

*James G. Wieler, Chairman
Daniel J. Hooper, Vice Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved as Amended – February 10, 2004

***MINUTES
January 6, 2004 Planning Board Meeting***

PRESENT: Kent Scott, Karyl Spiller-Walsh, Matt Hayes, Jim Wieler; Dan Hooper

ALSO PRESENT: Susy Affleck-Childs, Mark Louro, Gino Carlucci

The meeting was called to order at 7:33 pm

Proposal – Groundwater Protection Overlay District

Guest - Mark Flaherty, Superintendent – Water and Sewer Board

MR. WIELER – So this is a proposed addition to our current zoning bylaw?

Mark Flaherty – It will show any water supply within Medway and from any surrounding towns. There are two in Medway and one in Bellingham.

MR. WIELER – When the town purchases land or identifies a well site, then we would have to add the additional site to the language in this part of the zoning bylaw. Was this modeled after other towns?

Mark Flaherty – It is a DEP (Mass. Department of Environmental Protection) requirement that anybody who has a water supply has to protect it.

MR. WIELER – The special permit granting authority would be the ZBA?

Mark Flaherty – Yes. MR. WIELER – It reads that the ZBA may engage a consulting hydrologist if necessary.

Mark Flaherty – This is a restricted or prohibited use. In zone 2 you wouldn't have a metal cleaning company that was discharging. Or, if you had a horse farm, manure would have to be enclosed.

MR. WIELER – What about pre-existing uses?

Mark Flaherty – They would be grandfathered but you can work to try to get them to change their practices.

MR. WIELER – What about the Town garage where they store salt and sand to ice the streets?

Mark Flaherty – It is stored inside to a certain point. Towns are supposed to have a salt shed but that can't happen so you try to minimize the amount of impact. The amount of salt we put on the road is 10X what would happen from outdoor salt storage filtering into the water supply. This bylaw is basically a state format. If town meeting was to change it, it would then have to be approved by DEP. Zone 1 and zone 2 is a combination of 2 studies. We have contacted DesLauriers to put the district on the zoning map. Zone 2 has to be exactly as DEP has approved.

MR. WIELER – Isn't there another site for a well?

Mark Flaherty – Yes, there are a number of sites.

MR. WIELER – The Bellingham map affects bits of Alder Street

MS. SPILLER-WALSH – Do you have any idea where there would be likely well sites?

Mark Flaherty – Generally, I don't like to discuss where the sites are because I don't want people going around to snoop. There were 3 sites in town that were identified. We only have 2 sites left. The new high school parcel was one of the sites. The State wants to see gravel wells vs rock wells. There is a 400 ft radius for a zone one pump. Each well has to be approved and is restricted by the state.

MR. HAYES – The treatment plant falls in zone 2.

Mark Flaherty – It is a permitted use.

MR. HAYES – I saw a very similar bylaw in another town and the Board of Health was the issuing authority for the special permit.

Mark Flaherty – This is what the state wanted.

MR. HAYES – How will you handle enforcement and penalties? There is nothing in here for offenses.

Mark Flaherty – I would expect it would come under the penalties section of the zoning for non-criminal disposition.

A motion was made by Dan Hooper and seconded by Karyl Spiller-Walsh to sponsor an amendment to the Medway Zoning Bylaw to establish the Groundwater Protection Overlay District per the proposal of the Medway Sewer and Water Board and to submit this proposal on the warrant for the 2004 Annual Town Meeting.

Discussion – DRAFT Limited Business Overlay District

Gino Carlucci – This overlay district looks at that section of Route 109 where the trend has been the conversion of old residences to business uses. I put together a very rough map of the zoned

area that would be included. It runs from Mechanic Street on the south side of 109 all the way to the western edge of the Commercial I district. On the north side of Route 109, it would run from Mechanic Street to Winthrop Street.

MR. WIELER – On page 2, section 4A, I would insert the date of the 2004 annual town meeting

Gino Carlucci - You don't really want to open this up to new construction. The focus is on renovation.

MR. WIELER – We also want to have a new bylaw for a limited site plan review so we could put that in here.

Gino Carlucci - You could link this to limited site plan review and combine it with the special permit.

MR. WIELER – We will need to clean this up. The warrant will be closing on Feb 13th for the 2004 annual town meeting.

MR. HAYES – I like the idea of a separate article to create the overlay zone and then the special permit.

MR. SCOTT– Do we want to specify what kind of uses would be permitted. Is allowing everything permitted in the Commercial I and II districts too broad?

Gino Carlucci - How do you feel about the limit on expansion to 10% of the footprint?

MR. HOOPER – I think we need to get into some listing of certain suggested uses.

MS. SPILLER-WALSH - Some of that might come in under the Design Review Committee.

MR. WIELER – We talk about retaining community character.

MR. SCOTT – My concern is to put a business overlay in a residential area. We still have to respect that basic underlying residential character.

MS. SPILLER-WALSH – The whole point is to rehab existing houses with character into possible commercial sites because they are on the main road.

MR. SCOTT– I want some sort of list of acceptable uses.

MS. SPILLER-WALSH – I think we want to lean toward the direction of small businesses on the main ways, businesses that are appropriate to the size of the structure.

MR. WIELER – A lot of this area has become commercial by use variances from the ZBA.

MR. HOOPER – We need to make it a better process.

Susy Affleck-Childs – We want to combine the use variance with site plan review to eliminate people having to go through two processes.

MR. HOOPER – This should be for more limited uses more like our village districts.

MR. SCOTT– I will work on preparing a list of acceptable uses in the overlay district by the end of the week.

MR. WIELER – I would eliminate 4c re: the limitation on expansion to a maximum of 10% of the footprint

Gary Jacob – Would you have the DRC to look at this?

MR. WIELER – Yes, let us clean it up a bit and get it to you.

Executive Order 418 – DRAFT Housing Report

NOTE – Gino Carlucci distributed the DRAFT Housing Report he has prepared for the town under Executive Order 418.

MR. WIELER – Where are we with affordable housing?

Gino Carlucci – There is some fairly interesting data on income and housing. We are at 4.9% affordable.

Streets for 2004 Annual Town Meeting

MR. HOOPER - I would rather have it out with the Disability Commission before town meeting.

Hartney Acres Definitive Subdivision Plan

Jim Wieler read the public hearing notice. It is attached to these minutes and made an official part of the record.

Guests - Paul Yorkis; John & Linda Claffey; Rick Merrikin/Merrikin Engineering; Paul DeSimone/DeSimone & Associates (surveyors).

MR. WIELER – We ask the applicant to talk us through the plan. Then we will have Planning Board members ask their questions and then we will go to the general public. If you wish to speak, please raise your hand and state your name & address for the record.

Paul Yorkis – I want to make the Board aware of the wetlands delineation from the CONCOM and also a letter from the Fire Chief dated August 26th. We had an opportunity to meet with Mark Louro of VHB Engineering this afternoon and to discuss all his technical review comments. That meeting includes John Claffey (applicant), Rick Merrikin (engineer), Paul DeSimone (surveyor) and myself. We went through everything. The applicant has no arguments with the questions or issues raised in Mr. Louro's letter. Many of them have been addressed and some still need to be addressed. Mr. Merrikin and Mr. DeSimone will be working on those technical issues to meet with Mark's satisfaction. Tonight, Rick will go over the subdivision and then Paul DeSimone will present some other aspects.

Rick Merrikin – Merrkin Engineering in Millis. What we have is a parcel of land, 14.75 acres in total with a stub out to Nobscott Street. There is also parcel A out to Summer Street. At present, it is undeveloped. The contour of the topography is that there is a high point from which the water drains in either direction. The plan is to create 10 lots with a total road length of about

1700 linear feet. It is 425 ft from Nobscott to the intersection where the road loops back on itself. We are looking at a standard road with 26 feet of pavement, cape cod berm and 2 sidewalks. Our goal is to present this as a no-waiver plan as best we can. There is drainage in the street. What CONCOM asked is to keep drainage going in the natural flow. Some goes west toward lot 7 & 8 and some goes east toward lot 3 & 4. The water generally flows east/west as compared to north/south. Our initial approach to the drainage recognizes that there are mostly Class C soils which is relatively poor. We maintain the rate of flow off the property but we generally did not attempt to reduce the volume because there is fairly little infiltration available. There are some things we can do. We will be tweaking the drainage so we can maintain the volume and the rate. We are also dealing with stormwater regulations in terms of infiltration. I had requested a waiver, but we will revisit that and we will put in some infiltration to occur in the structures we have designed. It is just that in class c soil, we generally don't calculate the quantities, but we will do so. We will rerun the numbers. That is basically it. The site is served by sewer, which will head out parcel A.

Paul DeSimone - There is a big hill facing us right off the bat off of Nobscott Road. We have approached both abutters about doing some grading changes instead of having to install a retention wall. But they are concerned that grading would need to go into their property about 30 feet and they would lose some trees. If the board would allow for a steeper slope, then we would only need to go in about 15 feet and that would save some existing landscape. Two retaining walls are needed to go through the wetlands. They would need to be about 4 or 5 feet high. Mr. Claffey will stone face the front of them. Then there would have to be a chain link fence on top of the stone wall, like on broad acres farm road. The fence has to be there for safety purposes.

MR. WIELER – What is the drop?

Paul DeSimone – The wall is 3 feet above the crown of the road. We can lower the top of the wall and put a guard rail or you can put in the wall and stone face the front but we still need a fence.

MS. SPILLER-WALSH – How long is that stretch?

Paul DeSimone – About 170 feet on both sides.

MR. WIELER – You will have to replicate the wetlands?

Paul DeSimone – The replication will be south of the wetland crossing. We haven't discussed that with them yet. The area we are replicating is about 2x as much as we are disturbing. That is almost 10,000 sq. ft. We have proposed 42 maple trees but the species are up for discussion. We don't really care what they are.

MS. SPILLER-WALSH – In that 2 acre area where you will replicate the wetlands, how much will be wetlands?

Paul DeSimone – More than 22,500 sq. ft. will be uplands. Now it is 66% uplands before the wetland replication occurs.

Paul DeSimone – Parcel A goes all the way out to Summer Street. It is about 60 feet wide. What we are going to do is deed it to the town and propose a pedestrian easement all the way through to Summer Street. There is a trail there now for part of it.

MR. WIELER – Parcel A is as close to a useless open space parcel as I have ever seen.

MS. SPILLER-WALSH – Was there any thought about deeding that to the abutters?

Paul DeSimone – CONCOM has said they would like to see the pedestrian easement.

MR. WIELER – The pedestrian easement would go through the wetland area?

Paul DeSimone – It isn't wet as you would think. There is a path there now.

Paul Yorkis – One of the things we wanted to do tonight is to schedule a site walk so you can see that portion. If, before the end of this meeting we can schedule a site walk, that would be great.

MR. WIELER – I have an email note that was sent to us from Alan Debasio and Margaret Stephan of 11 Broad Acres Farm Road.

NOTE – Jim read the email note. It is attached and made a part of the record.

MR. WIELER – We don't have policy on mosquito born illness in town. I don't know what effect the ponds have.

Mark Louro – I don't know either. The goal would be to reduce amount of water surface area. There is a lot of work that needs to be done on this.

Rick Merrikin – There are 2 types of basins – a wet basin or a dry basin. These are designed to be dry basins. We don't anticipate any quantity of water standing.

MS. SPILLER-WALSH – Where does it drain to?

Rick Merrikin – The wetlands. The whole idea is to keep it the same.

MS. SPILLER-WALSH – If it isn't going to drain, isn't it just going to sit there?

Rick Merrikin – A certain percent infiltrates and a certain percent drains off. That is the percent we try to maintain. When you put in roads that changes. So, what we do is catch some of the water. From the roofs, we will infiltrate the water into the ground and we will perhaps do some infiltration in the basins so at the property line, it is the same as is now.

MR. HOOPER– With Broad Acres (and Countryview Estates) being right up there, they have had their share of issues. Is that where our caution is coming from?

Mark Louro– These basins are designed to deal with different level storms. Rick Merrikin mentioned that the smallest outlet is very low. You won't get the same situation as exists on Broad Acres Farm Road where the forebays are much higher.

MR. WIELER – The lower detention pond close to Summer Street . . . is there water standing in it right now?

Paul DeSimone – Yes.

Mark Louro - These forebays are a lot smaller. In this case, the pond outflow is very low. There are various stages of flow so the water will move. It certainly won't get as deep as it does at Broad Acres Farm Road.

MR. WIELER – The real concern is that down along Broad Acres Farm Road, there have been lots of problems with surface water just running. We don't want to make that problem any worse. We have these detention ponds to release the water into the wetlands. We have to assure that as little water as possible gets to the ponds. Even taking stuff off the roof is an issue. This is clay and 4 feet down is stone.

Rick Merrikin – Paul did some test pits. We haven't done perc and permeability tests yet.

MS. SPILLER-WALSH – It would make me a lot happier if I could see a reduction in the density. Take out one or two lots and reduce the density. I would feel a lot better if I was an abutter.

MR. HOOPER – Are we going to address the dead end issue tonight?

MR. WIELER – The distance to the first intersection is 425 feet.

MR. HOOPER - The way I read our regs, it is a cumulative linear foot count for the entire roadway. The loop doesn't necessarily have an effect on that 600 foot max. I think it is something we should think about between now and the next time we work this. We need to decide how we are going to handle dead ends.

MR. WIELER – A 600 foot cul de sac would reduce density and make it a waiverless plan.

MR. HOOPER – And make it work better from a stormwater management perspective.

MR. WIELER – Did you look at this from that perspective?

Paul DeSimone – No, we didn't. We read the regs that the loop would not be a dead end.

MR. WIELER – We have been down this path recently and have been made aware of several instances where we have violated our regs on this matter. I am not certain that cramming as many houses in here and giving the town a linear park is in the town's best interest from a waiver perspective.

MS. SPILLER-WALSH – I don't mind the actual road layout. The loop is OK for me.

MR. HOOPER – All I am asking is that each member read the regs. We must decide whether there is to be a waiver or not. I would interpret our regs that this plan exceeds the 600 feet maximum.

Mike Heeney, Attorney representing the Jeannette and Frank Morton, 9 Broad Acres Farm Road - The concern is with the drainage right now. There is standing water in their back yard right now. This development, the way it is designed, it won't be aesthetically pleasing. The flow of water won't decrease. It will actually increase. Their major concern is drainage. You are going to have to cut a lot of coverage to put in this subdivision. I don't think the engineering for the drainage is complete yet. You have an opportunity to have outside engineers review the plans. I

have some pictures to show you of their back yard taken on December 30th. The photos are of Parcel A. If we could be advised of the site visit, we would appreciate it.

Frank Morton – We have spent thousands of our own money to correct the problem, and have put in supplemental drainage on our own and now you are looking at additional water impact.

MR. WIELER – The gentleman sitting beside me is the Town's Consulting Engineer. It is his job to protect the town's interest.

Edward Kislauskis (2 Nobscott Road) – I have a sheet of issues that represents a majority of owners and abutters and our concerns. We are concerned about the unmitigated water flow and natural ecology and destruction of trees which plays a large role in holding the water in place. What is likely to happen is that the majority of the trees will go down. The size of trees to be replaced is a 2 inch diameter. The size of the trees being removed is 20' diameter. We are concerned about how the detention ponds will work. There is a 20 foot drop from the crest to Blueberry Hill Road. The number of homes is going to impact the ability of water to flow. The number of homes contributes to the problem. We recommend that fewer oaks and maples be removed. None of us wants to look into the back windows of these new homes. Please preserve the natural border that exists. Regarding the replication of wetlands, this is difficult. I would ask the board to ensure that the replication is effective and successful and that a performance bond is put in place to be sure it is handled. I understand that Jim Galvin (7 Blueberry Hill Road) would make his land available to access this site from Blueberry. That approach would not involve wetlands. It hasn't been discussed at all. If it does come through on Nobscott, a chain link fence doesn't do anyone any good. A taller stone wall would be much better. We are all very concerned about safety issues. It is a speedway down Stanley Road as it is. We hope there would be very regulated hours with some restrictions on construction. Another concern is that we would want an open channel of communication so we can have our problems dealt with. This is our opportunity. There won't be many others. Because this is our back yard, we want to preserve it. Currently, on many of these abutting lots, there are not water issues. We don't want a water problem to begin. There are also concerns about the quality of our water. We have seen silt appear in our water as a result of the Broad Acres Farm neighborhood. The bond should include damages to neighbors wells. The current water quality is terrific. It needs to be maintained.

NOTE – Mr. Kislauskis' communication is attached and made a part of the record.

MR. WIELER – As long as we are in the public hearing, you are all welcome to attend and comment. Of all the issues you have noted, the one I haven't heard before is the drinking water issue.

Ed Kislauskis – This is a perfect location for a well.

Alan DeToma (20 Stanley Road) – I have reviewed the drawings and I have several questions. I was looking at the general wetlands protection act. I believe it makes reference that no changes etc. shall occur within the 100 foot buffer area adjacent to wetlands. In my review, it looks like there are 3 homes in the 100 foot buffer area.

Paul Yorkis – You are correct that the CONCOM has jurisdiction on anything within the 100 feet buffer area. But that doesn't mean that no activity can occur. It means that CONCOM can look it. The Town of Medway wetlands bylaw has a 25 foot "No Disturb" area. The wetland delineation has been approved by the CONCOM. The first 25 feet is protected. The next 75 feet

is regulated by an Order of Conditions or a Request for Determination. Each individual lot may require a notice of intent to be filed.

Alan DeToma – I did receive a notice of intent for a CONCOM hearing this week.

Paul Yorkis – That notice is for road construction and the wetlands crossing related to road construction.

Alan DeToma – So this week at CONCOM is simply to review the crossing of the wetlands to build the road?

Paul Yorkis - Yes, then each lot would have to go to CONCOM too.

Alan DeToma – As you review this project, if in fact the developer is getting periodic approvals, how do you react to that?

MR. HAYES – There is only one approval for the roadway.

MR. WIELER – We would approve an overall number of lots.

Alan DeToma – The 25 foot buffer, I didn't see it on the drawings for lot 5. I would also echo some of the earlier comments. I want some clarification on the 15 foot setbacks to the rear and side. There is also reference to a 15 foot buffer.

Paul Yorkis – It is the intention of the applicant that the 15 foot minimum setback as required by the zoning bylaw would also be a no disturb zone. This would ensure that the vegetation in that area would stay.

Alan DeToma – Would that be deeded to the homes?

Paul Yorkis – There is a variety of different ways to handle that. I can discuss that with the applicant.

Alan DeToma – I didn't see much detail on the design and imagery of the retaining walls. As an abutter, the design of those is of concern. Another concern is drainage runoff. I would encourage the board to have a full stormwater analysis completed and a full hydrological analysis prepared. As it stands now, this is a lot of good faith. You need to find out for sure and maintain your stance on this matter.

MR. WIELER – That is a requirement and they have submitted it.

Alan DeToma – The strip of land (Parcel A) is useless for open space. There is revenue that could be made for the town. I did notice on the drawings, downstream as you go through the Summer Hill area, there appears to be a 50 foot buffer for the wetlands. I am curious how that might impact this particular parcel.

Mark Louro – There is a 25-foot wetlands protection easement.

Paul DeSimone – That was put in place when they did Summer Hill. It is a flow easement for the existing water course.

Alan DeToma - While there is a very large concern re water and runoff, I would think there would also be some level of concern at the CONCOM level re: oils, salts, etc. unless the detention systems will handle that.

Rick Merrikin – There is a state regulation requiring that to be done. There has to be catch basins and filtration within the system.

MR. HOOPER– If you have concerns about drainage, attend the CONCOM meetings. I can't emphasize how important it is to have critical mass at those hearings.

Nicole DeToma - Aside from what we brought up this evening, once the project is complete, these lots will have other things in their back yards such as pools. Does that effect the runoff as well?

Alan Debasio (11 Broad Acres Farm Road) – My concern is really where the retention pond exits and the flow of water and where it is directed and how it will flow. That is why I suggested that the pipe be extended down Parcel A and out to the culvert at the bus stop at the end of Broad Acres Farm road. At one point in the discussion tonight, the parcel A land is wetlands and then it is a walking path. After 24 hours, it pretty much drains quickly. If you put in a basin that will be emptying out you will be crating soggy and boggy land.

Ed Kislauskis – Is there any requirement that an applicant put a certain amount of top soil on the lot? Is there any requirement for distribution of snow load within the subdivision?

MR. WIELER – No, we don't have anything to do with what occurs on the lot in terms of how much soil is placed there. What we are doing with the Design Review Committee is to address saving some of the large caliper trees and maintain a buffer.

Mark Louro – With the snow plowing, you can drive around and it will be pushed around to the side. There is not expected be one big piled up area.

MR. WIELER – Is there any opportunity to access this site from Blueberry?

Paul Yorkis – Legally, we do not have any frontage onto Blueberry Hill Road.

MR. WIELER – We will get the Design Review Committee involved to look at stone walls and that will address a number of concerns.

Mark Louro – On the first sheet, you have a line along the west side. What is that?

Paul DeSimone – That is the wetlands.

MR. HAYES – RE: the fence on the road crossing the wetlands, what is the height?

Paul DeSimone – It has to be 4 feet above the concrete.

Paul Yorkis – That is a building code matter. We will check with Bob Speroni and find that out.

Paul DeSimone – That land was all cleared at one time. Would the board consider a steeper slope on those entrances?

MR. WIELER – I would be open to something there. It would need a waiver.

MS. SPILLER-WALSH – They should get a landscape architect to look at it.

Gary Jacob – I am here as a citizen and as a member of the Design Review Committee. You may want to look at taking a terraced approach to the retaining wall and do a gabion wall. It make take a bit more square footage, but it looks better.

Paul DeSimone – We looked at gabions but they are prohibited in your Subdivision Rules and Regulations.

Paul Yorkis – If the Planning Board would like us to review the gabion walls, we can do that but we have been trying to follow the rules and regs. If you will give us that latitude, we will take a look at it.

MR. WIELER – The goal here would be to not repeat the horrible wall on Broken Tree Road.

Paul Yorkis – I think it is really important. How things are built is sometimes different than how we think it will look. John and Linda Claffey want to build a subdivision that they will be proud of. They are very interested in doing that. I am familiar with the Broken Tree Road wall. Your rules and regs cause some of those things to happen. So, when an applicant comes before you, they may need a waiver to achieve something good in design.

Michael ??? (15 Stanley Road) – Have you done any estimates for how long the whole construction will take?

Paul Yorkis – From the time the road would begin until the time the last home would be constructed is 24 months.

Michael ??? – I want to ask about the question of alternative access to Blueberry Hill Road instead of Nobscott.

MR. WIELER – This is the plan before us. The applicant does not have access from Blueberry Hill Road. Further, Blueberry Hill road is an unaccepted street.

Paul Yorkis – The backyards of the homes on Blueberry are also wetlands. I know that area very well.

Paul DeSimone – Those wetlands don't show on our plans because we stopped the wetlands line at our property line.

Ed Kislauskis - The Galvins have made contact with the applicant to discuss buying that land. I have come to understand that the performance bond for the entire Broad Acres neighborhood is \$50,000. How does it work?

MR. WIELER – We release the bond in stages and we hold onto a minimum of \$35,000 until street acceptance.

Mark Louro – When the applicant wants to start to build houses, we prepare a construction cost estimate of what remains to build the road and infrastructure in accordance with the plan. We include a 20% contingency, plus the cost of maintenance.

MR. HOOPER – The bond is reduced very carefully, item by item.

MR. SCOTT – For your information, the CONCOM meeting on this is Thursday, Jan 8 at 8:30 p.m.

NOTE – The public hearing was continued to January 27th at 8:30 pm.

ANR Plan from Fred Sibley for 16 Oak Street and Daniels Road.

Fred Sibley – We are adding a small portion of lot 2 to lot 2.

A motion was made by Dan Hooper and seconded by Kent Scott to approve the ANR plan of land dated 12-1-03 for Fred Sibley, as prepared by DeSimone & Associates.

NOTE – Matt Hayes will come by the office to sign the original mylar plan.

Ishmael Coffee Estates – Public Hearing Continuation

Paul Yorkis – We met again with Mark Louro and went over many items addressed in his last letter. We want to try to reach a consensus on a number of items. We need to get some closure. At our tree hugging site walk, one of the suggestions was a request to increase the size of the donut hole (landscaped island) and reduce the width of the pavement at the end of the cul de sac. I talked with the Fire Chief. The applicant is absolutely willing to do this. If you would like us to do that, we will be happy to do request a waiver on the width of the pavement around the island in the cul-de-sac. The pavement width will be reduced to 18 feet and the island diameter will be 64 feet. We will include the waiver on the cover sheet to the plan set. I also have a DRAFT of the declaration of protective covenants for Ishmael Coffee Estates. Notice item #4 re: the No Cut Zone. It is as tight as Attorney Bill Sack knows how to make it. Note also item # 14 re: the requirement for 2 light posts. This gets recorded prior to conveyance of the first lot.

Paul Yorkis – We have had some serious discussion about extending sidewalks on Summer Street north from Independence Lane. Mark Louro, Dan O'Driscoll, David Faist and I have had discussions about this. Initially, the thought was to run the sidewalk to the end of the Boczanowski property. Jim Wieler had asked whether this would be far enough to meet up with Kingson Lane across the street. There is a large tree in the way and there is also parking installed on the Boczanowski property parallel to Summer Street. There is a real question about at what elevation do you put in the sidewalk and what do you do about curbing. This is all a greater issue than putting in the sidewalk. The question that I am raising with the board is if you want sidewalk put down across the front of the Bates and part way on the next lot, we can do that. But if you look at all the issues, it becomes more complex. We are looking for some guidance and direction from the Board. It doesn't make a difference to the applicant. He will do it.

MR. HAYES – We are talking sidewalk to the north? To the south is already taken care of?

MR. WIELER – They are already doing sidewalk south to meet with Duncan Donuts.

Mark Louro – One concern is when the roadway gets reconstructed by the state, they are going to be constructing a closed drainage system and installing curbing to handle all the roadway runoff. A sidewalk on route 126 should have curbing to provide some level of safety to pedestrians.

Without it, there will be puddling and I have safety concerns too. The right solution to put in the curb and a closed drainage system. I am also concerned about mid-block crossing and the effect of the sidewalk on drainage on the front lots.

MR. HOOPER – Knowing what you know about the Route 126 construction, what are they going to do? Personally, I don't think the crossing issue is too much of a concern.

Mark Louro – Whenever the town touches sidewalk you have to be careful. You have to do it right. Just throwing the sidewalk in there may not be the best approach. You have to deal with ADA/AAB requirements.

Mrs. Bates – I don't want a drainage problem.

MR. WIELER – I don't think we want to go there. I would like to determine the value of the equivalent length of sidewalk and have that given to DPS. Or we could just ask for sidewalk on the west side of the street.

Paul Yorkis – The applicant can do nothing in the town owned layout. The town would have to indemnify the applicant and their agents. The town would have to take action through the Board of Selectmen. It is a complex issue.

MR. WIELER – If we know how many linear feet, we ask the applicant to pay for that amount and put it into a sidewalk fund.

Susy Affleck-Childs – What length?

MR. HOOPER – For the difference in the dead end length.

Dan O'Driscoll - It is about 395 feet from Independence Lane to northern edge of the Boczanowski property.

Paul Yorkis – What is the benefit to the town? There is no through street connecting Summer Street to Highland Street. We are not jamming every single lot onto the site as it could be. We are minimizing the wetlands crossing.

MS. SPILLER-WALSH – The Planning Board appreciates the applicant's enticements.

MR. WIELER – I think we can do this at 400 feet. Where we ought to go with this is that a sidewalk fund will be established at the annual town meeting. The money would go to that fund.

Paul Yorkis – I can represent to the applicant that this would be the way to go.

Susy Affleck-Childs – We can model the sidewalk fund on what is done in Norfolk.

Paul Yorkis - You have requested the applicant to request a waiver re dead end street. (page 25 – section 4.2.5.1.) We will ask for that waiver and it will appear on the plan as well.

Mark Louro – Also section 4.2.2.5 re: a curvilinear alignment. I think that is a "prefer" and not a "shall". They exceed the 300 feet but the reason is to avoid wetlands. So, no waiver is required.

Mark Louro – The streetlights are taken care of in the covenant. So no waiver is needed there.

Mark Louro – How about the trees?

Paul Yorkis - I don't think the trees are a waiver. There may need to be some field decisions that VHB will have to make . . . some modifications that will be needed to save trees. We want to have some flexibility that we can make adjustments in slope in order to save trees.

Mark Louro – There is a requirement that any landscaping that is proposed as part of the project be designed by a landscape architect. The island is not to have any supplemental landscaping so this is not an issue.

Paul Yorkis – So where we are at is that we are requesting that the Planning Board consider closing the hearing tonight and to consider voting a certificate of approval and then try to endorse the plans at your February 27th meeting.

MR. WIELER – Mark, how do you feel about closing the hearing?

Mark Louro – My concern is that they only started the process a few months ago and it feels like they are rushing. My initial concern is because of the amount of comments and the work they need to do. But after speaking with them today, as long as they realize that endorsement is contingent upon addressing all the comments, I guess we could close the hearing tonight. The plans are in fairly good shape.

Susy Affleck-Childs – I would not recommend voting the certificate tonight.

Mrs. Bates – I want to know how far the road is going to be from the edge of my property line to the pavement.

Dan O'Driscoll – 18 feet.

Mrs. Bates – There is a 21 day appeal period?

Paul Yorkis – When the Planning board issues its certificate of approval and it is filed with the town clerk, from that date, count 22 days and if no appeal is filed, then the PB shall endorse the plans.

A motion was made by Matthew Hayes and seconded by Dan Hooper to close the public hearing on the Ishmael Coffee Estates Definitive Subdivision Plan. The motion passed unanimously.

Paul Yorkis – When will you vote on this?

MR. WIELER – Our next regular meeting is January 27th. We will work on the Certificate at 9:30 pm that night.

Public Hearing Continuation - River Run ARCPUD and Subdivision

Mr. WIELER – At the applicant's request, we are continuing these public hearings to February 10th, 2004.

FY 05 - BUDGET

MR. WIELER – Susy and I prepared and submitted three FY 05 budget proposals – level funded, level service; improved service. We have a handout for your review. Level funded is \$64,117; Level Service is \$66,117 and improved service is \$83,763.60. The improved service provides for \$20,000 in planning consulting services, \$10,000 toward an update of the master plan, and a part-time (8-10 hrs/week) clerical assistant to help with filing, copying and data entry.

A motion was made by Dan Hooper and seconded by Kent Scott to approve the three budget proposals for FY 05. The motion passed unanimously.

Correspondence

MR. WIELER – We need to acknowledge the letter from Shelter Island expressing their continued interest in pursuing an ARCPUD project for the Fontanella property. We have a letter/ invitation from the Marian Community regarding an open house for town officials on January 7 from 2-4 pm.

Invoices

\$ 57.50 Contracted Services – VHB for stormwater management regulations
\$ 390.00 Consulting Services – PGC Associates
\$ 15.00 Printing – ADPRINT for DRC
\$ 260.00 Consulting Services – PGC Associates
\$1,832.85 Construction Observation – VHB
\$ 943.82 Construction Observation – VHB
\$4,893.82 Plan Review – VHB
\$ 489.11 Plan Review - Beals and Thomas
\$2,034.14 Plan Review – VHB
\$ 845.00 Plan Review – PGC Associates
\$ 662.25 Plan Review – PGC Associates

A motion was made by Kent Scott and seconded by Karyl Spiller-Walsh to approve the above noted invoices as presented. The motion was approved. Matt Hayes recuse.

A motion was made by Karyl Spiller-Walsh and seconded by Dan Hooper to adjourn. The motion passed unanimously.

The meeting was adjourned at 10:55 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*James G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved as Amended – February 24, 2004

***MINUTES
January 27, 2004 Planning Board Meeting***

PRESENT: Jim Wieler, Dan Hooper, Matthew Hayes; Karyl Spiller-Walsh, Kent Scott

ALSO PRESENT: Susy Affleck-Childs, Gino Carlucci, Mark Louro

The meeting was called to order at 7:34 pm

McDonalds Site Plan

Matt Smith (Bohler Engineering) – The last time we were here, we had a lot of discussions on the plans and everything was generally accepted except for the egress. We made those changes and submitted revised plans which have been reviewed by Beals and Thomas and PCG Associates. Ed Beeler has met on a number of occasions with the Design Review Committee. We received a copy of the DRC's recommendation today.

MR. HAYES – I will recuse myself from this discussion.

Matt Smith – We have changed the size of driveway to a 20 foot one-way driveway to allow lefts out and rights out. We were able to fit in another parking space but we had to remove one too. We were able to accommodate a change to add a sidewalk. Other than that, we have not made any more changes to the site plan. We are coming out of the last DRC meeting with a modest change in the roofline and we will have to make a minor adjustment in the landscaping. Our firm has worked on dozens of McDonalds and I have never seen one that looks like this. The closest one I can think of is the one up in Freeport, Maine.

MR. HOOPER – Did you speak with the DRC on the proportions of the cupola and the dormers? They look a little small.

MS. SPILLER-WALSH – The DRC chewed on that a bit but we focused more on the roof line.
Matt Smith – They are putting on the same cupola as on the rest of the plaza.

MR. HOOPER – Nicely done.

MR. WIELER – We do have a Beals and Thomas letter here with some references to lighting. Also, the 9' x 18' parking space size will need a waiver.

MS. SPILLER-WALSH – Can we see the new landscape arrangement a little more closely? I remember two weeping cherries.

Matt Smith – The menu board has been redesigned and it is something to behold in and of itself with its own roof structure. We have no problem with making the change in the roof materials per the DRC recommendation. The landscaping has just been adjusted in location. Previously, we had it right up to the building;

MS. SPILLER-WALSH – We wanted some kind of a vine system. Is there something there?

Matt Smith - Yes, it will be Canadian creeping conaster.

MR. WIELER – Lets look at Gino Carlucci's letter from 12-2-04.

Matt Smith – I believe that letter pertained more to Medway Commons modification.

MR. HOOPER – With building D, will we be getting anything more on that?

Susy Affleck-Childs – The Planning Board is done with building D. Those changes were incorporated into the recent set of modifications to the overall Medway Commons site plan.

MR. HOOPER – Are we still comfortable with the sidewalk along the building? Do we want more pedestrian connections between the McDonald's building and Building D?

NOTE – Jim Wieler distributed the DRC's letter of recommendation dated 1-27-04.

MR. WIELER – This plan has the signage as proposed.

Matt Smith – The DRC letter has 8 comments. The plan shows the signs for the "M" logo in size, character and shape. What is not detailed is the materials and lighting. McDonald's opinion on this is that they have serious concerns about not having typical signage. They want to have signage similar to other signage in the center.

MR. WIELER – Believe me, you are going to get people at this McDonalds just to see how great it looks.

Matt Smith – Regarding their comment #8, the directional signage throughout the site is logo free, but it is illuminated.

MS. SPILLER-WALSH – Do we need the entrance and exit signs at all?

MR. SCOTT – Yes and the use of both arrow and words for enter and exit. No "M" is needed on the directional signs. I think you want them to be simple.

MR. WIELER – Our next step is to make a recommendation to the BOS. We had understood the Police Chief was coming tonight to discuss traffic/safety but apparently he isn't able to make it. I would like to commend McDonalds and the DRC for a superlative job on the building design. It has come a long, long way. We are almost there but I think we will have to have them back after the signage details are completed.

MR. HOOPER – I would like to see this move along at the next meeting and get it finalized. They have been more accommodating than what might be expected from a franchise like McDonalds. In fairness to the applicant, I would like to see this move along.

MR. WIELER – So there will be no more engineering review. We will wait for a resolution on the signs.

MS. SPILLER-WALSH – The DRC is done now with the landscaping so that doesn't need to come back.

MR. SCOTT – Does the board have any concerns on internal illumination for the menu board?

MS. SPILLER-WALSH – The DRC did have some concerns, given the size. But the final design calls for it to have an opaque background with only the lettering illuminated and we are pleased with that.

MR. WIELER – So, we will have you come back at our next meeting.

Matt Smith - I just don't think that McDonald's has finalized what they will do for the signage. They are going to want to put up the standard plastic lit signs. They don't want to be restricted as to what do with the materials and the lighting.

MS. SPILLER-WALSH – The DRC is on record that they want to see a halo effect.

Matt Smith – McDonald's position is that signage is not a design review issue.

MR. WIELER – How do those signs fit? Are they to scale? They look pretty good to me. They have done an awful lot to get us there. If they want to come back with a red background, I could live with that.

MS. SPILLER-WALSH – The DRC was quite in agreement with the back lit halo style of sign for the "M" logo. We thought a reverse would be more elegant for the other sign. Gold lettering on a black background would not be mistaken.

MR. HOOPER – In the overall site plan approval for the center, is there any reference to overall sign standards? I hear Jim's comments but I also agree with Karyl. You have come this far, don't fall down on the signs. You have a beautiful building. It would seem a real shame to come in with your standard signage. Please convey that to the McDonalds folks.

MR. SCOTT – I understand both perspectives. We stripped the building of its brand identity. We have to give you something.

MR. HOOPER – McDonalds came into a center that already had a theme for the buildings. That was per the agreement with the BOS.

Susy Affleck-Childs – I think a real concern is the sign between the dormers. It looks like it could be a box/cabinet sign that could be internally illuminated. Could it be done with channel letters instead?

MR. HOOPER – The rest of the center is doing channel letters and the signage on this building should be reflective of that approach.

Matt Smith – McDonalds doesn't want to be pinned down on this. They will comply with the sign bylaw. They are surrounded by other uses that may not have any limitations on sign design.

MS. SPILLER-WALSH – This building will have precedent because of its location and quality.

MR. WIELER – Does McDonalds have their sign details close to being finalized?

MR. HAYES – I believe it does with the plastic molded "M" logo and a box lit sign.

MR. WIELER – We are going to have you back in 2 weeks. Please pass the cut sheets for the signs to the DRC for them to review at their meeting next week. Then the plan will be ready for our recommendation.

Matt Smith - Should McDonalds be at that DRC meeting?

MS. SPILLER-WALSH – It would be good but not necessary.

MR. WIELER – The big issue is using channel letters vs. a box sign.

MS. SPILLER-WALSH – This was discussed in detail with the applicant.

MR. WIELER – We want this to go to the DRC to finish up the sign. I believe the BOS can approve your signs if there is enough detail.

Matt Smith – So there are two issues . . . signs and the police chief's comments.

MR. WIELER – You could contact the police chief directly. If you can come back in two weeks with that all resolved, we can start to work on our recommendation to the Board of Selectmen.

NOTE – The next appointment for McDonald's is 7:30 pm on February 10th.

MS. SPILLER-WALSH – Kudos to Ed Beeler from McDonald's for hanging in there.

Approval of Planning Board Meeting Minutes

August 27, 2003 – A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the minutes as presented. The motion passed unanimously.

May 12, 2003 - *A motion was made by Dan Hooper and seconded by Kent Scott to approve the minutes as presented. The motion passed unanimously.*

September 9, 2004 - *A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the minutes as presented. The motion passed unanimously.*

November 18, 2004 - *A motion was made by Matt Hayes and seconded by Dan Hooper to approve the minutes as amended. The motion passed unanimously.*

December 2, 2004 - *A motion was made by Dan Hooper and seconded by Kent Scott to approve the minutes as presented. The motion passed unanimously.*

December 16, 2004 - *A motion was made by Dan Hooper and seconded by Kent Scott to approve the minutes as amended. The motion passed unanimously.*

MR. WIELER – We will hold on reviewing the January 6 and 20 minutes until the next meeting .

Susy Affleck-Childs – Somebody needs to prepare some brief minutes from the Hartney Acres site walk on Saturday, January 24th.

MR. HOOPER – I will do that.

NOTE - Mark Louro arrives at 8:30 p.m.

Hartney Acres Definitive Subdivision Plan – Public Hearing Continuation

John Claffey - Applicant

Paul Yorkis – Applicant’s representative

Paul DeSimone - Surveyor

MR. WIELER – Thank you for your time and thanks to a lot of people in the room tonight for walking the site on Saturday morning. We are here to address a number of issues. Let’s start with your most recent review

Mark Louro – You have notes from the 1-6-04 meeting I had with the applicant and his consultants.

Mr. WIELER – We have received two letters on this project. One is from Elaine Coyle, 122 Summer Street.

NOTE – The letter from Elaine Coyle was read into the record. It is attached and made a part of these minutes.

MR. WIELER – The other letter is from Alan & Nicole DeToma of 20 Stanley Road.

NOTE – The DeToma letter was read into the record. It is attached and made a part of these minutes.

MR. WIELER – Thank you for your comments.

MR. WIELER – Where do you stand with the preparing the revised drainage calculations?

Paul DeSimone – We should have everything to VHB by Friday (1-30-04). We did some permeability tests. We will have infiltration in some areas.

MR. WIELER – With regard to the water, the plan is not to have any waivers re: rate and flow, is that correct?

Paul Yorkis – That is correct. There will not be any waivers requested for those items.

Paul Yorkis – At the first hearing, I did not have a copy of a letter from the town safety officer, Jeff Watson. I have that now for you. It is dated January 7th. It addresses the signage question and also addresses the issue of having only one access. They have no problem with the length of the street.

NOTE – The 1-7-04 letter from Jeff Watson was read into the record. It is attached and made a part of these minutes. The letter was also signed by Police Chief Robert Saleski.

Paul Yorkis – As a result of the first hearing and the site walk and various discussions. We tried to listen to the questions being asked to get a sense of where we were going. We have prepared a letter that I would like to read into the record.

NOTE – A letter dated 1-27-04 from Paul Yorkis, on behalf of applicant John Claffey was read into record. It is attached and made a part of these minutes.

Paul Yorkis – I would now like to go down the six items.

#1 – This site may not have really old trees on it but there are a number of mature trees. The applicant has said that with the cooperation with the contractor doing the site work, a considerable amount of care can be taken to preserve those trees, similar to how we handled it for Ishmael Coffee Estates.

#2 - We have had discussions with Rich Merrikin, our engineer re: testing done on the site.

Paul DeSimone – The permeability tests were quite good on the west end of the site.

Paul Yorkis – There will be some percentage decrease in water in the direction of the Mortons property (9 Broad Acres Farm Road). I can't state what it will be yet but it will be changed such that it will have less impact.

Paul DeSimone – We will balance the drainage back and forth over the hill. Rick is pretty much done and we will get it all to Mark Louro (VHB) by Friday.

#3 – Parcel A. The applicant is willing to donate this to the town as open space. The Conservation Commission would have to agree to the donation.

#4 – We did not have access to the email from Alan DeToma. The applicant, Paul DeSimone and I looked at the plan. A 30 foot “no cut zone” is a genuine possibility and is being proposed. We believe it will help the drainage situation.

#5 – We propose to do the work to complete Blueberry Hill Road for street acceptance. A little bit of history on Blueberry Hill. This road was started 15 years ago. It was inspected by 2 different planning board engineers not including VHB. It was owned at one time by the FDIC. It has a long history. The current owner of the road, John Boczanowski, at various points in time has tried to reach agreement with the Planning Board but no resolution or closure was achieved for a variety of reasons. John Boczanowski has verbally indicated that he would be willing to work with Mr. Claffey to permit him to do the work necessary to bring that road up to the town’s standards for street acceptance. We want to make this a win-win for residents, the community and the town. I think that would be an advantage to a number of people especially the neighbors.

#6 – Re: the donation of parcel A to the town. I know some Planning Board members have expressed their doubts about the value of this. That land has value by not being developed and being left in a natural state. It could provide a nice buffer. All open space doesn’t need to be active recreational space.

MS. SPILLER-WALSH – Could you open the plans and show me where you are talking about.

Paul Yorkis – It is the long handle part of the parcel. By donating it to the town, it prevents its future development. If the town accepts the land, it prevents it from being added to other parcels and then subdivided. I am trying to have this looked at in the broadest sense. It would eliminate a Form A parcel (ANR plan) because it abuts land with frontage on Broad Acres Farm Road. We have listened intently to the concerns of the abutters. The applicant is making a very good faith effort to address those concerns and still have a viable project. We know that VHB will look at the drainage issue very closely, as they should. The applicant is listening very closely. The most recent tests indicate that we can address the drainage concerns.

MR. WIELER - What I would like to do is open up the discussion for abutters and members of the Conservation Commission.

Dave Travalini (CONCOM) – I heard you mention that Paul DeSimone was going to adjust the road in some way. All water, wherever it originally went, it has to go there again. It has to stay. You cannot take water from one wetland and move it to another. I know there is a problem on the northeast corner. One idea is to make the detention basin more of a retention basin. I am leery of hearing about adjusting the slope of the road. The water has to go the way it has always gone. As far as putting an access in through Parcel A, they cannot do it. Because this is a “limited” project, we cannot allow them more than one wetland disturbance.

MR. WIELER – Parcel A would not be for access but for drainage.

Dave Travalini – As long as he is east of the wetlands on Parcel A, he can move the water anywhere he wants to. Usually we have a 25 foot no build/no work area. He could start right at the wetlands. It is unlikely the CONCOM would vote to approve channeling water through that wetland.

MR. WIELER – We are trying to prevent water from flowing to the Mortons.

Dave Travalini – As long as it doesn't disturb the wetland, that is OK.

MR. WIELER - Can you tell me what extent of the wetlands will be disturbed with the road going across? How many sq. ft are being disturbed?

Dave Travalini – The project is permanently altering 4700 sq. ft and a 2 for 1 replication is proposed. If the project impacted more than 5000 SF of wetlands it would be considered a “limited project” which means an alternatives analysis is required to verify this proposal has the least impacts.

Mark – Does that mean that access through Blueberry Hill is not doable?

Paul DeSimone – Yes, that is right.

Paul Yorkis – All other options have a greater negative impact on wetlands. The current plan has the least impact.

Paul Yorkis – Improving Blueberry Hill Road is a mitigation measure for the whole project and the dead end waiver.

Dave Travalini – The applicant has mentioned donating parcel A to the town. If he was to do that; the CONCOM would probably want to improve the drainage at the end of the street at route 126. One of our members lives in that area. It is a big pond down there. It looks like the guy that put in the original drainage there didn't do it right. We would want that fixed. It was poorly designed by the original developer.

MR. WIELER – The concern is if we do something for the Mortons, we may increase the flow down Parcel A to the catch basin.

Paul Yorkis – There is another ingredient in this mix and that is that neither the applicant or the CONCOM can do anything about this at this time until route 126 is reconstructed and we know how drainage on that road will work. It is my understanding that the drainage will move across the street west to east. I think that this is a bigger picture than just this applicant.

