their stormwater management.

Dan Strachan, 11 Fairway Lane, stated that when he moved to Fairway, there was about 42 psi water pressure, now it's down to 32 psi. Mr. White explained that the Kleinfelder study showed that water pressure would be maintained, and at a minimum, if it's not, the applicant would need to install booster pumps.

Scott Lafferty, 2 Woodland Road, would like to see a condition that if there was increased runoff, that Timber Crest would pay for any impact.

Judy Fagerson, 120 Winthrop Street, asked if there would be a blinking light on Winthrop Street. Mr. White stated that the mitigation for signs had been addressed.

Ms. Mercandetti asked about the unit tabulation and whether there were any 2 bedrooms on the east side of the development. The applicant stated that footprints wouldn't change for these homes.

***A motion to close the hearing was made by Chairman Cole, seconded by Mr. White and approved unanimously.***

*Deliberations were scheduled for 7:30 pm on May 11, 2017 at a special Zoning Board of Appeals meeting, location to be determined.*

**Any other business that may properly come before the Board:**

The Board discussed the new application for a 40B Comprehensive Permit, named “Glen Brook Way,” as well as an accessory family dwelling unit 19 Granite Street where the application is incomplete. Ms. Leahy asked the Board when she should schedule the hearing for where the information is incomplete. Chairman Cole suggested reaching out once more and if there was no correspondence to

There was a brief discussion of the outstanding balance shown in the Kleinfelder invoice for Water Hydraulic Analysis of Timber Crest.

***A motion to approve the Kleinfelder invoice for \$650.00 was made by Chairman Cole, seconded by Mr. Arbeene and approved unanimously.***

**Correspondence:**

None.

**Approval of Minutes:**

[No minutes for approval this evening.]

**Upcoming Meetings:**

The Board discussed potential scheduling for Timber Crest deliberations.

**Adjournment**

***A motion to adjourn was made by Mr. White, seconded by Mr. Kennedy and approved unanimously. The Board adjourned at 9:38 p.m.***

Respectfully submitted,

Mackenzie Leahy  
Administrative Assistant  
Community and Economic Development