MR. WIELER – Dave Travalini's point is that we would need to make sure the catch basin right on the property line is fixed.

Mark Louro – Right now, Broad Acres Farm Road is a private road. Any corrections should be done by Mr. Whelan.

Dave Travalini – Where does that drain go?

Paul DeSimone – It is conveyed through a pipe to the catch basin at the corner of Summer Street. It then flows to the catch basin on the north side of Broad Acres Farm road where it empties into a stormceptor which outfalls into the wetland.

Dave Travalini – Why is water pooling?

Paul DeSimone – Leaves are clogging the drain.

Dave Travalini – There should be a grate across the opening. Before the CONCOM agreed to take the parcel, we would need for this to be addressed.

Alan DeBiao (11 Brad Acres Farm Road) - The rip rap was just dropped there. If the grade was fixed, it would work better.

Mark Louro - They (Greg Whelan) just repaired it this fall, but it is still a problem.

NOTE - Jeannette Morton presented enlarged photos of the rip rap area showing the pooling water.

Mark Louro – The water that makes it to the bus stop, where does that come from?

Alan Debasio – It collects there. The problem with the ponding is that the rip rap wasn't graded right when it was put in. Between that and the Mortons property is actually very pretty; but it just backs up now with the rip rap.

Mark Louro – Beyond that (drainage) structure is not Mr. Whelan's property.

MR. HOOPER – Water has no property line.

Paul DeSimone - The basin is right on the property line.

MR. HOOPER – Some sort of collaborative effort has to happen to resolve this.

MR. WIELER – Parcel A abuts these grates. You can get in there and fix that.

Dave Travalini – You can fix the riprap, but there are still going to be problems with the leaves. You have to put the proper grating. It wasn't designed correctly.

Paul DeSimone – Cleaning out the catch basins is a maintenance issue.

Dave Travalini – When was the last time you saw the Town clean out catch basins?

Jeannette Morton – I know that you know about our problem. Hearing everybody say that the Broad Acres Road drainage wasn't designed right worries me. How do I now that won't happen again.

MR. WIELER – The applicant makes a design and we have to review it.

Mark Louro – The Town and state requirements for stormwater management are a lot more stringent now than they were when Broad Acres Farm Road was designed. Developers cannot increase the rate of flow or the volume of water that outfalls to a wetland. That standard was not the case when Broad Acres was designed.

MR. WIELER – With this applicant owning Parcel A, they have the right to do some improvements to make sure it doesn't get worse and to do some improvements around this grate as well.

Alan DeBasio – I abut Parcel A. I was concerned about your opinion about it being given to the town or deeded to abutters. Is there a reason why it couldn't be divided among the abutters so it cannot be a buildable lot.

Paul Yorkis – The land (Parcel A) is privately owned. It is not within the purview of this board to tell a property owner to subdivide land and give it to other property owners.

MR. HOOPER – I think he was asking for an opinion on that approach.

MR. WIELER – There is some value in that it wouldn't be a buildable lot. That has some value in itself. I would also say that it would be a good thing if we could create a walking path from Blueberry Hill. The master plan recommended this type of connection.

Paul DeSimone – And there is a walking path at the other end of the project that is working well.

MR. HOOPER – On your last note, you state that the fire and police departments have commented that there are no safety concerns. However, a dead end street reduces the opportunity for other accesses to the subdivision. That is why the 600 foot limitation was instituted. It is an issue of potential safety. If that dead end is ever blocked, it becomes a real safety issue.

Paul Yorkis – I strongly disagree. If you go to the shopping center in Bellingham which has multiple movie theatres, there is only one way to get into that. That is a very serious safety issue. The length of a dead end is an issue of relative magnitude of scale. We are talking about a distance of 400 feet to the beginning of the loop. And in this community, if you look at the road system in our town, 400 feet is relatively short. It is magnitude of scale.

MR. HOOPER – It is poor planning practice. It is also very good marketing practice (for selling homes.)

Paul Yorkis – I disagree. On what basis are you making the argument that it is inappropriate?

MR. HOOPER – I am saying it is generally good planning practice to limit the length of dead end streets and to encourage thru streets, both for improving vehicular circulation and for alternative emergency access to any given property.

Paul Yorkis – I would argue that at the density and the distance we are discussing, it isn't an issue. If there was a 1000 foot access road with 800 homes at the end, I would agree that it could be of concern. I think judgments need to be made with each project evaluated by density and topography. If safety is the prevailing issue, then let's look at safety from all perspectives. In Waltham, you can go to office parks that have 4000 foot dead end roads.

MR. HOOPER – I can't make excuses for other towns or Bellingham. This is certainly a much reduced issue when I speak of this proposal. But we must view this from a safety perspective.

Does it matter if you are one of 8 homes of one of many stores? If there is a blockage, it doesn't matter.

Paul Yorkis - The 600 feet to me is an arbitrary number.

MR. HOOPER – But it is generally accepted.

Paul Yorkis – The number isn't the important thing. It is the density and the topography. This applicant has said he recognizes the rules. You have indicated a concern. I don't agree with the Rules and Regs on this matter. I don't think that they need to be revised. What the applicant is trying to do is to recognize the Rules and Regs and we are requesting a waiver and offering the following things as mitigation for the waiver in the public interest.

MR. WIELER - 4 years ago we upped the length of the dead end from 400 to 600 feet. There is some benefit to the town to retain the 600 feet rules as it reduces density. If you drew your plan with only 600 feet, you would have many less homes. 600 feet is a number that most towns around here use.

MS. SPILLER-WALSH – It isn't arbitrary. There are certain conditions that occur when it is 600 and longer. One condition is that travel speeds increase when a road is 800 feet or longer.

Paul Yorkis – 600 feet. What is it? One straight line with a donut at the end. 600 feet can be measured in a variety of ways. Your own Rules and Regs are not well defined.

MR. HOOPER – I disagree. The Rules and Regs are very clear. There is a town that told me that they absolutely give no waivers at 600 feet. We are open to issues of topography and mitigation. You are being defensive. You said it doesn't create a safety issue. Not having two ways to get to any lot is not safe. I am in a neighborhood that has only one access to many properties. It is not a safely planned group of homes.

Paul DeSimone – A lot of towns are getting away from an actual length of dead end. They are using a number of units instead and dealing with it from a density perspective rather than a length of road.

MR. WIELER – I would like to hear about the access and easements for the road.

Paul Yorkis – That is the next big obstacle. The applicant wants to work with the abutters. A lot of effort has gone into other issues. We are not finished. This is the next issue we need to try to figure out. The board has indicated that they may be willing to look at some slope changes. We need to meet with the two abutting owners and see if there can be an agreement reached to avoid building the great wall of china!

MR. WIELER – How big is the cut?

Paul DeSimone – 8 feet.

MS. SPILLER-WALSH - What about a combination of terracing with retaining walls?

Paul Yorkis – There is no decision yet. What are the different options?

MS. SPILLER-WALSH – The neighbors are very concerned about anything invasive. A minimal amount of grading or terracing could be done with walls but we don't want facades of concrete. They will have to be stone.

MS. SPILLER-WALSH - At the end of Nobscot was a cul de sac that was never built. It was abandoned.

Paul Yorkis – It was not abandoned. It was not to be built per the approved plan. It was approved to provide frontage. It is owned by the Town of Medway.

MS. SPILLER-WALSH – Could something be done with that? It is an eyesore!

Joseph Peduto (6 Nobscott Road) – They (Mr. Claffey) did come to me and talk to me about options. We do not want the land graded nor the trees taken down. Re: the cul-de-sac, the town told the builder to grade and seed and the developer walked away from that. If these plans were presented to the safety officer, I don't understand how he doesn't see that those walls would be dangerous.

MS. SPILLER-WALSH – I am not comfortable with this water situation. Until something comes through, we need to something removed, less density.

Paul Yorkis – The disaster you are referring to has absolutely nothing to do with this applicant. You must separate this project from pre-existing problems. You have been clear that you don't want this project to exacerbate the existing problem. We know the scrutiny with which VHB reviews these matters. The plans will be revised until they are satisfactory.

Alan DeToma – In this town, can detention basins be used in the lot area calculations?

MR. WIELER – Yes.

Alan DeToma – Can detention basins and replication areas be considered as part of the uplands?

Paul DeSimone – Yes, at the front end, those items are considered “uplands” at the application stage.

Alan DeToma – If there is a 44,000 sq. ft lot, and there is 25,000 sq. ft for replication, then it wouldn't meet the requirements?

MR. WIELER – Yes. That is correct.

Mark Louro – Our next review will address whether there is 22,000 sq. ft of uplands on each lot.

Alan DeToma –How does the proposed Blueberry Hill improvements affect this project?

MR. WIELER – We have to ask ourselves to what benefit to the town is this project. If there is a nearby improvement that can be addressed such as an unimproved street, that can be considered as off-site mitigation for the waivers. It is an area we have to be very careful of.

Alan DeToma – I have a general question. Can the Applicant tell whether there will be any blasting and what impact will that have on any wells?

Paul DeSimone – We don't anticipate any blasting, but a pre-blast survey would be done for the whole area.

Alan DeToma - For the abutters, could someone elaborate as to why access from Blueberry Lane wouldn't work.

Paul DeSimone – That would be a 65' by 200' area of wetlands, over 12,000 sq. ft size area.

MR. WIELER – We have to remember that the applicant owns land that provides access through Nobscott, not through Blueberry.

Alan DeToma – What is the status on the retaining walls?

Paul DeSimone – The applicant would like to meet with abutters. If they don't want any trees to be cut, then there will have to be retaining walls built.

MS. SPILLER-WALSH – How long is that tunnel?

Paul DeSimone – It would be about 120 feet of concrete walls.

Alan DeToma – After walking the site and looking at the drawings, it seems that the walls and the footings would have to be on the abutters' property. Are there any easements?

Paul Yorkis – No easements (yet).

Alan DeToma – I am confused on the dead end issue. Is it not in our regs . .the 600 foot limit? So that is on the books now?

MR. WIELER – Yes.

Alan DeToma – I am struggling where is the hardship on the waiver request to not have to comply with the 600 foot limit? What is the need for the waiver?

Paul Yorkis – It is almost 400 feet to just get to the land.

Alan DeToma – What are the alternatives if the dead end rule is maintained.

Paul DeSimone – It would be still be 10 lots and but the access would be through to Summer Street (via Parcel A).

Paul Yorkis – Parcel A would become a roadway and then it would be a no waiver plan.

Paul DeSimone – You would have a boulevard type approach with a road coming in adjacent to Broad Acres Farm Road.

Dave Travalini – You should ask him what he thinks his chances are coming to CONCOM with the alternative.

Paul DeSimone – John Claffey is looking to create the least amount of road as possible.

MR. HOOPER – The least amount of road is a 600 foot cul de sac with 4 lots. So that is really the starting point. That is what possible with the Rules and Regs.

Alan DeToma – For clarification, what constitutes hardship??

MR. WIELER – Zoning variances address hardship?

Alan DeToma – So, the waiver request is so they can get in 10 homes instead of 4.

MR. HOOPER – He has shown us he can do 10 lots as designed.

Mark Louro – I agree it would require a waiver as it does not conform with the Rules & Regs.

Alan DeToma – Regarding the stormwater analysis, have you rendered an opinion on that report?

Mark Louro – The original proposal requested a waiver. My initial response was that it had to be redesigned. That has not been submitted yet.

Alan DeToma – The applicant has indicated initially that this was to be waiverless plan but that is really not the case.

Mark Louro – That is correct.

MR. WIELER – Are there other comments?

Nicole DeToma – In general, how does this development fit in the master plan? Whether it is 4 or 15 homes, does it have any impact or does it do anything to the master plan

MR. WIELER – The master plan had 320 or so actions for us to look at. This parcel was identified during the master plan as having an unknown owner. It does not help our open space goals to have this land developed.

Dave Travalini – Re: the second plan they looked at with two accesses, it looks as though he is trying to show you that they can do it. You should ask him whether he thinks he can get that plan through the CONCOM and more so, if they think they could get it through the state when it is appealed by the abutters. I think that option was tossed out as a red herring to give you a scare. I would ask them if they really believe it is a feasible alternative.

Paul DeSimone – It doesn't matter what happens with CONCOM on that issue. If a plan meets the rules and regs for subdivision, then that is all you can vote on, regardless if we have to fight with CONCOM. We would be in court. We have proved there is access.

MR. WIELER – You have showed us a 50 foot layout on that plan.

Nicole DeToma – Re: the detention basins that you have mapped out. Is there any chance that you might have to move them and then we are back to square one?

Paul DeSimone – I can almost guarantee you that there is no ledge.

Mark Louro – The locations shown on the final plan would be final and that is where they would be built.

MR. WIELER – Any changes would require a plan modification with a full engineering review.

Nicole DeToma – When you hit ledge and you have to blast, do you check all the wells?

Paul DeSimone – They do a pre-blast survey to check the foundations and the wells and take pictures and measurements and document everything.

Alan DeToma – I thought I heard this project refereed to as a “limited project.” Based on what was just put on the table, would it still be considered to be a limited project?

Paul DeSimone - Anytime you cross wetlands and disturb 5000 sq. ft. or more, it is “limited project.”

Dave Travalini – Once he hits that threshold, then he has to follow more stringent rules than if they were disturbing less than 5000 sq. ft.

MR. WIELER – We have other things to discuss tonight. We will continue this to February 24th at 7:30 p.m.

NOTE – DOS Director Dave D'Amico reviewed the plans. Susy gave the marked up plans to Paul Yorkis for their review.

Paul DeSimone – The letter from Gino Carlucci indicated 14 comments that were the same as Mark Louro's. Do I need to respond to that as well?

MR. WIELER – Please respond to both together.

NOTE – The Board took a brief break from 10:00 to 10:05 p.m.

ISHMAEL COFFEE ESTATES - Certificate of Approval

A draft Certificate dated January 27, 2004 was distributed and discussed.

Paul Yorkis - \$17,850 for the sidewalk! We really have a problem with that. The applicant agreed to install a sidewalk. Then the planning board decided it wanted a payment in lieu of a sidewalk and now that payment includes curbing!

MR. WIELER – What would it cost to put a sidewalk on Summer Street?

Paul Yorkis – That is far different from a contractor's cost. That is substantially inflated. George (the applicant) agreed to do the sidewalk. I shared with George the earlier draft version of this certificate and he was OK with that amount.

MR. WIELER – I asked Mark Louro to come up with a number based on what the state would be doing when route 126 is redone.

Mark Louro – The first estimate was just for asphalt sidewalks. This number includes straight granite curbs and 2 wheelchair ramps.

Paul Yorkis – I think it is a bit excessive.

MR. SCOTT – What did the \$5,000 get us?

Mark Louro – Just asphalt sidewalks. The big money is the granite curbing.

MR. WIELER – What would the contractor price for this be?

Mark Louro – We used weighted average of bid prices.

Paul Yorkis – The town doesn't install granite curbing anywhere.

Mark Louro – Summer Street will be done with granite curbing.

Paul Yorkis – This started as installing sidewalk on Summer Street. What started out as a willingness to cooperate has escalated to an \$18,000 request. I don't think that is very good.

MS. SPILLER-WALSH – I have to agree with him at this point in this process.

MR. WIELER – This just reflects what the cost would be to meet the standard. Is the labor rate right?

MR. HOOPER – Maybe we should only do one wheelchair ramp. You can slice this a lot of ways. I am still thinking of this as mitigation for exceeding the 600 foot dead end regulation.

MR. WIELER – This sidewalk probably isn't going to go on Summer Street. But our priorities are on the main roads.

Mark Louro – The other concern is that whenever you introduce vertical curbing, you need to deal with drainage too. This estimate doesn't include any drainage at all.

MR. WIELER – It is for 400 feet of sidewalk

MS. SPILLER-WALSH – It seems like we are changing horses in mid stream here.

MR. HAYES – I think it would be one thing if we agreed on a length of sidewalk or a cost.

Paul Yorkis – There were 2 different points of ending the sidewalk that we discussed. One was Kingson Lane and the other was to the end of the Boczanowski property. So, we went to the longer 400 feet. The discussions were to install a sidewalk with no curbing but because of the site and the difficulty to really do this, we decided to just do a payment instead.

MR. HOOPER – I clearly remember discussions when we mentioned \$35 a running foot for the sidewalk.

Susy Affleck-Childs – I mentioned that figure referencing the cost estimate Mark had done for us for Walgreens.

MR. WIELER – This is our call. These funds will be used for filler sidewalk somewhere else in town. I don't think we need to include the wheelchair access portion. That knocks down the amount. This should be the going rate to do sidewalks on Village Street (without drainage and with asphalt sidewalks.)

Mark Louro - I used the 2002 weighted average bid price booklet published by the state.

MR. HOOPER – I do remember the reference \$35/foot for 400 feet. My assumption all along was that it would include curbing. So I am comfortable with the \$35 x 400 feet.

MS. SPILLER-WALSH – I object that this is being sprung on them at this late date. I would be comfortable with it if it had been done sooner.

MR. HAYES – I would like to reduce it to the shorter distance.

MR. WIELER – I would be in favor of reducing the relative length to 260 feet but maintain the per unit cost at \$35/linear foot

Paul Yorkis – That would be \$9,100. With that done, can we move this along?

MR. WIELER – What is the push here?

Paul Yorkis – We want to get the appeal period started. We had a meeting with the contractor and we have a paving goal of the end of May/the first week of June. We can spend some time identifying the trees. The center line will be staked in the next week. Then Bill Canesi goes in and does his offsets.

Paul Yorkis – I have a question on the bond and the lot releases. I understand you do not allow piecemeal payment on the bond any longer. When we pay the bond, it may have to be in connection with as many as 4 lots, rather than one.

A series of other changes were made to the Certificate of Approval. A copy with handwritten notes is attached and made a part of these minutes.

It was agreed that Mr. Yorkis will write a letter to the Planning Board promising to make the \$9,100 contribution to the town in lieu of sidewalks in case the off-site mitigation fund is not established at the 2004 Annual Town Meeting.

A motion was made by Matt Hayes and seconded by Karyl Spiller Walsh to approve the subdivision and the Certificate of Approval as amended. The motion passed with Wieler, Hayes, Scott and Spiller-Walsh voting AYE and Hooper voting NO.

ANR Plan - Frank Lobisser for 77 Milford Street.

Paul DeSimone – This is where Fisher Street crosses Route 109. They are taking 3 lots and turning them into 2 lots.

Susy Affleck-Childs – In the future, please put on the map and parcel number on all ANR plans.

A motion was made by Dan Hooper and seconded by Matt Hayes to approve the ANR Plan of Land dated November 1, 2003 for Michael Lobisser for 77 Milford Street. The motion passed unanimously.

ANR Plan - Henry Wickett for 13 Ohlson Circle

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the ANR Plan of Land dated December 1, 2003 for Henry Wickett for 12 Ohlson Circle. The motion passed with Hayes, Scott, Spiller-Walsh and Wieler voting AYE and Hooper voting NO.
MR. WIELER – What is the status of Henry's land up there?

Paul DeSimone – A sewer extension has been approved by the state for up to 200 units.

OTHER BUSINESS

1. Construction Observation - Birch Hill/Hunter Lane (1-16-04 visit)

Mark Louro - Lots of silt in the detention blocking the pipe that outfalls from the roadway drainage system.

2. 123 Main Street 40B Project

MR. WIELER – The ZBA has asked the Planning Board to review and give its opinion on a list of waivers the applicant has requested from the Site Plan Rules and Regulations. I would say NO on all of them except OK on 9' x 18' parking space size. We understand that VHB has been asked to review the plans as well.

3. Morgan Heights

MR. WIELER – When I met with John Ryder, he noted that he was upset with the 12-10-04 Construction Observation report. John says the report states that some things weren't done when in fact, they are done.

Mark Louro – Some of the items could not be observed due to the snow.

4. New Offer from Taniel Bedrosian on Iarussi Property

5. March 20th Citizen Planner Training Collaborative Workshop in Worcester

Susy Affleck-Childs – This program looks excellent. I would encourage all of us to plan to attend.

ZONING ARTICLES for 2004 Annual Town Meeting

1. Revised Limited Business Overlay District – 3rd draft.
2. ARCPUD Density Bonus Options – We have received a memo from Gino Carlucci. We need to take this under advisement and discuss next week.
3. 109/126 – We have notes of Susy's conversation with Bob Parella. Let's have Gino start to draft something.
4. Sheds – Dan Hooper spoke with Bob Speroni and is comfortable with the text Bob Speroni has proposed.
5. Buildable Lot – Joe Musmanno is drafting something he wants the Planning Board to sponsor.

MR. WIELER – We need a special meeting to wrap up the zoning articles. What day works? Susy will poll everybody to work out a date that works for the most people next week.

A motion was made by Matt Hayes and seconded by Dan Hooper to adjourn. The motion passed unanimously.

The meeting was adjourned at 11:58 pm

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*James. G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved 3-9-04

***Minutes
Medway Planning Board Special Meeting
Wednesday, February 4, 2004
Medway Senior Center***

PRESENT: Kent Scott, Karyl Spiller-Walsh, Jim Wieler and Dan Hooper

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant; Gino Carlucci, PGC Associates (8:15 pm)

ABSENT WITH NOTICE: Matt Hayes

The meeting was called to order at 7:45 pm

123 Main Street 40B project – Planning Board comments to the ZBA

MR. WIELER – I spoke with Joe Musmanno earlier tonight and I emailed him the review letter Susy and I had drafted that was in your packet, with a few minor variations. The ZBA is meeting tonight on this project and Joe wanted our letter for that meeting.

MR. WIELER – We need to create a plan for how we want to do affordable housing.

MR. HOOPER– I think we need a committee to really work on trying to figure this out. I am not sure how the Affordable Housing Committee is really supposed to work. What is its scope?

MR. SCOTT – The town can designate through zoning where 40Bs are appropriate.

MR. WIELER – We want to hit the 10% mark and try to entice builders to get to the 10% level. We are also going to be looking at a mixed-use district for route 109.

MR. HOOPER – I think geographically it is a good location. We need to think much bigger with our downtown area and include the entire scope of lands encompassing the downtown area.

MR. WIELER – We will need to phase whatever we do there.

Off-Site Improvements Fund – Warrant Article

MR. WIELER – I want to have legal review on this. Pass to Dick Maciolek

It was agreed to remove “would” and “required” from item #2

Susy will edit to give to Jim Wieler who will review with Greg Balukonis on Thursday.

Street Acceptance

MR. WIELER – Susy has prepared a list of streets for our consideration. Also included is a list of problem streets that need research, attention and resolution.

Commercial V Zoning District

Gino Carlucci – I am thinking that we take pretty much everything from the existing Commercial I district. But I wasn’t sure about front setback requirements. I think that 35 feet might be best. That is what we have in the CIII district.

Bob Parella, Paramount Industries – I think 50 feet would probably work.

MR. WIELER – I would think we want to make sure that everybody who is there can stay.

Ann Sherry (Medway Business Council) – Re: 2 e), I am concerned that Restaurant 45 may not meet this standard.

Bob Parella – They would be grandfathered as long as the use stays the same.

MR. SCOTT – You would want a new use to comply with the standards.

Bob Parella – I don’t want to congest the intersection with buildings that are too close. I would want them set back. That is why I am saying 50 feet.

MR. HOOPER– I like the 50-foot distance.

Bob Parella – The fence at restaurant 45 is the line. The fire station sign is at the line.

MR. WIELER – OK, we will do 50 feet.

Gino Carlucci – Re: the residential buffer, how big shall we go with that? And with the boundaries, do you want to take in the greenhouse on the east side of Summer Street. There is also a residential property in between we need to consider.

MR. WIELER – Without talking to these people, I would hesitate to include them. Let’s leave the boundaries as originally envisioned by the businesses plus the northwest corner where the

fire station is located. So, the setback will be 50 feet from the front and 15 feet from the side and rear. Gino can now start to write up something. I don't think we want to allow residences here at all.

Everyone agreed.

Bob Parella – Paramount is an office and warehouse for distribution plus we are a wholesale facility. We need to make sure that these uses are allowed by right.

Proposed Site Plan Bylaw

Reference is made to a January 28, 2004 draft.

Ann Sherry – I haven't had a chance to really look at this. One of our members has given some comments that I can leave with you. This is a huge document and not my area of expertise.

MR. WIELER – Let me give you some history. Just after Strata Bank and Dunkin Donuts went in, residents on Dean Street started to show up at Selectmen's meetings with concerns about flooding. People realized that site plan approval was not being done adequately. There was no engineering review. The zoning bylaw was changed and they handed the review process to the Planning Board with the Selectmen doing the approval. It has been that way since 1997 or so. We have heard comments that it is too long a process. A number of small businesses have come to us and it is hard to apply standards to smaller projects. We have written site plan Rules and Regulations. We went through the site plan process with Charter Realty for the new shopping center. We then revised the regs to better handle larger developments. Then we get applications for relatively minor projects (155 and 159 Main Street, Mattress Magic). The process is more onerous for small projects. The idea now is to create a new minor site plan process with less rigorous application and review procedures and keep it the same for large projects. In proposing these changes, the Planning Board is also moving the approval decision from the selectmen to the planning board. The reason for that is if you spend 6 months reviewing a plan, you know it very well. It is very difficult to have the authority to approve it go to the selectmen who are not really familiar with the project. If we are doing the work to review, we feel we should have the authority to approve. Also, the two-step process adds extra time for the applicants.

MR. HOOPER - We have been told by recent applicants that the 2-board process is very rare. It is unknown in our area and it is too time consuming and onerous on the applicants.

MR. SCOTT – A developer who comes in and works with the Planning Board for 6 months knows they have an out in one meeting with the Board of Selectmen after agreements have been reached.

MR. WIELER – Revising this to provide for a major and minor project is good. The whole review and approval should be with one body.

MR. HOOPER – This is the kind of work that a Planning Board is set up to do.

Gino Carlucci – That is absolutely correct.

MR. SCOTT – It is unfortunate that a committee that has been involved with a project, that develops some ownership in the project through the review process, can just be dismissed at the final junction.

MR. WIELER- In the end it is about diligence. Let me tell you now, I spoke with Joe Musmanno. The BOS knows of our intention and they are not likely to put it on the warrant when submitted. What this means to us tonight is I am not certain where this is going. I guess we have a choice about how to proceed.

MR. SCOTT – The goal here is to expedite the process for businesses.

Ann Sherry – This is one of those documents, like the sign bylaw, where the intention is good but I think there are some things in here that might be beneficial for us to look at.

MR. WIELER- What I heard from Joe Musmanno is that it would go a long way if we had a letter from the Medway Business Council. We need to have the business community embrace this.

Ann Sherry - There could be some things that we could help look at.

Bob Parella – We aren't out to create a mutual admiration society here. This is just the way to get things done. I applauded the way you handled working on the sign bylaw. What we have here is a disconnect between many departments in this town; people not willing to give up authority and people in charge at some times and not at other times.

MR. WIELER – As the reviewing board, it is very difficult to have a recommendation just tossed aside. This is about due diligence and it is hard to legislate.

Bob Parella – I think there are other issues.

MR. WIELER- What we ought to do is pull this back and meet with IDC and the Medway Business Council to get their support. Otherwise, it will be a nasty political fight.

MR. HOOPER - We care that the ultimate results are more effective. I want a board conducting site plan review where doing this work is their focus. These recommendations are developed with the applicant and then we send it up to the Board of Selectmen and they can just utterly disregard the recommendation.

Bob Parella – The citizens in general are also looking at this. What I am suggesting is that a logical process be established with the authority clearly defined and a clear description of what the steps are.

MR. WIELER – When we were doing the master plan, we talked about publishing a brief booklet about whom you need to see to get things done for a development project.

Bob Parella – I am not talking about the site plan process per se but all the various building blocks.

MR. WIELER – The big push for big zoning changes was done in 1996 and it failed because it was too much at once.

MR. WIELER – There are many people that would like to provide some feedback and commentary on this proposal. We should consider not submitting this for this annual town meeting. It could be very divisive. How do we want to start? How do you suggest we proceed?

Bob Parella – Maybe we could put together a small committee and have a few work sessions.

Ann Sherry – I would like to have somebody come in at our next MBC meeting for just 10 minutes to do an overview and to solicit folks who would like to be part of a team.

MR. HOOPER – We can't wait a year and half until the 2005 annual town meeting for this.

MR. WIELER – Incidentally, it has been hinted there may be a special town meeting this winter.

Ann Sherry – How about February 24 for a presentation to the Medway Business Council?

MR. HOOPER – I am afraid we have just lost this from ever being considered by the 2004 annual town meeting.

MR. WIELER – On other matters, we have drafted an overlay district for the chicken brook area. We would appreciate the Council's support on that. We truly are committed to becoming more business friendly and to increasing opportunities for business investment.

MR. WIELER – 4 of the 5 selectmen said they wouldn't put the site plan bylaw on the warrant; there isn't enough time to get the business community to buy-in.

MR. HOOPER – The argument is that the business community wants and needs more time to join with us.

Limited Business Overlay District – DRC Concerns

MR. WIELER – We have received a memo from the DRC. Upon review of the proposed overlay district, they have the following recommendations.

1. No parking should be allowed in the front yard
2. They are concerned about it becoming all commercial and that residential will disappear
3. Advise having a separate parking standard for residential – 2 per unit instead of 1 per 300 sq. ft.
4. Don't want nurseries but florists are OK

MR. WIELER – We can incorporate these changes. The “no parking” in the front yards is already in there. Gino can make the other changes.

ARCPUD – Affordable Housing Bonus

Gino Carlucci – I have been trying to think of a way to provide an incentive for projects that are not at the maximum density. Maybe one way is to provide a 2x bonus by right and then you work up your bonus to 3x with affordable housing.

MS. SPILLER-WALSH – We need to be careful. We don't want to discourage ARCPUDs at all.

MR. WIELER – The easiest thing for us to do is to propose what we did last year, but that failed at town meeting.

MS. SPILLER-WALSH – I think we should pull affordable housing out of ARCPUD all together.

MR. WIELER – We haven't had any ARCPUDs that have really gotten done. They haven't happened yet!

MR. WIELER – What about an ARCPUD that was all affordable?

MR. HOOPER – Maybe we could look at Community Builders, non-profit housing developer for something like that.

MR. SCOTT – I will look into this some more . . . the mix of affordable to market rate.

MS. SPILLER-WALSH – I might have a couple of sources . . . attorney Doug Resnick.

MR. HOOPER– Where are we going with this? Do we want to stay within ARCPUD or go beyond for affordable housing?

Gino Carlucci – The town will have the EO 418 Housing Plan to work with.

Building Lot Characteristics

MR. WIELER – Joe Musmanno contacted me. He would like to make a change in the AR1 and AR2 districts to remove a loophole that might allow someone to build on the small lots off of Milford Street near Trotter Drive.

Other Business

MR. WIELER – Re: Redgate II snow removal, we received a response from Town Counsel. He advises that we can subtract DPS expense for snow removal from the bond. Susy needs to send a note to Dave D'Amico at DPS to go ahead a bill Mr. Narducci for services and to keep track of their expenses.

McDonalds Signs

MS. SPILLER-WALSH – The DRC looked at the sign design. The original certificate of approval for Medway Commons addresses consistency in design. The DRC doesn't feel these signs will be consistent with the other signs at the shopping center. We will recommend against the red background as proposed

A motion was made by Dan Hooper and seconded by Kent Scott to adjourn. The motion passed unanimously.

The meeting was adjourned at 11:10 pm

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*James G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved as amended – February 24, 2004

***MINUTES
Planning Board Meeting
February 10, 2004***

PRESENT: Karyl Spiller-Walsh, Kent Scott, Dan Hooper, and Jim Wieler

ABSENT WITH NOTICE: Matt Hayes

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:35 pm

McDonalds Site Plan – Continuation

Matt Smith – Bohler Engineering
Ed Beeler – McDonalds
Karen Johnson – Charter Realty
Bob Michaud – MDM Engineering

MR. WIELER – I would like to address the traffic concerns that came up at the last meeting first. We have Police Chief Saleski here tonight.

Chief Saleski – The concerns that have come forward are not so much with the McDonalds but with where the building is sited and the traffic flow in and out of McDonalds onto Route 109. Jeff Watson was in here previously to share with you our concerns. The site is somewhat similar to the McDonalds in Bellingham and we don't want to have those problems happen here. We want to have free flow of traffic on Route 109. As people come in and make that left hand turn into McDonalds, there is only one lane there. My concern is that cars may back up to the intersection and out onto Route 109. I can foresee problems for westbound traffic wanting to turn left into the shopping center and there could be a possible backup from McDonalds. I did

read the traffic study. I did get the gist of it with the comparisons to the Bellingham McDonalds. My key concern is that we want to keep the traffic flowing on route 109. After looking at the whole plan for Medway Commons, I realize that there is also a straight thru lane here that doesn't exist in Bellingham. Another way to handle this is that we have discussed is that we are putting McDonalds and the center on notice tonight that if traffic backup becomes a problem, one of the solutions we will periodically impose is to not allow a left hand turn onto the internal roadway toward Star Market. We will monitor that. We don't want any backup onto Route 109. It may have to end up with a no left hand turn on occasion either by using traffic cones or having an officer on site. What is the number of cars that can possibly queue up there?
Ed Beeler – Just on our site alone are 14 cars.

MR. WIELER – Please show us the site plan and show us where the queue line is.

Bob Michaud – There is stacking capacity for 14 vehicles. With my experience and what we studied at the Bellingham McDonalds, that should be adequate.

MR. WIELER – What is the worst-case scenario in Bellingham? Does it get as high as 30 cars?

Bob Michaud – There is a pain threshold that people won't put up with. If the drive-thru line is too long, people will park and get out. We looked at the other stores; the maximum queuing was 12 vehicles.

MR. WIELER – Why is our impression that it is so bad in Bellingham?

Chief Saleski – Our concern is not with the McDonalds itself. We are concerned because there is only one lane going into McDonalds.

Bob Michaud – We estimate 30-60 customers per hour. I looked at the full build out scenario for the shopping center. Based on the opposing volume that these left turns would encounter, it wouldn't be a high level of conflict. We don't anticipate there will be any delays with how the main plaza lane will function. On site, there is more than adequate storage capacity. I understand the Chief's concern, but the numbers don't bear that out.

MR. WIELER – With the 30-60 customers per hour, apply the concept to the holiday season. That is when things are problematic. Other times, it flows but it isn't dangerous. Do 60 per hour represent a holiday Saturday? Is that the worst-case scenario that we will need to mitigate? If 60 are the number, then we are OK. If it is worse than that, we will need to deal with it.

Bob Michaud – That is certainly the most difficult. This lane is a free flow condition. There are no stops. Even with 400 – 500 cars per hour going westbound on this lane, it should still work. Maybe Ed can address the seasonal issues. I can't imagine that they would have twice the expected volumes during the holidays. The Chief pointed out that there are a number of ways to get in and out of there. Also, the connection to Holliston Street is a relief valve and there are circulating aisles within the site.

MR. SCOTT – If you were to look at queuing coming into the plaza, you tend to try to find the shortest path.

Chief Saleski – I see people coming out of Star Market and going north and then west to get out. We just need to make sure this doesn't come out onto Route 109. What happens in the plaza is one thing. But our responsibility is to make sure that Route 109 flows smoothly.

Ed Beeler – As far as Bellingham goes, it is right off of I-495 and there is much more shopping right there. There is much more traffic exposure. There is not the same pressure here at this site.

MR. WIELER – There is not room there to add another left turn lane at this point in time. We don't want to lose the green space that we worked so hard to get. The applicant will need to pay for the police detail when needed. I was wondering whether Karen (Johnson) could comment what it would mean not to be able to take a left turn at the end of the driveway into the center.

Karen Johnson – The thing I am not clear on is why the concern? There are 2 lanes into the shopping center. You will be able to see if there is a backup into McDonalds. If you see that the left turn lane is backed up to the signal, people will use the other thru lane. If this were a Dunkin Donuts, I would understand your fears.

MR. WIELER – I saw it at the car wash a few weeks ago as well.

MR. SCOTT – There really isn't a way to change the plan. What are the mitigating measures?

MR. WIELER – Do we make a determination that police details will be necessary?

Karen Johnson – It would be completely in our best interests to have effective traffic control and we would be the first to call the police department to ask for such. But I am not comfortable with making this a condition of the McDonalds site plan approval.

MR. HOOPER – Did we not have anything in the approval for the center re: traffic mitigation?

MR. WIELER - Let's review the original BOS Certificate of Approval to see what was included there.

Karen Johnson – I believe it is under roadway improvements.

MR. WIELER – I see item number 5 on page 6. Oh, that just pertains to deeding the land.

Karen Johnson – Maybe that was in your recommendation but it wasn't carried over into the actual approval from the Board of Selectmen. I thought it was in there, but I am not finding it.

MR. WIELER – We will have to work on some type of language on this.

Susan Affleck-Childs – Perhaps there could be a policy modification to the original Certificate of Approval.

Karen Johnson – The one that you can control is this signal itself because that is to be owned by the Town and you can work with that through the DPS. If the solution is an on-site solution, the Chief could say that the on-site condition causes a public safety problem.

Chief Saleski – Yes, we have that authority to make them deal with a traffic problem.

MR. WIELER – We can put that as a note in this recommendation. That said, if there is ever a time that this repeats every weekend, how would we manage that?

Chief Saleski – We don't have as much control inside the plaza. We would be able to call Charter or whoever is responsible for the property and discuss that with them.

MR. WIELER- Will Charter be managing the center?

Karen Johnson - We will be hiring a management company but we will retain ownership of it. We don't sell our shopping centers. Ultimately, it will come back to us. Common Area Maintenance comes to us. Traffic safety matters to us so the tenants can be successful.

MR. WIELER – We will put something in our Recommendation to that effect . . . that the Office of Public Safety will be able to make the call.

Chief Saleski – We are putting all parties on notice that if this becomes a problem out on Route 109, then we will address it. I am satisfied with that understanding.

MR. WIELER – The last outstanding issue we have with McDonalds is on the sign and the Design Review Committee's recommendation. We have a letter from them that we just received tonight. The first point is that the DRC would recommend that the background of the horizontal box sign be black or neutral and not red.

NOTE – The letter from the DRC is attached and made a part of these minutes.

MS. SPILLER-WALSH – The DRC would recommend allowing three (3) plastic molded "M signs if the background of the McDonalds was black or neutral instead of the bright red. We didn't insist on actual channel letters. The "red" was the real issue. We would be comfortable with something that was really black red. Is there something that you could find like that?

Ed Beeler –I would like to keep something in a red shade or burgundy. We would go with a darker red.

MR. WIELER- Could you come up with a pantone color?

MS. SPILLER-WALSH – We were concerned about the red and yellow. We thought it needed to be more elegant to fit with the beautiful building design.

MR. SCOTT – I don't like the black. A deep, rich red is in standing with what McDonald's is. I think you need a red, muted and as dark and deep and rich as you can get. I think you need a brand color to fit McDonalds. A deep, dark, rich red would work.

Ed Beeler – I would prefer that too. It would fit in with the building too.

MS. SPILLER-WALSH – We discussed this at length how the color applies for this application and for who you are, and how we want to see you. Everything else has been totally up to snuff so we are looking for a bit of reserve on the color combinations. We have seen McDonalds signs that are black with gold lettering and external lighting. So, we were not off base.

MR. WIELER – Can you get us a pantone color and then we would proceed. Right now, the sign bylaw will only allow an “M” on one building façade. But we will recommend an “M” for the other 2 sides as well.

MR. WIELER – I would like to state for the record that I commend you and the Design Review Committee for an outstanding job. I think you are going to get even more people to visit this store because it is so beautiful. I really appreciate all that has gone into this project.

A motion was made by Karyl Spiller Walsh and seconded by Kent Scott to close the public discussion on the McDonalds site plan. The motion passed unanimously.

MR. WIELER – The next step is for us to prepare our recommendation to the Board of Selectmen. We will do that at our next meeting on February 24th and submit it to the BOS. Our deadline is February 28.

Informal Site Plan Discussion - Joe Everett, 75 Main Street

MR. WIELER - As you may have gathered from the prior discussion, you can guess our primary concern is traffic. With your plan for a funeral home on this site (Golden Jade), our concern will be parking for wakes. Do you have numbers for visitation?

Joe Everett – I do have some numbers for you. As far as the average number of visitors, it is about 80 people. A lot of people have in mind that there are hundreds of people that go to a wake. Those typically don’t happen all that often. Those are with a major dignitary. We have one wake tonight in Natick. There may be 20 people there, as opposed to when there is a young person who dies tragically.

MR. SCOTT – So, you are saying that the number is spread out.

Joe Everett – The start of the visiting hours is the busiest. The number of services that we project in this area is only 2 per week. Medway is growing but it is not to a point where you would need any more that.

MR. WIELER – The other concern is having 2 curb cuts onto route 109. You are also showing the cut thru behind the gas station to Holliston Street.

MS. SPILLER-WALSH – How feasible is for us to consider your site until we consider the adjacent site where the gas station? Isn’t that a major issue?

Joe Everett – It is bad news. Initially, we would have to put some screening/fencing around there, as tall a row of hemlocks as I possibly could. We would get something in there.

MR. SCOTT – You are going to have some setback issues.

Joe Everett – It is not the best neighborhood.

MS. SPILLER-WALSH – I would roll out the red carpet for you, but next to your site is a mess.

Joe Everett – What is the status there? How can they compete? Are they content to stay put? I would think the clean up of that site would be tremendous boost to town.

MR. SCOTT – There may be environmental and remediation issues there.

MR. WIELER – This site is in the Commercial II zoning district.

MS. SPILLER-WALSH – With the gas station gone, the whole scale would be better. I would expect your business would quadruple. Choosing your site vs. others. I would think it would be a huge plus.

Joe Everett – We think the building itself would give us a good advantage. It will be modern, one story, and built for this function. That would be a plus.

MR. SCOTT – By creating a barrier (with a fence between you and the gas station), you almost accentuate the clutter of that type of business. The visual side of this is so critical. By wanting to border/block that eyesore out of view, it almost accentuates that site. It keeps your visual more controlled.

MR. WIELER – You have the real estate building too behind. He just passed away.

MR. WIELER – I think we would probably ask you to consider getting rid of the eastern most curb cut on route 109 and just have one curb cut and then redesign the traffic flow on site.

Joe Everett – It was drawn with a lot of traffic coming in off of Holliston Street.

MR. WIELER – That just won't be the case. People will want to come in on route 109

Joe Everett – So, you would want only one curb cut.

MR. WIELER – Yes, just one, the furthest one to the west, away from the corner.

MR. WIELER – There may be some synergy with that intersection. Overflow parking might be available with Medway Co-Op Bank across the street. Not that you want people crossing route 109. You could also look to the west for parking. You could do some major landscaping instead of the other curb cut.

MS. SPILLER-WALSH – It would be wonderful if the whole thing could be taken over.

Joe Everett – It would be to our benefit to acquire the other adjacent parcels. That would be a natural.

MR. WIELER – So get rid of one exit and rework the traffic flow. We will want to see a sidewalk in the landscape area along route 109.

MS. SPILLER-WALSH – I would want to have an exit only onto Holliston Street. Another big concern for the Design Review Committee is that breaking your roofline.

Joe Everett – Another issue is that the front wall of the building is exactly at 50 feet setback. To add the columns as we would like adds 6 feet more out with an overhang. I may need a variance from the ZBA on that.

MR. WIELER – We have a very elaborate site plan review process. We would have to do some aspects of this. We would waive a number of requirements that we would ask of you. We would have you meet with the Design Review committee. We would support you in seeking a variance from the ZBA. I am concerned about parking for those wakes for a very popular person. We will try to make the process as painless as possible.

MR. WIELER – You will have to deal with stormwater management. You need to show where your catch basins are and come up with your flow. There is a state requirement now that we have to look at the flow off site. You will have to hire an engineer. You may have to put in some catch basins on site. If nothing is there now, it is unfortunate but the state is requiring that of us.

Joe Everett – So, that is a must.

MR. WIELER - You may have to put in some infiltration below your parking lot.

Susan Affleck-Childs – Your sign design should be included with the application package.

Joe Everett - It will be tasteful, no problems there.

Joe Everett – So, from your standpoint, we would be encouraged to proceed. You wouldn't turn it down at this point.

MR. WIELER – We go through a site plan review with you and develop a recommendation to the Board of Selectmen and then they approve it, usually with conditions. That extends the process a bit. Somebody from the Planning Board goes to that meeting and presents our recommendation so it is a 120-day process. If we can beat that, we try to but that is largely dependent on you and your engineer and the quality of the work you do.

Joe Everett – We have a March 10 closing on this. I will need to ask the seller to extend that date before we purchase it.

Susan Affleck-Childs – We are required to have a full public hearing and send notices to all abutters.

MR. WIELER – If you like, you can meet with the Design Review Committee ahead of submitting the actual site plan application.

Joe Everett – I should get the formal site plan application started and get the engineer going on this.

MS. SPILLER-WALSH – I want you to have some conversation with the owners of the gas station. Please try to do that.

MR. WIELER – In terms of counts, we are OK. We will want you to look at sight distances and access/egress, safety and turning.

River Run ARCPUD and Subdivision

MR. WIELER – The applicant has requested an extension of the deadline and continuation of the public hearings.

A motion was made by Kent Scott and seconded by Karyl Spiller Walsh to extend the deadline for the Planning Board to act on the River Run Estates B Definitive Subdivision Plan and the River Run ARCPUD Special Permit to April 30, 2004. The motion passed unanimously

MR. WIELER – We will continue the public hearing on River Run ARCPUD to 9 pm on March 9th and continue the public hearing on the subdivision to 9:30 pm on March 9th.

Taniel Bedrosian – Iarussi Property – Informal Discussion

Taniel Bedrosian –I recently had prepared an “open space” subdivision alternative to the preliminary subdivision plan I showed you in December. I have been talking with Joe Dzikczek and the Community Preservation Committee re: open space. So, this is an alternative approach. I took this to the CPC meeting tonight and they seemed like they really liked the design. It would give them a strip of land that runs along the brook and opens up in back and protects the wetlands. They are trying to connect lands for a corridor. I think I got a good response. They asked me to come out here and show it to the Planning Board. I am going to need some help from you. First of all, the cul-de-sac is too long. It is 952 feet. I would need a waiver. The second issue is the open space ratios. I am close to those numbers, but we are not quite there. Rob Truax (GLM Engineering) would need to meet with you to work those numbers. There are still 15 lots, 25,000 – 29,000 sq. ft. sites. I will need a waiver from DEP, something to do with nitrogen loading. I think I can get that. Under the open space subdivision guidelines, there is supposed to be a 100-foot buffer. I don’t have much room to work in. I don’t know if it requires a variance or a waiver.

MR. WIELER – If you choose to do an Open Space Residential Design (OSRD) subdivision per our bylaw, you will need the 100 foot buffer. 45 % shall become dedicated open space. I think this is a win-win project. But I am not sure you have to do this as an OSRD.

Taniel Bedrosian – The current owner had the wetlands flagged and had a determination filed. It is a clear-cut site that is bordered by wetlands.

MS. SPILLER-WALSH – So what would the town be saving?

Taniel Bedrosian - What the Town gains is the open space and buffer. There is only one entrance on Lovering Street, less roadway surface and therefore, less drainage impact.

MR. WIELER – You cut out a lot of road with this plan. Let’s try to do this with the OSRD. We will need to have CONCOM involved. I applaud this. This provides a critical piece of the open space corridor we vitally need. I myself will be an advocate.

MR. SCOTT – This is a big gain.

MS. SPILLER-WALSH – From a marketing perspective, I think this reduces values. The values of the first plan would be higher.

Taniel Bedrosian - The lots are smaller. That is one of the things we considered but the subdivision is surrounded by land that is unbuildable and that is attractive.

MR. HOOPER – Ownership and access changes are to the benefit of the home owners.

MS. SPILLER-WALSH – I am concerned about the status of the homes and what it does to Medway. It might be a little different from what we have.

Taniel – I can do a 4 or 5 bedroom home on these sites. I don't know what the market conditions will be in a year. We end up with frontages that are 150. We can twist each house on the lot.

MR. HOOPER– How much confinement will you have because it is not sewerred in terms of how you have to situate the house on the lot?

Taniel Bedrosian – The site is mostly gravel. There are very good perc rates.

MR. HOOPER – You will have individual wells and septic systems?

Taniel Bedrosian – I have 200 feet of usable land on each site. I will put the well toward the back of each lot and the septic system in the front.

Dave Kaeli – Regarding the wells, I know there is an issue with wells to the south of that area, that some of the wells are contaminated on the Lee property.

MR. WIELER – There is a potential town well site with the water fully treatable by aeration. You should talk to Mark Flaherty at the water department. We can work this. You can actually decrease your frontage with an OSRD subdivision and then you might get the room for the 100-foot buffer.

Taniel Bedrosian – If I tried to do this via a regular subdivision, this would need a bunch of variances.

MR. WIELER – We would love to work with you on this.

MR. HOOPER– We need CONCOM's input on this first.

Joe Dziczek – I got an email on this today from Ken McKay on CONCOM. They were not allowed to walk the property before.

Taniel Bedrosian – So that is an issue.

MR. WIELER – You can file an ANRAD first with CONCOM to get the wetlands delineated even before you come to us. The big thing with an OSRD, you can't get more lots than what you could get with a conventional subdivision.

MS. SPILLER-WALSH – We need to be very comfortable with this. I could see many developers trying to pursue something like this.

MR. WIELER – There has to be a reason why folks aren't using the OSRD. So if Rob Truax finds some things that are showstoppers, please let us know.

Susan Affleck-Childs – We may want to start looking at establishing a local land trust to handle some of these lands.

MR. WIELER – You may need a waiver here anyway; but have Rob look at it. Is your plan A (conventional subdivision) a waiverless plan?

MR. WIELER – What is your process now?

Taniel Bedrosian – Rob was going to start preparing the definitive and then all this came up as an option. I need to get a hold of CONCOM and get that resolved. Based on that info, if this is a stand-alone plan, you are saying you will work with me to get this approved. I need to get started.

MR. HOOPER– Keep this very much coinciding with the OSRD bylaw. Otherwise, you will need to bring in the ZBA for variances.

Taniel Bedrosian – If I take 10 feet off each lot, then I may get to the 100 foot buffer requirement.

MS. SPILLER-WALSH – My concern is the look and feel of the subdivision when it is done. When Medway voted in its one acre zoning, Medway wanted to maintain a certain suburban look. How you place the houses and how creative you can be is very important. You need to do something creative with the positioning and architecture. It needs to be interesting. You must avoid house after house, post war development look.

Taniel Bedrosian – I appreciate that. With the amount of money I am paying for this, I need to build the biggest houses I can sell.

MS. SPILLER-WALSH – I cringe at the thought of box after box.

MR. HOOPER – I envision this could be similar to how Redgate 2 looks (clover and Ash Lanes)

MS. SPILLER-WALSH – We want some relief from that look. If the subdivision is an eyesore, the land will be a blessing, but that isn't good enough.

Susan Affleck-Childs – Almost all of Hopkinton's subdivisions now are done through their open space subdivision bylaw. Maybe we can visit and observe and learn from them.

MS. SPILLER-WALSH – Somebody needs to work these figures to see how much money he saves by doing it this way.

Joe Dziczek – We have to establish a basis of trust with this. It is a start.

Dave Kaeli - We have been looking at trying to find a green way from Holliston to Choate Park. This is a key piece of land for its open space as shown. We want to try to get a straight shot across Lovering Street.

MS. SPILLER-WALSH – We have to be careful and cover ourselves on all sides. We don't know their actual costs and the importance to him of reducing the cost of the roadway/infrastructure.

Finalize Articles for Annual Town Meeting

Limited Business Overlay District

MR. HOOPER – An alternative name is Adaptive Use Overlay District

MR. WIELER – I don't feel motivated one way or another.

A motion was made by Dan Hooper and seconded by Kent Scott to change the name of this zoning overlay district from Limited Business Overlay District to Adaptive Use Overlay District.

Discussion

MR. HOOPER– I like this better than “limited business overlay district.”

MS. SPILLER-WALSH – All right.

MR. WIELER – I like the word “business” in there because we are trying to encourage business investment but I could go with the adaptive use name.

MR. SCOTT – That would be fine to do.

A vote was taken. The motion passed unanimously.

Susan Affleck – I will change the name throughout the bylaw.

Groundwater Protection Bylaw

MR. HOOPER – I have a question on metes and bounds description of the boundaries. Do we have that?

Susan Affleck-Childs – No, we have the maps that have been approved by DEP.

A motion was made by Dan Hooper and seconded by Karyl Spiller-Walsh to submit the following articles to the Board of Selectmen for the warrant for the 2004 Annual Town Meeting.

- ***Sign Bylaw - ZONING***
- ***Adaptive Use Overlay District – ZONING***
- ***New Commercial V District – ZONING***
- ***Groundwater Protection District – ZONING***
- ***Sheds – Add a definition and amend location requirements in ARI and ARII districts (as requested by Bob Speroni, Zoning Officer) ZONING***
- ***Characteristics of Building Lots – Amend ARI and ARII districts (as requested by Joe Musmanno) – ZONING***

- ***Reauthorize Tree Revolving Fund***
 - ***Establish new Off-Site Improvements Revolving Fund***
 - ***Street Acceptances – List is attached.***
 - ***Authorization to pay prior year bills from FY 04 funds.***
- The motion passed unanimously.***

Planning Board Fee and Bond Schedule

NOTE – Karyl Spiller Walsh recused herself from this discussion and left the room.

MR. WIELER – We presently have no filing fee for a modification to a definitive subdivision plan. Susy has prepared a handout showing what neighboring towns do. I would be comfortable with \$500 plus some additional fee for extra lots.

A motion was made by Dan Hooper and seconded by Kent Scott to establish a \$500 filing/application fee for modifications to approved subdivision plans. The motion passed unanimously.

10:10 pm – Karyl Spiller-Walsh returns to meeting.

VHB – Construction Observation

MR. WIELER – We have Mark's review of the newly submitted Speroni Acres As-Built Plans.

Susan Affleck-Childs – I have circulated the plans at town hall and asked for comment and for DPS to inspect.

MR. WIELER – We have a letter from Wally Frink asking for a bond reduction for the Tulip Way landscaped island. Let's ask Mark to prepare a bond reduction for the next meeting.

MINUTES

January 24, 2004 – ***A motion was made by Dan Hooper and seconded by Kent Scott to approve the minutes of the 1-24-04 Planning Board meeting. The motion passed unanimously.***

January 27, 2004 – These minutes will be held over to the next meeting.

January 20, 2004. – A series of corrections were made. ***A motion was made by Dan Hooper and seconded by Kent Scott to approve the minutes of the 1-20-04 Planning Board meeting, as amended. The motion passed unanimously.***

January 6, 2004 – A series of corrections were made. ***A motion was made by Dan Hooper and seconded by Karyl Spiller-Walsh to approve the minutes of the 1-6-04 Planning Board meeting, as amended. The motion passed unanimously.***

CORRESPONDENCE

MR. WIELER – We have a draft policy from the BOS regarding the town’s GIS system. We should do a note back in response with any feedback or suggestions.

Susan Affleck-Childs - I would suggest adding in “As-Built” subdivision plans as well.

MR. WIELER - We have received a response to our inquiry to Town Counsel re: the Redgate II bond. Dick advises that we can reimburse DPS for its snow plowing expenses from the bond proceeds. We need to write a letter and copy the BOS and Dave D’Amico re: those two streets. Susy should ask Dave whether there are any others.

MR. SCOTT – I have been digging into 40B and looked at correspondence from different towns. They are looking at a “planned production” process to try to fight off the onslaught of developer proposals. I will put together a brief for you to look at.

INVOICES

The Board approved \$30 to purchase of two copies of a new book from the Conservation Fund on chain store design.

The Board approved the purchase of two books on architectural styles for use by the Design Review Committee as requested by Gary Jacob.

The Board authorized \$ 279.90 for the purchase of two 2-drawer file cabinets from WB Mason to use in the basement area for storage and to serve as a base for the map file to be donated by Dan Hooper.

PGC Associates - \$438.75 for plan review services. 2/10/04 invoice

A motion was made by Dan Hooper and seconded by Kent Scott. Passed unanimously.

PGC Associates - \$1,072.50 for consulting services (zoning, rules/regs) 2/10/04 invoice

A motion was made by Dan Hooper and seconded by Kent Scott. Passed unanimously.

FSU - \$93 for printing envelopes.

A motion was made by Dan Hooper and seconded by Karyl Spiller-Walsh. Passed unanimously.

VHB - \$1,041 for contracted services (stormwater regulations). 1/5/04 invoice

A motion was made by Karyl Spiller-Walsh and seconded by Dan Hooper. Passed unanimously.

VHB - \$1,518.08 for plan review services. 1/5/04 invoice.

A motion was made by Dan Hooper and seconded by Kent Scott. Passed unanimously.

VHB \$ 115 for plan review services. 1/16/04 invoice

A motion was made by Karyl Spiller-Walsh and seconded by Dan Hooper. Passed unanimously.

VHB – \$ 858.76 for construction observation services. 1/15/04 invoice.

A motion was made by Kent Scott and seconded by Dan Hooper. Passed unanimously.

Site Plan Bylaw

MR. WIELER – The Medway Business Council is meeting on 2-24 or 2-25 and we are invited to brief them on the proposed changes to the site plan bylaw. So what date do we prefer? Let's go for Wednesday morning, 2/25.

MR. HOOPER – We know what we are going to bring to the table; what will they do?

MR. WIELER – They will have the draft. We need to show them what exists now and what we are trying to change it to. The real debate should come in the Rules and Regulations. What is a problem for you as business people? What are the problems for the town? You absolutely need to have engineering review. We need to open up the channels of communication.

MR. HOOPER – I can be there.

MS. SPILLER-WALSH – I can be there.

MR. SCOTT – I can try.

MR. WIELER – Let's suggest it as a breakfast.

MR. WIELER – When I met with the MBC Executive Board last night, I focused on how hard we work on a project for months and then how frustrating it is when it goes to the Board of Selectmen which hasn't put in the work. They understood our frustration. The other thing they talked about was some of their general frustrations with how to get all the permits for a project. I think we ought to charge Gino with the task of drawing up a little pamphlet of what a business person needs to do to get set up. I also brought up the issue of a master plan for the Commercial I district (Cassidy parcel and the land behind the bank and the shopping center. We need to establish a task force to work on this. They were quite receptive to including some affordable housing in such an area.

MR. HOOPER – I think Gino needs to help enlighten some folks in this town that Medway's approach to site plan approval is most unusual.

MS. SPILLER-WALSH – And historically, some of the various scenarios that have gone wrong with the process.

MR. WIELER – It was a good meeting with eh MBC Executive board. We need to keep working with them. It will happen. The bylaw is not where the change has to happen, that is with the Rules and Regs but we are the only board that has its own regs for site plan.

Other Comments

MR. SCOTT – I will be going to the 2-24-04 legislative briefing in Boston on the Land Use Reform Act.

MR. SCOTT – I was looking at the stormwater retention stuff for Walgreens. It is fully exposed right now. The massiveness and extensiveness of the system it is remarkable. It is a phenomenal maze. Take a look at it as you go by. It is very impressive.

MR. WIELER - I went to a talk with Doug Foy last Friday. He is the Massachusetts Secretary for Development. There is help at the state level for people like us. He is firmly supporting the Mass Land Use Reform Act. His ideal community is a town that has housing for all age groups, where you can walk to the library and schools.

MR. SCOTT – We need to look over the list of services that the State will provide to help towns do 40B planned production process.

MR. HOOPER – I went to a regional Community Preservation Coalition meeting on Saturday. They handed out the Bedford Affordable Housing Plan. It is very progressive. Their CPC is the strongest in the state. They and Newton are the best, very proactive. They are paving the way with everything related to the CPA . . . how to work with the state and get other entities involved. Just terrific.

MS. SPILLER-WALSH – They have been needled with problems for decades.

MR. SCOTT –I have been tracking 40B cases for the last 60 days, where there are lawsuits, and how they have been resolved.

MR. HOOPER– We need a plan and a group that will take an affordable housing plan to implementation to do the work and keep up the momentum.

MR. SCOTT – The state will help us. I have copies of several power point presentations. I will put a packet together for all of us.

MS. SPILLER-WALSH – Could we invite somebody from Bedford to come speak with our groups?

MR. SCOTT – For 40B, towns are beginning to plan for where 40B projects should be located. And when you are proactive that way, developers are approaching the towns to work on those sites.

MR. WIELER – When we did the master plan, we chose not to put maps into the plan at that time. We did goals and policies. Now we can start revealing some detail. We have done a good number of the action steps.

A motion was made by Dan Hooper and seconded by Kent Scott to adjourn. The motion passed unanimously.

The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*James G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved as Amended – March 9, 2004

***Planning Board Meeting
Tuesday, February 24, 2004***

PRESENT: Kent Scott, Jim Wieler, Dan Hooper, Karyl Spiller-Walsh, and Matthew Hayes

ALSO PRESENT: Gino Carlucci, PGC Associates; Susan Affleck-Childs, Planning Board Assistant; Mark Louro Louro, VHB Engineering

The meeting called to order at 7:32 pm

Hartney Acres Public Hearing Continuation

MR. WIELER – The revised drainage calcs and plans were not submitted until today and so our engineer hasn't reviewed it. We will need to continue this public hearing to our next meeting.

A motion was made by Dan Hooper and seconded by Matt Hayes to continue the public hearing on Hartney Acres to March 9 2004 at 7:30 p.m. The motion passed unanimously.

Approval Not Required (ANR) Plan – Fred Sibley for 12 & 16 Oak Street

Gino Carlucci – This involves 2 lots with a common driveway. There are existing houses on both lots. This just changes the frontage and puts the larger parcel of land with 12 Oak Street.

Fred Sibley – The whole point is to make the land be associated with the back house and to show the wetlands delineation.

MR. HOOPER – The driveway access has nothing to do with this.

A motion was made by Dan Hooper and seconded by Matt Hayes to approve the ANR Plan of Land for Fred Sibley for 12 and 16 Oak Street, as prepared by DeSimone & Associates, dated December 4, 2003. The motion passed unanimously.

NOTE – Planning Board members signed the Mylar and form A-1. Matt Hayes signed the plan copies as Planning Board Clerk.

McDonalds Site Plan Cert of Recommendation

NOTE – The Board discussed a draft dated 2/20/04.

Ed Beeler, McDonald's – Bohler did not incorporate the details of the signs onto the revised plans.

MS SPILLER-WALSH – It needs to specify the dark burgundy stain and white illuminated letters.

MR. WIELER – A number of items need to be removed from the detail sheets – the original design of the menu board and the unibody fascia McDonalds sign on sheet C-7, and the original dumpster design on sheet C-8.

Mr. HOOPER – What about the Pre-sell board?

MR. WIELER – I would like to see it have a similar brick base as the menu board.

Ed Beeler – We can do that.

Ms. SPILLER-WALSH – We need to add language from the DRC re: when the signs should be illuminated.

MR. HOOPER – What about the “enter” and “exit” signs? The plans show two options – all lower case and all upper case. I prefer the all lower case.

MS. SPILLER-WALSH – I agree.

MR. HOOPER – Has the Disability Commission reviewed this?

Susy Affleck-Childs – They have been given the opportunity. We have not received any written comments from them.

MR. HOOPER – Should we have some language about ADA/AAB compliance?

Susy Affleck-Childs – We can easily add an item under general conditions.

A motion was made by Dan Hooper and seconded by Karyl Spiller-Walsh to approve the McDonald's Site Plan Certificate of Recommendation as amended tonight and to forward the recommendation to the Board of Selectmen. The motion passed. Mr. Hayes recused.

NOTE – The Board signed the signature page of the Certificate of Recommendation

NOTE – A copy of the draft Certificate of Recommendation with handwritten comments/revisions is attached and made a part of these minutes.

Brainstorming on Commercial I District

MR. WIELER – We want to do something to go along the lines of sustainable development by creating an overlay district that would allow multiple uses, especially on the north side of Route 109, and residential units. We need to enable this kind of development through our bylaw. We want to see some housing in this area, more of a village district and make it more pedestrian friendly. We are thinking about coming in with a road past the Walgreens, up across the Cassidy land to Holliston Street and then across behind the Bank up to Gould's Plaza.

Gino Carlucci – The drawing that Paul DeSimone has shown me actually uses bank's driveway for this road.

MR. WIELER – We will have to have a number of different sessions with the public to get them to buy in.

MR. HAYES – What about approaching the owners of the lots?

MR. WIELER - At the beginning, we need to do that. We have talked to the Medway Business Council about the broader concept. We should have a brainstorming session with them. We need to talk to the Cassidies, Medway Co-op, Gould's plus the shopping center owners. Also Fleet, Shell, Papa Ginos, Drybridge, and Medway Block.

MR. WIELER – We need Gino to give us a scope of services.

MR. HOOPER - We are talking about creating a downtown. Any downtown needs a major municipal building.

MR. WIELER – Also a cultural facility.

Gino Carlucci – A post office is a great anchor too for a downtown.

MS. SPILLER-WALSH – We will need a visual proposal to help people see what we are talking about.

MR. SCOTT – This needs to be a visual depiction of a downtown master plan. It needs to show different gateways coming in.

MR. HOOPER – And the associated green space.

MR. SCOTT – I expect a very engaging discussion with other boards. We will need to sell the vision.

MR. HOOPER – Is the current layout of route 109 so sacrilegious a subject that we shouldn't even go there. We might have more flexibility than we think. It isn't actually a state road through Medway.

Gino Carlucci – It is best to maintain that right of way but that doesn't mean it has to stay paved as it is now.

MR. WIELER – We need to look at traffic calming techniques. I don't think you are going to move the right of way too far. We would want to see fewer curb cuts.

MR. SCOTT – Begin with the basic idea and then stretch it out. Create a vision based on current opportunity; then you go further out.

MS. SPILLER-WALSH – At some point, our thinking becomes archaic.

MR. WIELER – By having a plan, by having a bylaw, by having a DRC. . we can make this happen. So, Gino, we would like you to come up with a scope of work. Get a basic map that you can fool with to show various ideas. We will really need to do some outreach on this.

MR. SCOTT – I would love to see something with just a rough design.

MS. SPILLER-WALSH – Yes, some simple concepts.

MR. WIELER – As a quick aside. . what we need to do for this town meeting is what I have seen in Wayland and Acton. In front of each article in the warrant, there is an explanation as to why this is proposed. I will talk with Greg about that. At a minimum, we should prepare a handout explaining our proposals.

MR. WIELER – The other thing we want you to do is a little pamphlet to explain to businesses how to get projects approved, what permits are needed, etc.

Gino Carlucci – I am almost finished with a similar thing in Sherborn. It wouldn't take much to adapt that.

Bond Reduction for Tulip Way Landscaped Island

Wally Frink, developer.

Mark Louro – When I went out for an inspection, I couldn't tell if the bulbs planted.

Wally Frink – Yes.

Mark Louro – We counted only 40 blue rug junipers and there are supposed to be 60. So, we are recommending a reduction to \$1,884.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to reduce the bond for the Tulip Way Landscaped Island from \$16,728 to \$1,884. The motion passed unanimously.

NOTE – The Board took a break from 8:50 to 8:55 pm

Ishmael Coffee Estates – Plan Endorsement

Mark Louro – We have reviewed revised plans for compliance with VHB’s previous letter and the Planning Board’s Certificate of Approval.

Paul Yorkis – We have a letter from the Police Department re: signs for the cul – de sac and a letter from the Fire Department for the same. 3 copies of the covenant that are awaiting your signature. I have 3 copies of the opening page of the passbook, stamped by Treasurer’s office and copies of the signature documents for the passbook. I also have a letter addressed to Jim Wieler re: a commitment to make a \$9,100 donation toward sidewalk replacement in Medway. I also have 3 copies of the certificate of non-appeal from the Town Clerk’s office.

NOTE – The letters from Fire Chief Wayne Vinton and Safety Officer Jeff Watson were read. They are attached and made a part of these minutes. The Fire Chief’s letter referred to signs starting “NO PARKING-FIRE LANE.” Jeff Watson’s letter referred to ONE-WAY traffic signs.

Mark Louro – What they are using in lieu of a hay bale is a product called Filtermitt. That is really a CONCOM decision.

Mark Louro – Regarding the guardrail design, they are actually proposing something a bit different from what you may have been thinking.

Paul Yorkis – You had discussed using the guardrail design that is being used at the high school. That is a good design for us and we are exploring having it done in CORTEN steel (rusty). We want to do it that way.

MR. HAYES – I like the look of the self-rusting rails.

MS. SPILLER-WALSH – It has come up in conversations at DRC meetings. It wouldn’t be our first choice.

Paul Yorkis – This would be on metal posts.

MR. WIELER – So, we are OK with that.

Mark Louro – The next issue is the size of the paved width at the cul-de-sac. With only 18 feet, WB-50 trucks will not be able to use this cul de sac if there is anyone parking on the street.

Paul Yorkis – My sense is that the number of tractor-trailer trucks on that street is going to be only when people move in and out.

MR. HOOPER – Maybe there is a bit of a shoulder on the outside of the landscaped island.

Mark Louro – I still have an issue with it, but it is clear the Planning Board wants this. Is it sloped granite or vertical curbing on the island?

NOTE – The plans were reviewed. The island curbing is cape cod berm.

Mark Louro – The non 90-degree angle is not a big deal. It is not a sight distance issue. It does not require a waiver.

Paul Yorkis – There are 16 general notes on the plan.

Paul Yorkis – Regarding the “no cut zone” on each lot. I have discussed this with Mark. I have offered to meet with Mark on site to specify each lot’s no cut zone. He suggested that a member of the Planning Board do this instead. So, I want to be clear that there is a good faith commitment on our part. We want to sketch out the no cut zones and we want your input. Jim, could you designate somebody to meet with me to do this?

MR. WIELER - Karyl will do that.

Paul Yorkis – We will probably do that in about two weeks.

Susy Affleck-Childs – I want to point out that we are using a new form of a covenant. This was taken from the new Subdivision Handbook written by attorney Carol Rolf for the Massachusetts Federation of Planning and Appeals Boards.

MR. HAYES – Should we have Town Counsel look this over?

Paul Yorkis - We have had attorney Bill Sack review this He is comfortable with it. Also, the bank’s attorney has reviewed.

A motion was made by Matt Hayes and seconded by Kent Scott to endorse the February 9, 2004 plans for Ishmael Coffee Estates. AYE – Wieler, Scott, Hayes and Spiller-Walsh. OPPOSED – Hooper. The motion passed.

Mark Louro – I would like to comment that these are very good plans. They are very readable and will be easy to interpret in the field. Dan O’Driscoll and David Faist did a good job.

NOTE – The board endorsed the plans and signed the Covenant.

Other Business

MR. WIELER – I forgot to mention that I had spoken with Greg Balukonis about getting an aerial photograph of town to post in Sanford Hall. Greg has agreed. So, I would like Susy to go ahead and order the aerial map and then talk to DesLauriers about producing an overlay with the parcels.

A number of items were handed out:

1. Planning Commissioners Journal, winter 2004 issue. – NEW
2. Booklet on the Design and Siting of Chain Stores and Franchises produced by The Conservation Fund.
3. Future PB meeting agendas.
4. PB deadlines

Construction Observation Fee - Ishmael Coffee Estates

MR. WIELER – We have a recommendation from VHB.

A motion was made by Kent Scott and seconded by Karyl Spiller-Walsh to set the Construction Observation Fee for the Ishmael Coffee Estates subdivision at \$11,130. The motion passed. Matt Hayes recused.

Speroni Acres AS-Built Plans

MR. WIELER – VHB has prepared a review of the revised as-built plans. They still need some work. We received a fax communication from Owen Sullivan's attorney inquiring as to the status. We need to prepare a letter to Owen Sullivan and his attorney outlining what he needs to do. Susy will work on that.

Construction Observation

Granite Woods

Mark Louro – We did an inspection for the bond reduction. Things look to be in pretty good shape for town meeting.

Subdivision Rules and Regs

MR. WIELER – We need to have the public hearing on this soon.

MR. HOOPER – I have been trying to coordinate with Ron Doloff, the Tree Warden, to get some of his input on tree species. I will double my efforts to meet with him.

MR. WIELER – We also want to come up with construction standards for short roads.

Mark Louro – I really disagree. If you are building a public road then it should be 26 feet wide.

MR. WIELER – The idea of this is for these smaller subdivisions, up to 5 lots.

Mark Louro – How much narrower are we talking about?

MR. WIELER – We have learned that these private ways are a nightmare.

Mark Louro – I would think very carefully about this. There are liability issues. You are talking about setting standards for a sub-standard road. There are reasons for the minimum widths.

MR. HAYES – What I am looking at is the Low Volume Roads book by ASHTO.

MR. WIELER – We want to have a road that is proportional to the size of the small subdivision – up to 5 lots.

MR. WIELER – The other thing that has to get into the regs is that we will not entertain anything but a waiverless plan. We have to pin all this down for our next meeting.

MR. HOOPER – If we want landscaped islands in the cul-de-sacs, we may have to increase the radius.

MR. WIELER – How wide does the paving need to be to have the island and allow for a full truck?

Mark Louro – 26 feet.

Status on RFP Engineering Services

MR. WIELER - Proposals are due on 2-25-04. Then a selection committee will begin work to review the proposals. I will get in touch with Greg Balukonis to keep the momentum going

Minutes

January 27, 2004 – The Board reviewed the minutes and a number of corrections were noted. ***A motion was made by Matt Hayes and seconded by Dan Hooper to approve these minutes as amended. The motion passed unanimously.***

February 10, 2004 – The Board reviewed the minutes and a number of corrections were noted. ***A motion was made by Dan Hooper and seconded by Karyl Spiller-Walsh to approve these minutes as amended. The motion passed unanimously.***

Other Items

Marian Community

MR. WIELER – I did meet with Rich Coppa, president of the Marian community. They are going to go ahead with an ARCPUD. They will be contacting Gino Carlucci to discuss application process. 94 proposed units. Good things have happened. They want to work with us. There is some question as to whether they will put in a communal septic system or put sewers in. They may need a zoning variance to pump across a public way. I explained that it would be helpful if more than 10% were affordable so the town doesn't lose ground. They will talk to Gino Carlucci. I did have the trail map. They will try to match up with Wenakeening Woods and bring a trail down close to Chicken Brook. They are looking at eastern access through to Kimberly Drive. They envision single, double and quad buildings. The idea is to make these for members of the Marian community. They are trying to work that out legally. The ARCPUD is such an economic benefit to the town. Residents are expected to volunteer at the Community. They want to keep the housing cost low. A question is whether "affordable units" have to be made available to the public and not just their members?

MS. SPILLER-WALSH – Gary Jacob had an interesting concept about landscaped buffers. Instead of putting in a tree or a row of trees, put in a natural cluster/wooded area.

Upcoming Meetings

Medway Business Council meeting – Wednesday morning, February 25th. Presentation on proposed site plan bylaw. Jim Wieler, Dan Hooper, and Karyl Spiller-Walsh will attend.

IDC meeting – Tuesday evening, March 2, 2004 at 7:30 p.m. Jim will attend to make a presentation on the proposed site plan bylaw and the other business related bylaws to be considered for the 2004 annual town meeting.

Citizen Planner Training Collaborative Conference – Saturday, March 20 in Worcester. Matt Hayes, Kent Scott, Jim Wieler and Susy Affleck-Childs will attend.

A motion was made by Dan Hooper and seconded by Kent Scott to authorize \$180 in registration fees to attend this conference. The motion passed unanimously.

MR. SCOTT – I attended the hearing today in Boston on the Massachusetts Land Use Reform Act. I have some handouts that I will give to Susy to copy.

2004 Annual Town Meeting

MR. WIELER – We have a list from the Town Administrator of all articles submitted for the 2004 Annual Town Meeting. We also received today a separate memo from Greg Balukonis adding the ZBA's articles for accessory family dwelling units.

A motion was made by Dan Hooper and seconded by Kent Scott to adjourn. The motion passed unanimously.

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*James G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved As Amended – March 23, 2004

***MEDWAY PLANNING BOARD MEETING
Tuesday, March 9, 2003***

PRESENT: Karyl Spiller-Walsh, Kent Scott, Jim Wieler, Dan Hooper, and Matthew Hayes
ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant, Mark Louro, VHB
Engineering, Gino Carlucci, PGC Associates.

The meeting was called to order at 7:34 pm

PUBLIC HEARING CONTINUATION – Hartney Acres Definitive Subdivision Plan

Paul Yorkis, Paul DeSimone & John Claffey were present.

MR. WIELER – We understand the applicant and engineer met with Mark Louro this afternoon.

Paul Yorkis –Rick Merrikin (engineer) and the applicant and Mark Louro were able to meet to go over a number of drainage and design issues. That meeting focused on VHB's review letter dated March 4th. We made a considerable amount of progress on the drainage issue in particular. Substantive labeling and questions were raised. What we would request of the PB are 2 things – to continue the hearing to your next meeting in 2 weeks and at that time to be in a position to discuss and bring closure on the drainage issues and the area of the new street from Nobscott Street past the wetlands crossing, and to try to have a discussion related to the proposed waivers.

MR. WIELER– Is there a date that has been given when you could have the revised drainage calcs done?

Mark Louro – They said next week sometime. They did give us some information today. I do have a question. Who was on site when the soil testing was done? Do we have any data from that?

Paul DeSimone – Rick Merrikin did the permeability test in the field.

Mark Louro – I need to go through this.

Paul Yorkis – When we get some of the technical issues addressed on the plans, we will try to have a meeting with Mark at the VHB office.

MR. WIELER– Mark Louro has prepared a 9-page critique of the revised plans. We will go thru that and then give the public a chance to speak.

Mark Louro – We commented that the current vertical alignment was done for a 20 mph design speed. The Safety Officer wants signs to that effect. I would like the vertical curves to be extended wherever possible to accommodate higher speeds throughout the site. What is the K value? The “K” value should be around 30 for crest curves and 35 for sag curves.

Paul DeSimone – Through the wetlands, that is a 50K.

Mark Louro – Regarding the no-cut zone, we need to clarify what is being proposed and what is being requested. This is a variable standard that needs to be pinned down more clearly. I asked whether comments had been received from other departments. DPS has provided comments written on the plan. I also asked about the intersection with Nobscott Road. The intersection of the roadway layout and new road is a 90-degree angle. That forces the wall and the sidewalks to end abruptly which is not acceptable for sight distance and pedestrian access issues. We need to discuss that and to decide what to do there. We also talked about the constructability of the wall.

Paul Yorkis – The reason we want to have another meeting with Mark Louro to go over these concerns is to show him a design that will work that will address a vast majority of the concerns that have been raised.

Mark Louro – On the north side of this wall, it retains the slope. ON the south side of the wall, it retains the road. This is going to be very tight. There will need to be easements on the abutting properties. If the town is going to own and maintain the walls, there will need to be a permanent easements as well. The design of the wall is going to change. They need to get the substructure as far away from the roadway layout as possible. They are proposing a cast in place wall. There will also be aesthetic issues. The key problem is what happens at Nobscott. They can't construct wheelchair ramps and sidewalks can't wrap around the corners. The sight lines may be adversely affected. There are iterations on the wall that need to be done. Traffic safety officer's comments were pretty much addressed. There is no street lighting proposed for the roadway but that is non uncommon.

Paul Yorkis – The idea is to have post lights. This will be included in the homeowners' covenant (like was done at Ishmael Coffee Estates.)

Mark Louro – There is waiver request for the dead end length that you still have to deal with.

Mark Louro – The tangent length is not a regulation. It is just a preference as stated in the regs so no waiver needed.

Mark Louro – Regarding the fence proposed on top of the wall, I asked them to touch base with Bob Speroni on safety standards.

Mark Louro – They are going to try to direct the flow of water to the southwest corner where the soils are better. They are aware that wherever water goes to wetlands, they need to maintain the volume and flow. There is a balance that has to be achieved for CONCOM.

Mark Louro – We need to confirm that it is to match the pre-existing conditions and rates that leave the site today.

MS. SPILLER-WALSH – Some of those volumes leave the site across Route 126. Isn't there an existing problem? So why are they trying to make the (after development) rates what they are today? Wouldn't we want to decrease the rates?

Mark Louro – I understand, but you have to realize that CONCOM doesn't want the wetlands to dry up.

MR. WIELER – We need to deal with the issue of fixing the culvert near Broad Acres Farm Road.

MS. SPILLER-WALSH – We need to fix the problem. The natural situation has already undergone a change and that has created a problem.

MR. WIELER – Fixing the culvert on Parcel A will mitigate some.

Paul DeSimone – We have basically agreed to fix the culvert.

Paul Yorkis – The CONCOM wants the water to go into the structure as well. We have already agreed that which is not on his property, he will get that resolved. But separate and distinct from that, is that there are 2 sets of conflicting regulations – CONCOM wetlands protection and the other is the stormwater management act and then there are the Planning Board's subdivision rules and regs. Your consulting engineer, to his credit, has said that the drainage has to conform to all three sets of regs.

MS. SPILLER-WALSH – I see it as an existing condition.

Paul Yorkis – The applicant did not create the condition and the applicant has to meet rules and regs that are in place. He cannot decrease the amount of water going to the wetlands per CONCOM. I would request that the board see them as two separate issues.

MS. SPILLER-WALSH – Water, water everywhere. In viewing this project myself personally, it becomes in my mind a water issue and the final drainage calcs for me have to be squeaky clean.

Paul Yorkis – that is the only way to do it. We would agree that there are no waivers for drainage issues.

Mark Louro – Regarding Parcel A, put something on the plan to show what will be done there.

Paul Yorkis – Let's make sure that whatever work is going to be done there on Parcel A is included the Certificate of Approval.

Mark Louro – Regarding the culvert under the roadway where the wetlands crossing is located, it wasn't clear for the 100 year storm situation whether there may be some flooding on the north parcel. You should resize the culvert to keep the ponding on his property.

Paul DeSimone – We have plenty of room.

MR. WIELER – Has high ground water level been determined?

Mark Louro – That needs to be confirmed. We have asked them to do so, either with a deeper test or other means. The other issue is along the property line you have your flows going east and west. We asked them to regrade each lot with the house and driveway. We asked that within the 30 foot no cut zone that they match existing grading so the water won't flow onto adjacent properties.

MR. WIELER – The ground is so impervious up there.

Mark Louro – There are very poor soils in some areas.

Paul DeSimone – Bob Speroni requires 6" above motling.

Mark Louro – There is a requirement in the regs that open space has to be accessible. The applicant has responded that public does have access from Summer Street.

Paul DeSimone – Broad Acres Farm Road is another way of access to Parcel A.

MS. SPILLER-WALSH – Is it possible for CONCOM to tell if the wetlands today are the same or different than when Broad Acres Farm Road went in.

Paul DeSimone – I have been up in that area before anything was built. Beyond Blueberry Hill road, the wetlands were bigger before. That is not a state protected wetlands area because there is no brook.

MR. SCOTT – So with the construction of Blueberry, what has happened to the water?

Paul DeSimone – The owner at the corner of Blueberry and Stanley can tell you about the water.

MR. WIELER – What we are talking about is the wetlands behind Blueberry. When Blueberry went in, the houses acted as a bit of a dam. The whole parcel is tilting toward Stanley; so I don't think it is running out Parcel A.

Paul DeSimone – The soils are crummy up there.

Mark Louro – The operations and maintenance plan needs to be put on the plans and it needs to be revised based on our discussion today.

Mark Louro – Another comment is that they should run this all by DPS. Also, the northeast pond needs to be addressed.

Mark Louro – Regarding the detention pond details, the critical details need to be more clearly defined and dimensioned including the impermeable core.

Mark Louro – A resident raised a question regarding the “uplands” calcs for lots. Typically, you are required to have 50% uplands to have a buildable lot. I suggested they discuss this matter with Bob Speroni, as it is a zoning matter. If the area excluding the ponds and replication areas is 50% uplands, then it is ok

Paul DeSimone – We are putting in 9000 sq. ft of new wetlands, and the detention basin is only 500 sq. ft.

Mark Louro – Just do the calculations and show them on the plans.

MR. WIELER– With ARCPUD, we removed “wetlands” from the “uplands” calculations.

Mark Louro – There will also be ADA issues at Nobscott.

MR. WIELER – We have the 3 Ws – water, walls and wheelchairs. Figure it out. In terms of water, we have to ensure that the plan does not shed any water on abutting properties. That is a huge engineering challenge. The wall is a big concern. I am sure we will hear from residents about the wall and fence. WE want it to look good. We are also concerned about the sidewalk and site distances.

Paul Yorkis - We are aware of all 3 Ws.

MR. WIELER– I would like to open up this discussion to public comments. Please identify yourself.

Alan DeToma (20 Stanley road) – Within the 2-week time frame, will the revisions be available to the residents to review along with the engineer’s review letter?

MR. WIELER– We will do our best; but we usually don’t get the comments ourselves until 3-4 days ahead of the meeting. Contact Susy at the office for copies.

Jeannette Morton (9 Broad Acres Farm road) - Am I to understand that in 2 weeks we will discuss Parcel A? I also understand that VHB’s contract will expire the end of March. How will it be handled if VHB is not chosen to continue being the town’s consulting engineer?

MR. WIELER – We would do our best to retain VHB to see through this project if they are not selected through the RFP process.

Paul Yorkis – A request has been made for VHB to be retained for our project if they are not selected.

MR. WIELER – Have you discussed any easements with the direct abutters?

Paul Yorkis – I have had 2 conversations with one of the abutters. Based on Mark Louro’s comments, he has raised issues about the design and the constructability of the walls. We want

to make sure that the design meets the regs and then once that is done we would then have it reviewed by the contractor who would be building it in terms of its constructability. We want to explain on the plan how it will be built.

MR. WIELER – And maintained as well.

Paul Yorkis – I am less concerned about maintenance. If it can be built without an easement, then it can be maintained without an easement. As soon as we have a plan that meets 2 of the Ws, then we would revisit the topic with both of the abutters. They are willing to meet. We owe them and you a complete plan.

Beth Peduto (6 Nobscott) – When would that be done? When would we be able to see that?

Paul Yorkis – We hope to be on the agenda 2 weeks from now. It would be then we hope.

MR. WIELER – In 2 weeks time, we would see those drawings.

Paul DeSimone – We will review beforehand with Mark Louro.

Mark Louro – They are going to get what they have to me ASAP and I will review what I can. The best situation is that we can give a verbal report at the March 23rd meeting regarding what they have submitted. We will have to do another review letter, which may then be 2 more weeks after that.

MR. WIELER – At the next meeting, we may have something to look at.

Paul DeSimone – The walls are pretty much structurally designed. Now we are going through the methods of construction.

MS. SPILLER-WALSH – Once they are structurally designed, this will have to go to the DRC to look at surface materials. That will need to be a whole discussion.

Alan DeToma – I am confused. I am hearing that in 2 weeks they hope to have drawings. How will the board have the time to review them?

MR. WIELER – In 2 weeks time, that may be drainage and then we will get drawings on the walls and then we will comment on those in 2 weeks.

Paul Yorkis - Mark Louro has legitimately raised the question whether easements will be necessary. It is our goal that they will not be necessary. We want to design and build it without easements.

Joe Peduto (6 Nobscott) – If that is done without an easement, does that mean our land would not be touched?

Paul Yorkis – Yes.

Joe Peduto - We are concerned about safety. We know Officer Watson had commented on the first plans but it wasn't clear from those plans how high the retaining wall would be.

MR. WIELER – The wall is also under the purview of the Building Inspector.

Paul Yorkis - The plans that Officer Watson reviewed were an overlay. He did not know the extent of the walls. He is concerned about public safety, egress and ingress. As soon as we can get wall plans, Jeff Watson will re-review them.

MR. WIELER– Officer Watson will certainly see these plans again.

Mark Louro – The Building Inspector must review the wall for safety.

Paul Yorkis – We aren't sure yet how it is going to look.

Mark Louro – On the south side where the wall supports the road, there may need to be a guardrail and a fence. And on the high side, it wall has to support the land. I have asked them to confirm compliance with ASHTO standards.

Alan DeToma - It sounds like there have been some more recent drawings than what was available. It sounds like there is progress. I am going back to the original set of drawings where the road was 50 feet. How is it in 50 feet that the walls can be constructed?

MR. WIELER – The roadway layout is 50 feet but the paved width is just 26 feet. The walls will be within the road layout. We do have updated plans from the originals.

MR. HOOPER – Did anybody talk about the aesthetics of the detention ponds. It has been on Karyl's and my wish list to see more natural formations for the detention systems. CONCOM is seeking a similar goal.

Paul DeSimone – CONCOM really likes rosa rugosa planted on top. From a maintenance perspective, the detention ponds need to be accessible.

Mr. HOOPER – It is more the shape and the artificial mounding. No matter how many years pass, it seems like these detention ponds are like a scar on the landscape. The plantings need to be better considered.

MS. SPILLER-WALSH – We want to see naturalized landscaping.

MR. WIELER – First, let's see if this can be done at all.

MR. HOOPER – These ponds end up being public land. We should put more consideration into that.

MS. SPILLER-WALSH – They are scars and we don't want that anymore.

Paul DeSimone – The best thing is to plant evergreens around them.

Paul Yorkis – Have you seen the plantings around the detention ponds on Granite Street near Granite Estates? When you have a chance, take a look at them and let me know if this is what you are thinking about.

Mr. WIELER - Any further questions?

MS. SPILLER-WALSH – I have one more comment. I would feel much more comfortable if the number of lots was reduced by 3. This would make the drainage calcs and the buffers much more feasible.

Mark Louro – Paul, please follow up with Rick Merrikin on the northeast pond. What is the high water elevation that that is going to get to? We may need to install a fence around that pond.

Cynthia (?????) – I thought they were designed to not hold water.

Mark Louro – The northeast pond will hold volumes of water, and it will have a level of water there most of the time.

Robin Caraselli (4 Nobscott) – Where on the site are you speaking about? We have quite a bit of water now. How close are you planning to build the first house?

Paul Yorkis – The first house would be about 120 feet from the stone wall.

MR. HOOPER – Are the houses depicted as 40' x 80' boxes?

Paul DeSimone – Yes, that is the standard box size for septic systems.

????? – I appreciate Karyl's comments on reducing the number of lots in the development. How does that work?

MR. WIELER – We have the right to approve or deny the plan. The applicant provides a plan to us. The issue here is granting a waiver. What is your lot count with a waiverless plan? How many lots could you get in there with no waivers?

Paul DeSimone – 3 – 4 probably.

MS. SPILLER-WALSH – The drainage becomes more doable with fewer lots.

Paul Yorkis – I don't think it is reasonable to assume that we will or will not have drainage problems.

????? – If a waiver is required, then the number of house lots will be reduced?

MR. WIELER – If a waiver is approved, then the number of lots on the plan is approved. If they don't seek a waiver, then they can only do what a 600-foot long street would allow.

The public hearing was continued to March 23 at 8:15 pm

NOTE – Mr. Hooper leaves at 8:35 p.m.

Bond Reduction for Forest Edge Subdivision (Field Road Extension)

Jonathan Bruce present.

Jonathan Bruce – You have a letter from VHB letter recommending reducing the bond to \$38,352. I spoke with Mark Louro and questioned 6 granite monuments that he had considered to be part of the remaining bond. Those monuments are to be installed on land that is to be constructed by others so I don't think I should have to pay for them.

Mark Louro – I included them because the layout for the area he is referring to was part of the approved plan. However, the construction was not so there is no real need for them.

MR. WIELER – So they are not likely to ever go in unless that part of the road is built.

Jonathan Bruce - If we put them in they will just be torn out in the future. The Planning Board, at the time this plan was approved, wanted to make sure there could be a connection to the Wilson land if it was ever developed in the future so that is why the road layout is shown.

Mark Louro – These monuments are not needed for the roadway as constructed. I can revise the estimate to eliminate the 6 bounds.

MR. WIELER– The real issue with that portion of Field Road is the old lawsuit. We cannot return the bond or accept the street until that is resolved.

Jonathan Bruce – Yes, you can accept Field Road extension because there is a deeded access to it granted to the Town on July 11, 1996 from Redgate Estates Realty Trust. I am only one party to Redgate Estates Realty Trust.

MR. WIELER – Could you get us a copy of the endorsed Redgate 1 plans? We haven't been successful in locating such.

Jonathan Bruce – Yes, I will.

MR. WIELER– Realizing you are not the only party to Redgate I, as a trustee, can you try to get the lawsuit dismissed?

Jonathan Bruce – I am simply a defendant in a lawsuit that was filed 12 years. I am not in a good position to discuss this right now. I would be happy to meet in executive session with legal counsel.

MR. WIELER – How long do these things stay pending?

Jonathan Bruce – Because this suit was filed in Land Court prior to the tracking requirement, it just sits there until somebody pushes it forward. Typically, defendants are not excited about spending money to do so. With Redgate I, we purchased it as an approved subdivision and we

built it as it was approved. So, whose responsibility is it for the ongoing liability? It could be very expensive to resolve.

Susy Affleck-Childs – I spoke with Town Counsel about this matter. He was very clear that the street should not be accepted until the lawsuit is dismissed.

Jonathan Bruce – I will be more than happy to discuss this further in executive session.

MR. WIELER – I think you need to do that with our road commissioners (Board of Selectmen).

A motion was made by Matt Hayes and seconded by Kent Scott to reduce the bond on the Forest Edge Subdivision to \$37,272. The motion passed.

Informal Site Plan Discussion - Ted Reardon for 127 Main Street

MR. WIELER – Typically, what we have been doing with smaller projects is waiving some of the application requirements. Why don't you tell us what you talking about and then we can start to talk about the site plan process?

Ted Reardon - The existing house is not an historic structure. It has been morphed several times. Right now, we have an insurance agency on Village Street. The agency has been in business since 1917. We have purchased 127 Main and went before the ZBA to get a permit for an accessory building. It is really a super garage and we will use two bays for the office. Here is the proposed plot plan. It will be a separate building from the main house. The ZBA has already approved it. The garage is around back. The ZBA required 6 parking spaces. The way we are run, we pretty much do most of our business over the phone and on the Internet. Very rarely does anybody come into the office. We have very little traffic. What there is, we wont have people sitting in the parking lot waiting to come in.

MR. SCOTT – When do you close?

Ted Reardon – We close at 4 pm. We have 1-½ employees plus myself.

MR. HAYES – Are any of the spaces for handicap parking?

MR. SCOTT – What is the construction? Slab on grade? Does the design of the accessory building go with the house design?

Ted Reardon – We have tried to match it up pretty closely. It is a panelized garage system.

MS. SPILLER-WALSH – Do you have folders and then options A, B, C?

Ted Reardon - We have already paid for the plans. To change it would cost me another \$4,000 in new plans. The design matches the house as much as anything could.

MR. WIELER –It doesn't appear that traffic will be an issue. We will probably ask for one of the parking spaces to a little wider for a handicap spot. How should we handle the drainage? Will you be paving the driveway?

Ted Reardon – Yes, it will be paved.

Mark Louro – You would need a letter from an engineer saying that water flow will not have an impact on abutting properties due to increase in impervious area.

MR. WIELER – You should show some landscaping and lighting plans.

Mark Louro – What is along Route 109 there in term of vegetation that could limit site distances?

Ted Reardon – I took down 9 trees already.

Mark Louro – How did ZBA justify requiring 6 spaces? Is it a traffic generator?

MR. WIELER– Is there anything in the ZBA decision that says it has to be paved?

Ted Reardon - We would prefer to have it paved for ease of maintenance.

Mark Louro – You may want to put in a turnaround so you can back out/turn around and then exit moving forward.

Gino Carlucci – The variance was denied on the sign. The only approval was a special permit for the accessory building.

Mark Louro – What are you doing for site lighting?

MS. SPILLER-WALSH - What kind of light posts will you use?

Ted Right - Lights will be right on the building. We have a good relationship with the folks on either side of us. We will adjust the lights as needed or put shielding on top.

Mark Louro – What is the level of the property?

Ted Reardon – It is very similar to our neighbors. If I had to guess, we might be a foot higher.

MR. WIELER – I would like you to go through the application requirements with Susy to come up with a list of the waivers. What will be building look like?

Ted Reardon – White with cranberry shutters. We will reside the main house to match.

MS. SPILLER-WALSH – You need to submit a landscape plan.

Mark Louro – One-Way in and One-Way out?

Ted Reardon – We will try to do it that way.

Mark Louro – Put in some radius for turning vehicles.

Susy Affleck-Childs – Who is going to prepare the plan? Can he have a surveyor instead of an engineer?

MR. WIELER – A surveyor is OK.

Mark Louro – You will want individual curb stops at end of each parking space. Also, you can do 9' x 18' spaces. That is an acceptable waiver from the regs. Also, show the location of the sign and the landscaping.

Paul Rice for the Johnson Family ANR Plan on Lovering Street for Lovering Street

Gino Carlucci – The gist of my comments is that the substance of the plan is fine but there are a few technical problems. One especially is that it has to state, "Approval NOT Required" so that has to be fixed. Also, the zoning notations are not correct. The portion along Lovering Street is shown as AR 1 and it is AR2. The scale is also wrong. Also the names across Lovering Street are not listed.

MS. SPILLER-WALSH - Lot A may be buildable if it is AR2.

MR. WIELER – You will have to have Wayne Carlson do some revisions. The plan needs to be revised to read, "Subdivision approval not required." Also, show the zoning district boundaries and include the zoning information. And have him correct the scale.

MR. WIELER – We told him before we would waive listing the names of the abutters across Lovering Street. It would be best to withdraw it for Wayne to make the corrections.

Paul Rice – I will withdraw the plan so it can be resubmitted. You may hold onto the check.

Public Hearing Continuation - River Run ARCPUD

Gino Carlucci – I spoke with John Spink today. He has a huge list of what needs to be done. I told him I would go over his list item by item so we can make some progress at the next hearing on March 23rd.

MR. WIELER – My goal is to have a draft of the special permit by the 23rd. There is a time crunch on the special permit with me going off the board. How are they doing?

Gino Carlucci – They are proceeding. That list reflects what is left to be done. . issues like the curves of the roads.

Mark Louro – They should be able to demonstrate what a vehicle truck will be going around the corners. Will it be narrower than usual?

Gino Carlucci – The subdivision vote is also in jeopardy with Jim Wieler leaving the board in early May. However, there is the rule of necessity, whereby Dan Hooper might be able to vote on this matter (even though he has recused himself due to a conflict of interest as he is an abutter.)

Mark Louro – Would the applicant have to be agreeable to that?

MR. WIELER – If necessary, they could refile the subdivision after the election.

MR. WIELER – We will continue the River Run ARCPUD special permit public hearing to March 23 at 9:15 pm. The subdivision public hearing will be continued to March 23 at 9:30 p.m.

MR. WIELER – I was to meet with the Upper Charles River Land Trust today. Dave Hoag was going to broach the subject of them being the steward of this River Run land. John Spink's list is quite involved. I want Gino to work the special permit and move it along.

Gino Carlucci – I want to send it to Mark Bobrowski.

Commercial / Development Action Plan – Gino Carlucci

MR. WIELER – I loved what you have done here with your proposals. What sort of time frame do you envision? Do you think we can have something from you by April 13? But we would like a status report on March 23rd.

Construction Observation

Granite Woods As-Built Plans

Mark Louro – With the pond elevation, the top was a foot lower than what was on the definitive plan. We need their engineer to look at this to make sure it performs as designed. The roadway profile is off. That needs to be checked out. The overall shape is OK. It drops down a little bit more than it should but the catch basin is at the lower end. I do want their engineer to look at this.

Speroni Acres

Mark Louro – I did not get out to Speroni Acres today due to the snow. There are still plenty of issues they can deal with. I don't want to go out until I can really look at everything.

Mark Louro – RE: Summer Street, we are preparing right of way plans so the town can be more ready to move to get Summer Street on the TIP.

Mark Louro – RE: traffic delays at the new light at Holliston Street. I got a call from Jimmy Smith today. The problem is they haven't moved the utility poles to accommodate the widening of the road. The signal is set for 3 lanes but only 2 lanes are in. There is not a lot they can do to the signal right now. I suggested to Jimmy that Medway Commons have a police detail when needed from 6-8 am and 4-6 pm. Since last Thursday, this has been an issue. The road is widened but the poles have not been moved. The utility company has to move the poles. That could be several months.

Proposed Adaptive Use Overlay District Zoning

MR. WIELER– Joe Musmanno raised a concern that the text as written would not require site plan approval in the future for these projects once they have secured their special permit. Gino has drafted some replacement language for us. The revised language makes it clearer that the site plan approval is specific to the special permit only, not a blanket exemption.

The Board discussed the language and revised it further to read as follows:

5. *Exemption from Site Plan Approval: Receipt of an Adaptive Use Special Permit shall exempt the applicant from site plan approval as described in Section V. C of the Zoning By-Law. However only the specific uses and improvements for which an Adaptive Use Special Permit is granted shall be exempt from Site plan Approval.*

A motion was made by Matt Hayes and seconded by Kent Scott to revise the Adaptive Use Overlay Bylaw per Gino's text as further revised tonight. The motion passed unanimously.

MR. WIELER – I want Susy to prepare a memo to the Board of Selectmen regarding this change for them to have for their special meeting on Thursday.

Other Business

MR. WIELER– I will be attending the IDC meeting on 3/16/04 to brief them on the sign bylaw and site plan proposal. Can anyone join me?

MR. SCOTT – I can attend.

NOTE – Gino Carlucci leaves at 10:05 pm

Aerial Photograph

MR WIELER – We have purchased the aerial photograph to have here in Sanford Hall. This is an estimate from Des Lauriers to prepare a transparent overlay showing the borders, streets, street names and parcel lines. The estimate is for \$ 300.

MR. HAYES – I would suggest adding in the zoning layer too.

MR. WIELER – What would the price be for future outputs? How will we mount this? Can we use foam core? We should research places & prices to have it mounted.

NOTE – Karyl Spiller-Walsh will call Corners to get a price for mounting.

It was agreed to hold off on this for further information.

Invoices

\$113.75 to PGC Associates for plan review. Motion by Matt Hayes, seconded by Kent Scott. Approved.

\$14.85 to Karyl Spiller-Walsh for Office Supplies (display board and spray glue). Motion by Matt Hayes, seconded by Kent Scott. Approved. Karyl Spiller-Walsh abstained.

\$422.50 to PGC Associates for Consulting Services (zoning bylaw). Motion by Matt Hayes, seconded by Kent Scott. Approved.

\$175.42 to Dodson Associates for Mapping (aerial photograph). Motion by Matt Hayes, seconded by Karyl Spiller-Walsh. Approved.

\$ 5,092.11 to VHB for plan review services. Motion by Kent Scott, seconded by Karyl Spiller-Walsh. Approved. Matt Hayes recuse.

\$350.49 to VHB for construction observation services. Motion by Kent Scott, seconded by Karyl Spiller-Walsh. Approved. Matt Hayes recuse.

\$45.00 to Champlin Planning Press for Dues/Memberships/Subscriptions (Planning Commissioners Journal). Motion by Karyl Spiller-Walsh, seconded by Matt Hayes. Approved.

MINUTES

February 4, 2004 – Motion by Kent Scott, seconded by Karyl Spiller-Walsh to approve the February 4, 2004 minutes as presented. The motion passed. Matt Hayes abstained.

February 24, 2004 – Motion by Matt Hayes, seconded by Kent Scott to approve the February 24, 2004 minutes as amended.

Correspondence

The following materials were distributed:

1. FY 05 Budget memo from Town Administrator. \$10,000 got eliminated from the PB budget for Master Plan update.
2. Notice from US EPA re: new stormwater requirements
3. Massachusetts Land Use Reform Act – Notice of another Legislative hearing on March 10. Kent plans to attend for an hour.

It was agreed that Susy would send the Planning Board's resolution in support of the MLURA to Senator Magnani and Representatives Vallee and Loscocco.

Committee Liaison Reports

Community Preservation Committee/Dan Hooper - At our the last meeting, we voted to support the Historical Commission's request for funding for the second phase of historic records preservation. We have also been asked for funding for Choate Pond.

Design Review Committee/Karyl Spiller-Walsh - We are working on the sign design guidelines. For the first draft, we are looking at Wellesley, Franklin & Brookline.

Capital Improvements Planning Committee /Matt Hayes – There will probably be one more meeting next week. CIPC goes to FINCOM next week with a list of items. We met with the Fire Chief and School Department last night. The week before was Police, Water/sewer department and the DPS.

Other Business

MR. WIELER – I have a draft of our 2003 Annual Report for inclusion in the 2003 Annual town Report. I would like to add a synopsis of the master plan action items we worked on.

Jim Wieler distributed a copy of the Planning Board's Certificate of Recommendation to the Board of Selectmen re: the McDonald's site plan.

Lot Release for 29A Cider Mill 4 – The board has been asked to endorse this. But it has not been reviewed/initialed by Town Counsel. It was agreed that Susy would send this over to Dick Maciolek for his review and initials.

NOTE –Dan Hooper returns to meeting at 10:20 p.m.

Subdivision Rules and Regs

A March 5, 2004 draft was distributed. This incorporates all proposed revisions to date.

MR. HOOPER – I still have text on trees and landscaping to give to Susy.

MR. HAYES – I have some additional text to give you. This removes lower density subdivision and the private way residential compound. I went with 5 or fewer houses that would have less stringent road standards and called it a Minor Road B - 20 foot wide paved vs. 26'; 1 sidewalk using ASHTO standards for low volume roadways. I tried to take out any reference to common driveways and private driveways. I need to update the cross sections. I also have drafted a section with site distance standards.

MR. WIELER – I want everybody to run through this and get his or her comments to Susy.

Sign Bylaw

MR. HOOPER – In light of the Board of Selectmen's refusal to put the bylaw on the warrant for the annual town meeting, we should move forward with a citizens' petition to have it on the warrant for the next available special or regular meeting.

MR. HOOPER – Susy, Karyl and I worked on a few more changes today.

4a) Adjust the definition for “building sign frontage” – This tightens it up and limits the sign frontage to either the façade facing the street or the façade where the main public entrance is located.

7 d) Except as may be provided herein for temporary signs, all signs shall be permanently (add) "affixed to" (delete) "mounted on" a building. This change makes it read more accurately.

7 i) For a ground floor establishment occupying a location that provides two or more building sign frontages, the maximum sign surface area permitted for wall signs shall be (add) "1.5 X" (delete) "2 X" the amount of sign surface area that is allowed...

8. ADMINISTRATION - Sign Permits

e) Referral to (add) the Design Review Committee (delete) Planning Board

n) Appeal: (delete section in its entirety)

o) Variance: (delete section in its entirety)

MR. WIELER – We need to get a copy of this revised version to the Medway Business Council

A motion was made by Dan Hooper and seconded by Karyl Spiller-Walsh to approve the revised sign bylaw dated March 9, 2004 including the above noted changes. The motion passed unanimously.

MR. WIELER – Everybody’s job is to get signatures on the citizens’ petition to force this on the warrant for the next special town meeting.

MR. HOOPER – Greg Balukonis thought the Board of Selectmen would open and close the warrant in 2 weeks. Our goal is 125 signatures by Friday this week. We need to move quickly on this.

MR. WIELER – We need to send a message to the Board of Selectmen that they have to put articles on the warrant that are put forth by elected boards after much thought and work. It was very unfortunate that it was a tie vote. It was a travesty.

MR. SCOTT – The message that we received from the prior town meeting was that it needed some work. We did our due diligence so now we are in very favorable position to support the business community. It is a very good thing for the town.

MR. HOOPER – I received a very interesting interpretation from Joe Musmanno of how local government works in that the Board of Selectmen is the executive branch and has veto authority over legislative actions, although it is exercised beforehand and not after. I don’t see how local government works in the same way. I was told that with local government, the executive branch (BOS) is the first to filter bylaws. I disagree with Joe’s perspective. The BOS is there to represent the whole town and not just their own personal opinions. I think he shortchanged himself and the town

MR. SCOTT – I think that is all a matter of interpretation. It is a viewpoint, not a dogma. That would be an interesting debate as people run for office. It would be great to discuss in an open forum. What are the respective roles and responsibilities so the community has a better idea of how these positions work. It is critical that the public has a clear understanding of what their elected officials roles are so they can communicate with them. With the sign bylaw, we are engaged to serve the town and we go to the town and get the community's input and the business community's input. We did the diligence, then to be told sorry, it just didn't set right with me. Did that make sense?

MR. HOOPER – To credit Joe Musmanno, my conversation with him did clarify how he was evaluating the articles. I didn't get any sense from Selectwoman Rozanski. I couldn't really understand what she was saying in opposition to the sign bylaw. It seemed to be mostly a fear of a power loss more than anything else.

A motion was made by Dan Hooper and seconded by Matt Hayes to adjourn. The motion passed unanimously.

The meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*James G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved – March 30, 2004

**MINUTES
PLANNING BOARD MEETING
March 23, 2004**

PRESENT: Karyl Spiller-Walsh, Dan Hooper, Matthew Hayes and Kent Scott

NOT PRESENT: Jim Wieler

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant and Gino Carlucci, PGC Associates, Inc.

Dan Hooper called the meeting to order at 7:35 pm.

MR. HOOPER– Jim Wieler will not be present tonight due to a work commitment and the serious skiing accident of his daughter. Because of that, we will need to continue the public hearings we have scheduled tonight.

Discussion – Proposed Revisions to Site Plan Section of Zoning By-Law
(Reference 2-24-04 draft bylaw)

Ann Sherry, Medway Business Council in attendance.

MR. HOOPER – I would like to thank Ann Sherry for coming tonight. Our hope is that this would a night for you to provide input and for us to listen. We want to get public input on this draft and then to hone this proposal for a future town meeting.

Ann Sherry – I looked at this back in February. There were a couple of people that gave me some formal commentary and some other folks who said they would try to come tonight. A few general questions came up regarding what Jim Wieler discussed with us at the last MBC meeting. Is site plan review triggered if a business is making a minor renovation such as putting in new windows? Does this proposed draft change the triggering mechanism of what needs site plan review compared to now. There were also some questions on time lines. Waiting 65 days

for a public hearing seems too long. Another question is whether there are ways to make changes to the procedures (*site plan rules and regs*) as opposed to revising the whole bylaw? Is it absolutely necessary to change the bylaw to make some of these changes?

MR. HOOPER – Regarding your comment on changing the bylaw vs. tweaking the rules and regs, the approach we are taking is significant enough of a change to merit an overhaul to the site plan bylaw. The specifics of one of those changes is the authority to review and approve site plan. Currently, it is Planning Board does the review and the Board of Selectmen is the approval body. Changing that one thing along needs a bylaw amendment since that shared responsibility is specified in the current bylaw. The other revision providing for major and minor site plan projects is significant enough to merit being in the bylaw. That got illustrated when we were working on the Medway Commons project. We made some changes in our site plan rules and regs to improve our ability to handle large projects and then there were a number of very small projects that were being reviewed by the same standards. A good example is 155 Main Street, the CPA firm. Some of the new application requirements just didn't apply. The hoops that applicant had to jump through really made us feel we had to distinguish between minor and major projects. But the real issue for the Planning Board is the 2 step process requiring applicants to go through both boards. We have received feedback from some applicants who feel it is a waste of time. After the Planning Board makes it recommendation to the Board of Selectmen, then they have to relearn what has gone on over the preceding weeks and months. It just doesn't make sense. Many of the applicants have told us they have never seen the 2 board process in other towns. Our proposed change isn't about being the same as our neighbors, but that it is more business friendly and sensible and we want to pursue that.

Gino Carlucci – Regarding your question on the 65 days . Where that came from is that site plan review does not specifically addressed in the state zoning law, but it is most similar to a special permit process. So, this is patterned after that process. The 65 days is the outside window for when a public hearing has to occur.

Susan Affleck-Childs – The Planning Board has a very good track record on how quickly we schedule public hearings.

MR. HOOPER– I think we would consider not having window replacement have to go through site plan review.

Susan Affleck-Childs – What I hear you asking for is some comparison of this proposal to the current requirements for what triggers site plan review. You are suggesting that we shouldn't be capturing more projects than what is already being required.

MS. SPILLER-WALSH – We are encouraging small business so we want to make it easier.

Susan Affleck-Childs – When we were researching minor and major site plan distinctions, we came across Hopkinton's bylaw. I spoke to their planning director last week and they are very pleased with how that has worked. It has been that way in Hopkinton for about 6-6 years and they got their idea from Wellesley's site plan bylaw.

Gino Carlucci – Once a business has an approved site plan, then minor changes can be done without another public hearing.

Ann Sherry – There was a question on the number of parking spaces for projects. Who determines that?

Susan Affleck-Childs – Other parts of the zoning bylaw set out the parking standards.

MR. HAYES – It is based on square footage, number of employees and number of seats for restaurants.

MR. HOOPER – With the McDonald's site plan project, we finished our recommendation at the end of February and gave it to BOS. Now they have had another month with 2 more meetings with the applicant and their engineering firm. It was an exercise in frustration for them to have to review what they had already done with us.

MR. SCOTT – When you calculate the cost to McDonald's of those 2 additional meetings, it is unfortunate. It was all written in the Planning Board's recommendation. That was an injustice to McDonald's in terms of cost and time. It could have been done more quickly.

MR. HOOPER – The only real change that the Board of Selectmen made pertained to the enter and exit signs. There were members of the Planning Board and the Design Review Committee at both Selectmen's meetings. To make it out another night, it is sapping the energy of volunteers.

MR. SCOTT – I am looking at what they had to go through.

MS. SPILLER-WALSH – It was totally redundant.

MR. HOOPER – There is some effectiveness for one board being the start and the stop. Some applicants are very savvy and play one board against the other.

Susan Affleck-Childs – We can look at some language regarding exemptions. We received some more information at the site plan workshop I went to this weekend. Let's take a look at those and review the different ways to trigger site plan review. Let's look at how it is triggered now and compare.

MR. HOOPER – We need to develop a site plan approval process that makes sense. If everybody is a little bit unhappy, then that is probably a good balance.

MS. SPILLER-WALSH – There is no reason to have huge site plan approval processes for tiny projects. Make the scale of the review appropriate to the project.

MR. SCOTT – I agree to finding out how smaller improvements might be handled.

Ann Sherry – One other question. Is there anyone else running for the Planning Board other than Alan DeToma. We would want to invite them to a MBC meeting.

MR. HOOPER – Alan is the only way. Thanks for coming tonight. I would like for us to do this again to see if there are other comments.

ANR Plan – John O'Malley for 14 Legion Avenue

Susan Affleck-Childs – Gino reviewed the ANR plan as submitted. There were a few technical deficiencies and Mr. O'Malley is here with a revised plan.

Gino Carlucci – The corrections have all been made.

Susan Affleck-Childs – With this plan, Mr. O'Malley is staking his claim to the abandoned railroad bed adjacent to his property and attaching it to his existing parcel.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to approve the ANR plan for 14 Legion Avenue, dated February 22, 2004, prepared by Dellorco Associates. The motion passed unanimously.

NOTE – All board members signed the Mylar and Form A-1. Matt Hayes signed the prints.

Public Hearing Continuation – Hartney Acres Definitive Subdivision Plan

MR. HOOPER – This was scheduled for 8:15 this evening. We need to continue this. We need to have a special meeting next week.

A motion was made by Kent Scott and seconded by Karyl Spiller-Walsh to continue the public hearing on Hartney Acres to Tuesday, March 30, 2004 at 8:30 pm. The motion passed unanimously.

Commercial District I Development Plan Status Report – Gino Carlucci

Gino Carlucci – When we discussed doing this we talked about a vision and interim steps. I have some conceptual drawings to show you. The scheme shows existing buildings being removed with a roadway behind. I haven't done calculations comparing existing sq footage and density to what could go here.

MS. SPILLER-WALSH – This reminds me of old downtown Dedham with streets running parallel to the Main Street.

Gino Carlucci – I am showing this as a 26 foot paved way.

MR. HOOPER – Where would you have the buildings be positioned?

Gino Carlucci – I would have parking interspersed with the buildings.

MR. SCOTT – I think we would want different shapes of buildings so you can have pedestrian walkways in between to create a sense of a village. These buildings end up with two fronts. This set up will limit the type of businesses and will result in more of a unique business concept. By parceling it out like a town center, this gives us an opportunity to shape the look and make it interesting.

MR. HAYES – The next step should be pedestrian routes.

MS. SPILLER-WALSH – Pedestrian routes are determined by where people need to go.

MR. SCOTT – What is the destination point that you want to lead people toward?

MR. HOOPER – With this linear approach, not everything can be wrapped around. This linear thing is less enticing to my way of thinking.

MR. SCOTT – So you are saying you would want to see a bigger block of something. I think it is too segmented.

MR. HOOPER – I don't think I had thought about having the road go through to Pond Street before. I like that.

MS. SPILLER-WALSH – Yes, that is a good thing.

MR. SCOTT – I would suggest moving the street northerly to be closer to Meadow Road with a buffer between the road and the back of those parcels.

Susan Affleck-Childs – The overall plan should also include how this would connect to the east side of Holliston Street where the Cassidy land is and Walgreens.

Gino Carlucci – One of the good things about this site is that it already has dense residential uses around it.

MR. SCOTT – You have to think about the types of businesses you want and then you create blocks and find out the massing requirements.

MR. HOOPER – What is the ultimate goal here for us doing this plan? Is it to generate excitement of the current owners to buy into a macro redevelopment concept? Where do we want to end up with this?

MS. SPILLER-WALSH – We want to correct the current arrangement. We need to have an overview of how it could all work so as they come in individually for redevelopment we get them to buy into the overall concept.

MR. HOOPER – So this is really a master plan for north side.

MR. SCOTT – This might take 2 tracks – our best wish and a reality option. I think maybe the secondary track is to take what exists in footprint and create the same passion for what could be modified by height, depth, changing relationships, etc.

Gino Carlucci – My first step was that I cut out all the current buildings and tried to rearrange them.

MR. SCOTT – We need to look at the existing pads we have today. Take what they are and think about how the existing structures could be modified. How creative can we be with changing heights, depths, and backs to create a more palatable view.

MR. HOOPER – Even in the more practical approach, there are significant land development opportunities. That could provide the “giddyup” for some momentum to generate interest in redeveloping the existing built parcels.

MR. HAYES – In the seminar I went to Saturday, there was a speaker from Acton regarding a plan they developed for the Kmart shopping center in their town.

MS. SPILLER-WALSH – We want to see mixed retail, residential and office uses.

Susan Affleck-Childs – If Jim were here tonight, he would be talking about incorporating residential uses in this for a mixed-up approach.

Grapevine Estates Plan Review Fee

Susan Affleck-Childs – We received the definitive plan application for this subdivision last week. It is 4 lots off of Oakland Street. The public hearing is set for April 13th.

MR. HOOPER – We have a plan review estimate from VHB for \$7,100 plus \$487.50 from PGC Associates for a total of \$7,587.50. The VHB amount seem high for We need to hear from Mark about how he arrived at that amount because of what he sees right now with the plan

MR. SCOTT – I agree. Those are fair questions to ask of him

Susan Affleck-Childs – There is no problem with waiting a week on this. Mark will be here with us next week and we can ask him then.

MR. HOOPER – I agree. We will hold off on voting on this until we can revisit this with Mark next week and ask him for more details.

MS. SPILLER-WALSH - I will definitely request a landscaped island in the cul de sac.

A motion was made by Matt Hayes and seconded by Kent Scott to approve PGC Associates plan review estimate of \$487.50 for Grapevine Estates. The motion passed unanimously.

Public Hearing Continuation for River Run ARCPUD and Subdivision

MR. HOOPER – We need to continue these public hearings to our special meeting on March 30th.

A motion was made by Matt Hayes and seconded by Kent Scott to continue the public hearing on the River Run ARCPUD Special Permit to March 30, 2004 at 7:30 p.m. The motion was approved. Dan Hooper recuse.

A motion was made by Matt Hayes and seconded by Kent Scott to continue the public hearing on the River Run subdivision to March 30, 2004 at 7:45 p.m. The motion was approved. Dan Hooper recuse.

Construction Observation Update

Susan Affleck-Childs – Mark Louro is working on reviewing the As-Built Plan for Country View Estates (Broad Acres Farm Road).

Correspondence

MR. HOOPER – We have received a letter from Irene Streifer of 37 Broad Acres Farm Road giving us a status report on the detention pond and fore bay in her yard.

MS. SPILLER-WALSH - Isn't this really a maintenance situation?

MR. HOOPER – These are questions that we need Mark to answer. The As-Built plans will show us how it was built and then whether it was built to plan. Then we will need to look at whether the approved design is really acceptable. We need to wait for Mark's review.

Minutes

March 9, 2004 meeting - ***A motion by Karyl Spiller-Walsh and seconded by Matt Hayes to approve the minutes of the March 9, 2004 meeting as amended. The motion passed unanimously.***

Invoices

WB Mason for \$138.28 office supplies – ***A motion was made by Karyl Spiller-Walsh and seconded by Matt Hayes to authorize payment of \$138.28 to W.B. Mason for office supplies. The motion passed unanimously.***

Committee Liaison Reports

MS. SPILLER-WALSH – The Design Review Committee is meeting tomorrow night, 3-24-04. We are still working on sign design guidelines.

MR. HOOPER– There has not been a Community Preservation Committee meeting in 3 weeks or so but next Monday we have a meeting

MR. HOOPER – There was a SWAP meeting last week. They had a speaker on “Chains on Main Street” given by the National Main Street Center.

Gino Carlucci – I attended that. They went through pluses and minuses of chain stores in downtown settings. It is mainly pluses – solid tenant for the building owner and for the DT which helps attract traffic that can help the local businesses although sometimes the new anchor can drive out local businesses.

Revisions to Subdivision Rules and Regulations

The Board reviewed the March 23, 2004 draft revisions. There was a lengthy discussion on many sections including curbing, waiverless plans, landscaping, and sight distances. Further work is needed.

***A motion was made by Kent Scott and seconded by Matt Hayes to adjourn the meeting.
The motion passed unanimously.***

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*James G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved April 20, 2004

**MINUTES
Planning Board Meeting
March 30, 2004**

PRESENT: Jim Wieler; Dan Hooper, Kent Scott, Karyl Spiller-Walsh, Matthew Hayes, Mark DerGarabedian

ALSO PRSENT: Mark Louro, VHB; Gino Carlucci, PGC Associates; Susan Affleck-Childs, Administrative Secretary

Public Hearing Continuation – River Run ARCPUD & Subdivision

Note – Dan Hooper recused himself. Associate Member Mark DerGarabedian sat in.

John Spink – I was gong to bring you a set of drawings but I couldn't get them to print. With Jim Wieler going off the board after the May 3rd election, we have just 4 weeks to wrap this up. I am all designed but I just can't print so I am trying to get the stuff out of the machine. I will either deliver by the end of the week or at worst on Monday (April 5th). I think we need to have a drawing to bring into the special permit. I need to give you a list of waivers. I can respond to the draft special permit.

NOTE - Gino Carlucci will send John Spink the comments from attorney Mark Bobrowski.

MR. WIELER – It would appear that the subdivision may have to wait, but we will get the special permit done.

John Spink – This will give Mark Louro 3 weeks to review the drainage.

Mark Louro – Will my review be for the special permit or for the subdivision too? I don't think it is realistic to think that we can wrap this all up in one session.

MR. SPILLER-WALSH – What about elevations for the buildings? We need to see those.

John Spink – We only have the original architectural elevations from back in November. As of this moment, we do not have a buyer with a specific set of floor plans and elevations.

MR. WIELER – So this will be a design-build project.

MS. SPILLER-WALSH - Is the special permit going to include approval of the architecture?

MR. SCOTT – I don't know if you can manage that end without a developer in hand. There may need to be some text in the special permit to provide for future architectural review and approval.

John Spink – If you really want to solve that problem, we can end up putting on the table a set of design elevations and then have a special permit modification in the future when there is an actual buyer/developer.

MR. WIELER – Is it possible to codify and write into the special permit what we would want to see in the architecture?

MR. SCOTT – I think that would be more difficult to do than providing for a required special permit modification.

John Spink – OK. I will assume that we can close the special permit with that kind of presentation and the future developer would have to come back in. for a modification architecture.

MR. SPILLER-WALSH – Just to go back and make it perfectly clear. The closer that they are to the ideal, the less time it will take for a modification to be reviewed.

John Spink – Let's go thru the special permit. Who gets the land is still a question.

MR. WIELER – I have a call into the Upper Charles River Trust. The issue there is the on-going stewardship of the property. We all agree it is to be protected open space and that there is to be a trail system.

John Spink - I will leave that to you to chase. The next issue is the entrance roads. Gino Carlucci's review noted that the reduced width of the road may need a variance. re: the width of the road; I want to get an answer on that matter as soon as possible.

MR. WIELER – Practically it makes sense to do it as part of the special permit. But unless the ARCPUD bylaw provides an option for waiving minimum standards, only the ZBA can provide a variance.

MR. HOOPER – Doesn't the ARCPUD bylaw provide some discretion to the Planning Board?

Gino Carlucci – If there is some discretion, there is no problem.

John Spink - If there is a problem, I will change the plans so that the entrance/egress roads go to 22 feet in width. I need to know that soon.

MR. WIELER – We may need to get a determination from the zoning enforcement officer. I want Susy to please check that out.

Mark Louro – He is essentially doing 2 one-way roads but the ARCPUD bylaw does not include any standards for 1-way streets.

MR. WIELER – What about the deed restrictions for people over 55?

John Spink – That is needed too.

Gino Carlucci – Mark Bobrowski has given us some comments on that. I had also asked about whether you wanted to prohibit rental units.

John Spink – My recommendation is that with this type of housing, there should be some provisions for rentals. There are quite a few scenarios – death of one of the parties, medical problems in Florida when people have to stay.

MR. WIELER – What if we restricted it to rental for occupants over 55?

John Spink - I think that is a given and I would say that the rentals would have to be for longer than 45 days. Whether someone owns or rents it, I wouldn't think the town would care.

MR. WIELER - It is hard for me to believe somebody would come into rent for less than 90 days.

MR. SCOTT – It might be more likely to be rented to a family member.

MR. WIELER – We will restrict it to over 55 for rental and for up to 90 days.

John Spink – Then there are the deed restrictions that will be needed for access that we need to figure out. When does the 26 acres of open space get deeded to the town or the Upper Charles River Land Trust? Part of this proposal is that we will turn over the land to the CONCOM or whomever to hold the land in perpetuity for open space casual use. The public access to this is thru the condo and the condo owners will want to access and use the land as well. That is going to have to be in a deed from the master condominium trust to the town or CONCOM or Upper Charles River Land Trust. We need to say that there will be this type of transfer.

MR. WIELER – We have other things that have to happen at half build out. What if we tie the open space transfer to that same time?

John Spink – Perhaps Mark Bobrowski has something in his library for this type of document.

MR. WIELER – So we will have the land be transferred half way through the build out.

John Spink – I have waiver items for the subdivision re: work and material requirements per Mass Highway Standard Specs. There are some materials we would like to “degrade”. There are some new materials out that would need a waiver. We will also need a waiver on a reverse curve because it is less than 150 feet to get around the wetlands. I think I have all the minimum

radius to 150'. I have all the edge of pavements sufficiently broad enough. They all pass Mass Highway standards for an 18 wheeler.

Mark Louro – With traffic coming in the other direction?

John Spink – In almost all cases. I think I did it all. I know it is fine at the entrance ways and at the cross for sure. Also, I think there is one place where the road is straight for more than 300 feet to keep away from wetlands. I have granite at the entrances. We will ask for a waiver to allow cape cod berm for the rest of it.

Mark Louro – Did we talk about running the asphalt berm across the driveways?

John Spink – What about curb cuts within 65 feet of intersections. There are houses right next to intersections.

Mark Louro – I will have to look at it.

John Spink – We will have private way signs on the entrances and high efficiency street lighting per the Planning Board. I have gone to every third house with a lamp post. Is that something that is OK or do you want more lighting and what do you want on Village Street?

MR. WIELER – The post lights we have approved for other developments. The lights on Village Street are more important.

John Spink – Let's put a single pole arc light at the entrance and at the exit.

MR. SPILLER-WALSH – You showed us a stone wall at the entrance before. Are you going to have drawings of that? What you showed us was very tight and very built. We want something more loose.

John Spink – I have taken regular field stone to do the wall.

Mark Louro – I think you want it to be more of farmers wall. You don't want it so neat or formal.

MR. WIELER – If a land trust is going to take this land, there are going to have to be some sort of provisions for funding. We talked about some sort of fee. I see a one-time fee up front and/or an annual upkeep fee from the condo. The Upper Charles won't take it without an annual fee. I would like to put in the special permit that there is a flat fee to start and then a \$50 per unit annual payment. I would like to add that and the amount will be based on what the Upper Charles says. I won't saddle the town with the cost of maintaining the open space. Do you have any idea of how many feet of board walks/pathways. It is a couple of hundred feet.

John Spink – there are 3 bridges, we are probably down to stone dust instead of boardwalk;

MR. SPILLER-WALSH – You might want to do an early submission of the stone wall and a sign according to new sign bylaw. Also, Gary Jacob of the Design Review Committee has a whole list of walkway options that he has looked into.

John Spink – Yes, he gave me lots of info. The bottom line is that the whole industry is trying to figure out what to do with this. Up at the Marian site (Summer Street), we dug down until we got out of the organics and filled it with stone dust and then over time, it will naturalize. It is pretty much zero maintenance.

Susan Affleck-Childs – Please don't forget that a scenic road public hearing will still be needed.

John Spink – There is granite curbing along there in front of the house on Village Street that will be demolished. I would just like to leave it sit there. Is there any desire to have the granite curb removed? It is on the south side of the road where there is no sidewalk

MR. HOOPER – It was a granite wall for that historic house.

MR. WIELER – Is there any way to use that capstone of the house as part of the entrance to the site?

MR. WIELER – The other issue is the sidewalk. We have talked about replacing some number of feet.

John Spink - From the street on the east to the bridge.

MR. WIELER - How many feet is that?

John Spink – 1600 feet.

MR. WIELER – Some of the sidewalk along there is in pretty good shape. What we may want to do is to calculate total number of feet and a per foot cost. Not the entire portion needs to be taken up.

John Spink – Right now it is cape cod berm sidewalk and then it walks away and comes back. So what was your thought on this?

MR. WIELER – It all needs a berm. There are some sections you don't need to tear up. We might want to move that section someplace else. We need to figure out what that is. Maybe we just create a budget for the DPS to do the work in the future.

MR. HAYES - There is really no curb right now. It is concrete slab sidewalk and then the road.

MR. WIELER – We should look at it.

MR. SPILLER-WALSH – Isn't there some concern about a patchwork quality if it isn't completely done?

MR. SCOTT – Is that existing sidewalk to the standard?

MR. WIELER – We aren't looking at increasing the amount of sidewalk. It is just a question of where it goes.

Dan Hooper (6 Naumkeag) - On page 2 of the draft. I had a thought as I was running down the findings. For future ARCPUDS, you may want to consider a requirement for the applicant to make contribution in lieu of providing affordable housing. As a town, we are never going to get to the 10% if we don't start actively doing something. On page 4, item 52 – there is a prohibition on boats. What about canoes?

John Spink – There is no storage area for anything. Any boat would have to go in the garage or you get a mini storage unit.

MR. WIELER – Regarding the road width, we need to get a determination from Bob Speroni on whether an 18 foot wide roadway will need a variance.

Dan Hooper –What about trail between the vernal pools?

John Spink – That will be a CONCOM call.

Mark Louro – Any railing on a pedestrian walkway does not have to conform to ASHTO standards

John Spink – In most areas, I have gotten enough slope to avoid railings except on the bridge.

Dan Hooper – On page 5, you would want this to apply to successors or assignees.

MR. SPILLER-WALSH – Back to affordable housing issue. They did concede quite a bit on the number of units. For this project, that discussion is done.

MR. WIELER – George Fiske of the Upper Charles River Land Trust said there was some more open space up front that could be deeded and some of the lot lines could be moved as well. You did not mention your desire to have a condition in here that if the open space arrangement does not work out or if somebody tries to break the conservation restriction, the condo trust's master deed can go in and enforce it.

A motion was made by Matt Hayes and seconded by Karyl Spiller Walsh to continue the public hearings on the River Rub project to April 13 at 8:45 pm for the ARCPUD and 9 pm for the subdivision. The motion passed unanimously.

NOTE - 8:30 pm – Associate member Mark DerGarabedian departs and regular member Dan Hooper joins the meeting.

Public Hearing Continuation – Hartney Acres Definitive Subdivision Plan

John Spink Claffey, Paul Yorkis, Paul DeSimone present

NOTE - Revised drainage calculations and plans dated March 26, 2004 were submitted.

Paul Yorkis - I would like to go through a whole series of revisions and bring everybody up to speed with the changes that we have made. We met (3-25-04) with Mark Louro and Brian Lynch from VHB and have prepared updated plans and drainage calculations based on that meeting.

Mark Louro asked that the plan for the retaining wall be certified by a structural engineer. The recommendations that Mark requested have been incorporated into the plan. At the last meeting, there were several W questions raised - wall, water, and wheelchairs.

WALL – The question was whether it can be designed to work? If it can be designed to work, can it be built without infringing on the rights of the abutting owners? (In other words, can it be constructed completely within the right-of-way?) The wall has been designed and it can be built and we are comfortable with that. One of the things that was on the original wall plan is that the fence on top of the wall would be located at the center of the wall. I met with Police Safety Officer Jeff Watson. He raised a safety issue that the fence being located in the center of the wall could allow for kids to try to walk along the outside edge of the wall. The plan has been changed so now the fence would be affixed to the face of the retaining wall closest to the street so there would be no edge to walk on. Also, instead of using the standard chain link fence which has toe holes sized ideally for sneakers, we have gone to a smaller chain link fence. I reviewed this with the safety officer and DPS Director who have no problem with the different fencing. I have a letter from Jeff Watson which indicates his support for these changes. **NOTE – The letter from Jeff Watson was read. It is attached and made a part of the minutes of this meeting.** In addition, I have had further discussions with the Fire Chief. I have another letter from Wayne Vinton. **NOTE – The letter from Wayne Vinton was read. It is attached and made a part of the minutes of this meeting.** We have given both safety officials an opportunity to comment. At one of the recent meetings, the board indicated a desire to not have a plain concrete surface for the retaining wall. A considerable amount of time was spent to find an alternative solution. The plan is to use GREENSTREAK #328 dry stack random stone wall as a form liner. The applicant has successfully addressed your concerns about the retaining wall. This will make this wall substantially different from other subdivisions that the board has previously approved.

There was also a question on sidewalks. The plan contains ramps that comply with AAB regs so our town's Disability Commission shouldn't have a problem.

One of the questions that has come up is about the no cut zone. I have a sheet here where I have colored in the wetlands or a 30 foot area on perimeter around the entire parcel. Because of the actual shape of the wetland and the town bylaw, there is an additional 25 foot buffer around the wetland areas only. Where the subdivision borders adjacent lots, there is a minimum 30 foot selective clearing zone of some type. It may be disturbed with utilities or drainage, but in general, it is there.

One of the other W issues is WATER. Rick Merrikin, our engineer on this project, has represented to us and VHB that the drainage design that has just been submitted, conforms to the Planning Board's subdivision rules and regs, to the CONCOM's wetlands rules and regs, and to the state's stormwater management rules. VHB needs to confirm that. We feel confident that it does. The Planning Board has heard from abutters who are concerned about drainage. The Mortons have been quite articulate at these meetings about their concerns and you have heard from CONCOM. Mr. Claffey has agreed to take action on his property to address the Mortons pre-existing drainage problem. There are 2 things that relate to the Morton property. There is a natural swale from parcel A that goes into the back of the Morton's property. With the CONCOM's approval, it is proposed that the swale be filled in so it will not funnel water. The CONCOM has agreed to have a portion of Parcel A modified in a small way to cause a very shallow new swale to allow water that is in a sheeting action to be caught and taken away from the Morton's property. Also related to drainage, a concern has been expressed by the CONCOM

the Mortons and the Planning Board regarding the drain that is in (unaccepted) Broad Acres Farms Road/ /Country View Estates. I have a letter from Greg Whelan, the present owner, giving permission to John Claffey to regrade the area around the catch basin. **NOTE – The letter from Greg Whelan was read. It is attached and made a part of these minutes.** You had asked if John Claffey would do this. He will and he has Greg Whelan's permission to do so. This is another indication that we have made a good faith effort to respond when questions have been raised by the board.

One of the other issues that has come up from time to time is the length of the road and the Planning Board's position that a waiver is required from the dead-end street standard. This is probably the most sensitive of all the issues. One of the statements we have made to the Planning Board is that a no waiver plan is possible though not desirable from our perspective. I would like to explain it to you. The proposed subdivision plan before the board has one wetlands crossing. Under the wetlands protection law, you can cross wetlands to get to uplands. It is a minimal impact. The wetlands crossing has been reviewed by the CONCOM. Our impression is that they are OK with the one wetlands crossing at the western edge of the site. The waiverless plan has 10 lots with an additional entrance off of Blueberry Hill Road. I don't think this is a good plan. It has negative impacts on the community. Yes, it meets all the subdivision criteria. Mark Louro has reviewed all this. But it would involve a second wetlands crossing that would be much larger than the first crossing area. The superior access to the site off of Nobscott Road. However, we would need land from the Hartwells on Blueberry Hill Road to provide the second access point. We have a letter from them indicating they would sell a portion of their land to us. **NOTE – The letter from the Hartwells was read. It is attached and made a part of these minutes.** The distance from the road to their house is 47.5 feet. Their lot is 89% wetlands with 44,408 square feet. Their well is located close to blueberry hill road. In terms of road layout, the waiverless plan does comply. We did not redo the drainage for this alternative plan. There is nothing to be gained by this community by requiring a second egress. The safety issue has been evaluated by the Town's two safety officers. The professionals have gone on record that they are comfortable with the original plan.

MR. HOOPER – We too are part of that determination of safety. That is part of our job.

Paul Yorkis – We have complied with your request to provide a waiverless plan. We have a letter from John Boczonawiski giving John Claffey the right to use Blueberry Hill Road to access the subdivision. We see no benefit to the community from the waiverless plan and certainly none as it pertains to the Wetlands Protection Act. We have shown that it is possible. The no waiver plan has 10 lots, has a second wetlands crossing, disturbs more uplands, and creates a conflict between priorities of the Planning Board and the CONCOM. On the plan there is a request for a waiver on the dead end street. We have previously given you a letter re: mitigation measures we are offering. **NOTE – Jim Wieler handed out copies of that letter.** Since that letter, four other items have come up that we are prepared to do - plant trees around the detention ponds; fill the swale on Parcel A to reroute water; regrade or repair the drain at or near the boundary line with Broad Acres Farm Road; and construct the retaining walls in a manner that would not be flat concrete walls as have been built in other subdivisions. John Claffey has agreed to all of the above.

I will also mention that on 2-26-02 the Planning Board approved the Granite Woods subdivision without a waiver on the length of a dead-end street. Also, on 2-27-04 you approved the Ishmale Coffee Estates subdivision with a dead-end waiver. The Hartney Acres subdivision has 1700 feet

of road with 10 lots. In the case of all these subdivisions, the town's safety professionals had no objections to the plans. Some members of the Planning Board have stated that there are too many lots. I would point out to you that the subdivision rules and regs do not control density. That is a zoning matter. You cannot use subdivision approval process to try to reduce density.. We have tried to comply. You have indicated a waiver is required. A substantial amount of mitigation has been asked for and offered by the applicant. We are at the core of the issue. The applicant has technically complied. We believe we have done that. If there are minor changes that need to be made, we are in a position to do that. The issue is the granting of a waiver with the mitigation that has been asked for or proposed.

MR. WIELER – When we granted the waiver for the Ishmael Coffee subdivision, that was in part because it was in the ARII zoning district and the number of lots was way under the density that would have been allowed by the zoning bylaw.

Paul Yorkis – In part, because of the topographical limitations of the site, there was a much greater amount of wetlands in the Ishmael Coffee subdivision. The applicant (George Popodopolous) looked at whether it was possible to develop the subdivision with no wetlands crossing. In Ishmael Coffee, there is no physical crossing of wetlands. A decision was made not to do that even though they could have. The issue is the length of the dead end road. In Ishmael Coffee, it is a longer road than the Hartney Acres road. In Ishmael Coffee, it is half acre zoning. With Hartney Acres, it is one-acre zone and it complies.

MR. WIELER – On your proposed no waiver plan, I am wondering whether in fact, that plan would require a waiver for the width of the road? Is there room for all amenities?

Paul Yorkis – Yes, absolutely. We would not present a no waiver plan that needed waivers.

MR. HOOPER – We can't even determine if it really is a no waiver plan without the drainage being evaluated. The dead end waiver is just one issue. We do not know if you are asking for drainage waivers. Mr. Lynch of VHB is not evaluating the drainage for the proposed waiverless plan so we really don't know if alternative truly is a waiverless plan.

Paul DeSimone – You take a piece of land, you take out the road and the lots. If this plan was to lose 5 lots, the drainage still has to be made to work.

Mark Louro – I did look at an earlier version of their waiverless plan. It is true that the drainage has not been designed for it. It is very much a preliminary plan. I don't think you would end up with a no waiver plan with 10 lots. I think it would probably be at 8 lots. With the required wetland replication areas and with drainage, you would lose at least 2 lots.

Paul Yorkis – I would respectfully disagree with Mark Louro as it relates to drainage. I am not a drainage expert; but because of the ability to share the drainage responsibility on other lots, it may be that we would have more drainage structures spread out among other lots. That is an exercise you can go through but I am not sure it is desirable to have a no waiver plan that crosses another wetlands area. The impression I had was that you wanted us to show you a no waiver plan as it relates to the dead end road. We tried to address that in a way that was professional and to demonstrate to the abutters that the road and wall could be designed. I think it would be difficult to do this no waiver option with lots of hearings and maybe even state DEP superceding order of conditions because of the second wetlands crossing. What we have tried to do is to show

this plan that it exists. We didn't even attempt to do the drainage. We addressed only the waiver issue on the dead end. The mitigation that has been offered by this applicant is more than has been provided by anybody before this and prior Planning Boards. The benefit of the mitigation is substantial. A no waiver plan accomplished nothing for nobody.

Mark Louro – I had a couple of issues. Did you consider redirecting drainage down Parcel A to the inlet at Broad Acres Farm Road? Did you consider how that would all be handled going into a single drainage structure? I just want to make sure the system can handle it.

Paul Yorkis – It may be going there now anyway.

Mark Louro – Could you please have Rick Merrikin deal with this? Please have him quantify that.

Paul Yorkis – We can have a dialogue between Rick Merrikin and Mark Louro before the next meeting. I understand your questions.

Mark Louro – On the waiverless plan, it shows some changes to the Hartwell lot (on Blueberry Hill Road). Would the well location on that reconfigured lot conform to zoning. My concern is that as soon as you adjust the property lines, it would have to conform to current zoning standards.

MR. SCOTT – My sense is that I don't know what we gain on the second plan. I think there are a number of issues that would come up.

Mark Louro – Has the CONCOM indicated a denial?

Paul Yorkis – The CONCOM has strongly encouraged us to not go for a second wetlands crossing.

MR. WIELER - I would have to agree.

MR. HOOPER – I would too, although I would like to see the second egress. I would also state that a proposal for a 600-foot road would constitute a waiverless plan without being deemed a poorer plan as compared to the no waiver plan we have been presented. If there was an alternative waiverless plan, I would prefer to see it as a 600 foot dead end.

Paul Yorkis – Section 81Q of the Subdivision Control Law addresses the issue you just raised. “ . . . In establishing such requirements regarding ways, due regard shall be paid to the *prospective character of different subdivisions, whether open residence, dense residence, business or industrial, and the prospective amount of travel upon the various ways therein, and to adjustment of the requirements accordingly; provided, however, that in no case shall a city or town establish rules and regulations regarding the laying out, construction, alteration, or maintenance of ways within a particular subdivisions which exceed the standards and criteria commonly applied by that city or town to the layout out, construction, alteration, or maintenance of its publicly financed ways located in similarly zoned districts within such city or town.* ” I would say that your statement is implying a criteria that is excessive.

Gino Carlucci –I believe that that quotation refers to the standards for municipal public road projects. It is meant to not allow a planning board to put a higher burden on privately constructed road projects than the town would require of its own road projects.

MR. HOOPER – I will share with you Section 81M of the Subdivision Control Law. *“The powers of a planning board shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for securing safety in the case of fire flood, panic and other emergencies; . . . ”* You have read some letters from our emergency experts in this town regarding provisions for coordinating ways. It is Section 81M that allows this board to consider safety issues. I am not indicating one way or the other what I have decided. I am still in that process.

MR. WIELER – Let’s open this up to comments from the abutters.

Alan DeToma (20 Stanley Road) – I almost don’t know where to begin. I will start with the waiverless plan. That plan would have an impact on the overall drainage. It will have an impact on the number of lots once they had comply with the wetlands requirements.

I would like now to provide some comments on the last set of subdivision plans.

Re: the retaining wall, the details and the sections on the retaining wall are extremely confusing and contain conflicting information. I would ask the Board to be very careful in reviewing these details. The applicant is proposing to drive sheet piles to build the wall. For those who are not familiar with sheet piles, it is a method of driving sheets of steel into the ground. This is done to retain earth so they can construct the wall. What calculations have been done by the engineer to ensure that there will be no impact on the house foundations of the abutters. They are supposed to have a structural engineer prepare the drawings. There are structural engineering calcs that go along with that and I haven’t seen those. Currently the plan shows the sheet piling on the property line. Sheet piling is not an exact science. If that sheet piling was to hit ledge or a boulder, it could go onto the abutting property. Another conflicting detail on the drawings is in the roadway sections. The roadway is shown as higher than the retained earth. The sections don’t detail it correctly. I wanted to point that out. The applicant made reference to the aesthetics of the retaining wall suggesting the use of a form liner. I would ask that the abutters have an opportunity to review the aesthetics of the wall. No one has had the ability to review that and comment on the wall design.

In the waiverless plan as presented, the applicant stated the road complies with the side setbacks. Would they not have to comply with side setbacks for the construction of the retaining wall? VHB commented that they should move their footings one foot away from property line. It is not very clearly delineated where the wall begins and ends. If the applicant has to move the sheet piling one foot away as VHB has stated, is there still ample room left to construct and maintain the wall? The applicant has eliminated the grass strip. I believe that would be an additional waiver that they would need. There is a note in Mark Louro’s letter asking for a structural engineer to review the retaining wall plans. I would think you would be hard pressed to approve this without that additional information. Also, I want to point out that two other waivers were needed previously - one on the grade for the first 100 feet of the road and one for the slide slope. From an abutter’s standpoint, the list of waivers seems to be growing. This is a concern.

In reviewing the last letter from VHB dated March 9, 2004, there were a significant number of items that the applicant was to provide. I would just urge the board to make sure that all these items are completely addressed before you render a professional opinion and vote on this project. There was a comment made earlier that the curb cuts at the retaining wall would comply with Mass AAB requirements. But the applicant didn't reference the sidewalks. Will the sidewalks comply or not? The last thing this town needs is more unaccepted streets. AAB regulations should be enforced.

One of the alarming notes to me was the drainage waiver that they are specifically requesting to allow an increase in volume to be discharged. It is not clear as to where that request stands. As far as I can tell from VHB, the water issues have not been resolved right down to the detention ponds and the rate of flow. I don't think this is all resolved in my opinion.

One final statement on the discussion on the dead end road issue, it would be my opinion that the board should not be looking at prior decisions as a precedent to future decisions.

MR. WIELER – I think a number of the points you brought up are very valid and Mark Louro can comment.

Mark Louro – Regarding the notes of the March 9th meeting, when it says “WILL COMPLY”, it means that they are still presenting info. Regarding the structural issues and wall issues, I have talked to Bob Speroni. Anything below the ground is not required to meet the setback standard. But if they put a toe on private property, the owners do have a right to react. I have asked the applicant to get in touch with the Department of Public Services regarding whether they will want to have maintenance easements.

Alan DeToma – I would beg to differ on the sheeting on the property line. I am certain that Bob Speroni would not allow a foundation to be built on a property line. Furthermore, the retaining wall is a structure and that is within the side setback.

Mark Louro - The structural review is done by the Building Inspector. It is not the Planning Board's jurisdiction. Bob Speroni will ultimately have to make a decision on this.

MR. WIELER – One thing we would want you to do is a foundation review

Mark Louro – It would be a pre-blast survey.

Paul Yorkis – Yes, we would do this.

Mark Louro – The wall details are being revised and more information is being added to give more detail. They just brought in revised plans tonight. The structural engineer's work will be reviewed by the building inspector. Regarding the confusing issue with the cross section. What is happening there is that between Nobscott Road and the wetlands crossing, the road is lower. The wall will retain the sides of the earth and not the road. As you move further, it is just the opposite. The wall design should certainly be discussed by the board and abutters. I discussed the setback issue with Bob Speroni and he seems OK with all that. Bob says there is no requirement on the location of the sheeting.

Paul DeSimone – I talked to Bob Speroni too. He would like to see the sheeting sticking up during construction.

Mark Louro – The grass strips were eliminated because there would be no one to maintain them. Usually, individual property owners maintain the grass strip in the right of way along their property.

Mark Louro – The correspondence you were referring to was meeting minutes. “WILL COMPLY” means they have agreed to address in next submission.

Mark Louro – In terms of waivers, they are going to have a no waiver plan as far as drainage is concerned. They will maintain the rate and volume of runoff.

Alan DeToma - We don't know that right now.

Paul DeSimone – I don't understand the question on the a waiver for the side slopes.

Paul Yorkis – We are not asking for a slope waiver. That was mentioned in a previous discussion.

MR. WIELER – Anything you touch as to be AAB compliant.

Mark Louro – When the research was done by the applicant, they found old easements on the definitive plan for Nobscott Road.

Paul DeSimone – The deed references the plan, which shows the easements which will allow the sidewalks to be constructed.

MS. SPILLER-WALSH – The points only point to the rounded edge.

MR. SCOTT – Alan DeToma made a comment that we shouldn't reference prior subdivision plans as precedent, but we should look to them for the experience.

Jeannette Morton (9 Broad Acres Farm Road) - I don't like the waiverless plan with the road behind my house and with another wetlands crossing. I can't speak for the CONCOM, but I believe they have said that they wouldn't approve it that way. I think if you deny this, they will go to the state DEP. They have plenty of room down Parcel A to replicate the wetlands. I support the first plan.

MR. WIELER – In terms of the no waiver plan as presented, I don't see any point in considering it further. Courts have upheld subdivision denials based on a Planning Board not granting waivers as long as justification is provided.

MS. SPILLER-WALSH - I see this second plan as a solution only to the dead end issue. What is important is that it relates to only this one issue. Before we consider any plan as a viable plan we need to see the entire thing – the detention systems, whether it eradicates more lots, etc. We don't really know what it is going to do to the land. We can't really compare plan A and B as Plan B is not complete.

Tony Biocchi – I think I can speak for CONCOM. This matter has been brought up. We ultimately denied Option B. The CONCOM looks at it as one entire lot. He has 5000 feet of wetlands that can be disturbed. As a norm, we would deny the second access because he has the first access. He would have to replicate the disturbed wetlands at a 2 to 1 ratio. What would that disturbance be in Option B. I would imagine that they would have to go to the state DEP if the CONCOM denied the second wetlands crossing. That would open up the state DEP to make that decision. We certainly wouldn't want to go that far. Option B is not really a viable solution.

Tom McNamara (27 Broad Acres Farm Road) – John Claffey built my house. This applicant lives a couple of hundred yards away from this site. He is an honest builder. He is not going to walk away from anything

Alan DiBiasio (11 Broad Acres Farm Road) – I have the same concerns as Jeannette with option B. There are also wells on our property and how close are they? John Claffey does live up the street from me. If we knew about the drainage being resolved, that would help us.

MR. WIELER – We are not done yet. They delivered revised plans tonight.

Alan DeBiasio – We seem to be left out of it. They don't seem to be presenting the information in the open.

Paul Yorkis – The technical staff at VHB looks at the technical data that relates to drainage. As a result of that review, VHB questions the data and those questions are formulated back to us to respond to. It is really a dialogue between the technical people – Rick Merrikin for the applicant and Brian Lynch and Mark Louro for VHB representing the town. All of us have represented at different times that this is a no waiver plan as it relates to drainage. VHB asked for more testing and then they asked for more documentation of the testing. If you would like it to be over, I assure you we would like it to be over. Every time Mark Louro reviews something, the cash register rings for us. Your frustration about the process is shared.

MS. SPILLER-WALSH – At some point in these early stages we want to see how many detention systems are there going to be.

Paul DeSimone – They are on the plans.

MR. HOOPER – This comment is to this board. A waiverless plan doesn't mean a waiverless plan for just one element. It means as it applies to all the rules and regulations of the Planning Board of the Town of Medway. To have Option B presented as a waiverless plan doesn't necessarily mean it is truly a waiverless plan. I am struggling with this. I haven't really seen a truly waiverless plan that is complete. If we had that in front of us, then we could truly discuss a plan with waivers. I am getting tired of going down this road of not really being provided a waiverless plan. This is creating a lot of energy here. How do we evaluate the mitigation offerings if it isn't against a truly waiverless plan. I am hoping you can help me.

Paul Yorkis – Is it your statement that the Planning Board is only going to approve waiverless plans?

MR. HOOPER – No.

Paul Yorkis – Is it your statement that the Planning Board is only going to review waiverless plans?

MR. HOOPER – No.

Paul Yorkis – That discussion we had in January at the site walk related to access.

MR. HOOPER – NO. A waiverless plan has never been specifically been geared to only access. I mean by “waiverless” is in all its glory.

MR. WIELER – Where we are heading is to see waiverless plans from the get go and to have that be part of the submittal. I have to commend the applicant for their willingness to produce Option B. Our concern was primarily with the dead end issue and they have responded to that issue. I think it is fair to say that we don’t need to consider any more dialogue on Option B. I believe that is the consensus of the Board. Our real issue is the density. The town’s safety officers seem to feel it is adequate. The engineers will do their magic to make the drainage work. Some of that dialogue is available in the Planning Board office. I recommend we continue this public hearing.

Tony Biocchi – The concern is to make this all work. Wherever the water goes today, it has to go the same way. They will address all that and zero water will go off to the abutters. There is a fail safe here.

Susan Affleck-Childs – We are dealing with an action deadline of April 19th.

Paul Yorkis – Brian Lynch of VHB has indicated that he can do the drainage review on Thursday.

Mark Louro – We have to look at the entire set of plans that were delivered tonight.

MS. SPILLER-WALSH – I want the Design Review Committee to look at the design of the retaining wall.

MR. WIELER – The DRC can discuss that at its next meeting.

It was agreed to hold a special Planning Board meeting on April 20th at 7:30 pm.

A motion was made by Matt Hayes and seconded by Kent Scott to approve the applicant’s request to extend the Planning Board’s action deadline on the Hartney Acres Definitive Subdivision Plan to May 4, 2004. The motion passed unanimously.

MR. WIELER – We will continue this public hearing to a special Planning Board meeting on April 20th at 7:30 p.m.

NOTE – The Planning Board took a break from 10:15 to 10:20 p.m.

Establish Plan Review Fee for Grapevine Estates Definitive Subdivision Plan

Reference is made to VHB's estimate of \$7,700.

MR. HOOPER – When I was chairing the meeting last week, I realized that this number is purely an estimate and that the actual fee may be less, the same or more. My only concern is that this amount may provide a perception of covering every single base and perhaps we could look at it from another perspective.

Mark Louro – Let me just help you understand. Typically, when we prepare these, we look at what the current projects are running. I don't mind reducing the scope of work and adjusting the fee. We can get rid of some meetings with applicants and reduce some of the follow up. As long as the scope is clearly defined. I think we can come in at \$ 3900. The applicant has to understand if the scope of work is increased and additional applicant meetings are requested, it will result in an increase in our plan review expenses which the applicant has to pay for.

A motion was made by Dan Hooper and seconded by Kent Scott to approve \$3,900 as the VHB plan review fee for Grapevine Estates. The motion passed. Matt Hayes recuse.

Construction Observation

MARK LOURO – I did an inspection at Daniels Wood. They are getting started there. At Ishmael Coffee Estates, the trees have been cleared and they will start removing stumps tomorrow. I told them I want the hay bale line all in. The cul de sac trees and ledge are exposed. It looks like they took down some trees in that island. Lots 2 and 3 are not being touched until CONCOM decides on whether there is a vernal pool and issues its Order of Conditions. I am reviewing the as-built plans for Country View Estates.

MINUTES – March 23, 2004

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the minutes of the March 23, 2004 meeting as presented. The motion passed unanimously.

OTHER BUSINESS

MR. SCOTT – I attended the Metro West Smart Growth meeting in Framingham.

MR. HOOPER – I asked Mark Louro to run the numbers for how much of VHB's contract is devoted to Planning Board work.

Mark Louro – I looked at everything since the beginning of our relationship with the Town of Medway. I separated the ON CALL contract from the project work (High School, Route 126 reconstruction). For the ON CALL contract, 75% of the work is for the Planning Board.

MR. WIELER – We have a letter from John Beaudoin (1 Stable Way) re: damage to his lawn as a result of winter snow plowing by the developer, Greg Whelan.

MR. WIELER – Let's do a letter to Greg Whelan to ask him to address this and fix the lawn. We need to add this to Mark's punch list of work needing completion.

Discussion on Revisions to Subdivision Rules and Regs

NOTE – Susy Affleck-Childs distributed a handout with some further edits and a list of items that need further discussion and resolution.

MR. WIELER - So we will look at this on April 20th as well.

A motion was made by Dan Hooper and seconded by Matt Hayes to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 11:10 pm

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*James G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved April 27, 2004

MINUTES

April 13, 2004 Planning Board Meeting

PRESENT: Karyl Spiller-Walsh, Kent Scott; Matthew Hayes; Dan Hooper; Jim Wieler (arrived at 8:30 p.m.)

ALSO PRESENT: Susan Affleck-Childs, Assistant to the Planning Board; Mark Louro Louro, VHB Engineering (8 pm); Gino Carlucci, PGC Associates.

NOTE – No tape recording of the meeting. Live feed only. Tape machine not working.

Vice-Chairman Dan Hooper called the meeting to order at 7:35 pm.

Informal Site Plan Discussion – Tucker Reynolds for 36 Lincoln Street

Tucker Reynolds – I am a local attorney and resident. I have lived at 36 Lincoln Street for 19 years and have been practicing law since 1990 for 14 years. I would now like to move my law practice from 89 Main Street to our home. The garage is falling down and it has to be removed and replaced. So, we thought this would be an opportunity to move my office to my home. It is zoned AR2 so a professional home office is permitted. I am here informally to see what you would require of me for a site plan since there will be a change in use. I have met with Bob Speroni who said I would need to go through site plan review due to the change in use. The existing garage and a tiny bedroom and small portion at the very back of the house would be removed. I plan to add a 22' by 24' garage. Its second floor will have knee walls so the building won't be as tall as existing homes in the area. I patterned it after some of the old garages on the street. We want it to look like it has been there forever. It will be a 1-car garage only to fit in style – wise. The house itself was built in 1863. There will be space in front of the new garage for 3 parking spaces. Everything would be handicapped accessible. All of the rain comes down to our front door. A few years ago, the DPS put cape cod berm in front of our property and that has worked well. I have put in an elaborate drainage system. We will have residential type lighting. There will not be a sign on the street but there might be a small sign on the building. But I have no intention of doing anything fancy. The nature of my practice is that a majority is real estate related work. I represent 3-4 lenders and average 40-50 closings a year and 30% of

those are out of my office. At any give time, there would be 2 carloads of people at the most. I don't do any criminal work and or any type of work that would lead to a lot of traffic.
Susan Affleck-Childs – If Bob Speroni has referred him to the Planning Board, he has determined that this project needs to go through site plan review.

MR. HAYES – What is the minimum number of parking spaces that are needed per zoning? What are those spaces?

Tucker Reynolds – Gravel, cut in from the road, parallel to the street.

MR. HOOPER – Do you see any degradation to the berm?

Tucker Reynolds – The berm is on the other side of the driveway. I would build up on the gravel side in front of our house.

MR. HOOPER – I don't know what Dave D'Amico (DPS) will want you to do.

MR. SCOTT – I would suggest you just take off the 3 parking spaces in front along the street.

Tucker Reynolds – The site is 1.5 acres of land. I want to do everything right.

Susan Affleck-Childs – With these smaller projects, like 159 and 155 Main Street, the Planning Board usually asks for an engineer's letter that states there is no stormwater runoff impact. I can meet with Tucker and review what he needs to submit.

ANR Plan – Estate of Alevenia John Spink son for property off of Lovering Street

Paul Rice – We have revised the ANR plan based on corrections that had been noted as being necessary. Wayne Carlson included the zoning district lines.

Gino Carlucci – It looks good to me.

A motion was made by Matt Hayes and seconded by Kent Scott to approve the ANR plan for the Estate of Alevina John Spink son, prepared Carlson Survey, dated February 6, 2004. The motion passed unanimously. (Jim Wieler not present.)

NOTE – The Planning Board signed the Mylar. Paul Rice will run 5 prints for the Planning Board and bring them in to the office this week.

Grapevine Estates Definitive Subdivision Plan

Matthew Hayes read the public hearing notice. It is attached and made a part of the record.

Bill Halsing, Land Planning Inc.
Tony Leland – Applicant

Bill Halsing – I am here representing Tony Leland, the applicant. This is pretty similar to the preliminary plan we brought in a few months ago. It has 4 new building lots. We shortened up the cul-de-sac a bit. 22 and 18 Oakland Street are existing homes. The subdivision will be serviced by public sewer; we will tie into the manhole near North Street. We will also tie into Town water. We propose a catch basin to manhole system for drainage. We will handle infiltration using cultic system instead of detention ponds. The area has excellent soils - very sandy that couldn't hold water. We have delineated a wetland along the slope at the back of the property. Most work will be away from the slope to keep it stable. We will stay out of the 200-foot riverbank setback. We propose installing sidewalk on one side of street with handicap ramps.

MR. HOOPER – Is there any sidewalk on the receiving side on Oakland Street?

Bill Halsing – No, there is not.

MR. HAYES – Will the driveway at 22 Oakland Street be changed?

Bill Halsing – Yes. It will come off the new street as requested during the preliminary plan discussion.

MR. HOOPER – This is really a 6-lot subdivision, but two of the six are existing houses that will remain?

Bill Halsing - Yes.

Mark Louro – On lot 1, that shed is real close to the property line. Typically, the Building Inspector/Zoning Enforcement Officer will comment on that. There may be a need to seek a variance from the ZBA on that. If the lot remained 100% intact and nothing was changed, there would be no problem. But as soon as you adjust the lot in anyway, Bob says it then becomes nonconforming. So, you need to speak with him about that.

Mark Louro – You did some soil testing? I didn't find that information in the submission.

Bill Halsing – I can get those to you. We tested at 3 locations.

MR. HAYES – Are the test pits shown on the plans?

Bill Halsing – I can do that.

Mark Louro – What type of test did you conduct?

Bill Halsing – Perc test.

Mark Louro – We like to see the test pits on the plan and the calculations to determine the rate for permeability.

Regarding the other existing house at 18 Oakland Street. I believe there was an issue on the lot shape factor. I did a quick calculation and I didn't come up with what you did. It came out over 22.

Bill Halsing – We can get the exact numbers for you.

Mark Louro – Regarding your drainage plan. You did the design for the system and you modeled the detention with the infiltrations but you didn't show an entire system to show that the pre-existing rate and volume match the post development rate and volume of runoff. Everything needs to be combined with pre-development rate and post development rate modeled together.

MR. HOOPER – The cul tech system you had mentioned, is that related to the entire drainage system or individual lots?

Mark Louro – It is an underground storage system instead of a detention pond.

MR. HAYES – Would that be the first underground system that DPS will have to maintain?

Mark Louro – You will need to provide an operations and maintenance plan for that and you need to talk to DPS about that.

MS. SPILLER-WALSH – Can you explain what the negative down sides are to that kind of system.

Mark Louro – Because you can't see it (because it is underground), a concern is that a property owner may try to build something on top of that location.

Bill Halsing - We will mark the easement location.

MS. SPILLER-WALSH – How deep does it go?

Mark Louro – The detail shows 9 inches minimum of cover and 5' maximum depth.

MR. HOOPER – Is this like what Walgreens has done?

Mark Louro – Yes. We will want to see the proposed contours of the property too.

MS. SPILLER-WALSH – It does limit what you can do on that space. It could be just below the surface.

Mark Louro – It will have an easement.

MR. HAYES – Is there a manhole at the top?

Mark Louro - Yes.

Bill Halsing – We could put a deed restriction on that lot.

MR. SCOTT – Yes, absolutely.

Mark Louro – We were concerned about the loading on it. It needs to be able to handle an H20 truckload.

MS. SPILLER-WALSH – It is only about 30 feet from the proposed house location.

MR. HAYES – Drainage areas don't reflect actual drainage area ????????

Mark Louro – The calcs you provided only included the site itself. I need the entire watershed to be accounted for.

Gino Carlucci – My comments are mostly technical details. There are no tree easements or trees proposed along the roadway or any notes regarding existing trees that would be used in lieu of tree planting. No street lights are shown. You may want to have something at the intersection of the new street at Oakland. It is not a requirement that there be a landscaped island but the Planning Board often wants that. Those are the main comments.

MS. SPILLER-WALSH – I would request a landscaped cul de sac island.

Tony Leland – Who will maintain it?

MR. HOOPER – This issue has come up before. Sometimes they can be designed to include existing tree cover or natural features and work the roadway around it. In other cases, we go for low maintenance plantings with stones.

MR. SCOTT – Does it make sense to do an island with the different shape since the cul-de-sac angle is a bit different?

MS. SPILLER-WALSH – What we are trying to do is avoid these vast fields of 100 feet of asphalt that become an eyesore.

MR. HOOPER – Is there tree cover now?

Bill Halsing – Yes, but we can't retain any of that.

Mark Louro – CONCOM will probably request a snow storage area. That is something you need to consider.

Susan Affleck-Childs – The Design Review Committee has received the plan. If the Planning Board wants a landscaped island in the cul-de-sac, then the applicant needs to meet with the DRC to discuss the design. Their next meeting is May 5th.

Dan Hooper read a letter from the Conservation Agent Virginia Briggs indicating that wetlands are shown and that the applicant will need to file with the CONCOM. A copy of the letter is attached and made an official part of the minutes.

Bill Halsing - We realize we need to go to CONCOM. We wanted to work out some details with the Planning Board first.

MR. HAYES – Has the CONCOM approved the wetlands line?

Bill Halsing – Not yet.

MS. SPILLER-WALSH – What house size are you looking at?

Tony Leland – 2,800 and 3,000 sq. ft.

MR. HOOPER – I would like to open up the discussion to the public if there are any comments.

Chris Keeley (19 Oakland Street) - I want to say that I support the project. I am curious about the process. I am excited about the possibility of hooking into the sewer system. I have an older septic system. What is the timing for some of those milestones?

MR. HOOPER – The timing is really dictated by the applicant. Much is dependent on them and how well they respond to the issues and questions raised by our engineer. There will be another meeting or two more before we end the public hearing. After that, we bring it to a vote. It is really dictated by the response time of the applicant. There is no expectation that they would have responded to VHB's first review comments. We do require that the applicant submit revised plans 2 weeks before the next public hearing date so that VHB has sufficient time to conduct another technical review and prepare a written review for the Planning Board.

Mark Louro – DPS has requested that the work on Oakland Street be bonded along with the rest of the subdivision project. So, we will want complete coverage in the plan view and how deep you will go in the profile so that if we have to bond that part, we have the details to prepare a good estimate

MR. HOOPER – How does the board feel about the landscaped island? Shall we refer the applicant to the DRC to work on this specifically?

MS. SPILLER-WALSH – Yes.

Mark Louro – You will need to get input from the Water/Sewer department.

Bill Halsing – I have met with them already. They are pretty happy with our plans to hook into the sewer and water lines.

MR. HOOPER – How many feet will that be?

Bill Halsing – 450 feet for bringing up the water from Oakland Street?

Mark Louro – How deep is the sewer system?

Bill Halsing – 12 feet deep.

Mark Louro – You may end up repaving Oakland Street. A detour will be required during the construction of the sewer line in Oakland Street. You will probably need a police detail during that. You should talk to Jeff Watson, the safety officer.

MR. HOOPER - What is street lighting situation there?

Chris Keeley – There is a street light on Oakland diagonally across from me. It is an old light.

MR. HOOPER – Is that light on the pole that has to be removed? The pole will have to be relocated. Let's keep the light on that pole.

Regina Picard (24 Oakland Street) – There has been a clerical error on the plans. My name is shown incorrectly as *Recoina*. Yet, the mailing I received is correct.

Hugh Kently (14 Oakland) – I want to reiterate my comments from when I was here on the preliminary plan. I am concerned about the impact of construction on my home. It has an old foundation. I am very concerned with the sewer coming in and other construction activity and the impact from blasting. I have a question re: street lighting. Is that a requirement?

Mark Louro – It is not an application requirement.

Susan Affleck-Childs – What we are seeing in other subdivisions is that each house has a post light and a requirement for such is included in a homeowner's covenant. Would that be possible?

Tony Leland – Yes, we are doing that at another subdivision we are doing in Bellingham.

MR. SCOTT – How do we address those foundation issues that have been raised?

Hugh Kently – Should we take pre construction photographs?

MS. SPILLER-WALSH – Will there be any blasting?

Hugh Kently – Back when New City Road was built, the compactors were very disruptive.

Mark Louro – I would suggest a video before hand.

Susan Affleck-Childs – The Planning Board can incorporate that into one of the conditions of the subdivision approval.

Hugh Kently – I would like to be aware of when it is going to happen so we are prepared. When New City Road was started, it felt like an earthquake. We would like to be notified in advance.

Chris Smith (daughter of Dorothy Anthony) – I have a question re: the shed and whether it can remain.

Mark Louro – There are two sheds shown on the plan. The smaller closer to Oakland will remain. But the one further back is to be demolished. That is the one that may need a variance.

Bill Halsing - I will talk to the Building Inspector.

The public hearing was continued to Tuesday, May 18, 2004 at 7:30 pm

Susan Affleck-Childs – I will set you up to meet with the Design Review Committee on May 5th.

Public Hearing Continuation - River Run ARCPUD and Subdivision

Dan Hooper recuse. Associate Member Mark DerGarabedian joins the meeting.

John Spink – I just can't get thorough it. If we do a withdrawal and a reapplication, then we can schedule up a first hearing after the election.

MR. SCOTT – I can extend my stay on the board for projects that are in the queue right now for a month or two.

John Spink – The bottom line is that I need Mr. Scott to disappear and have somebody new come in! I think I have to withdraw and refile. I would appreciate it if you would waive a new filing fee.

MR. WIELER – It would not be the intent to renegotiate all the details.

John Spink – I understand but that is our risk in refilling.

MR. WIELER – What do you think your timing is like?

John Spink - I have a set of drawings that is finished but not detailed and I now have a hydro report that is 4 inches thick. If I were to submit it now, it would take VHB a month to figure it out. But it will be better to wait for better plans.

MR. WIELER – In addition to all your production issues, the Upper Charles River Land Trust does not meet until after the May election. I would love to have my signature on your special permit. If we did have someone to appoint to take Kent's spot, we could move quickly. We don't know how long this will take.

MR. SCOTT – So, he should withdraw and refile.

John Spink – I will give you a letter of withdrawal on both projects this week.

A motion was made by Matt Hayes and seconded by Kent Scott for the Planning Board to waive additional application/filing fees for the expected future application for the River Run C Subdivision and the River Run ARCPUD 2. The motion passed unanimously.

It was agreed to aim for a June consolidated public hearing when the Planning Board has a full contingent, including a replacement for Kent's position.

John Spink – Who will do the negotiation with the Upper Charles River Land Trust?

MR. WIELER – I will stay working with the Upper Charles, at least for the next few weeks until the election and I will help out after that.

MR. HAYES - I would be happy to take that on after Jim goes off.

John Spink - What is your interface with the CONCOM now?

MR. WIELER – Kent is our liaison now with CONCOM.

The Upper Charles is looking for some upfront money to go along with accepting the land. What I was thinking we could do is reduce the length of sidewalk that the applicant will have to replace along Village Street. I am advocating we trade \$30,000 worth of sidewalk for the open space payment. That way it doesn't change our deal with the Einis family.

John Spink – We may be able to patch it better than tearing it out.

MR. WIELER – It all comes down to the actual details in the special permit. We have to work out what happens to the open space if the Upper Charles fails to perform. I was planning on being at the next board meeting of the Upper Charles at 7:30 am on May 11th.

John Spink – When is the election?

MR. WIELER – The election is May 3 and the town meeting is May 10.

NOTE – The Board did not continue this public hearing because it is expected that the applicant will withdraw the subdivision and special permit applications. The applicant must withdraw before April 30th (the present action deadlines) or the Planning Board will have to vote to disapprove both applications.

MR. WIELER – So, the plan is for Kent to stay on to finish Hartney Acres and then we would get in somebody else who would be in place for new River Run plans. I have asked George Fisk of the Upper Charles River Land Trust to come to our meeting on April 20th.

Note – Dan Hooper rejoins the board. Mark DerGarabedian departs

Other Business

Lot Release – Lot 29A Cider Mill IV

A motion was made by Kent Scott and seconded by Dan Hooper to approve the lot release for lot 29A as shown on an ANR Plan of Land, November 21, 2002 by DeSimone & Associates. The motion passed unanimously.

Gino Carlucci – Commercial District I Development Plan Update

Gino Carlucci – I did compare what I had prepared (for the west side of Holliston Street) with what had been designed for across the street (east side of Holliston Street) by Chilinski & Associates. I am calculating the amount of commercial space that will be available.

MR. WIELER – Where is the road coming out?

Gino Carlucci – Roughly in the center of the lot that is the driving range now. That almost matches the conceptual drawing from David Chilinski.

MR. WIELER – Does that have the proper setbacks from the adjacent properties?

Gino Carlucci – I didn't check for that, but I am pretty sure it does. The buildings shown on the Chilinski sketch are not right on the property lines. With the landscaping and double row of parking, it would seem to meet the setbacks.

MR. WIELER – Let's discuss this more next week.

MR. HOOPER – We want to make this presentation be a WOW for public and business entities. At what point are we going to see something that is WOW. When do we want to get to that stage?

MR. WIELER – What is your timing on getting something for us to look at? By next week?

Gino Carlucci – By next week I should have numbers and rough sketches. Depending on the feedback, maybe 2-3 weeks after that.

MR. WIELER – Please load up your hours now until June 30th (the end of the fiscal year).

MR. HOOPER – And please include any professional assistance you need that is a worthy expenditure up front now.

MS. SPILLER-WALSH – Yes, look at how much mileage we got out of Chilinski's doodles!

MR. WIELER – Certainly by the end of the year we should have a briefing package.

MR. SCOTT - This will really take some time to market this, to garner support, business by business.

MR. HOOPER – We will likely have to embrace other entities to sell this like the IDC.

MR. SCOTT – I would hope that you would engage me as a member of the Board of Selectmen to help promote this.

Susan Affleck-Childs - So, what you are saying is if there is some design assistance needed, feel free to go get somebody to help you with that.

MR. WIELER – If you are constrained by your hours available, you can get a drawing done. Please come back with an estimate for any additional design help you may need.

Subdivision Rules and Regulations

MR. WIELER – I gave Susy a whole bunch of notes.

MR. HAYES – I will take it on to redraw the attachments.

MR. HOOPER – I have some more on dead ends. I met with Fire Chief Vinton. We think a consideration should be made to extend the dead end maximum to 900 feet. And there are some

additional wording changes I want to make as well. I had the Chief read the APA report on dead-ends by Carol Thomas. Basically, one thousand feet is a limit for fire hose capacity from one fire hydrant to the next. Wayne suggested 900 feet would be an appropriate maximum. His initial statement to me was “how about no dead ends at all?” Clearly, that is his preference. If a dead end is still an allowable route, the professional in fire safety discussed the capacity of a 4-inch hose, which is the current standard. So, he is very comfortable with the 900-foot length. He said he will stand behind that maximum. I think we are at a point where we can change this and feel good about safety and all the other benefits that come with this.

MS. SPILLER-WALSH – How would it read?

MR. HOOPER – I have eliminated and added some text for dead-end streets as follows:

“a) Based on the need to provide multiple accesses for emergency purposes and to reduce winter maintenance costs for roadways, dead end streets in excess of six hundred feet (600') in length shall not be permitted.

b) For the purpose of this section, any proposed street, which intersects, solely with a non-through street(s) shall be deemed to be an extension of the dead end or non-through street(s). Proposed non-through streets and their extensions, if any, shall not be longer than six-hundred feet (600') in measurement, starting from the intersecting centerline point of the nearest through street with the non-through street, along the centerline of the non-through street(s) to the furthest centerline point of the proposed non-through street, unless in the opinion of the Planning Board, a greater length is proven to be necessary by local conditions deemed to be in the best interest of the Town. Supporting documentation for waiving the dead end length shall be provided in the form of a professional study(s), the cost of which is to be borne by the applicant. A plan demonstrating compliance to all of the Planning Board's Rules and shall be submitted before any waiver will be considered.”

Mark Louro – What about the distance to the nearest hydrant? In places that don't have fire hydrants, an applicant could make the case for a waiver beyond 900 feet.

Gino Carlucci – I came across a document called the Subdivision and Site Plan handbook that cites some info. It recommends a 700-foot length but goes up to 1000 feet in a low-density development. Another approach is to base it on average daily traffic level. There seems to be more support for that general range of length

MR. HOOPER – There is no definitive number on this matter, but by sheer volume of hits across Massachusetts, it ranges from 500 to 1000 feet.

MS. SPILLER-WALSH - If you are a promoter of real estate, the effect of living on a cul-de-sac is a much more quieting experience. People want the quiet areas. That is a nice way to live

MR. HOOPER – But a worse way of living for the community at large is a Holliston Street with just cul-de-sacs off of it.

MS. SPILLER-WALSH – What used to be a quiet thru road becomes a thruway. What about roads with a loop?

MR. WIELER – Can we dare go thru Susy's list of other items we need to look at?

MS. SPILLER-WALSH – The Grapevine Estates subdivision is not the best use of that land. Are we developing rules and regs that are developing real neighborhoods? Everything we have been doing is a certain kind of development that is becoming archaic!

NOTE – The board continued to work on edits to the rules and regs.

Handouts

1. Notice – Spring meeting Mass Federation of Planning and Appeals Boards – Thursday, May 6 in Stoughton.
2. Updated list of unaccepted streets and bond balances
3. Future Planning Board Agendas
4. Planning Board deadlines.
5. Ideas on conditions and mitigation for Hartney Acres (prepared by Susy Affleck-Childs)

Invoices

WB Mason - \$ 279.90 (file cabinets) – Motion by Matt Hayes, seconded by Kent Scott.
Approved

VHB Engineering (4-26-03) - \$1873.50 (Plan Review - River Run ARCPUD – Motion by Dan Hooper, seconded by Kent Scott. Approved. Matt Hayes recuse.

VHB Engineering (2-25-04) - \$2,386.22 (Plan Review - Hartney Acres and Ishmael Coffee Estates) - Motion by Dan Hooper, seconded by Karyl Spiller-Walsh. Approved. Matt Hayes recuse.

VHB Engineering (6/19/03) - \$133.29 (Plan Review - The Meadows) - Motion by Karyl Spiller-Walsh, seconded by Dan Hooper. Approved. Matt Hayes recuse.

VHB Engineering (2/25/04) – \$578.14 (Construction Observation – Speroni Acres) – Motion by Karyl Spiller-Walsh, seconded by Dan Hooper. Approved. Matt Hayes recuse.

VHB Engineering (12/5/03) – \$ 2,629.37 (Construction Observation – Country View Estates) Motion by Karyl Spiller-Walsh, seconded by Dan Hooper. Approved. Matt Hayes recuse.

VHB Engineering (11/6/03, 12/5/03 and 1/5/04) - \$1,316.60 (Construction Observation – Forest Edge) – Motion by Dan Hooper, seconded by Kent Scott. Approved. Matt Hayes recuse.

PGC Associates (4/13/04) – \$763.75 (Plan Review – O'Malley ANR, River Run ARCPUD, Hartney Acres, Marian ARCPUD) – Motion by Dan Hooper, seconded by Matt Hayes.
Approved.

Minutes – April 13, 2004 Meeting of the Medway Planning Board
Approved – April 27, 2004

PGC Associates (4/13/04) - \$1026.25 (Consulting Services – CI district study, rules and regulations; site plan review bylaw) – Motion by Matt Hayes, seconded by Dan Hooper. Approved.

A motion was made and seconded to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 11: 35 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

James G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott

Approved May 4, 2004

***April 20, 2004
Planning Board Meeting Minutes***

PRESENT: Jim Wieler, Dan Hooper, Matthew Hayes, Kent Scott

ABSENT WITH NOTICE: Karyl Spiller-Walsh

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant and Gino Carlucci, PGC Associates.

The meeting was called to order at 7:35 pm

NOTE – The recording equipment was not functioning.

PUBLIC HEARING CONTINUATION – HARTNEY ACRES

MR. WIELER – We have received a letter from Paul Yorkis, on behalf of applicant John Claffey, requesting an extension of the deadline for the Hartney Acres definitive subdivision plan to May 28, 2004.

A motion was made by Dan Hooper and seconded by Matthew Hayes to approve the applicant's request to extend the Planning Board deadline for action on the Hartney Acres Definitive Subdivision Plan to May 28, 2004. The motion passed unanimously.

The Hartney Acres public hearing was continued to Tuesday, May 4, 2004 at 8 p.m.

PLANNING BOARD MINUTES

The Board reviewed the March 30th minutes and made several corrections.

A motion was made by Matthew Hayes and seconded by Dan Hooper to approve the March 30, 2004 Planning Board meeting minutes as amended. The motion passed unanimously.

The Board decided to review the April 13th minutes at the 4-27-04 meeting.

INVOICES

VHB 3/22/04 invoice – \$ 2,824.94 for Plan Review services for Hartney Acres. ***Motion by Dan Hooper, seconded by Kent Scott. Approved.*** Matt Hayes recuse.

VHB 3/22/04 invoice – \$ 1,378.87 for Construction Observation services for Speroni Acres, Forest Edge and Granite Woods. ***Motion by Dan Hooper, seconded by Kent Scott. Approved.*** Matt Hayes recuse.

PRESENTATION – Upper Charles Conservation Land Trust

George Fiske – Board Member

Dave Hoag – Board Member

George Fiske – The Upper Charles Conservation Land Trust has been in existence 12-14 years. The idea began in the 1980s when I was working with John Thomas, a principal in Beals and Thomas, who lives in Holliston. We started to talk with the surrounding communities about starting a local land trust. After a series of discussions, it became apparent that each of the towns could have a local land trust but they need not have one just for their town. We felt there was a void that could be filled by a regional land trust similar to Sudbury, and the Trustees of the Reservation. So, we looked at beginning one. What got us cranked up was an offer from Avery Denison, which had a tract of land in Holliston. Somebody there felt it ought to stay intact and they made the offer to transfer that land to us. We worked with the Trustees of the Reservation to get started. This area is the Weakening Woods, which is entirely in Holliston. That was our starting point. We have acquired other properties. The best way to acquire them is through a gift, but there are a number of different ways to acquire land. We have properties in Sherborn and Medfield. We also are involved in a rather peripheral way with the Fontanella property in Medway. I am a Co-Director of the Shelter Island Fund, which may become the developer for an ARCPUD on that site. The Upper Charles is a land trust. It is a not for profit, a public charity for tax purposes. We have 8 or so people on the board of directors. We have added some members recently so we have more than one representative from each town. We want to get other towns involved. More recently, I have spoken with two of your board members about a property that has been before you – an ARCPUD project on the Charles River. I am familiar with it. I have seen some plans and spent an hour and half walking the land several weeks ago. I know Gino Carlucci from my work in Sherborn. The Upper Charles is not a membership organization.

MR. WIELER – Is there an operating budget?

George Fiske – There are not significant funds. We have had some debt over the years - \$100,000 that we shared with another land trust. We will be debt free by June 1 of this year. We do have some cash in the bank and we do manage that. We have a part time staff person who has been with us for some time. We do raise funds. There was a piece of land that we were instrumental in being a piece of the acquisition. We hold a conservation restriction on it, which is held for the public benefit. We are structured in such a way that was good for people to donate securities of substantial appreciation.

MR. WIELER – How does the Trust obtain land? Is it typically gifted to you?

George Fiske - We have done some purchases. There is one site that was about 44 acres or so that we acquired. It cost us \$300,000.

MR. WIELER – Who owns title to the land?

George Fiske – Each transaction is different. One of the things I like about the Upper Charles is that we can be creative about land acquisitions and how they are done – gift, bargain sale, conservation restrictions, etc.

MR. HOOPER – I have met your staff person, Justine. In the meeting I attended, she discussed the prevailing methodology for preservation. She said conservation restrictions had fallen out of favor. What are conservation restrictions and how are they beneficial or not?

George Fiske – Justine is a very capable person and she is not shy about offering her opinion. We don't always share the same view on some of these things.

MR. HOOPER – She indicated that she had noticed a trend in general away from doing conservation restrictions. She said there were some loopholes that made them less effective.

George Fiske – With a conservation restriction, even if it is well written, there is always the issue of enforcement. Whoever holds that restriction is responsible for enforcing that restriction and that can take some effort. It involves visiting the site, taking note of whether it is in force. If there is a question or a determination that the restriction is being violated, then that organization must take it upon itself to rectify the situation. That can lead to legal implications, which may have financial consequences. The Trustees of the Reservation may not accept just any old restriction. They receive some level of funding to help them at some future date. They also do that with properties that are gifted to them. That can be an issue. Conservation restrictions can be written pretty much as you want them to be. It should be legally enforceable and recordable at the registry or land court. Some restrictions may not be in perpetuity.

MR. HOOPER – Can you cite for me what “restriction” means and give me some examples?

George Fiske - Typically, a conservation restriction limits or excludes future development for residential building lots. Some would allow a barn or tennis court, etc. Most the ones that I am familiar with preclude building structures. Some restrict how the land is to be used and prohibit cutting of trees.

MR. SCOTT – It really depends on the use. Some restrictions allow for public access. The Trustees of the Reservation do that.

George Fiske – Yes, the Trustees do want that. They want to prevent future owners from developing the land.

MR. WIELER – Those restrictions can be in perpetuity?

George Fiske – Yes.

MR. WIELER – We can bring you up to date on the River Run ARCPUD project. They have agreed to withdraw their subdivision and ARCPUD special permit application. They simply were not ready with everything before I go off the Planning Board. They will refile for the ARCPUD and subdivision but they will wait until a new Planning Board is in place. The idea is not to start over but to move to final engineering. I expect we will hear back from them in mid June.

George Fiske – We have had informal discussions on a possible role for the Upper Charles with this project. There is interest on our part but we need the buy in from more than one person on our board.

MR. WIELER – Your board meets May 11th. We will send a representative I did inform Mr. Spink that we would look at trading some sidewalk work they were going to do on Village Street for \$30,000 to give to you plus an annual condo fee. One of my motivations is to see if we can find a model that we can work with to manage the open space with these ARCPUD properties and writing the language into the conservation restriction. We take our guidance from the Medway Master Plan that identified public access to hiking and biking trails as a priority first and foremost. That is what our goal would be – to protect the land and then provide public access. That said, is there a model where the town would retain ownership of the land and the Upper Charles could have the conservation restriction?

George Fiske – We can do that or the reverse. I think for an organization like the Upper Charles, the issue is to have something that we can manage. Bringing consensus to the board is important. We have done that elsewhere. We are the co-holder of a conservation restriction with another land trust.

MR. WIELER – What happens if there is the lack of performance on the holder of the conservation restriction relating to maintenance of the property? How is that enforced?

George Fiske – I don't know. I have never been in the situation where that has happened. I have seen situations where an organization that is existence now may not be in the future. One issue is who is the ultimate beneficiary of the assets of that organization if it were to demise?

MR. WIELER – “In perpetuity” is along time. What happens way down the line? What provisions do we have to make in our special permit? We can have the Upper Charles have the conservation restriction and agree to maintain the property. Are there some criteria where if that were no longer the case, then the maintenance and funds would fall back to another land trust or to the town?

George Fiske – If it is decided a group that fails in its duty, the town could then step in. That is a legal issue beyond me. The question is if a holder of a restriction is not enforcing it, what to do?

MR. SCOTT – There are a whole bunch of contractual steps – reviews, waiting period, etc.

George Fiske – Maybe you can't talk in detail re: River Run. That may be very complex but you don't want to make it so complex that it is not workable.

MR. WIELER – Do you have another model that could apply here? The Marian community, for instance, wants to do an ARCPUD as a private community built for the members of that organization. As part of the ownership of a house there, people may have to agree to work at the facility (Spiritual Life Center). They may want to retain title to the open space but they might be open to another organization maintaining it and holding the conservation restriction.

George Fiske – To pick up on that particular site, we would be very interested in that because we are already an immediate abutter to that land with the Wekeaning Woods land. We would want to weigh in on that site regarding trails, accessibility, etc. I am sure there would be an argument that if we were to be responsible for maintenance and upkeep, then there would have to be some sort of financial resources made available up front or on an on-going basis.

George Fiske – The properties we have do not involve heavy-duty maintenance. We walk them and there are people who are abutters who watch over the land. They almost enforce it. It is a rather informal method but it is successful.

MR. SCOTT – How do you craft something that protects and enables?

George Fiske – The issue is restrictions that are just to preserve vs. others who want public access.

MR. WIELER – In the ideal world, I would like to see us set up some type of agreement where we start with a financial gift for an upfront maintenance fee and then work with these ARCPUDS to work out some annual fee thru the condo association. The goal would be to keep that money within town for future open space acquisition. We have been looking at a trail from Wekeaning Woods down to Choate Park. If we had Upper Charles involved, we could use those funds to help with construction of walkways.

George Fiske – One of the benefits of a land trust is that it should be able to react fairly quickly. In Sherborn, we have been successful because we have been able to act quickly. It is cumbersome going thru the town's municipal structure. We have more latitude. We are not in competition with the conservation commission or any other organization. We would rather be partnering.

MR. WIELER – The flexibility and ability to move quickly are huge advantages along with the ability to maintain funds and have a revolving account.

George Fiske – Some of the properties we have are open farmland. We find local farmers who have an opportunity to farm the property. This works well for us as we have limited resources to hire somebody to mow it. We have worked an arrangement that if they use sound agricultural practices and appropriate maintenance, then they get to use the land. It is all a tradeoff. It is part of our job is to find people to make these win-win situations.

MR. HOOPER – Does Upper Charles have a mission statement?

George Fiske – Probably, but I can't recall it exactly at this moment.

Mr. HOOPER – In a more general way, then. Is there sort of a focus of the land you want – river frontage, farmland/fields? Your name implies river frontage land. I grew up in Franklin and was

more familiar with the land near Norfolk airport near Miller Street in Franklin. When we moved here, we were drawn to the river area. I like the synergy of your name and preservation of land on the Charles River.

George Fiske – It is predominantly the preservation of open spaces – undeveloped land, not necessarily active open space. Yes, river front area is of interest. Our name is more related to the towns along the Charles River that are affected by the river. Why a piece of property is important to me could be because of its size of the land, its location, and access. There may be modest gift of land in terms of size but it could be important as an access point to 100 adjacent acres. You look at every opportunity separately by considering the characteristics of each site.

MR. SCOTT – I could be looking at a piece of property that I know has some value. But leveraging that land knowing that it could be used as a swap or a trade in 3-5 years, it becomes collateral.

George Fiske – That is tough and that is really thinking ahead too. There are properties that may not be presently available.

MR. SCOTT – But you are seeding for the future.

George Fiske - You need to be very careful about that. An effort to acquire land draws much attention. When people are making contributions to buy a particular piece of land, those people may not be happy if you then use that land to trade for something else.

MR. SCOTT – The idea is to be proactive and not reactive. There has to be a plan in place for what properties make sense to acquire. We may have to think further out of the box to do that. My question is whether that notion has been realized? Swapping? Has that come up or have you considered that?

George Fiske - It hasn't been something that the Upper Charles has been faced with. In wearing other hats, affordable housing can get involved. By the way, re: affordable housing, is there a committee in town that deals with housing issues and is the Planning Board involved

MR. WIELER – Yes, there is an Affordable Housing Committee.

George Fiske – About this time a year ago, the Town of Ashland tried to pull together some neighboring towns to share information on affordable housing issues. Over the last 6-9 months, we have learned so much about what others towns have done. There is some coalescing and we see value in getting together once a month. We want to expand that group and would like to see Medway, Millis and Medfield join us. We are sort of a regional affordable housing committee for lack of a better name. We have brought in people from the other communities that are presently involved in projects. We brought in EMC, Mission Springs, and Community Builders to speak to us. We have talked about bringing in a representative from Middlesex Savings Bank and SMOC (South Middlesex Opportunity Council?).

MR. SCOTT – Citizens Bank has stepped up its efforts.

George Fiske – The banks get CRA (Community Reinvestment Act) credits for affordable housing activity. We would really like to get Medway involved.

MR. WIELER – You better talk to one of our new selectmen, Kent Scott, to pursue this.

MR. HOOPER – There needs to be a bit more coordination between the Planning Board and some of the other town boards, especially the Affordable Housing Committee. I see them in more of a maintenance role. I am not aware of any proactive positioning or action on their part. That may be lack of information on my part or it may just be a communication issue. I think we would like to be a part of that effort but we hear very little about it.

MR. SCOTT – It is an issue I will be addressing (when I go on the Board of Selectmen.)

MR. WIELER – Right now we are not involved. When 40B projects come in, they go to the ZBA directly. We were asked for our opinion on the last few 40B applications.

MR. SCOTT - We haven't made the effort yet to develop an affordable housing plan and present it to the state.

MR. WIELER – Is there an advantage to signing over title to the land trust as opposed to keeping that in town? What is your experience there?

George Fiske – If there is a benefit one way or another, I don't know what it is. There could be a sense of importance attributed to ownership. You ought to speak to another group that has more experience like the Trustees of the Reservation or the Sudbury group.

MR. WIELER – When we do this, we are removing that land from the tax roles.

Susan Affleck-Childs – Does the applicant/donor get a nice tax deduction?

George Fiske – Not if there is a quid pro quo such as if the open space is required as part of the special permit.

MR. WIELER – I think we have to do some homework here. I think working with the Upper Charles Land Trust has huge benefits.

MR. HOOPER – I can see where you are going with the model – so many dollars per acres, or something to get things rolling.

MR. WIELER – But we cannot make it onerous.

George Fiske – You do you have a CONCOM that has taken an interest in this.

MR. HOOPER – Our CONCOM is very good with wetlands protection, but their practice has been for conservation land to remain untouched. They are not set up to manage active open space or to handle upkeep or maintenance.

George Fiske – There are people that believe that proper land management is no maintenance.

MR. HOOPER – I don't necessarily believe that. The public doesn't necessarily have a sense of pride in land if they don't have familiarity with it.

MR. WIELER – We have a real need for public access.

Dave Hoag – There is about an equal amount of conservation land owned by the town and owned by the CONCOM - 176 acres owned by CONCOM and 146 acres by the town.

MR. WIELER – CONCOM doesn't have a means to maintain or provide access and that is why we are looking to a land trust.

MR. HAYES – Do you have a list of properties that the Upper Charles maintains or provides access to

George Fiske – Yes, I can get you that. We have some instances in Medfield where the sellers wanted to preserve a portion of the land. Their tract was next to other large tracts. We went ahead and did that.

MR. WIELER – Please send that list to Susy.

George Fiske – We have to file with each town a list of what properties we own.

MR. WIELER – We can do a little homework to come up with a model on ownership and maintenance.

George Fiske – You could consider having a co-holder.

MR. WIELER – Thank you very much for your time. I think we need to keep trying to find a way to share funding between these open space properties. We need to get people into these properties quickly. From my conversations, it seems a metric might be \$1000 an acre plus \$50 per unit per year.

MR. HAYES – So ARCPUD residents have rights to the open space, but just not exclusive rights?

MR. WIELER – Yes. The best thing you can do is to get all the abutters to police it. And then you have a little fund to keep it up as needed.

NOTE – The Board took a short break from 8:45 pm – 8:50 p.m.

Commercial I Development Plan Update – Gino Carlucci

MR. WIELER – We almost need two plans - a wish list/pie in the sky version and then a more realistic option that includes the existing building pads. We need to think how can we use these plans to show folks how to increase the town's commercial tax base and create some affordable opportunities.

MR. HOOPER – Your benchmarks for the parking were our existing parking ratios from the zoning bylaw?

Gino Carlucci – Yes.

MR. HOOPER – It seems like those standards have huge impacts.

Gino Carlucci - In the eastern area of the site (near Holliston Street), it provides for 2 parking spaces per residential unit.

MR. HOOPER – I understand that the entire bank parcel was being eyed for development. Even with the wetlands, there may be some room for more development.

MR. SCOTT – That topography lends itself to some fun things architecturally.

MR. WIELER – What is the next step? Shall we go with two plans?

MR. HOOPER – We would still want to show representation of the existing buildings even in the pie in the sky version. Can you highlight pedestrian corridors and features as well?

MR. SCOTT – Right now you are just massing spaces.

Gino Carlucci – I would like to see a pedestrian easement on the south side of route 109 to connect up to this.

MR. WIELER – Please finish the “pie in the sky” version and then do one with the existing buildings in place.

MR. HOOPER – It is almost ready to have a landscape architect to bring it to life.

MR. SCOTT – This ready to discuss with somebody and then you can look at the existing pads. – you give them the direction and our thoughts and let them run with it.

MR. WIELER – I wonder if it might behoove us to take this and put in the existing buildings. We want to write legislation (zoning bylaw) to allow all this but each owner is going to have to decide how to proceed.

MR. SCOTT – Then this is a feasibility discussion so let’s put the “slim to nones” in there and then look at the road layout.

MR. WIELER – We need to write something that will give owners of the Medway Shopping Center the incentive to raze that building and build something new.

MR. SCOTT – There should be state funding that should be looked at.

MR. WIELER – So finish the “pie in the sky”, put in the bank and then do the feasibility plan to include the existing buildings.

MR. HOOPER – If we are going with a “pie in the sky” version, I would personally like to see an individual thematic village or a town square theme going on within certain geographical areas. Add in a municipal building of some substance - a town hall. Let’s go all the way with a town common and affordable housing densely surrounding and embracing a civic center and retail complex.

MR. SCOTT – You want it to be clearly identified.

MR. HOOPER – We need to incentivize this. The owners are not going to tear down the buildings unless there is a thematic draw to the place to take over.

MR. SCOTT – Certain developers align themselves with certain anchors.

MR. HOOPER – The pedestrian element is very important to me.

MR. WIELER – We don’t want to have commuters on this alternative road system. The new road is just for local folks who are using it for access.

MR. HOOPER – But you want the buildings to accommodate the commuter traveler. Route 109 as a travel corridor for commuters will not change.

Gino Carlucci – With the scale of this, part of the thinking is to design this for on-street parking and with a pedestrian corridor.

MR. WIELER - I think this is great. The big thing will be to approach the Medway Business Council.

MR. HOOPER – The area to the west of this site is where the restaurant going in. We may want have a more substantial buffer with the adjacent residential neighborhood to the north.

MR. WIELER – Thanks Gino. Next week, please come in with the existing buildings shown.

Street Acceptance Status Report

Susan Affleck-Childs briefed the board on the status of street acceptance for the streets that were submitted for the warrant. The streets that make it include Tulip Way extension (Granite Woods subdivision); and Fairway and Homestead (Cider Mill 4). Lee Wickett is working hard to make the necessary repairs to comply with the Mass AAB standards.

MR. HOOPER – It is almost as though we need to incentivize street acceptance.

MR. WIELER – Another option is to increase the minimum bond even more.

MR. HAYES – We can also hold back on lot releases.

Committee Reports

MR. HOOPER – The Community Preservation Committee had a public hearing to solicit ideas on projects. On Oak Street by Choate Pond, there is an historic residence (2B Oak Street). It dates back to 1830. Mike Narducci owns the house and property (5 acres). He sought a demolition permit and the Historical Commission's new demolition delay bylaw kicked in. They now have 6-9 months to seek alternatives to demolition. The CPC voted to prompt the BOS to begin negotiations to purchase the property.

MR. WIELER – This is a good example of where the town could buy the parcel, keep some of the land and add it to Choate Park and sell off a part of the site with the house.

MR. HOOPER – One goal is to keep the house on the site. Its history is tied to the mill. The house should be preserved and stay on the site.

Gino Carlucci – Re: the Community Preservation Act, are you aware of what is going on at the state level?

MR. HOOPER – I have seen some letters that the State is trying to consider reallocating the state portion of the CPA funds to the larger cities and towns that have not approved CPA.

Gino Carlucci – The CPA fund has generated so much money from Registry fees. Under this proposal, every town would still get 100% but the Coalition of Mayors is pushing to get some of the money too and they pushed MAPC which took the position to support the Coalition of Mayors to essentially raid some of that \$ to give to non CPA towns one time.

MR. HOOPER – The statewide Community Preservation Association had a strong rebuttal to that initiative.

Gino Carlucci – You should talk to Rep Jim Vallee and Dave Magnani of your concern.

MR. WIELER – There will be less money for Medway if this happens?

MR. HOOPER – I expect yes, potentially, in the long term.

A motion was made by Matt Hayes and seconded by Dan Hooper to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*James. G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved May 4, 2004

Planning Board Meeting Minutes April 27, 2004

PRESENT: Karyl Spiller-Walsh, Dan Hooper, Jim Wieler, and Matthew Hayes

ABSENT WITH NOTICE: Kent Scott

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant and Gino Carlucci, PGC Associates.

The meeting was called to order at 7:32 pm.

PUBLIC HEARING – ZONING BY-LAW AMENDMENTS

A motion was made by Dan Hooper and seconded by Matt Hayes to waive the reading of the public hearing notice. The motion was approved unanimously.

NOTE – A copy of the public hearing notice is attached and made an official part of the meeting.

MR. WIELER – Let's take the real short ones first.

Groundwater Protection District

MR. WIELER – We asked Water/Sewer Superintendent Mark Flaherty to be here to answer any questions.

Mark Flaherty – For your information, the town was just issued a new withdrawal permit from DEP re: taking 100,000 gallons a day. One of the stipulations is that this bylaw be adopted and enacted within 12 months. So, if it is not passed, then the town could be fined on a per day basis.

MR. HOOPER – Who is involved here?

Mark Flaherty – The Massachusetts Department of Environmental Protection (DEP). They will fine you if you don't comply. You pay up first and then you can go to court to appeal but you

don't ever win. They have more control than IRS. There are many stipulations on the withdrawal permit, each with its own consequences.

Mark Flaherty – The purpose of this bylaw is to protect groundwater from hazards. Anything that exists at the time of adoption is grandfathered. Anything after this is passed has to go thru the ZBA and requires a special permit.

MR. HOOPER – So if an existing gas station is sold, it is still permissible?

Mark Flaherty – Yes, there is only 1 gas station in the district. The boundary lines are drawn based on hydrological studies. There are three zone 2s. If a fourth well gets approved, this bylaw will have to be amended to add that area to the groundwater protection district.

MR. WIELER – Thank you Mark. We hope you will be at the town meeting to answer any questions that may come up.

Sheds

Bob Speroni, Zoning Enforcement Officer

MR. WIELER –I would like to better understand what this is all about.

Bob Speroni – Dan Hooper and I have been going back and forth discussing this. In 1997, the state building code made some changes. One of them has to deal with sheds and accessory buildings. Prior to 1997, there were no exemptions for sheds. There was no size/area cut off that kicked in the requirements. The state changed this and made it 120 sq ft. for a playhouse or a garden shed and exempted it from the requirements of a building permit and a foundation. That made a lot of sense. However, since 1997, there have been lots of problems with enforcement especially regarding setbacks. The zoning bylaw has setback requirements but without these sheds needing a building permit, it was hard to enforce. Experience in other towns has proven that people were more apt to be concerned about their neighbors than to just put a shed right on the property line. I would tell them they would have to maintain the setbacks. I think it would be better to take our cue from how other towns are handling this. It has been brought up at some of our building inspector meetings. This is a way to solve some of the enforcement problems. So the maximum size of a shed would be 120 sq. ft, 1 story in height, used as a garden shed or for a playhouse. This would not pertain to anything like a pool house – it pertains to the specific uses of the structure.

MR. HAYES – Can you have power?

Bob Speroni – Yes. There is no prohibition on running power to a shed. I don't know why they would want to with this kind of use (garden shed or playhouse.) If the shed was to be used for other purposes, then they would have to maintain the standard setbacks per zoning.

MS. SPILLER-WALSH – What about agricultural use?

Bob Speroni – The code specifies what is exempt. In my opinion, sheds used for agricultural purposes would not be exempt.

MR. WIELER – So a garden shed could be within 7 ½ feet of the property line?

MR. HAYES – Yes, but they don't need a building permit?

Bob Speroni – Right. But when they call in and ask, I will remind them that they have to comply with the setbacks. Right now, they are just putting it on the property line.

MR. WIELER – Sheds that are there now would be OK?

Bob Speroni – Yes.

MR. HOOPER – I am glad you came in. I deal with a lot of pool type buildings. I can see where you are coming from. Use is the issue, not really the size of the structure.

MR. HAYES – So this bylaw change also applies to any type of pool – in ground or above ground?

Bob Speroni – Pools are another whole issue. Right now, the zoning bylaw addresses buildings and not structures in the AR zones. But there are rules in the state building code. Right now, in Medway, a pool is not subject to the zoning bylaw and they could put a pool right on the property line. So these articles would address that as well by requiring a pool to be a bit further away from the property line.

MR. WIELER – Do you intend to be at the annual town meeting?

Bob Speroni – I was not planning on it.

MR. HOOPER – I believe I can speak to these articles.

MS. SPILLER-WALSH – It seems reasonable and moderate.

MR. WIELER – Thank you Bob.

Commercial V District (126 & 109)

Bob Parella – Paramount Industries

Ann Sherry – Medway Business Council

Louise Placido O'Neill - Dunkin Donuts

Mark Smith - Restaurant 45

Medway Gardens

MR. WIELER – There is a letter from the Medway Business Council in support of this. Is it your intent to be at the town meeting to speak in support of this?

Bob Parella – Yes, I will be there and will speak in support. Will the PB support this?

MR. WIELER – We will issue a letter, yes.

Bob Parella – I have talked to people and they are totally surprised that it isn't already zoned commercial.

MR. HOOPER – There may be some concern by people who are worried that this may be the start of business encroaching down Route 126;

MS. SPILLER-WALSH – We have the new Design Review Committee so we are very sensitive to new businesses that come in and want to encourage this kind of thing. The scale will be very important so there is somebody that will be watching how these commercial ventures merge with the neighborhood.

MR. WIELER – This is one of the two areas in the master plan that were specifically identified to change the zoning to match actual use.

MR. HAYES – All of the lots in this district already have buildings on them?

MR. WIELER – Yes, except for one of the town owned lots where the fire station is located.

Adaptive Use Overlay District

MR. WIELER – This is not on the warrant despite our best efforts. I am frankly very disappointed in the vote by the Board of Selectmen to not place this on the warrant. We may need to go with a citizens petition on this to get it before the voters. With this overlay zone, we are streamlining the permitting process by combine a use variance with site plan review into a special permit. So, this is the public hearing on this proposal. We have looked at this before, we made a minor change so that the special permit is all time for that use but if the use changes, they would have to go back and get another special permit. That was a good catch.

Gino Carlucci – That is correct, a new use would be subject to a new special permit.

MR. HOOPER – Maybe we should do a note to Bob Speroni to ask about this section to make sure the language is clear. The language here may need to be more specific in that if there is a change in use, the owner of the special permit would need to go through site plan review or through this special permit process, depending on the proposed use. Bob's interpretation of what we have written now may shed some light on what will work since he is the person who will make these initial determinations regarding use.

Susy Affleck-Childs – The Planning Board will probably have to conduct another public hearing on this since it hasn't actually been submitted for a warrant. So, we have time to tweak it.

Sign Bylaw

MR. WIELER – This is what we have worked on for many months. Again, this is not on the warrant for the annual town meeting. But we did do a citizens petition so it will have to be on the warrant for any special town meeting after.

Bob Parella – What is the issue for keeping it off the warrant? Is the appeal process one of the questions? We in the bus community are supportive of this.

MR. WIELER – We removed the Board of Selectmen from the appeal process. Any appeal from the zoning enforcement officer's decisions can be made to the ZBA and further appeal is available through the courts.

MR. HOOPER – A decision of the zoning enforcement officer can be appealed to the ZBA

MR. WIELER – Most signs will be referred to the Design Review Committee.

MR. HOOPER – We tweaked the definition of “building sign frontage” to make it much clearer how to calculate the amount of signage permitted.

Bob Parella – I do have a point of clarification. Under the old (current) bylaw, it said that 15% of the square footage of the façade of the building is allowed for signs but Joe Musmanno says that is not the case.

MR. WIELER – We have come up with some better definitions to make it clearer.

Ann Sherry – If the Commercial V district is approved at the annual town meeting, then how would signs be handled in that new district in the future under the proposed sign bylaw? There are no provisions in that for the Commercial V district.

Gino Carlucci – You could add in some new text on the floor of the town meeting just adapting it to fit the new district. That probably would not jeopardize the Attorney General's opinion.

Bob Parella – We think this is a great step forward and a good effort to make it user friendly. Is it 100% perfect, no. But it is a good effort.

Site Plan Review & Approval

MR. WIELER – Again, this is not on the warrant for the annual town meeting. Just to be clear, this is the first piece of making a change. The more important piece will be the rules and regulations, which will provide the details on application procedures, materials and review process.

Susy Affleck-Childs – I have been talking with some folks and we may want to separate this out and have major site plan projects be approved via a special permit and have minor site plan projects go through a regular site plan review. The draft you have probably needs some more work re: activities that would be exempt from site plan review – just window replacement, just roofing, just siding, etc.

MR. WIELER – I would like to put the public hearing on hold for a few minutes while we show the representatives of the Medway Business Council some ideas on the Commercial District I Development Plan that Gino Carlucci has been working on for us.

MR. HOOPER – Where we were coming from is to put a town center into where a town center is really evolving and to try to make it pedestrian friendly. We aren't there yet, but we are generating concepts and wish lists so that we can develop a "pie in the sky" vision and work ourselves back to reality.

MR. WIELER – We are trying to fulfill some of the master plan action items - to increase the commercial tax base and provide potential landowners with opportunity to increase the value of their property or redevelop it. These are thoughts taking hold in other communities. We started with a big dream and we hope to write a zoning bylaw amendment that would enable these things to happen. We are not dictating but providing an option for future redevelopment.

MR. HOOPER – I think it is a common belief that the Medway Shopping Center is going to be impacted by the Medway Commons center and we see that as an opportunity for something really exciting to happen at the Medway Shopping Center in the future in terms of redevelopment. The recent improvements with the new facades and signs are just sort of a bandaid. Whatever occurs down the hill becomes the more elite area and so the Medway Shopping Center may be ripe for a great redevelopment opportunity with reduced curb cuts, and a more pedestrian friendly design. This could only be accomplished if the bylaws are changed.

NOTE - Gino Carlucci showed a concept design with some of the existing buildings retained.

Bob Parella – I am Chairman of the Medway Cooperative Bank. I had talked to the Goulds because I was very concerned about safety in this area.

MR. WIELER – When we talked to the Cassidies and did the rezoning on that area a couple of years ago, we asked them to look at an overall plan for that quadrant (northeast corner of Main and Holliston Street). We had David Chilinski draw up a concept plan for that area that included an interior road connecting Main to Holliston.

MR. WIELER - Medway Block's location at that spot on Main Street may not be the highest and best use of that land. Perhaps that business could be relocated and that site would become available for other investment.

MR. WIELER – The question to Bob and Ann is when should we start working with the wider business community? We need to get a lot of people involved.

Bob Parella – I think once those two projects (Medway Commons and Walgreens) are up and running and the override is resolved and the high school is open, then you could dig in. It is clear to me that the whole Medway Shopping Center needs to be redone.

MR. WIELER – This is a long-term project but we are having Gino Carlucci work on it this year while we have the funding. Our consulting budget has been cut for next year.

Bob Parella – I think it is a great concept from an investment perspective. I was reading an article on affordable housing for young people. One of the issues is the over restrictions on development. The point being is that it is easier to go and build a new building than it is to do redevelopment. If somebody came in and saw this concept and saw that there was a zoning bylaw in place to make it happen, it could be a great opportunity.

MR. WIELER – We are really looking at a mixed-use plan, with even a municipal building of some kind.

MR. HOOPER – A town hall would be great.

Bob Parella – The use isn't as much of an issue if you have good traffic flow.

MR. HOOPER – The neighbors are going to need to be part of the process.

MR. HOOPER – Jim is going to stay involved in this even though he is going off the Planning Board. It needs to have many entities coming together – businesses, neighbors, investors, town boards.

Bob Parella – When we were originally building Paramount, somebody questioned why we weren't in the industrial park. You have to make something attractive for investors.

MR. WIELER – When you give people the incentives and get the professionals involved, you get a better product.

MR. HOOPER – It has to be enticing to bigger thinkers than what we have been here in Medway.

Bob Parella – Absolutely.

MR. WIELER – Our next step is to get this drawn up prettier and then we will start writing a bylaw and come to see the business community.

Bob Parella – Congratulations for doing this. Something like this hasn't been done before.

MS. SPILLER-WALSH – This really came about as a result of all the problems we were running into down the hill in reviewing Medway Commons. We need to think even bigger – south of Route 109 (across from the Medway Shopping Center) and then south of Medway Commons as well.

MR. WIELER – We have to keep stressing that we are trying to create options for people.

Bob Parella – Thanks for all you are doing.

RETURN TO ZONING BYLAW PUBLIC HEARING

Accessory Family Dwelling Units

MR. WIELER – This proposal is pretty much the same as last year.

Susy Affleck-Childs – Just a clarification that the maximum size is 650 sq. feet.

AR I and AR II

MR. WIELER – These changes have been recommended by Joe Musmanno to deal with pre-existing ways in the Oak Grove area, to ensure that our zoning bylaw would not permit those to be building lots. By striking some of the language, we then rely on language in the state Zoning Act to deal with these situations.

A motion was made by Dan Hooper and seconded by Karyl Spiller-Walsh to close the public hearing on proposed zoning by-law amendments. The motion passed unanimously.

Susy Affleck-Childs – I recommend that you not vote on these items until next week when we have the warrant in hand and can match your recommendation to a special warrant article number.

COMMERCIAL DISTRICT I DEVELOPMENT PLAN

Gino Carlucci – I am meeting with a landscape architect tomorrow to review this and come up with a price.

MR. HOOPER – I would like you to come to next week's meeting with a price on what it will take.

MINUTES

April 13, 2004 – A motion was made by Matt Hayes and seconded by Dan Hooper to approve the minutes of the April 13, 2004 Planning Board meeting as presented. The motion passed unanimously.

CORRESPONDENCE

Susy Affleck-Childs – You have a memo from Treasurer Barbara Walls describing a new process for disbursing bond reductions or releases. She and the Town Accountant want to run everything through the warrant so there is a good record of each transaction.

The Board acknowledged the Treasurer's new procedure. Susy Affleck-Childs will send a note to all developers to inform them of the change.

OTHER BUSINESS

MR. WIELER – I have some concerns re: stone wall on Adams Street that is supposed to be constructed. We need to look at the plan and the final site plan approval. We need to prepare a letter to the DPS and the Municipal Building Committee. It is a matter of the town building the stone wall and coordinating with Mr. Briggs. Also, they filled in between the road and the existing stone walls so now we have 3-4 parking spaces. It needs to be dug up and repaired. The shoulder of the road is now cracking and falling apart.

NOTE – Susy will prepare a letter on this.

SUBDIVISION RULES AND REGULATIONS

NOTE – The Board reviewed the 4-22-04 draft.

Susy Affleck-Childs – We have received some input from Dave D’Amico from DPS.

MR. HOOPER – This is so tough to get through in these meetings. I would suggest a work session with Susy, Mark Louro, Matt Hayes, Dave D’Amico and me to just go through these to finish up.

MR. WIELER – We need to get these adopted before the Marian community project comes in.

MR. HOOPER – The granting of waivers has to be in the best interest of Medway, not just as a matter of course.

MS. SPILLER-WALSH – It has become par for the course and everybody just expects to get waivers.

NOTE – The Board reviewed the draft and continued discussions. It was agreed that a smaller group to finish this up is a good plan. That will be convened after the May 10th annual town meeting.

OTHER BUSINESS

MR. WIELER – Medway needs a representative to the Metropolitan Area Planning Council (MAPC) since Mary Ellen Lavenberg resigned. There are 3 MAPC executive council meetings a year plus the monthly SWAP meetings.

CLOSING COMMENTS – In recognition of Jim Wieler’s last meeting

MR. HOOPER – Thank you for all your efforts. On behalf of the Planning Board and me personally, I will miss you tremendously. There couldn’t be a better person who has helped planning. You are a great guy for this town. We should be thankful and we have benefited from your work. It will be tough to not have you beside me in the year ahead.

MR. WIELER – It has been a great experience and a privilege to work with you folks and the people who came before you on this board. Everybody is extremely important. I think one of the key things that I want to leave you with is that communication is more than half of this job. This is often difficult to get done. But what we have done this year with the business community has gone miles toward smart growth initiatives.

MR. HOOPER – You are good at bringing boards and committees together. You have the capacity to embrace all that and bring it together. That will be sorely missed. I hope you will stay close.

A motion was made by Dan Hooper and seconded by Matt Hayes to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Kent Scott*

DRAFT – May 13, 2004

***MINUTES
Medway Planning Board Meeting
Tuesday, May 4, 2004***

PRESENT: Dan Hooper, Karyl Spiller-Walsh, Matthew Hayes, and Alan DeToma

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant; Gino Carlucci, PGC Associates; joined later by Mark Louro, VHB Engineering

Susan Affleck-Childs called the meeting to order at 7:35 pm. She welcomed Alan DeToma to the board and congratulated Kent Scott on his election to the Board of Selectmen.

Election of Officers

Susan Affleck-Childs asked for nominations for officers.

A motion was made by Matthew Hayes and seconded by Karyl Spiller-Walsh to elect Dan Hooper as Planning Board Chairman. The motion passed unanimously.

A motion was made by Dan Hooper and seconded by Karyl Spiller-Walsh to elect Matt Hayes as Vice-Chairman. The motion passed unanimously.

MR. HOOPER - Is anybody willing to assume the responsibility of the Clerk?

MR. DETOMA – Yes. I will be glad to serve as Clerk.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to elect Alan DeToma as Planning Board Clerk. The motion passed unanimously.

Committee Assignments

Community Preservation Committee (CPC) – Position is currently held by Dan Hooper who feels he cannot serve both as Planning Board chairman and as its representative to the CPC.

Motion by Dan Hooper, seconded by Karyl Spiller-Walsh for Matthew Hayes to serve as the Planning Board's representative on the Community Preservation Committee. The motion passed unanimously.

Design Review Committee (DRC) – Position is currently held by Karyl Spiller-Walsh who wishes to continue. *Motion by Dan Hooper, seconded by Kent Scott for Karyl Spiller-Walsh to serve as the Planning Board's representative on the Design Review Committee. The motion passed unanimously.*

Capital Improvement Planning Committee (CIPC) – Position is currently held by Matt Hayes who is willing to continue in this capacity. *Motion by Dan Hooper, seconded by Karyl Spiller-Walsh for Matthew Hayes to continue serving as the Planning Board's representative on the Capital Improvements Planning Committee. The motion passed unani*

Street Naming Committee – Position is currently held by Susan Affleck-Childs. This works well as meetings are held during the day. *Motion by Dan Hooper, seconded by Alan DeToma for Susan Affleck-Childs to serve as the Planning Board's representative on the Street Naming Committee. The motion passed unanimously.*

General Liaison Appointments

Conservation Commission – *Motion by Dan Hooper, seconded by Matt Hayes for Alan DeToma to serve as Planning Board liaison to the Conservation Commission. The motion passed unanimously.*

Disability Commission – *Motion by Dan Hooper, seconded by Matt Hayes for Susan Affleck-Childs to serve as the Planning Board liaison with the Disability Commission. The motion passed unanimously.*

Board of Selectmen (BOS) – *Motion by Matt Hayes, seconded by Karyl Spiller-Walsh for Dan Hooper to serve as the Planning Board liaison to the Board of Selectmen. The motion passed unanimously.*

Zoning Board of Appeals (ZBA) – *Motion by Matt Hayes, seconded by Kent Scott for Dan Hooper to serve as the Planning Board liaison to the Zoning Board of Appeals. The motion passed unanimously.*

Open Space Committee – *Motion by Dan Hooper, seconded by Matt Hayes for Karyl Spiller-Walsh to serve as Planning Board liaison to the Open Space Committee. The motion passed unanimously.*

Southwest Area Planners (SWAP) – It was decided to not designate a liaison at this time. Susy Affleck-Childs will attend as time permit.

Industrial Development Commission (IDC) - Motion by Matt Hayes, seconded by Karyl Spiller-Walsh for Dan Hooper to serve as Planning Board liaison to the Industrial Development Commission. The motion passed unanimously.

Affordable Housing Committee – A motion was made by Matt Hayes and seconded by Dan Hooper for Kent Scott to serve as Planning Board liaison to the Affordable Housing Committee. The motion passed unanimously.

NOTE – It is the intent that when Mr. Scott resigns from the Planning Board, his replacement will assume this committee assignment.

Other Business

Susy Affleck-Childs reported that a preliminary subdivision plan had been submitted by Charter Realty for the Medway Commons site. This plan takes the existing two parcels and subdivides them into a total of 6 lots. This is primarily for tax and leasing purposes. The public discussion on this application is scheduled for May 18th. The Board was asked to pick up the plans to review.

She also reported that Mike Narducci will be coming in with a 4-lot ANR plan for his property on the east side of Holliston Street. Mike had been before the Planning Board with a preliminary subdivision plan for this site. But he has decided to develop the land thru 4 ANR lots instead.

MR. HOOPER – We have a candidate for Kent Scott's Planning Board slot. Eric Alexander works for the Mass Dept. of Housing and Community Development and has experience in affordable housing issues. His wife is the assistant town planner in Acton. NOTE – Eric's resume was distributed.

NOTE – Dan Hooper distributed handouts of future Planning Board agendas and pending deadlines.

The board decided to have a special meeting, before town meeting, on Monday, May 10th at 6:30 p.m.

Minutes

April 27, 2004 – *A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to accept the minutes as presented. The motion passed.* Alan DeToma recused, as he was not a member at the time. Kent Scott recused, as he was not present at the 4-27-04 meeting.

April 20, 2004 – *A motion was made by Matt Hayes and seconded by Kent Scott to approve the minutes as amended by Jim Wieler and Dan Hooper. The motion passed.* Alan DeToma recused, as he was not a member at the time.

Public Hearing Continuation – Hartney Acres Definitive Subdivision Plan

MR. DETOMA - As I am an abutter to this project, I will recuse myself.

NOTE – In addition to the applicant John Claffey, Paul Yorkis and Paul DeSimone were present for the applicant.

Paul Yorkis – I would like to extend our appreciation to Mark Louro for his turning around the plans and getting comments back to us to quickly. It has been a long process and at times difficult and there have been very tight deadlines. I want to say publicly that we really appreciate his efforts to get back info to us.

There are a number of things we want to go over tonight. We would like to start with VHB's most recent letter. We got it early enough today that we were able to make changes to the plan that Mark had indicated were needed. I would like Paul DeSimone to present that info to you. We have copies of the revised plans for every board member.

Paul DeSimone – Re: VHB's 4-30-04 letter, on the first sheet, everything is all set. On the third sheet, the easement line on the flowage easement has been corrected. On Page 4, the second bullet – We added a subdrain on the bottom of the pond and added a note:

Mark Louro – Also, please show the subdrain in the pond detail.

Paul DeSimone – On page 5, the first bullet – 2 inch orifice was changed and the second to the last sheet was also changed in two locations. On page 5, the last bullet – We had a 19.3 % on the slope. I went to 15 feet of riprap and that changes the slope;

Mark Louro - Why don't you just grade up to the pipe?

MR. HOOPER – I need to mention as an aside that these plans are very difficult to read. There is so much scribble. They need to be readable in the field. Please address this.

Paul DeSimone – The 313' contour has been fixed all around. On Sheet 6, we called for an iron fence above the retaining wall.

Mark Louro – Make sure the label on the profile is fixed too.

Paul DeSimone – The corner rounding of the wall goes into the ground.

MS. SPILLER-WALSH – I believe you were going to remove concrete form #1202 and go with the alternative?

Paul Yorkis – On page 3 of Mark's letter, the first bullet - he talks about the flowage easement. A question was raised re: how the flowage easements would remain. What is the mechanism for keeping it in place. A suggestion was made to discuss this with the applicant's attorney. I have a letter from Attorney Tucker Reynolds, dated May 4, 2004, re: lots 1,2 and 7 and explaining flowage easements.

NOTE – Mr. Yorkis read the letter from Tucker Reynolds. The letter is attached and made an official part of the record.

Paul Yorkis – When the property is conveyed, in the title rundown that is presented to the buyer, there will be a reference to the specific flowage easement. It is referenced on the plan that will be recorded. I am obligated by law, as the realtor who will be handling the sale, to disclose any easements.

I would like to discuss the wall and the fence and things related to that. This has been a lengthy topic. We met with the Design Review Committee on 2 occasions and received input from them. We met with Karyl Spiller-Walsh informally to share with her what was happening on the design and to get some input. On the plan as it relates to the wall, there are two different styles of wall treatment that could be utilized. The one that was recommended and preferred by the DRC was New England drystack. John Claffey doesn't care which version is used. If you prefer the New England drystack, then the other option will be removed from the plan. You need to direct us. The second item relates to the fence that needs to be installed on top of the wall based on the requirements of the state building code. We have had numerous discussions with a number of individuals. David Peterson is here from the company that will be doing the fence installation. There are two sections of wall. There is a CUT section of the wall at the entrance on the left and right sides. We have tried to give you an idea of how it will be sloped. On top of the wall there will be a minimum 4 foot fence and 6 foot fence. In the CUT section, we propose using a chain link fence, the 1 ½" mini mesh. In the FILL section, over the wetlands, which will be a 4 foot wall, we are proposing to use a decorative aluminum fence. The Design Review Committee had indicated their preference was to use the decorative fence throughout on all parts of the wall. We are trying to achieve a balance.

This fence would be at the FILL section and would be fastened to the wall between 3 and 4 inches on the backside of the wall. In the CUT section, the fencing would be attached on the outside. The FILL side is the wetlands location. It will be a continuous wall but the type of fencing would change (from chain link on top of the CUT section) to the decorative aluminum when it drops down to the FILL section. The fencing would be black – black vinyl coated for the chain link. One of the things we need to discuss with Officer Watson is the size of the openings in the aluminum fence. Jeff's original concern was a child's ability to put their feet through it and climb up. There is a set of standards for pools that allows for 4 inch opening between vertical spindles but the horizontal bar is up high enough to prevent climbing. The Planning Board needs to give us some idea if this is acceptable. We think this is a fair approach.

In the DRC's recommendation, there is an error. I believe their letter is mistaken in that it says that the wall is to be "sealed". We had agreed it would not be sealed.

We actually met with the DRC on 3 occasions. The company that designs the concrete form liners came out. Each time we got a clearer understanding of what the DRC is looking for. Regarding the decorative aluminum fencing, we don't want to use a design with spikes on the top as the DRC had recommended.

NOTE – Paul distributed a brochure of SPECRAIL fencing for the decorative aluminum fence

Susan Affleck-Childs – Which design do you propose for the fence?

Paul Yorkis – There have been many issues related to drainage. Mark Louro has reviewed this very thoroughly. We are pleased that there is a design that is acceptable to VHB and it works. You design and redesign. We are pleased it is done. The CONCOM has not yet issued an Order of Conditions because they have been waiting for VHB's letter to say that the system works and meets the state stormwater standards and doesn't impact the wetlands.

MR. SCOTT – Mark, I want you to address the flowage easement solution and drill down on that as compared to options we have seen. Please elaborate on that.

MR. HOOPER – We are speaking of flowage easements on lots 1, 2, 7 as noted on the revised plan.

Mark Louro – Basically, as of two submittals ago, the drainage design, for the most part, conformed to the regs in that they met the requirements to maintain the rate of flow from the site at various points. The second criteria is for the proposed drainage design to retain the volume. As of the April 8th submittal, there was a slight increase in volume from the easterly pond on lots 3 and 4. So, our response was for the applicant to look at it because it didn't meet the regs. Their response to that was to regrade lots 1, 2 and 7 and created swales on those lots to direct overland water flow to the west, removing that runoff from going to the easterly detention pond. To accomplish that and to ensure that the swales that were created, they have proposed the use of flowage easements. The grading that is shown on this plan, which makes the drainage design conform to the regs, has to be maintained at all times. This means the property owner cannot make any changes that would alter the flow of water from one lot to the next. Flowage easements are part of their solution. To attempt to ensure that the lots are graded properly, the applicant has offered to provide as-built plans when the house is done for the Planning Board to verify. The idea is to make sure that what is proposed is what is actually built. The flowage easement will restrict the property owner's future actions.

MR. SCOTT – So that means no shed, no pool, etc. My concern here is the enforcement of those easements, not so much at the time of construction but afterwards into the future. We have to think about that.

Paul Yorkis – There is only so much that people can do. I think having the easement reference in the deed is more than the typical deed might have.

MR. SCOTT – I applaud you for that.

Paul Yorkis – The other aspect of it, thinking 5-7-10 years from now, the owner makes a decision to fill that in and then wants to sell the house. During that time the owner decides to sell the land, the restriction should be picked up in the title search. Let me be clear however, that we are not warranting that an owner will not violate this.

Paul DeSimone - Anything that would require a building permit, Bob Speroni would catch that.

MS. SPILLER-WALSH – But if it is not caught, and there are more subtle changes to the land such as gardens, walkways, etc. that do not require a building permit, that is my concern. Even minor construction such as a walkway.

Paul Yorkis – A walkway cannot be built in an easement. I would hope that any garden planted in the flowage easement would be water lilies.

MS. SPILLER-WALSH – The way this will show up is water on the site and in the abutters' yards. I believe Mark's reference is that the lot grading on those lots is "crucial" to the drainage design.

MR. SCOTT – There isn't anything you can do to mitigate what anybody else does. It is almost the abutters' burden. They are going to have to be cautious. Those abutters are better eyes than anything we can do. We can't control what people are going to do. It is going to be the abutters watching this development to make sure that the lot grading doesn't change.

MS. SPILLER-WALSH – There are an additional 5 lots that would be required to have as-built plans submitted. Could you explain that?

Mark Louro – Because the grading was being altered, we recommend requiring an as-built plan on lots 1,2,7 and 3, 6, 9 to make sure that the grading does not force water onto abutters' properties.

MR. HOOPER – Unusual is not a word that I had hoped would be associated with this subdivision. As we have heard, there are a lot of existing concerns relating to drainage. This has put us in a bit of a quandary as far as what we think is in the best interest of the neighborhood and in the broader sense, the town of Medway. When it comes to something unusual like this, we are uncertain how to proceed. Flowage easements are unusual. For a subdivision that is already challenging, this has got me in a dilemma.

MR. HAYES – Since we are talking about small changes, there is a change you mentioned at the stone. Does that have any effect on the volumes?

Mark Louro – In the pond; I don't think it will have an impact.

Mark Louro – You said "unusual." Typically, when a subdivision plan is prepared, lot grading is not so much a part of the drainage design. This subdivision plan is different in that a specific grading has been predetermined to be necessary at 3 of the lots so that grading has to be done correctly.

MR. HOOPER – It does get back to the enforcement issues.

MS. SPILLER-WALSH – I am very concerned about the necessity to monitor this. Who will do that?

MR. HOOPER – Usually, we don't have to deal with this kind of issue. Any amount over break even makes a situation that is not a good situation to begin with even more challenging for us to follow for drainage design. If everything were flat, that would be different story.

MR. SCOTT – However, maybe we should refer to this as a "creative approach" instead of unusual. Our resident expert (VHB) says it meets the requirement and that is his job. As creative or as unusual as it may be, that is a settled issue. Now, by meeting this requirement in

this fashion, we must now address the effects of it and how it affects the abutters. Some of that we can control by deeds and some of that is what the neighbors have been doing all along and checking for changes. I don't know of any other way. But it does meet the regs and requirements as creative or as unusual as you want to call it.

MS. SPILLER-WALSH – It does do that with so many little tags attached to it that have profound consequences.

Paul DeSimone – We treat a flowage easements just like the other easements.

John Claffey – In subdivisions, grades are changed all the time. With this, we are guaranteeing that what is represented on the subdivision plan is what will be built. We are telling you what the grades are going to be. That is not standard in other subdivisions.

MS. SPILLER-WALSH – You are telling this because you have to. There is no room to go anywhere else.

John Claffey – I could change the grades on my own lot. At least with this, I am trying to show you that we are putting the water exactly where we say. There is water being dumped on this property right now and you don't know it. We have to provide as built to VHB.

MR. SCOTT – The abutters will know when there are problems.

MS. SPILLER-WALSH – And we will know because we will hear it loud and clear as we have heard about the problems on Broad Acres Farm Road.

MR. SCOTT – There are controls on this plan where there aren't on the other plans that are of concern to us now.

MR. HOOPER – Regarding the as-built plans for Broad Acres Farm, if those as built plans don't depict what the definitive plan shows, we do have some recourse over there.

MS. SPILLER-WALSH – My concern is the monitoring that would have to be employed in this subdivision once John Claffey is gone and the lots are sold.

Paul Yorkis – One of the things I would like to say, as an aside, and I don't want this to be interpreted as criticism, but as an observation. The Planning Board is appropriately increasing its Rules and Regulations, refining them to make them clearer and at times increasing the requirements. I understand that. On the other hand, the land that is coming before you to develop is the land that is the most difficult, the least easy to develop. While you may be struggling with this subdivision plan, I will indicate that you may want to get used to it. By the nature of the land available to be developed and the evolution of your rules and regulations, there is an inherent conflict. This is going to be happening more and more. Applicants like John Claffey are going to be trying to develop solutions to problems that may be a bit unusual and different. They may not have come to the board before. The wall hasn't come before you before, or the fence, or this type of drainage solution. I expect that the subdivisions that you will deal with in the future will be as difficult.

MR. HOOPER – It would behoove us all, to consider how we can steer some of the challenging lands to be developed in other ways that are more appropriate for the town's tax base and for the topography and water challenges and affordability. All that we ask all of you in the business is to help us. This isn't us against you. This is all of us in this together.

Paul Yorkis – I want to live in a community that excels, not just survives. You have some super opportunities before you in terms of commercial and industrial development. I would say to you and remind you that as a matter of right, in this town, the only residences that can be built are single-family dwellings. And I don't think that is healthy.

Paul Yorkis – Back to drainage. We hear you and we have attempted the best we can to come up with an approach that is reasonable and thoughtful and is obvious because it is in the deed. I don't know what else we can do.

MR. HOOPER – Are you soliciting concepts? There are some obvious alternatives on how to potentially handle the concerns. All of those are still there. This board has never dismissed them.

Paul Yorkis - When you walk this property as it is now, you can see how some abutters have dumped debris in the wetlands. There are a number of issues with this site. This was not an untouched piece of property to begin with. Things happened to it before Mr. Claffey became an applicant before you.

I need some specific direction from the board re: the wall design. Do you want the "drystack" or the "fieldstone"? We need agreement on the fence. I want to talk about the mitigation we are offering on Blueberry Hill Road.

MR. HOOPER – We have some letters we need to read into the record.

Matt Hayes read a 3-29-04 letter from Alan Necchi of 22 Broad Acres Farm Road. That letter is attached and made an official part of the record.

Matt Hayes read a 4-14-04 memo from Safety Officer Jeff Watson. It is attached and made an official part of the record.

Paul Yorkis – Since that time, I have spoken with Jeff Watson and we just need to get the height thing straightened out.

Matt Hayes read a 4-16-04 memo from DPS Director Dave D'Amico. It is attached and made an official part of the record.

MR. HOOPER – Was Dave privy to the meetings on the retaining wall?

Paul Yorkis – Yes. He is fine with New England drystack and he wants it to be unsealed.

MR. HOOPER - I will acknowledge that we have received a draft declaration of homeowner covenants for the Hartney Acres subdivision. (This includes provisions for light posts and the selective cutting zone.)

Paul Yorkis – It was requested that we provide to the board some statement where we would in fact be doing certain things that would be incorporated into a Certificate of Approval. One of those things was street lighting. See item # 14 in the proposed homeowner covenants. Another item is #4 re: selective cut zone. We were asked to indicate how those would work and they are addressed.

Paul Yorkis – We have a Memorandum of Understanding between John Claffey and the Department of Public Services re: improvements to Blueberry Hill Road. The question of mitigation measures has come up because of the waiver request for a dead end road. How are we going to accomplish this work? John Claffey, me, a representative of DPS and our contractor went out and inspected Blueberry Hill Road. This memorandum is a result of that inspection and includes such things as a street sign, corrections to sidewalks, fixing manholes; installing 2” of overlay pavement in some sections, and berm.

MR. HOOPER – These are improvements to Blueberry Hill Road that will make it acceptable to town meeting?

MS. SPILLER-WALSH – Do we have an estimated value of what that mitigation is worth?

Paul Yorkis – We haven’t put it out to bid yet so I cannot provide that to you.

NOTE – The Memorandum of Understanding is attached and made an official part of the record.

MR. HOOPER – We also have the recommendation from the Design Review Committee.

Karyl Spiller-Walsh read the DRC memo dated 4-30-04. It is attached and made an official part of the record. Please note the correction that the wall will not be sealed.

Paul Yorkis – We have discussed the various options for attaching the fence to the wall. If you go to sketch # 4 that was provided by the DRC. The original concept for anchoring the chain link fence to the wall was to be as shown in this sketch. But we would modify it to have the elbow rest on top of the wall so the chain link would go flush.

Paul Yorkis – Regarding the other options. There is a real concern for putting fasteners into the concrete. What we would like to do is use sketch #4 for attaching the chain link fence on the top of the CUT section and install the decorative aluminum fence in the FILL section about 3-4 inches from the edge so the lip is on the street side. We have tried to provide the balance. We think that works. We did discuss treating the wall and we looked at the bridge in Millis, which was built to Mass Highway standards. We aren’t sure that we will use the exact vendor (for the concrete forms) as we met with.

MR. HAYES – Would the posts for the chain link be painted?

Dave Henderson – The posts would be vinyl coated in black.

MR. HAYES – Where you are using the ornamental fence, is there a way to do it so there isn’t much of a ledge on either side?

John Claffey – We were trying to have a cap appearance. We agreed we liked a cap finish.

MS. SPILLER-WALSH – You do understand that the DRC is not supportive of mixing the fence types as you have proposed?

MR. HOOPER – It has been noted that there is a conflict with the DRC's recommendation and Jeff Watson.

MS. SPILLER-WALSH – The only difficulty he has with the aluminum fencing is the 4" spacing between the vertical spokes. Anything 3 inches or smaller would be fine with him. He would be just as much in favor of an aluminum fence if the spacing were correct.

MR. SCOTT – So there is no problem with the decorative aluminum.

MR. HOOPER – Would the board want to come to a consensus on how we want to proceed with the fencing? The mounting of the fence is more of a product of the technicalities of installation. To favor the façade of the higher wall and serve as a backside to the wall that is crossing the wetlands makes sense. It is more aesthetic.

MS. SPILLER-WALSH – I would like to go further. Officer Watson and the DRC decided on a grid unit that has 1-½ inch spacing. Paul Yorkis has indicated that Officer Watson would be happier with a wider grid as long as the horizontal piece is up higher. The key for the DRC is the look of the wrought iron fence, instead of the chain link.

MR. HOOPER – I want to see it be a consistent style of fence across the wall. And the New England drystack is the way to go.

Paul Yorkis – We need direction and let me be very specific. I don't want to represent that we are definitely going to use that particular vendor's product, but it will be that or much closer than the one we first proposed.

MS. SPILLER-WALSH – Our first choice is a stone wall. In lieu of the expense of a stone wall, we recommend this product that was created by pouring concrete into a form that was cast from real stones. We think this is a good approach. We are afraid that he is saying he will use something that sort of looks like this.

John Claffey – We didn't agree that it would have to be stone form.

Paul Yorkis – I think you are being unreasonable. There has been a true spirit of cooperation as it relates to the stone wall. I think it is unreasonable to specify a vendor's product.

MS. SPILLER-WALSH – We are recommending the look of that product – Drystack #1203. That is what we want to see.

Paul Yorkis – We have said we will do our best to come as close to the product as possible but we may not be using that particular product.

MR. SCOTT – If you have something that is close to it, then just give it to somebody so they can look at this.

MR. HOOPER – This is passion that relates to what has been done in the past (just plain concrete retaining wall.) The town will own these walls in the future. This is about aesthetics in the public domain. I heard your trustworthy statements that you will make every attempt to match this.

Susan Affleck-Childs – The alternative product needs to be brought forth.

Alan DeToma – As a member of the DRC, I want to state that we did not specify this exact vendor had to be used; an equivalent would be acceptable.

Mark Louro – The DRC letter notes the fence should be approved by a structural engineer.

Paul Yorkis – Anything that looks like a wall will have to meet the Building Department standards.

MR. HOOPER – In the spirit of trying to move this along to the next level, I want to ask if there is any more input? Once we close this, it will be left to the Planning Board to deliberate and discuss this project based on the sources and information gathered with respect to this application. If you have something to say and you haven't said it before, I would rather not get into repeating things. So, if you want to ask more questions or have something new to add, this is the time.

Alan DeToma – I will clarify that my comments are coming as an abutter and not as a new Planning Board member. There was a comment made that revisions were made to the plan as of yesterday. That has not provided any of the abutters any opportunity to review the plans as of tonight. I make that comment because it appears there is a change in the drainage design. This is not giving anybody who is an abutter adequate time to review or provide commentary.

Drainage flowage easements, swales, as-builts plans, deeds . . . With all due respect to the construction industry and realtors, I believe the applicant's engineer made reference to small swales. For anybody who has ever brought in a load a loam to do landscaping or gardening, we are talking about a major change. In the past, the abutters have had a reactive role to the drainage problems. In this instance, you have heard from a number of abutters who have tried to be proactive. It is one thing to look at the facts to see if it meets standards but it is another to having to always be diligent. If something as simple as bringing in a pile of loam to do a lawn is going to have an impact, and if things have to be watched so carefully when property changes hands, I am concerned. With a purchase and sale, it is a pretty standardized set of papers you sign. I don't know how many attorneys will walk a site to see if there is a grade change to comply with the deed restrictions. I don't get water now and I don't expect to. Relative to the retaining wall, I believe there was a requirement that a structural engineer approve the design. I do expect that the applicant will do this. But I want to make sure the footing dimensions (for the retaining wall) do not impinge on the abutters' property lines.

Paul DeSimone – The sheeting has been pulled off 12 inches.

Alan DeToma - There was not a great deal of discussion about the dead end waiver. It doesn't appear that there is any substantial reason for granting the waiver. The mitigation offered is not a real solid reason for a waiver being provided.

Carlos Morgado (14 Stanley Road) - I need verification. The perimeter around the property will not be cut. What size?

John Claffey – It was 15 feet, now it is thirty feet.

Carlos Morgado – What does that mean?

John Claffey – No tree cutting would be permitted in that area. Selective clearing of brush would be allowed.

MR. HOOPER – The thirty-foot selective cut zone doesn't apply to the flowage easement areas or the detention ponds areas because those areas will have already been disturbed prior to the application of the homeowner covenants. Is that right? In some of the lots where the detention ponds abut, the selective cut zone wouldn't apply.

Paul Yorkis - That is correct. Paul went through each lot to indicate where the selective no cut zone wouldn't apply.

Ed Kislauskis (2 Nobscot Road) – More homes mean no directed flow and less soil for water to drain so many of us are proponents of lesser homes. I think the site would be substantially improved with lesser homes. 10 homes is way over the top. Not to speak of the entry to the subdivision! Where else are you going to see this kind of stuff? I am concerned about the effects of the construction on local wells and house foundations. I don't want to see any shift in flow of drainage. With rains like we had recently, there were absolute flows near Blueberry Hill Road. This will have a detrimental impact.

Paul DeSimone – Even if we put in only 3 lots, that entrance is not going to change.

Cindy Kislauskis – I am concerned about construction traffic with trucks and heavy equipment coming in and out of the neighborhood. Who will be responsible for repairing the roadway if it is damaged?

Mark Louro - Anything that gets damaged as a result of equipment coming into the site will be the responsibility of the applicant.

Cindy Kislauskis – Has any study been done on the adequacy of the water for wells? When Broad Acres went in, we had trouble.

MR. HOOPER – Wells are under the purview of the Board of Health. Have we received any comments from them?

Susan Affleck-Childs – We have not received any written comments from the Board of Health.

Paul Yorkis – I did have a conversation with the Board of Health agent. Each applicant has to submit a well permit to the Board of Health and it has to be installed to their standards. There will be a well test for quantity and quality. Only then will the Board of Health agent sign off on the building permit.

Cindy Kislauskis – That doesn't protect the abutters from the impact of the drilling.

Resident (??) - Is it one well per lot or two?

Mark Louro – The Board of Health could answer that.

Joe Peduto (6 Nobscot) – Am I to understand that the actual plans for the retaining wall have not been submitted to an engineer?

Mark Louro – The structural design of the retaining wall is within the jurisdiction of the building inspector.

MR. HOOPER – The concern of the Planning Board and the authority related to the walls is the placement of them and the necessity for them. The actual structural integrity is the building inspector's responsibility.

Joe Peduto – There are some other safety issues. When you are cutting the road in and putting in the steel piling in, you are going to affect some of the existing trees that are on the abutting land. You are going to cut the roots of those trees and they are going to die and fall. It is very windy up there and now you are going to affect the trees that are close to the cutting and they are coming off of my land.

MS. SPILLER-WALSH – Do you think it might be a reasonable idea for the applicant to make a proposal to covenant with you that if in fact your trees die, that they would replace them?

Joe Peduto – I am more concerned about safety. I am just trying to think ahead as to maintenance. That should be addressed.

MR. HOOPER – I am thinking out loud here. Since the grade changes so significantly there, you are talking about 8 plus feet before grade where these pilings will begin. The trees are going to be wrecked by the cut.

Mark Louro – Driving sheeting 12 inches from the property line will probably kill trees. The issue is what will happen to those trees - replacement and/or harvesting of those that die and how to remove them so as to not be unsafe. Would it be reasonable for the applicant to access the adjacent private property to remove the dead trees? This applicant designed this solution (the retaining wall) because they were not granted rights from the abutters to go onto that land.

MR. HOOPER – Here we are now. We can close the public hearing. Or, we can wait in fairness to some of the comments that we heard about giving the abutters more time to review the revised plans and the drainage so that they have full review opportunity.

MR. HAYES – It seems only fair to allow the abutters the time to review.

MS. SPILLER-WALSH – I would like to make a general comment about how the detention ponds look. We should see a much better handling of these in the future because of the size of these. They are huge. What we are going to be looking for in the future is something where the edges are more natural with landscaping proposals alongside to look more natural. We are talking about 120 feet of a straight line with these. I am also concerned about density. On lot #4, the corner of the house is 10 feet from the first berm of the detention system. It looks hideous. It may meet the regs but it looks awful. On lot #7, there are long straight lines. They are scars that are 15 feet from somebody's stone wall. I would have my for sale sign out there so fast. We are rewriting our rules and regs to require design that is more natural. These are not little ponds. They are huge scars and you will be looking at them forever.

Dave Peterson (24 Kelly Street) – Just a comment to Karyl regarding detention ponds. I didn't like them either. When I bought my house on Kelley Street, the Planning Board at the time, in its infinite wisdom, took down several dozen big trees to put in a detention pond. At the time, I was appalled by the fact. But 14 years later, I can say that I was wrong. Mother Nature fixes up these scars and it is all grown in and I can't even see it now. Come back and take a look at it now and you can't see it at all. They change and I wouldn't necessarily say the pond is scar.

Mark Louro – I don't think that the Planning Board would ever have proposed to remove those trees.

MR. HOOPER – Stormwater management is a reality, but that doesn't preclude us from trying to get developers to be sensitive to the design aspects of these structures that handle water that are required by the stormwater management rules. At the earliest point, it is something that the scars remain. In an effort to try to bridge design, form and function, we want to encourage those kinds of things. We are strapped by the stormwater management requirements as are you and we are trying to find a reasonable place to go with respect to design.

Paul DeSimone– We couldn't agree with you more.

MS. SPILLER-WALSH – We are saying blend them in with the environment and plant them so they don't look like that.

Paul DeSimone - With these bigger detention ponds, they have to be built, and if you make them fancy, you lose volume.

Alan DeBiaso (11 Broad Acres Farm Road) - I haven't looked at the newest plans. Were there design changes from the first plans? When do these ponds drain dry?

Mark Louro – The shape is essentially the same. For the one pond where we did have a concern about standing water, they will put a sub drain in the bottom to keep it as dry as possible. A couple of days would be the worst case to drain. The pond in the southwest side has better soil and it is higher than the groundwater table. The intent is that water will be able to infiltrate and be it will be fairly dry. Again, a couple of days, worst case.

Paul Yorkis – I would really request the Board close the hearing tonight. The drainage calcs and detention ponds have been scrutinized beyond belief, appropriately so and they work. The pond

locations have not changed. The effort of Mark Louro and his associates at VHB in their review was to make sure that the ponds work and they have been tweaked and retweaked to the point that the most knowledgeable persons have represented to you that they work. There are many other activities that need to occur. We have a May 28th deadline. I would really like to encourage the board to close the hearing tonight.

MR. HOOPER – What is your will fellow Planning Board members considering the deadline to produce a Certificate of Action relative to this proposal?

MR. SCOTT – I think what I heard tonight was just a continual concern for the same issues that we have been hearing. I don't see any major changes in these plans relating to the lots. So, I am not sure what we gain by having another public hearing. Wells and stormwater are definitely issues. We count on VHB's critical eye. Unless there is another creative way to resolve the stormwater issues, I don't know what else we can do.

MR. HOOPER – Is there more input to be had and gained?

MR. HAYES – I think it is difficult to say. Regarding the changes that we saw, we know what we saw, but the public has not seen all this. That is the purpose of the public hearing.

Mark Louro – Actually the plans that show the flowage easements and swales were on the previous (April 27th) plans. The grading was there. The plan that was given to us tonight is very similar to the previous plan set. The changes shown on the newest plans are minor in nature such as adding a subdrain to the northeast pond. The calcs worked.

MR. HOOPER – What about the regrading of the lots with the flowage easements?

Mark Louro – Since the last plan, only the flowage easements have been added. The grading is the same.

MR. HOOPER – Is there any final information you wish to provide?

MR. HOOPER – I would entertain a motion to close the public hearing.

A motion was made by Kent Scott and seconded by Karyl Spiller-Walsh to close the public hearing. The motion passed with Scott, Hooper, and Spiller-Walsh voting YES and Hayes voting NO.

MR. HOOPER – Our next step is we will be discussing, deliberating and working with our consultants to come to a point to develop a draft Certificate of Action. Our options are to approve, approve with conditions or disapprove the plan. That may occur in one night or it make take a couple of nights. We will be working on this at our next regular meeting on May 18th.

NOTE – The Board took a 5 minute break at 10:15 pm

ANR Plan – 10 Fisher Street

Paul DeSimone – The applicant is Justin Gervais. Matt Barnett is Mrs. Gervais' brother. She is deeding him 1611 sq. ft. to be added to Mr. Barnett's property. Matt will be coming back in with a subdivision plan soon. The problem is the garage on Mr. Turi's lot is less than the setback requirements. This land is needed for the roadway into Mr. Barnett's property.

Gino Carlucci – I did look at the plan and it meets the technical ANR requirements.

A motion was made by Matt Hayes and seconded by Alan DeToma to endorse the ANR Plan of Land for 10 Fisher Street from Justin and Maureen Gervais. The motion passed unanimously.

NOTE – The Board signed the plan and the A-1 form.

Construction Observation Update

Review of Country View Estates As-Built Plans – VHB letter March 29th.

Mark Louro – There are drainage issues with the back pond. There is erosion into the forebay and into the pond itself. I question how the survey was done. The as-built plan was almost identical to the definitive subdivision plan. I wonder did they really go into the bottom to do a real slope elevation. There is a lot of erosion and silt. They are not as neat as they were designed to be. They may have taken shots around the water surface and not at the bottom of the pond.

MR. HOOPER – Does silt buildup effect capacity?

MR. HAYES – Have the drainage structures been cleaned?

Mark Louro – Those grates have been in place. I don't completely agree that what is shown on the plan is what is actually out there. If I saw an as-built plan and it deviated a bit, that is OK as long as the volume works and meets the requirements of the design. A lot of it is labeling and presentation. There were some easements shown on the approved plan that aren't on this plan – an easement coming in from the top of Nobscott Road. I don't know if the CONCOM requires inspection of the wetland replication area. There is silt fencing all over the place, which needs to be removed.

Jeannette Morton – I would assume that basin #12 is the one on my property? If the basin is steeper, does that mean they are going to have to bring machines back in and make it bigger to make it less steep?

Mark Louro – It could mean the bottom could be a little smaller. The concern is that the slope is slipping in. A flat slope would be more stable. The slopes are unstable and there are some tree stumps.

Jeannette Morton – My concern is that when they did all that work nobody notified me. I understand that there is an easement that allows them to come in. I put in loam and seed and put in a sprinkler system.

Mark Louro – Anywhere where it is not established, I make them loam and seed.

Jeannette Morton – I don't want them to rip up my sprinkler and invisible dog fence. I don't know where the easement is.

MR. HOOPER – Did you build in the easement?

MR. DETOMA– What happens next?

MR. HOOPER – This letter comes to us and is sent to them and they have to respond.

NOTE - Mark Louro went and got the Country View Estates plan to check. The problem is the basin is too steep.

2004 Annual Town Meeting

Article 35 – Street Acceptance. *Motion by Matt Hayes seconded by Karyl Spiller-Walsh to recommend approval of Fairway Lane, Homestead Drive and Royal Heights Drive. The motion passed unanimously.*

MR. HOOPER – I would like Susy to write a short note to Lee Wicket to thank him for their efforts to resolve the ADA issues.

Articles 37 – 46 (Zoning) – *Motion by Matthew Hayes and seconded by Karyl Spiller-Walsh to recommend approval of all the zoning articles by town meeting. The motion passed.* Alan DeToma recused.

Commercial District I Development Plan

Gino Carlucci – I met last week with Steve Cosmos. He is the landscape architect I would like to hire to redo the concept plan for the area between Pond Street and Walgreens. His proposal includes doing the second version (the more practical option.) It also includes a typical section. He proposed redoing them a double the scale at 1:50 so it would be bigger.

MR. HOOPER – Would he come to the meeting?

Gino Calucci – That is not part of the proposal.

Susan Affleck-Childs – We need something in a smaller version to leave as a handout.

MR. SCOTT – Shall we check out his web site or just go ahead and tell Gino to hire him.

Gino Carlucci – Steve has done a design for the town of Sherborn for part of the old GM plant in Framingham that is also in Sherborn. He did the landscape design. He had come highly recommended to the town of Sherborn.

MR. SCOTT – Let's look at his web site and decide at our special meeting next Monday night. Let's get him to include a smaller version or a scan of his drawings

MR. HOOPER – At the scale he noted, the plan will be 72 inches long.

Other Business

MR. HOOPER – Regarding Eric Alexander for Kent's slot, let's do a note to the BOS informing them that there is a strong candidate and asking for an appointment at a future BOS meeting to interview. Also, I will call Eric and speak with him some more to make sure he understands the scope of the job.

MR. DETOMA– In my role as Clerk how do I handle mail?

MR. HOOPER – I would bring it up at the end of the meeting if there is anything you need to bring to our attention.

MR. HOOPER – I would like to propose that at 10:30 pm, as a general practice, we take a vote to extend whether or not to extend that night's meeting.

MR. HOOPER – Is there any interest in the meeting weekly? The end goal is to try to use the early hours most efficiently for Planning Board work. The issue, in part, is the turnaround time for VHB reviews.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to adjourn. The motion passed unanimously.

The meeting was adjourned at 11:05 pm

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh

DRAFT – June 14, 2004

MEDWAY PLANNING BOARD
MEETING MINUTES
May 18, 2004

PRESENT: Dan Hooper, Karyl Spiller-Walsh, Kent Scott, Matt Hayes, Alan DeToma

ALSO PRESENT: Mark Louro, VHB, Inc., Gino Carlucci, PGC Associates; Susan Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:31 p.m.

Grapevine Estates Definitive Subdivision Plan – Public Hearing Continuation

Bill Halsing - Land Planning Inc.
Tony Leland - Applicant

Bill Halsing - We have revised the plans to address a whole load of comments (from VHB's last letter). Here are 5 sets of plans and 3 sets of revised drainage calcs.

Mark Louro – Obviously, we don't have a review letter on this submittal.

Bill Halsing – We met with the DRC folks last week on the landscape island and we will meet with them again tomorrow night. We are on track with them for a 60-foot island. I did meet with the Building Inspector re: the zoning concern. He is OK with this, as we didn't create the lot line. A question came up last time on the lot shape factor on lot 6. Here is a handout on how we figured that. The drainage calcs now show the pre and post numbers and our engineer has talked to Mark about them. We have an operation and maintenance plan for the drainage system. We have revised the drainage design a bit and gone with a different manufacturer. An area for snow storage is shown off the end of the cul de sac. Regarding the street light/post on Oakland Street, we propose to install a new light just off of the intersection with the new street. Also, Tony has agreed to put light posts in the front yard instead of streetlights.

Mark Louro – What is the structural make-up of the detention system?

Bill Halsing – It has a similar configuration but better storage volume.

MS. SPILLER-WALSH – What kind of maintenance is required?

Bill Halsing – You have a whole maintenance plan. The infiltration system should stay pretty clean if the highway department keeps the catch basins clean.

MR. HOOPER – This alternative system seems to address many of the concerns identified by the DPS director.

Bill Halsing – We also have comments in response to the review letter from PGC Associates. We also have a request for a waiver for the distance between Grapevine Way and the next closest street - New City Road. That distance is 110 feet instead of 150 feet. Also, we are preparing to file with CONCOM a notice of intent and with the Water/Sewer department for a sewer extension permit.

MR. HAYES – Has CONCOM approved the wetland line?

Bill Halsing – No, they have not, but it should be obvious being the bottom of a steep slope.

MR. HOOPER – Do board members have other comments?

MS. SPILLER-WALSH – We did see them at the DRC. They provided a concept plan for the landscaped island. It will be revised and they will be coming in with an asymmetrical plan.

Mark Louro – How wide is the pavement around the circle?

Susan Affleck-Childs - Some sort of memorandum of understanding may be needed re: on-going maintenance of the island.

MR. HAYES – Has DPS seen the operation and maintenance plan for the drainage system?

Susan Affleck-Childs – DPS was concerned about access to the underground chambers.

Mark Louro – Before you had a Cultic unit but you don't have that now.

Bill Halsing – Correct.

MR. HOOPER - Can you explain what a storm ceptor does?

Bill Halsing – It separates particles from water so the particles don't go downstream.

Mark Louro – Storm ceptors are very expensive so sometimes developers put in an undersized unit that can't really do the job.

MR. DETOMA – Has your design reflected Dave D'Amico's request for maintenance every 3-5 years? If not, you plan to meet with DPS on this?

Bill Halsing – If catch basins are maintained on a regular basis, this shouldn't be a problem.

MR. DETOMA – The chamber length is 80 feet long. The DPS letter says it wants clean-outs every 8 feet.

Bill Halsing – I think the DPS comments are overkill.

Mark Louro – This stormwater maintenance plan does explain quite a bit but I don't see anything on frequency. It doesn't say how often this particular system will need to be cleaned.

Bill Halsing – You don't really know until it goes in.

MR. HOOPER – There must be some standard. There must be some basis.

Mark Louro – DPS' request for every 3-5 years may be unrealistic.

MR. HAYES – It says semi-annually - once every 2-3 years.

Mark Louro – I will look at this whole package.

MR. HOOPER – Any comments from Gino?

Gino Carlucci – How are you handling tree planting?

MR. HOOPER – We will want you to include 3 varieties per the Tree Warden. Susy can give you a list of recommended tree types.

MR. HAYES – What is the length of the road?

Bill Halsing – 516 feet.

MR. HOOPER – Our dead end limit is 600 feet.

NOTE – Matt Hayes read Dave D'Amico's note of April 23, 2004. It is attached and made a part of the record.

NOTE – Dan Hooper read the May 7, 2004 letter to the Planning Board and Tony Leland from Deirdre and Hugh Kentley. It is attached and made a part of the record.

MR. HOOPER – Are there any other comments?

MS. SPILLER-WALSH – We had suggested they take photos before construction so if damage is incurred, they can have a comparison.

MR. HOOPER – Mark, is there a standard practice for this?

Mark Louro – A pre-blast survey is very much standard. I don't think that is usually what is needed for roadway construction. This house may be more delicate.

MR. DETOMA – Is there anticipation of any ledge there?

Bill Halsing – It is very sandy.

Tony Leland – We talked to the Town guys. We expect clear sand. We are willing to go into his house with a video camera.

Ms. SPILLER-WALSH - Since the question has come up, it might be a good from a liability perspective for you to know the status before construction begins.

MR. SCOTT – Is this the stone foundation house?

Hugh Kentley (14 Oakland Street) – Yes. Our intent is to handle this ahead. I don't want to end up at the end of the process with a problem. If the house has to come down because it is condemned, that is my concern. That is why we thought a bond might be an easy way to protect us.

Tony Leland – It is an insurance issue. As far as a bond goes, I don't think that is needed. That is why we carry insurance.

Mark Louro – But does the insurance cover off site situations?

Tony Leland – I spoke to our insurance guy and he says it would cover this.

MR. DETOMA - What about naming another insured on the policy as it is offsite?

MR. HOOPER – It sounds like we might be steering toward getting a letter from your insurance company giving us a more professional document indicating that your insurance would extend to anyone that might be affected by the construction.

Mark Louro – It should indicate what is covered and what amount?

MR. SCOTT – On historic structures, we should share with the abutters what the coverage and liability is. And there is a survey of the property of the exterior and it is put in the record and an assessment is conducted at the end. There needs to be a time frame for when problems show up. As long as you are comfortable and aware and share info on what the coverage is, it should be OK.

MR. HAYES – Regarding the sewer line being extended up Oakland Street and then into the subdivision, that is not under our purview. Do we know whether Dave D'Amico is comfortable with this design?

Mark Louro – Mark Flaherty (Water and Sewer Department) would be involved in this, not DPS.

NOTE – The public hearing was continued to June 8 at 8 pm.

Medway Commons Preliminary Subdivision Plan

Karen Johnson, Charter Realty
Brad Mezquita from Appledore Engineering
_____ from Daylor Consulting Group

Karen Johnson - We did receive a copy of Gino's comments. We have used a scale of 1:100 because of the large size of the parcel. The bigger scale is better to get an overall view, but we can do each lot at the smaller scale.

Major features – We are getting an as-built plan done so we will give it to you at the definitive subdivision stage. The as-built plan will show the exact building locat

The boundaries and area of adjoining land is shown on the lot layout plan.

Lotting plan – The lots in the green are as shown on the former ANR plan.

NOTE - Karen then showed all the newly configured lots.

Lot CC is owned by Hidden Acres Realty Trust.

The purpose of proposed subdivision is to have individual lots for each separate retail pad. It makes tax and common area maintenance issues much easier. Throughout the project, we have had certain ideas about how things were going to lay out on the property. We wanted to wait until we were at a comfortable stage before we came in with a lotting (subdivision) plan. It has to do with how taxes are paid and how the overall maintenance expenses for the property are divided up. Under your subdivision regs, you probably don't get many commercial applications. It is a requirement to do a preliminary plan for a non-residential subdivision. We are comfortable with these lot lines and we want to move on. Gino suggested that we seek some waivers at the definitive plan stage.

MR. DETOMA – Are we talking long-term leases on the pads? 99 years?

Karen Johnson – Some are shorter, 20 years with renewals.

MR. DETOMA – By subdividing, doesn't that potentially lead to separate owners and take away from the whole idea of the center?

Karen Johnson – There is a reciprocal easement agreement that every parcel is subject to that provides for cross access. It puts into place that Medway Commons will continue to operate as one center. That reciprocal easement agreement is recorded in the land records.

Susan Affleck-Childs - That should be shown on the def plan as well.

Karen Johnson – We can do that.

MR. HOOPER – For the general public, does the subdividing of collective parcel have any effect on them that you can clarify?

Karen Johnson – Subdividing this parcel has no effect whatsoever. From the town's perspective, it would mean additional tax billings.

MR. HOOPER – But it will still operate as a single shopping center.

MR. SCOTT – Are we diminishing the value of Medway Commons in total by dividing it up?

MS. SPILLER-WALSH – I wouldn't think so.

Susan Affleck-Childs – Can you explain the private way and how it provides frontage?

Karen Johnson - The private way (access drive) creates frontage for lot #5.

MR. HAYES – Why couldn't the private drive be part of the lot it is providing frontage for and then the frontage would be on route 109?

MR. HOOPER – What is the length of the access drive?

Karen Johnson – About 350-400 feet.

Susan Affleck-Childs – Do you have any plans to change the address plan for the center as a result of the subdivision?

Karen Johnson – No.

MR. HAYES – Who owns the drive?

Karen Johnson – It will be in the same ownership.

MR. DETOMA – It is a private way?

Karen Johnson – We were planning on keeping it as Charter Medway 2. The underlying fee owner is Hidden Acres Realty Trust.

MR. HOOPER – Any comments from the audience?

None

Karen Johnson – Do you want us to provide this at the smaller scale?

MR. HOOPER – Please keep the 100 scale (for the overall plan) but do the individual lots at 40 scale.

Karen Johnson – We will put in the as-built conditions and survey locations of existing buildings when we prepare the definitive.

Medway Commons Site Plan (Last Parcel) - Informal Discussion

Karen Johnson – As you know, one lot is left. We have been unable to locate a large restaurant. We have found a larger retail tenant. We have worked on this site layout plan quite a bit. It is an unusual shape and it does have the constraints of wetlands as well as an existing storm drain (30-inch culvert that runs from route 109 to the balance of the wetlands at the back of the property. It is proposed to have a drive-thru pharmacy. I expect architecture will be an issue. When we do apply formally, we will have some plans to go to the DRC with. I just wanted to go over the basic site plan with you. I do have to preface this by saying that this is an informal but we have done 10-15 layouts to look at various ways to position the building on the lot. So this layout has the front facing northeast with the drive-thru at the very back of the site. There are circulation issues associated with that. We have maintained the already approved landscaped plan along route 109 and the main entrance. But we have added some additional landscaping along the south of the building and to the rear and west. We do have to go to the CONCOM because it does represent a change in the wetland buffer area but we wanted to get some preliminary feedback from you. We have to go to the building inspector for a determination on whether this is a major or minor site plan modification. I would expect this to be a major.

Susan Affleck-Childs – Who will be the applicant for the site plan modification?

Karen Johnson - Charter will be the applicant.

Mark Louro – Are you proposing filling in any wetlands?

Karen Johnson – No, the development envelope is not changing at all but the site layout has changed. We can focus on the architecture.

MR. SCOTT – Our concerns are the orientation of the building, position and drive-thru.

MR. DETOMA – This is a rather large structure you are showing. How will this be constructed without impacting the existing 30-inch drainpipe?

Brad Mezquita – We have had lots of discussion on that and looked at many different options, especially looking at ways to get the building as far away from the culvert as possible.

MR. DETOMA – Is this a slab on grade structure?

Brad Mezquita – Yes, with typical cross-footings

MR. DETOMA – What is the depth of the culvert?

Brad Mezquita – About 5 feet. Horizontally there is about 6-10 feet.

MR. HOOPER – The exit area, what kind of width? It looks massive.

Karen Johnson - From the building edge to the curb is 46 feet. It provides for 2 drive-thru lanes.

MR. SCOTT – What about deliveries?

Brad Mezquita – Out back.

MS. SPILLER-WALSH – From a design standpoint, it is kind of flattering to see it from that perspective. I would have a concern about the curvilinear parking.

MR. HOOPER – I am very happy with how the center has gone so far. But, we are really disappointed with the architecture of the Star Market. We let that slip thru the cracks. Keep in mind that some day we are hoping that could be improved. Let's hope the trees grow very fast.

Karen Johnson - So we are going to proceed with a focus on the design of the building.

MR. HOOPER – That drive-thru section is also something that needs to be addressed. I am concerned about the width of the way and how it meets the access way (from Holliston Street). I would want to see more landscape treatment in the corner. I would hope the actual drive-thru window area could have a nice looking canopy.

MS. SPILLER-WALSH – Re: architecture, there will have to be some consideration on the appearance of the southwest corner.

Karen Johnson – We understand it needs to be designed from all 4 sides.

Mark Louro – With the design of that drive-thru, you could have 3 cars approaching that stop sign at the same time.

MR. HOOPER – The Walgreen's has a one-lane drive-thru. I am seeing an awful lot of asphalt in this parking lot. I would like to see some sort of pedestrian access thru the center of parking lot.

MR. SCOTT – Does the parking quantity match what is needed?

Karen Johnson – Actually, it is about 4 more than what is needed for the actual pharmacy. However, we do have several restaurant tenants in Building B/C that require higher parking and so we are looking at the overall parking count for the entire center.

MS. SPILLER-WALSH – I would like to see an island in the middle of the parking area and an island to the north, and landscaping along the strip to the south.

Mike Collins (70 Holliston Street) – Immediately to the west of the proposed building, is that the Little Store?

Brad Mezquita – That is the TEXACO (now CITGO) gas station.
Mike Collins – So what is that land area?

Karen Johnson – It is a pie shaped piece that is vacant land behind those buildings (at the southeast corner of Main and Holliston).

Mike Narducci – ANR Plan for 166 Holliston Street

Mike Narducci – I want to correct the address here – it is 156 Main Street.

MR. HOOPER - This is a different configuration from what you had shown us before (A & M Acres Preliminary Subdivision Plan).

Mark Louro – The only issue on the ANR is the comment we require now that Planning Board endorsement does not constitute compliance with zoning.

Susan Affleck-Childs - I spoke to Mary Narducci about that. I believe we can hand-write that in tonight.

Mark Louro – Lot 2 goes all the way thru for a total of 4.06 acres.

MR. HOOPER – Any comments?

Mark Louro – The wetland crossing will be required to go to CONCOM.

MR. DETOMA – Is lot 1 proposed as a buildable lot?

Mike Narducci – Yes.

MR. DETOMA – Upland calcs are based on what?

Mark Louro – They are based on required acreage for zoning.

MS. SPILLER-WALSH – I had a thought. I am concerned with these 4 lots each having a driveway coming out onto Holliston. Could there be a common driveway that could be shared? Is that something we might want to entertain?

Mike Narducci – I can always give an easement from one lot to another.

MS. SPILLER-WALSH – A common driveway might be a better situation for everybody.

MR. SCOTT – The challenge would be lot 4.

MR. HOOPER – That doesn't affect this. It is a very good thought. There is a challenging curve up there on Holliston Street.

John (??) DeSimone - Lot 4 has an existing driveway already.

Mike Narducci – I would be more comfortable with that as well.

A motion was made by Matt Hayes and seconded by Kent Scott to approve the ANR Plan of Land for 156 Holliston Street, dated 5-1-04 by EGI with 3 changes – correct the address from 166 to 156 Holliston Street in 2 locations on the plan and add the note that Planning Board endorsement does not constitute compliance with zoning. The motion passed unanimously.

NOTE – The Board signed the original Mylar and the A-1 Form.

Susan Affleck-Childs – I will need 6 prints.

Bond Release – Cider Mill IV

MR. HOOPER – Before our 9 pm appointment, I would like to consider a request for release of the bond for Cider Mill IV. Mr. Wickett completed all the work needed for compliance with the AAB regulations and the streets (Fairway and Homestead) were accepted at Town Meeting.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to release the bond for Cider Mill 4 in its entirety. The motion passed unanimously.

Speroni Acres Bond Reduction

Susan Affleck-Childs - Owen Sullivan decided not to come tonight.

Mark Louro – I met with him and he wants to get more work done to secure a larger reduction.

NOTE – The Board took a break at 9:05 pm

Hartney Acres Def Subdivision Plan – Deliberations

MR. HOOPER – As a summary, I would like to review where we have come from and what I would like to accomplish tonight. I would like to go over a couple of things. At the last meeting, we closed the public hearing. We have before us the application and plan, and we have accumulated many documents and input through the public hearing process. We have heard from our consulting engineer and planner. This is a night for just the board to discuss this. I asked Gino if he could pull together a list of discussion points since there are some issues that remain. In my mind, there are some uncertainties with respect to this plan. We are at the point now where we need to come to a general sense of direction of how the board would like to move forward with the plan. Does everybody have a copy of the discussion point memo that was emailed to the board this afternoon? Gino, would you mind reading this and then stop after the first point of discussion, and then we will hear from the members

NOTE – The discussion point memo from Gino Carlucci is attached and made a part of these minutes.

MR. HOOPER – Could you give us any references or background on how you put together these comments?

Gino Carlucci – There is an Internet list serve of planners around the state and we post questions for each other. I did put a question out on the list serve asking about the use of flowage easements. I received 6 responses from 5 people. The positive comments came with caveats on location and use suggesting that flowage easements should be located on the edge of property and along lot lines and portions of property that are less likely to be developed. Another positive is the more natural design. One of the responders positively supported this method however the

other comments were more negative. One wrote that they just don't work. Others raised questions about being sure to have proper documents warning that people will do things in their yard no matter what, cautioning that flowage easements are difficult to enforce and monitor. One example was given that a DPW had to come in and correct grading because the property owner had installed an underground sprinkler system.

MR. HOOPER – I will add two things. Since the public hearing has closed this is a board discussion on the information to date. Secondly, I will mention, for the record, that the Board of Selectmen approved my request to seek Town Counsel's opinion on this matter. I have had conversations today with Mr. Maciolek. I would rather summarize that conversation. I will make all of you aware that I will have documentation that we can thoroughly review. Are there any individual comments related to this point of discussion – drainage, stormwater management, flowage easements or anything related to water?

MS. SPILLER-WALSH – I have also solicited some response from a personal friend who is also an attorney regarding this dilemma, not knowing what to do about it. He gave me some suggestions on how to consider this. This (flowage easements) is definitely a new gray area that the Town of Medway has never seen before. I don't know of any other subdivision that has encountered these issues to this date. I have some difficulty with that. Re: flowage easements, Mark Louro has recommended that lots 1, 2, 3, 6, 7 and 9 be required to have as-built plans prepared.

Mark Louro – Yes.

MS. SPILLER-WALSH – There needs to be some mechanism in place to monitor these lots so that the topography is retained.

Mark Louro – When we met and talked about this plan, there was a need for flowage easements on 3 of the lots to make the drainage design work. The applicant offered to do the as-built plans to confirm that the lot grading was in conformance to the plan. But with respect to the drainage design, there are 3 lots with specific flowage easements.

MS. SPILLER-WALSH – Does the water flow go across the surface of the lot?

Mark Louro – It is an overland flow.

MS. SPILLER-WALSH – What do you do about erosion on those areas?

Mark Louro – Once they are vegetated, they are not creating slopes that are overly steep. There will be more flow during the spring.

MS. SPILLER-WALSH – The water flowage is directed toward what?

Mark Louro – On lots 1 and 2, the water would flow to the wetland to the west. Lot 2 water flows thru lot 1. Lot 7 water flows to wetlands and goes across lot 6.

MR. SCOTT – What are we talking about in terms of volume here? You indicated that is was minimal.

Mark Louro – I don't know the exact amount. In the second to the last submission, they were almost there in terms of the volume control. We told them they had to get there and the understanding was to tweak the design of the retention pond. But they decided to regrade some lots instead. I didn't look at it to see if there is another solution. I don't know if that is the only solution available.

MR. HAYES – The rates are OK?

Mark Louro – Yes, the rates are no problem.

MR. SCOTT – So in reference to that and Gino's research, most of the research really talks about impediments on the flowage easements - structures such as sheds, decks, pools, etc. These are structures that I believe need building permits? The concern is that flowage easements are difficult to monitor and maintain because of impediments and that we cannot restrict the amenities that people want to make. How do we do that other than the applicant saying that within the deed, there will be a restriction for structures? The language would have to say that they can't put in a pool, shed, etc. My concern is still how do you monitor that other than through building permits? Or, is it monitored by how we monitor our neighbors? But that is not a science. I am in a quandary whether that language can be put in deeds to restrict. But what beyond that can be done?

MS. SPILLER-WALSH – Here is the problem that in fact there needs to be some kind of a mechanism. What I have unearthed is that there needs to be something more. A deed stating limitations is not enough. There needs to be an overseeing body that checks such as a neighborhood association to monitor and to blow the whistle. But then, who marches in? I spoke with Bob Speroni and he says he isn't going to do it. The Planning Board is who is responsible and we have no wherewithal to monitor these required restrictions.

MR. HAYES – Does a flowage easement permit the town to access the lot like a drainage easement?

Gino Carlucci – Not as I understood how it was proposed. But that might be an option.

MR. HAYES – Perhaps it could be a drainage and flowage easement together.

MS. SPILLER-WALSH – Also, the as-built plan lots need to be monitored. We know there are lots that are sold long before the final grading is done. It has to be brought up to the standard of the plan. But on many occasions lots are sold off and inhabited before the final grading is done.

MR. SCOTT – Based on the sensitivity of the site, it would be necessary for the developer to get that done as quickly as he could. I would give the developer the benefit of the doubt on that.

MS. SPILLER-WALSH – Once the as-built plans are done, what is allowed on those lots? Can things be done on those lots?

Mark Louro – In most subdivisions today, you don't restrict grading on a lot. The applicant has noted that after the Planning Board approves the plan, there is no follow-up at all in most cases.

MR. SCOTT – We have to be careful not to over speculate use of the private property.

MS. SPILLER-WALSH – If the design and topography is such that the volume and flow controls are so restrictive that changes will impact the neighbors, then it is our responsibility to consider the “what ifs”.

MR. SCOTT – I couldn’t agree with you more. But my caution is that we don’t over speculate and micromanage these lots.

MS. SPILLER-WALSH - What they are proposing needs monitoring.

MR. SCOTT – My concern is that I don’t want any ounce of water going to any abutter’s property.

MR. HOOPER – I am looking at Section 4.4.4 in our regs regarding Lot Drainage – “Collected stormwater shall not be discharged overland across lot lines.”

MR. HAYES – Overland flow is by definition “not collected”. It is a sheeting flow. A swale would be considered to be “collected stormwater.”

MR. HAYES – I would want to see a flowage easement so that the town could inspect and correct any problem. It is different from what we have in town but it is still part of the drainage system. But the town should have access to review it and see that it is working as designed and be able to correct any problems.

MS. SPILLER-WALSH – The entire grading has created the flow and volume. The lots themselves have become part of the water managements system. The lots and grading are an integral part of that system.

Mark Louro – Would the construction of a different house footprint that would result in different grading require a modification to the subdivision plan? As an as-built plan would show footprint and grading, the board would have the right to review that. But that would seem like the board would be getting away from basic plans.

MS. SPILLER-WALSH – It is unreasonable and unenforceable. We don’t have the mechanisms to follow thru and monitor that.

MR. HAYES – That is why I would also want the drainage easement access to monitor it.

Mark Louro –So you are saying to have a drainage easement on the flowage easement sites.

Mark Louro – I don’t know if the definition of a flowage easements warrants a drainage easement.

MR. HAYES – An easement has the force of law.

Mark Louro – I am used to a drainage easement when there is a physical structure, something you can see with an outlet structure.

MR. HAYES – Most homeowners wouldn't even know if they have a pipe on their property.

MR. HAYES – The plan addresses the problems we can foresee but we need to come up with ways to deal with problems we cannot foresee.

Mark Louro – I don't know if you can have a drainage easement where there is a swale.

MR. HOOPER – Is that what we are dealing with?

Mark Louro – It is a low area, but not that defined.

MR. SCOTT – Gino, you said that if we approve this approach, you would recommend a concrete marker to identify the flowage easement area, some type of identifiable mark. I agree you have to mark it somehow; and that could be written in as well.

Mark Louro – We do that for drainage easements.

MR. SCOTT – So, this is really a do not disturb zone.

MS. SPILLER-WALSH – It just bothers me. What does work on paper doesn't always work in reality.

MR. SCOTT – We deal with that in all these projects.

MR. HOOPER – I think I would like to get a general sense specific of each individual on the board, not a vote, but we need to incorporate the sense of the board with respect to the findings. I want to hear from each of you about the drainage. Then next week we can summarize the findings on drainage and see where you are comfortable. Individually, I would like to hear how you would like to move forward in a positive way re the stormwater management proposal we have been given. Are you in support of it or against it? Is this something you feel, that when we make findings next week, you see yourself supporting in a positive way?

MS. SPILLER-WALSH – I don't. It seemed like things were going well on many other aspects of this project. But the buffer zones are going to suffer from the density issues. There are some sites that could have more of a yard. The detention ponds crowd on that. When the detention systems work and if they are acceptable at some point, they should be considered to look more natural and integrate with the landscape instead of these large bodies of water control. It is egregious to expect that somebody has to monitor the situations on these private lots, when we are having trouble surviving the problems of former subdivisions. I still don't understand what type of mechanism we would have as a planning board to monitor these lots.

MR. HAYES – Again, I would like to see the town have a mechanism to access these areas. I think our regs allow for flowage easements. We haven't seen them before, but we see them now. I think they should be treated as a drainage easement. Is that something we could have town counsel advise us on?

MR. HOOPER – Yes, absolutely . . . whatever questions you have. That is the whole purpose of this exercise is to create some more certainty to this approach. Is your concern one of enforcement or maintenance, or both?

MR. HAYES – Both.

Mark Louro – What would that allow the town to do? If somebody puts in a garden, could the town come in and rip it out?

MS. SPILLER-WALSH – These lots are water logged. These flowage easements are in their yards. There isn't a lot of room. It is very tight. It is so tight, it squeaks.

MR. HAYES – That is my main concern.

MR. HOOPER – Are you are waivering?

MR. HAYES – I don't know if I am waivering, I just want to see it.

MR. SCOTT – My biggest concern is that we meet the flowage requirements. Even though this is a new, unusual and creative solution, it is a solution. Mark, I asked you about the flow and drainage calcs and if they could meet the regs. My concern is not using this is a solution if that meets the requirements. I would want to know what "collected" water really means vs. flowage easements. My concern is monitoring. I don't believe the town can monitor these easements that are within 6-10 feet of a home. I just can't see the town doing that. If we limit the use of structures within that easement and mark it on each property, and write it into the deeds as the legal control to maintain the easement, but who can monitor these situations? We as a town are not as capable of monitoring flowage easements as we are to maintaining drainage structures.

MR. HOOPER – Are you concerned about inspections? Is that what you are asking about?

Mr. SCOTT - I am looking at this as a creative solution.

MR. HOOPER – I am in the camp of concern. I view planning as speculating in a lot of respects. We are planning so that future homeowners are protected. That is where my real concern lies here, not because it is new or creative. But because it seems to be the entire stormwater system design is being pinched. This subdivision layout and drainage design is so tight it is unreasonable to expect it to work over the long term because of the enforcement questions. How can the town reasonably expect those flowage easements to be maintained so close to the houses themselves? To me, it is a planning issue. It has to done considering the uncertainty of the future regarding enforcement.

MR. SCOTT – It may be a different level of degree.

MR. HOOPER – There is a concern over the drainage system in its entirety. It is intricate and overlay complex and includes unreasonably constructed mechanisms for the overall management to accommodate the volume and rate per our rules and regs.

MR. SCOTT – I would take issue to your use of the term “unreasonable.”

MR. HOOPER – It is unreasonable with respect to the future use by the average homeowner and the freedom of normal practices of suburban homeowners. It may be unreasonable in its entirety to think that this system can work.

MR. HAYES – It seems to me that 90% of the system is standard and 99% of the volume is contained in the standard system. So, I think that it is reasonable in regards to something non-standard picking up the rest.

MR. SCOTT – It is a smaller percent.

MR. HOOPER - If, after this there is a 1% problem down the road to an existing problem, it is our job to create a solution.

MR. SCOTT – If we only had a 1% issue with some of the existing drainage systems we have elsewhere in town now, such as Broad Acres Farms, we would be in great shape. I understand the spirit of your comment.

Paul Yorkis – Are you going to permit the applicant to respond?

MR. HOOPER – No.

Paul Yorkis – I want the record to show that I was not allowed the opportunity to comment.

MR. HOOPER – I am not saying you cannot comment, but in the context of this discussion tonight, I am not willing to entertain that now. In the context of this meeting tonight, I am not going to receive any additional information. You may send us a note to clarify that information if you like and we will consider it.

Paul Yorkis – I want the record to show that incorrect information has been shared this evening.

Gino Carlucci – Moving on to the rest of the discussion notes regarding the dead end street length, the rules and regs do provide for a greater dead end roadway length if it is proven to be necessary by reasons of topography or other conditions that are in the best interest of the town.

MR. HOOPER –I think I am probably the better one to start on this discussion because I have made reference to this 600-foot dead end limitation. I have stated, on several occasions, that without the benefit of waiverless plan in its entirety, that there is no way I can judge what is in the best interest of Medway. Without that, it is impossible for me to determine what is in the best interest if I am not presented with a plan that demonstrates compliance with our rules and regs so that I may address any waiver request. So I contend, with the lack of that, I don’t see any reason to allow for the dead end extension. I can’t make an adequate or a fair judgment for the allowance of a waiver without understanding the implications that this waiver creates. The only way is to have a waiverless plan in its entirety. Otherwise, I am left making a pie in the sky judgment.

MR. HAYES – I think you can make a fair determination based on what has been offered in the plan.

MR. HOOPER – Certainly in terms of what has been offered in terms of mitigation. But how do you evaluate whether the offerings are a better solution than what a waiverless plan would provide. Rules and regs are there for a reason. Rules and regs are set by the town in a sense, thru public hearings and electing us. I don't have a basis on which to say that those mitigation offerings are best as compared to what. Compared to now?

MR. HAYES – Compared to denial.

MR. SCOTT – I am looking for a standard that the regs define where we have held other subdivisions to that letter of the law. Where we have looked for waiverless plans, where we hold folks to a waiverless plan.

MR. HOOPER – There isn't one.

MR. SCOTT - So my concern on the dead end issue is this. We heard from our fire and safety chiefs that there was not an issue. So based on those two sources of input, they have said this is not an issue. We may disagree as a board with those two entities or we embrace their opinion. To say the offering of the applicant to resolve other mitigating issues knowing that the dead end issue is out there – mitigating measures which I think are a benefit to the subdivision and to the town. A homeowner would prefer mature trees, buffer zone, simulated rock wall. Those are desirable elements that a homeowner would want. Those are issues we have debated on subdivisions for a year - no cut zones, maintaining mature trees. I would say that those are beneficial –those are things that we have asked other applicants to provide. This applicant has offered to do those things and even a little bit more, even for abutters that he doesn't need to deal with. I disagree in terms of what is a benefit. Is this all coming down to the number of lots in a subdivision?

MR. HOOPER – That is not in our purview.

MR. SCOTT – In this design, he has designed 10 lots to fit. I guess I see the attributes of the subdivision that make it desirable but I am in a quandary.

MS. SPILLER-WALSH – This is a difficult situation. What do you do with this? The rules and regs say 600 feet. You have an option on a case-by-case basis. The first thing that came to my mind when Mr. Yorkis first presented Ishmael Coffee Estates was the no cut zone. What it did present was a number of open spaces. The detention systems in that subdivision blended in beautifully - a skating pond that ended up being a green space. Not all the basins were part of somebody's lot. A road opens up property. Its first function is to make available lots. The lots in this subdivision are difficult with very restrictive conditions on them. Ishmael Coffee was not this tight in terms of drainage calcs. In that instance, I was willing to waive that road. In this subdivision, this is just a can of worms. If this subdivision was a bit different, I might feel differently. We have to take these on a case-by-case basis to determine whether the subdivision is a benefit to the town of Medway.

MR. HOOPER - My issue is that the allowance of a waiver for this plan is creating a subdivision that couldn't be done in the way it is now. It would have to be done in a way to accommodate the other issues that are the focus of this discussion – drainage issues. Would more space afforded to structures and grading and more space retained for buffers, would more of those conditions configured more appropriately be better for the town than this waived option? My guess is that it would be. Without the knowledge of that, I can't accept a waiver.

MR. HAYES – For me to consider granting a waiver on the dead end, the only thing I have to weigh is what the applicant has done above and beyond to create a benefit to the town that outweighs the dead end street. There are a number of things the applicant has offered to do. I am basing my thoughts on the waiver on weighing these items against the plan as presented.

MR. HOOPER – In terms of making a determination of the benefits to the town, I guess I would still say do you find that the way this is configured to be better than we allow this extension with their mitigation offerings. Is this a 600-foot roadway in our minds, or is it a roadway that connects thru? Compared to the current proposal with those offerings, what is better? I am making a judgment to compare it to a roadway that is constructed via our rules and regs by length or as a thru street. A thru street is clearly not beneficial in this instance, we know that. I like your last thought on that.

MR. HOOPER – The same as with the drainage, I would like to get a sense of where you are on this.

MS. SPILLER-WALSH – Certainly if there was a 600 foot road, there wouldn't be any water problems. Had there been another proposal, or a better proposal, would I have considered waiving that road length? Maybe. As it is now, it opens up a lot of difficulties that we haven't got answers for.

MR. HAYES – I am still doing my weighing.

MR. HOOPER – I understand. So, we can start to put some meat on a certificate of action, I want to get a general sense of things.

MR. SCOTT - I agree with Karyl. If this were a 600-foot dead end, a lot of these issues would just go away. I don't know if it is viable for a developer to come in and do it that way. But, I am in the same camp as Matt. The mitigating measures that the applicant has provided are fair for the subdivision he has defined. I am sure we can write in some more points. But I think the applicant did a good job.

MR. HOOPER – Are there any other concerns or thoughts that would be good to share?

MS. SPILLER-WALSH - One issue I have asked for is a dollars and cents approximation on the value of the mitigation proposed so we know what the cost of the mitigation is to compare it to the gain of extending the road.

MR. HAYES – With some items, they may not be able to come up with a dollar amount, such as the value of the no cut zone.

MR. HOOPER – Regarding the no cut zone, upon further review, we see that parts of the no cut zone really do have cuts in them. As far as the mitigation is concerned, it won't have a lot of impact on a lot of areas. It is better than some but it is also an action the applicant is taking to enhance the value of the lots. It is common sense. I don't think of it as an offering of mitigation. It isn't necessarily to me something that would offset a request for waiver to our rules and regulations.

MR. SCOTT – I expect we could go and pick on any of those things that have been offered as mitigation.

MR. HOOPER – Is there anything else? Thank you. I think this discussion was as in depth as anything I could have expected. There are still a lot of things to think about.

MR. SCOTT – The vigor of the discussion is important.

MR. HOOPER – I see our next meeting as being almost exclusively related to reviewing a draft certificate of action and then a vote.

MR. SCOTT – We would entertain any feedback from the applicant in writing.

MR. HOOPER – If there is a feeling that there was incorrect information presented, yes.

MS. SPILLER-WALSH – I would want to see that in writing.

MR. HOOPER – So we would like to see that informational letter from the applicant in writing before Friday morning (May 21st.)

MR. HAYES – I think you were right in keeping this a discussion just of the board.

Paul Yorkis – There is no point in us being here if you aren't going to allow us to speak.

MR. HOOPER – The idea of tonight was for individual board members to express their thoughts. The point of the public hearing is to eventually stop the input and then come to a decision based on the information at hand. I think we are giving you a fair opportunity for you to comment in writing on what you feel is incorrect info.

Paul Yorkis – I would respectfully request that we receive a copy of any consultant's report. We did not have the benefit of receiving it or reviewing it.

Susan Affleck-Childs – You didn't ask for it.

MR. HOOPER – I thought that you had been given it. I apologize sincerely for that.

Paul Yorkis – If any additional reports are developed, I would like to get them before the next meeting, so we can be prepared to respond to those questions.

Mark Louro – Along those lines, another plan was turned in tonight.

Paul Yorkis – I had the opportunity to speak to the chair and what I turned in is a plan that is more legible as you had asked, and only that. Any other changes would come in later.

Paul Yorkis – On a related matter, we received a request from Mr. Louro, as the town's consulting engineer for a donation of land re: the 126 project/Summer Street reconstruction.

Mark Louro – I am preparing that plan for the town and we are contacting all property owners.

A motion was made by Alan DeToma and seconded by Matt Hayes to continue the meeting until 11 pm. The motion passed unanimously.

NOTE – The Board took a brief break at 10:45 pm.

Other Business

MR. HOOPER – The Board of Selectmen tabled discussion on the VHB contract. Raphaela Rozanski wanted more time to consider all of the elements of the contract and how it would impact local developers and local and small projects.

MR. SCOTT – More specifically, she doesn't want there to be a senior person working on a project that could be handled by a less expensive person. She also questioned whether there should be other staff in town such as a town engineer that could be used. Also, there is also a custom that an item will be tabled with a BOS member asks for such to do more research, etc.

MR. HOOPER – There is a 30-day extension to the VHB contract that was executed today. I want to thank Kent and the other new BOS member Jim Galligan for their incredibly good input on the engineering contract. It was really refreshing to be in the audience (at the BOS meeting) and to hear commentary that was in touch with Planning Board concerns with respect to our consulting engineer. The BOS is becoming educated on those concerns. Mr. Galligan is an engineer.

MR. SCOTT – Yes, civil/environmental.

MR. HOOPER – We have a few other items.

1. Memo from Town Administrator Balukonis re: a June 28 Special Town Meeting. The warrant closes on Monday, June 1st.
2. We have received a letter from neighbors at Forest Edge concerning street acceptance. The letter was read and is attached and made an official part of the minutes. Attached to the neighbors' letter is a letter from developer Jonathan Bruce.

Construction Observation – VHB

Birch Hill – Over the winter, Jimmy Smith (DPS Highway) contacted us re: the detention pond being filed with sand and silt. It has a lot to do with the topography. We asked the developer to clean it immediately. They went out and cleaned it but they decided not to clean out the

individual pipes. There was so much sediment in the pipes that they got to the pond so the bottom of the pond is higher now.

MS. SPILLER-WALSH – It seems like that detention pond (on Puddingstone) has become a permanent wildlife habitat. It wasn't intended to be that way.

Mark Louro – The pond on Puddingstone is another issue. For Birch Hill, they came back for a plan modification and we required sub drains in the cul de sac and a rip/rap swale. The swale isn't functioning properly. Water is weeping out. It is not really a completed swale.

MR. HOOPER – It has not been established vegetatively.

Mark Louro – That swale needs to be better constructed. The paving in the cul de sac is so saturated. That is the sandiest street I have ever been on.

A motion was made by Alan DeToma and seconded by Matt Hayes to continue till 11:30 p.m. The motion passed unanimously.

Ishmael Coffee – Things are moving right along. There is a lot of blasting going on.

MR. DETOMA – Have there been any complaints from any abutters?

Susan Affleck-Childs – What is the status on CONCOM's Order of Conditions for this subdivision?

Mark Louro – CONCOM has issued its Order of Conditions but there are some changes needed. The small detention pond will have to be moved because they expect there is a vernal pool. So, this will probably need a subdivision plan modification to reflect the CONCOM Order of Conditions. They are not working on the two lots in question.

Speroni Acres – I met with Owen Sullivan and Jimmy Smith today. Owen will contact the Medway Disabilities Commission to ask for an inspection for AAB standards.

Mark Louro – Their bond is at \$240,000. We could get them down to around \$100,000. It is an insurance bond.

MR. HOOPER – We need to move very cautiously with that subdivision.

Mark Louro – Owen Sullivan is claiming that PMP Associates had signed off on everything.

Invoices

General Fund (Contracted Services) – Prior years' VHB bills for \$423.19 (Candlewood Estates and end of King's Lane/Ozella) not paid by developer. ***Motion by Karyl Spiller-Walsh, seconded by Alan DeToma. Approved.*** Matt Hayes recuse.

Construction Observation – VHB - \$1,086.12. ***Motion by Karyl Spiller Walsh, seconded by Alan DeToma. Approved.*** Matt Hayes recuse.

Plan Review – VHB - \$4,817.67. ***Motion by Karyl Spiller-Walsh, seconded by Kent Scott. Approved.*** Matt Hayes recuse.

Plan Review – PGC Associates - \$601.25. ***Motion by Karyl Spiller-Walsh, seconded by Alan DeToma. Unanimously approved.***

Consulting Services - PGC Associates – \$1,430.00. ***Motion by Matt Hayes, seconded by Kent Scott. Unanimously approved.***

Other Business

Susan Affleck-Childs – Looking ahead to next week and working on the Certificate of Action for Hartney Acres, we may need a possible special meeting next Thursday to finish it up. If we think we may need that, I need to post that meeting by Tuesday. We can't wait until next Tuesday night to decide. We have to file a decision on Friday, May 28th.

MR. HOOPER – Go ahead and post a meeting in case we need it.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh*

Approved – October 7, 2004

***Minutes
May 25, 2004 Planning Board Meeting***

PRESENT: Dan Hooper, Karyl Spiller-Walsh, Alan DeToma, Kent Scott, Matthew Hayes

ALSO PRESENT: Mark Louro, VHB, Inc.; Susy Affleck-Childs, Planning Board Assistant;
Gino Carlucci, PGC Associates.

Chairman Hooper called the meeting to order at 7:30 p.m.

DISCUSSION WITH GARY JACOB, Chairman of the Design Review Committee

Gary Jacob – I am here in a semi official capacity with 3 things to present for your consideration. In the course of our work, the DRC has identified some issues:

1. problems with bridges and concrete walls in town
2. paving materials – consider Eco Stone product
3. vegetating cul-de-sac islands.

Bridges and Concrete Walls

Gary Jacob - I have some photos of the Chicken Brook culvert and headwall and some from other locations – Medway Commons. If we were to go with the way things are happening lately, you end up with concrete masses in places like the town park. Obviously there is something awry. What I am saying is that we need to work together. CONCOM is trying to minimize wetlands impacts, which is why they are trying to encourage contractors to put in concrete walls. Then the building code kicks in to require fences when walls are of a certain size. I would like to suggest that the Planning Board ask VHB to research this more. The last thing we want is to have a concrete wall monstrosity down at the town park. I would like to get a group together from the PB and the CONCOM and figure out what is causing this and try to address ways to solve this. I would be happy to be the moderator of this group.

MR. HOOPER – Is your issue with the walls or how they are constructed?

Gary Jacob – We should be able to do something like how it was handled at Medway Commons – wood and metal guardrails with a decorative aluminum fence. I am advocating something more attractive than what we've got. I will be going to the CONCOM and see if they are interested.

Mark Louro – Wood guardrails are perfectly acceptable.

Gary Jacob – But that is not what they are doing.

Mark Louro – The wood guardrails are very expensive so they look for other alternatives.

Gary Jacob – We had to fight very hard to get a decorative fence (instead of chain link) with Hartney Acres. Something like what you have got at Medway Commons is much better. I would like to try to get CONCOM to back off on requiring straight concrete walls and look at more rip rap. I think what I have near my house (Broken Tree Road) is an abomination.

MR. SCOTT – The abutters at Hartney said they didn't want terracing so that is why they ended up needing to do the retaining wall and fence.

Eco Stone Product

Gary Jacob – I learned about this product at a conference and I am suggesting that there might be situations where this might be used, maybe in well zones. If you were to put it in parking areas it would reduce the loss of recharge.

MR. SCOTT – This is a wonderful product.

Gary Jacob – I would like you to look at these products as an option. I am not selling this product in any way.

MR. HOOPER – Would there be any hiccup on this vs. running water into basins?

Gary Jacob – You end up with no recharge and you can remove hydrocarbons. This product filters some of that out.

MR. HOOPER – It would be good to bring in the Board of Health on this too!

Landscaped Islands (cul-de-sacs)

Gary Jacob – There are a couple of issues here. There are all sorts of design options but I want to know if the town is going to own these? We need answers to some of these questions soon. Going forward, we want these islands to look better than the Tulip Way island (Granite Woods). One of the questions is whether there will be a homeowners association to maintain the island? A covenant needs to be associated with the sale of these homes that would address long

term maintenance. The other option is for the town to maintain these. We need to discuss who is going to do the maintenance and who is going to pay for it. Maybe the neighbors will go out and voluntarily do it, but you can't depend on that approach.

MR. HOOPER – Or maybe the landscape design may need to be more naturalistic.

Gary Jacob – That may work in some cases, but in other cases you may want something with grass. They are always going to need to be maintained at the beginning.

MS. SPILLER-WALSH – Can we have the Parks Department do these or have a contract?

Gary Jacob – There should be some long term funding because trees will die, etc. The Grapevine Estates developer (Tony Leland) is willing to spend a bunch of money but he doesn't want to see everything wasted when it dies. One way is to have a water tap on the island, a frost-free type with a water key. There has to be some way of watering new plants. Once the landscaped island is established, you could turn it off. But you can't expect the homeowners to run out and water.

MR. HOOPER – Early on in the planting, the developer has to take care of that.

Gary Jacob – With bushes, you should water for 2-3 years or when it is dry. Maybe it could be set up with a water meter for the homeowners association.

MR. HOOPER – If we are going to do the islands, we need a mechanism to make sure they thrive.

Mark Louro – Usually, landscaping is the last thing the developers do.

Gary Jacob – You could require them to do it first, or you have a condition that they have to take care of it for at least 2 years, even if after street acceptance. We need some answers to these questions fairly soon.

MR. HOOPER – The generator of that landscaped island concept should be at the forefront of figuring out a solution.

Forest Edge/Field Road Neighbors

Chris LeSeige (36 Field Road)
Michael Biliouris (32 Field Road)

Chris LeSeige – We are here for a simple issue – to get the road completed in our development. We have gathered a bunch of information including the minutes of the March 9th Planning Board meeting. We are on a fact-finding mission this evening. In relation to the road and sidewalks, we have some photos to give you re: certain safety issues such as exposed manhole covers. With 21 children in this development riding their bikes and skateboards, there are accidents that have already happened.

Michel Biliouris – The curbs that are up very high. 16 of the 21 kids are 6 and under in age. We are constantly hitting curbs or rock piles, steel sewer heads, plus the road isn't smooth.

Mark Louro – And there is some settling in some areas.

Chris LeSeige – We understand that there is a road bond. What is the purpose of that?

MR. HOOPER – To insure that the road is completed.

Michael Biliouris – What if they just decide to not complete it.

Mark Louro – He has every intention of doing the work.

MR. HOOPER – It does happen sometimes that people do not want to fulfill their responsibilities. If there are a number of years that have elapsed and if the cost to complete the work is more than the bond, a developer may cut their losses and move on.

Michel Biliouris - How would the release of the bond work so that the work would be completed?

MR. HOOPER – It is an incredibly complex process to seize a bond and do the work.

Mark Louro – In those instances, it was clear that the developer was bankrupt.

Michael Bilouris – What if the work gets done, would the bond then be released to him?

MR. HOOPER – Our trigger for release of bond is street acceptance. We keep \$35,000 until town meeting accepts the street.

Mark Louro – The way it works, the developer starts to construct the road. He gets it to a certain point once he has completed certain work and asks the Planning Board for a reduction. We reduce the bond to keep enough money in the account to complete the work. The board will not let that work go below \$35,000 until the street is accepted.

Chris LeSeige – We understand that the Redgate I subdivision still has a bond. We have a letter from Jonathan Bruce (developer) and a copy of Attorney Sean Holland's letter on behalf of Jonathan Bruce to the Planning Board.

MR. HOOPER – We had our attorney (Town Counsel) respond to Mr. Holland's letter. That gives a pretty good description of the situation. Apparently, there are some legal matters yet to be resolved with the Redgate I subdivision.

Chris LeSeige – We personally did not want to get involved in the legal matters (with Redgate I).

MR. HOOPER – It is an integral part of this matter. I think we as a board want to try to kick start this even though the town is no longer a part of the litigation. The town is no longer one of the parties in the proceedings. As citizens of Medway, we too sympathize that this should be taken care of.

Michael LeSeige – For the bond that is being held for the Forest Edge subdivision pertaining to the 11 homes (Field Road extension), is that money just for Forest Edge? And Jonathan Bruce has nothing to do with street acceptance? I am trying to find a way to get his obligations completed. You have money in the road bond, couldn't you just complete the work? We are concerned with the safety of our children and appearance. We just want to get things finished. So if the money is there and if Jonathan has these other issues, couldn't we just take this money and get the job done? We understand that street acceptance is another issue. We want to have a safe environment for our children.

MR. HOOPER– What this would do is create a liability for the Town. That road is currently private (owned by Jonathan Bruce/Ariel Development.) The town has no right to be working in that road. From a common sense perspective, we would all agree with you but this may remain a liability issue if the Town isn't prepared to accept the street.

Chris LeSeige – What if the members of our development decided that we were sick and tired of the games and we hired an independent contractor to finish the road and sidewalks. Is there any way that the members of our development could be reimbursed (from the bond fund)?

MR. SCOTT – It is Jonathan Bruce's property. He owns the roadway layout.

MR. HOOPER - All of this being said doesn't negate that fact that we could help kick start something here. We have a pile of letters of what has gone on here. Most important are the safety concerns of those who live there and the general public who considers it a public way.

Chris LeSeige – May I ask a couple of questions re: the minutes of the March 9th meeting. It states here that the Planning Board requested a copy of the endorsed REDGATE I plans and requested that Jonathan Bruce meet with the Road Commissioners (BOS). He also agreed to an executive session. Has any of that taken place?

MR. SCOTT – The Board of Selectmen just heard about this matter this week (when the Planning Board requested Town Counsel's assistance.)

MR. DETOMA - For an issue that is about 14 years old, if it weren't for your efforts this far, we wouldn't see these letters. Your efforts are not for naught. It appears to me that something is beginning to happen. It does appear to me to be very complex. It is not just about the road and the way of getting to your road. If there is anything we can do it to keep spurring it on, that is what we want to do.

MS. SPILLER-WALSH – I don't think we know where the legal process begins.

MR. HOOPER – Is it reasonable to expect that after 12 years, the case in court should be resolved?

MR. DETOMA – Don't give up, your efforts are starting to work.

MR. HOOPER – Susy, please give them copies of Mr. Maciolek's letter.

Chris LeSeige – Where do we go from here? Can you give us some guidance?

MR. HOOPER – I would advise that once you get a copy and get a good read on it, Susy and I will prepare a memo to the Board of Selectmen (as Road Commissioners) and try to get this on their agenda.

MR. SCOTT – I will put it on our agenda to address at the next BOS meeting. Here is a copy of the letter from Town Counsel to Attorney Sean Holland and Mr. Holland's response back.

MS. SPILLER-WALSH – What they need is a course of action.

MR. SCOTT – Our inability to act is very frustrating.

Chris LeSeige – Is there a statute of limitations on something like this?

Susan Affleck-Childs – One question is who can seek dismissal of the lawsuit?

MR. HAYES – Land Court is a whole different animal.

MR. SCOTT – We embrace the issue, we just don't know how to resolve it.

George Karem, 132 Holliston Street - This case is still in Land Court. I am sick and tired of it. Jonathan Bruce has to make a decision. It is in his court. I want to read you a letter from way back in 1992 from the BOS to Jonathan Bruce. (March 17, 1992) [NOTE - Mr. Karem read this letter.] I also have a letter dated March 1992 from Clayton T. Ryan, my engineer, regarding the location of the drainage pipes 16 feet onto my property. We are still waiting. The ball is in his court. The Town, at the time, said they couldn't accept the street until this was resolved.

MS. SPILLER-WALSH – What is his proposal?

George Karem – They haven't really given anything.

Chris LeSeige – Has Mr. Bruce's lawyers responded to you at all?

George Karem – No. There is nothing we can do.

Chris LeSeige – It is amazing that this is still an issue.

MR. SCOTT – I will put this on the BOS agenda. So let's be sure we receive your information.

Informal Discussion - John Early and Paul DeSimone re: possible subdivision at 18 Franklin Street

Paul DeSimone – The property we are looking at is 18 Franklin Street, between Route 109 and Village Street on the east side of the street. The house is set back very far. We have met with CONCOM and completed a wetlands delineation. We have a concept plan. We would like you go come and do a site walk before we file a plan with you. We want to retrain the trees on the lot.

MR. HAYES – Are you proposing this as a private way?

Paul DeSimone – Yes, but with a 50-foot layout.

Mark Louro – Is there a reason why you don't want to move the road further away from the stone wall?

Paul DeSimone – The road is there now.

MR. HOOPER – The structure that is there now, 18 Franklin Street, has seen its finer days. Is the plan to demolish that house and then do 3 lots?

Mark Louro – The subdivisions rules and regs don't allow the creation of a reserve strip.

Paul DeSimone – That is up to the Board.

Mark Louro - How wide is the strip between the stone wall and the property line?

Paul DeSimone – 2-3 feet at the best.

MR. HOOPER – Any comments form the board relative to this?

MR. HAYES – I am not the biggest fan of private ways. The control over the construction is not what we would like to see. When we have done these, we had to do things that we weren't used to doing and it didn't work out to anyone's satisfaction (Wild Turkey Run/Morgan Heights).

MS. SPILLER-WALSH – What does look nice is Tony Biocchi's street (Winchester Road) that is a private way.

MR. HAYES – We are revising our subdivision rules and regs to allow for smaller public ways. Those aren't complete but they will be soon.

Paul DeSimone – What are you thinking of for width on those?

MR. HOOPER – I believe it is 18 feet. It is a logistics issue now on finalizing the revised regs and getting to approval. This new “neighborhood road” standard would dovetail nicely with what you are doing. It is just this issue of private ways with bonding. It is not working well.

MS. SPILLER-WALSH – Is there any reason to do this as a public way?

Paul DeSimone – The pavement width is the real issue for this site. The driveway is about 10 feet wide right now. So, it would need a waiver if it came in now.

Mark Louro – Also, if you come in now, you can’t just ignore the reserve strip. You can’t not allow access by abutters. What lot would own that strip?

Paul DeSimone – Lot 3.

Mark Louro – Any strip of land that is not a buildable lot is considered a reserve lot.

MS. SPILLER-WALSH - Why is that a problem?

Mark Louro - It is in the regs. If it is a private road, then the owners of the 3 lots would control the road completely.

MS. SPILLER-WALSH – There are some advantages to private roads.

MR. DETOMA – If it goes as a private way and it is a narrow street, what if abutting owners in the future seek access?

Paul DeSimone – They have approached Mr. Burns and he didn’t want anything to do with this. If we don’t have the strip and you don’t do a public road, Mr. Early can do a Form A (ANR) plan.

MS. SPILLER-WALSH – I think it is OK

Paul DeSimone – It is not that it is illegal, it would just require you to approve it.

Mark Louro - The regs also provide that there be 150 feet required between roads.

MS. SPILLER-WALSH – What is the area on lot #1?

Paul DeSimone – At least ½ acre, on sewer and town water. If you did a private road, each lot would own part of the road.

MR. HOOPER – How about the lot shape factor?

Paul DeSimone – It would conform to all the regs. Drainage would be a whole different issue.

Mark Louro – What is the topography?

Paul DeSimone – It goes down to the wetlands and then it goes up.

Mark Louro - How would you handle drainage? Head out to Franklin Street? Where would you put a pond?

Paul DeSimone – Probably on lot 1 adjacent to the wetlands. We have agreed to the wetlands boundaries specified by CONCOM.

MR. HOOPER – Any neighbor concerns?

John Early – Not so far.

Paul DeSimone - I talked to Mr. Mele to the right. This is it. The back is all developed out

Mark Louro – I am wondering. I don't know if you want the paved road right out against the layout edge?

Paul DeSimone – I think you really need to come out and look at the site

MS. SPILLER-WALSH – Make sure the detention pond is natural looking.

Paul DeSimone – We would dig out the fill and use that.

MS. SPILLER-WALSH – Would you do no cut zones?

Paul DeSimone – It is very heavily wooded.

John Early - It is natural for the road to go up the side. Whatever you need, we will adjust to.

Paul DeSimone – We just want to know what kind of a feel you have for public or private road.

MR. HOOPER – We need to do some thinking on this.

MS. SPILLER-WALSH – The scale is very appropriate. I don't know about the 14-foot wide road though.

John Early – With just 3 lots instead of 5, it doesn't need the whole cul-de-sac circle. We don't want to make such a major impact on the environment. You really need to look at the land. If you go look at it you get a different view.

MR. HOOPER – Do you have to work with the Historical Commission on the demolition of the house? There is a 9-month delay.

John Early - We are going before them on June 17. When would those new regs be ready?

MR. HOOPER – By the end of the summer at the max. It is a massive undertaking.

Paul DeSimone – What are your thoughts on curbing?

MR. HOOPER – There would be limited curbing.

Mark Louro – If you go with berm, you need to go 18 feet for the roadway width.

MR. HAYES – We want to keep berm to aid in drainage.

MS. SPILLER-WALSH – What about a pull off area in lieu of making the whole road wider?

Mark Louro – What is length of road?

Paul DeSimone – 350 feet.

MR. HOOPER – I appreciate the submission of a conceptual plan for discussion like this. It helps a lot.

Paul DeSimone – We really want you to look at the land.

MR. HOOPER– I would like to do that. Saturday morning early sometime.

MS. SPILLER-WALSH – How close to Village Street?

MR. HOOPER – A couple of hundred yards.

John Early – It is OK to stop by and walk around anytime.

NOTE – The Board took a brief break from 8:45 – 8:50 p.m.

Hartney Acres Definitive Subdivision Plan - Certificate of Action

MR. DETOMA - I will recuse myself as I am an abutter to this project.

MR. HOOPER - Good evening. This is our 8:15 agenda item – the Certificate of Action on the Hartney Acres subdivision. I want to acknowledge a few things that have come to us since our last meeting (May 18th). We have received a 5-23-04 letter from Paul Yorkis/Patriot Real Estate (as official representative for applicant John Claffey) and a 5-25-04 letter to the Board from R. Tucker Reynods, attorney for the applicant. In the spirit of full disclosure, I would like to ask Paul Yorkis to summarize the two possibilities that you have outlined.

Paul Yorkis – Before I begin, I would like to thank you for considering this information. On behalf of Mr.Claffey, there are two possibilities we have asked the Board to consider. One option is for the Board to issue a certificate of action which is conditioned upon the applicant supplying the Planning Board with a new drainage plan and calcs which would be prepared from scratch. Mr. Claffey has engaged the services of a new engineer and surveyor, the same people

who prepared the plans for Ishmael Coffee Estates. The subdivision plans that you have would stay the same with the exception of anything related drainage. They would redo the drainage design in its entirety with no flowage easements. They are available to speak tonight if you would like.

The other option is for the Planning Board to re-open the public hearing so that at a later date the revised drainage plans would be presented in a public hearing format. I want to say that in the other option, the public would still have a chance to comment.

The issue is having 4 Planning Board members who can vote tonight vs. 3 members in the near future (after Kent Scott resigns).

MR. HOOPER – Is there any response from Board members specific to the two possibilities that have been outlined?

MS. SPILLER-WALSH – We really haven't had much time to think about this. It seems a little unfortunate that we don't have some sort of plan in hand to know exactly what we would end up with. This is a Catch 22. You are asking us to consider something that is somebody's concept but it is not conveyed to us in a visual or clear way. To respond to that is plucking at air a bit.

MR. HAYES – I would have difficulty voting either way on a Certificate of Action without a fully developed plan.

MR. SCOTT – So would you opt for a full public hearing?

MR. HAYES – Option 2 would be the more favorable option.

MR. SCOTT – I would agree. I would want the public to hear. I would like the other engineer to give us a briefing. I would like to hear a little bit from them.

MR. HOOPER - That is the fear here, that we are entertaining new information post public hearing. But we have already opened the door.

MR. SCOTT - For me, that would enable me to frame these two options to make a decision one way or another.

MS. SPILLER-WALSH – I think that at this point, they are suggesting that they are going to do something different but they don't have the information yet to give us. They can speculate on what they will try to do.

MR. SCOTT – I couldn't agree with you more. But I want to frame it. I want to understand.

MR. HOOPER—I think that is a fair question to ask. I am going to ask for a comment related to the question - What could be expected for a redesign of the stormwater management system?

David Faist (engineer) - We have been asked to revise the drainage design. We have just looked over the plan very briefly. We have been retained to review the existing proposed design and come up with an alternative solution that doesn't use flowage easements. We will have to go through our civil engineering due diligence to come up with that solution. We will meet all applicable requirements. We could maybe do some smaller ponds but until we go through the whole process I cannot offer a definitive concept. We want to take another look at it.

MR. HOOPER – Kent, does that give you something?

MR. SCOTT – No. I wanted to discover how much or little you were in your thinking, not to question your ability to do it.

MS. SPILLER-WALSH – It looks like where they need to be is to re-evaluate everything and begin again.

MR. HOOPER – One would think there is an effect across the entire plan if the drainage design is revised.

MR. HOOPER – At this time, does the Board wish to take any action with respect to the two possibilities?

MR. HOOPER – I do want to acknowledge this other letter (from R. Tucker Reynolds) arrived around 2:37 this afternoon. I was on the phone with Susy when it arrived. The Board just received this literally tonight upon their arrival. I would like to have them take some time to look it over.

MR. HOOPER – For the sake of those (residents) who are here and are not part of the applicant's team, the letters are not specific to information that would be received during a public hearing. The letters pose additional policy questions relative to how we are proceeding. The info we have already received is locked in a cell at this point.

NOTE – Board members took a few minutes to review the letter from R. Tucker Reynolds.

MR. HOOPER – Does the Board wish to take any action with respect to the two possibilities that were outlined in Paul Yorkis' letter dated May 23rd?

MR. SCOTT - I would think if I were choosing between the two options, if we were to consider them, I would think option #2 would be the way to go, to involve the abutters.

MR. HOOPER – The format for doing that would be to generate a motion to that effect if you had an inclination that the PB should reopen the public hearing.

A motion was made by Kent Scott and seconded by Matthew Hayes to re-open the public hearing on the Hartney Acres Definitive Subdivision Plan.

Discussion

MR. HOOPER – We will now discuss this motion to reopen the public hearing.

MR. HAYES – I would like to make comment in response to a comment in Tucker Reynolds letter. He states that “ . . . as a result of numerous comments by Board members at the May 18 meeting, it is readily apparent that the roadway waiver is secondary to the drainage issues.” If that was just his estimate of one person’s thought, I don’t want that perspective to be assumed.

MS. SPILLER-WALSH – It was my comment at the last meeting that the roadway waiver is secondary to the drainage issues. The drainage issues in this particular subdivision are difficult. We need to deal with drainage on a case-by-case basis. The roadway has created some of the drainage issues. I see them as definitely linked in this case.

MR. SCOTT – Not to diminish the issue on the road, but if we look at the time we invested in discussing flowage easements (we put an hour) vs. less time on the dead end road issue, we had to focus on that. In fairness, we did spend considerable amount of time. It would appear that that was a heightened matter at the meeting last week (May 18th).

MR. HOOPER – I guess it’s my turn. The public hearing is closed on this application. That is a fact. I would tend to agree that there is no new information before us in the way of plans that one would consider in the context of a public hearing, nothing that shows us definitively a new approach. There is an intention to amend the plan per the letters we have received. But I think, in my opinion, the intention should have come forth during the course of the public hearing and not now. We have come to a point that we need to complete this. We are obligated to act on the existing application before us by May 28th. Additionally, the proposal to amend the design of the stormwater management system is a change that is so substantial that it really does constitute a whole new plan, a new submission. It is not really an item to condition on approval on. In my opinion, in terms of the intensity of something that is an integral part of the subdivision plan, it will have a profound effect on the overall layout and design of the entire subdivision. It is tied to the road design. Nothing is done in a vacuum. I am not sure that a public hearing re-opening really does afford the public full notice. We have closed the hearing. I don’t know if re-opening it will afford the same kind of disclosure to the public. I suppose we could require that.

MR. SCOTT – Yes, we could put that as a condition of re-opening.

MR. HOOPER – Finally, I would like to say that Mr. Yorkis, as the applicant’s official representative, stated on the evening of May 4th as follows: “ I would really request the board close the public hearing tonight. The drainage calcs have been scrutinized beyond belief.” And now tonight, we are being asked to consider something else. So I guess that is where I am with respect to re-opening the public hearing. I think that we are beyond that now. We have closed the hearing and we must proceed as we are obliged to do and respond to the plan that the hearing has been closed on. Any there any other comments from the board?

MR. HOOPER – *All those in favor of the motion to re-open the Hartney Acres public hearing?*

YES – Kent Scott

NO - Dan Hooper, Matt Hayes, Karyl Spiller-Walsh

The motion to re-open the public hearing does not carry.

MR. HOOPER - At this point, we are going to move to the Findings for the application before us. This is the next step in crafting this decision. This is a Planning Board exercise. We are going to read the findings as they have been written and entertain comments from Board members and consultants only. I would respectfully ask that everyone allow us to proceed without comment.

NOTE – The draft Findings dated May 24, 2004 are attached and made a part of these minutes.

Matt Hayes read the introduction to the Stormwater Management/Drainage Design section of the 5-24-04 FINDINGS.

NOTE – Paul Yorkis and Tucker Reynolds left the room along with Dan O’Driscoll and David Faist.

MR. HOOPER – We are going to vote on each finding as presented. I would entertain a motion in favor of each finding

Finding # 1: The flowage easement on Lot #2 discharges overland across the lot line onto Lot #1. This does not comply with Section 4.4.4 of to the Medway Subdivision Rules and Regulations – *“Collected stormwater shall not be discharged overland across lot lines.”*

MR. SCOTT – I had a question on what “collected” meant. I don’t think this is collected water. It is a pass through. It doesn’t seem to be clear in this interpretation.

MR. HAYES – I agree with Kent. In my interpretation, I believe “collected water” is confined to some kind of a channel as opposed to sheet flow across lot lines, which is what I believe flowage easements are meant to address. I am not in agreement with this finding.

MR. HOOPER –This is a matter for interpretation. Are swales involved?

Mark Louro – It could go either way, but I agree with Kent and Matt. This is more like a perimeter drain.

MR. HOOPER – Is there a swale? Broad based sheet flow is not “collected water.”

Mark Louro – The water is not in a formal channel and not in a swale.

MR. SCOTT – We are directing the water by grading.

MS. SPILLER-WALSH - I understood that by grading the topography, the water formed a specific flowage pattern.

MR. SCOTT – Flowage pattern and collection are different.

A motion was made by Karyl Spiller-Walsh and seconded by Matt Hayes in favor of Finding

1.

YES – Karyl Spiller-Walsh

NO – Dan Hooper, Matt Hayes, Kent Scott

The motion failed by a vote of 1 in favor and 3 opposed.

Finding #2: The applicant has not provided evidence that reasonable control can be achieved and maintained over the final “lot grading” of lots 3, 6, and 9. The proposed use of as-built plans is insufficient. It is common practice today, upon approval of a definitive subdivision plan, for the applicant/developer to convey a number of approved subdivision lots to other individual builders to construct houses. Essentially, once a property is conveyed to another entity, the applicant’s ability to control the lot grading is all but eliminated along with the Town’s enforceable assurance that an element of the drainage system’s integrity would remain intact. Furthermore, the use of as-built plans does not provide any means to prevent the prescribed lot grading from being changed by future homeowners. Therefore, the use of as-built plans, in and of themselves, does not adequately ensure that lot grading will not be altered from that prescribed in the definitive subdivision plan. In summary, with respect to this subdivision proposal, there are no enforcement mechanisms proposed to ensure that lots 3, 6 and 9 will be graded correctly and will continue to satisfactorily maintain the prescribed lot grading, an element of this proposal that VHB Inc. states in their 4-30-04 review letter, to be “*crucial to the overall drainage system.*”

MR. SCOTT – There are some points of this that I agree with and some that I don’t. We are bundling them and I am having difficulty. Part of me agrees and part of me disagrees. I would agree with some parts of this. As-built plans don’t ensure grading.

MR. HOOPER – Can I help on this? If you have an issue with this finding, you can make another motion with edits.

MR. SCOTT – In all candor, this is an issue we will have all the way through these findings. My issue is what doesn’t support “reasonable control?”

MR. HOOPER – We will take a vote on the finding as presented. If you have something else, we will create another finding.

A motion was made by Karyl Spiller-Walsh and seconded by Matt Hayes in favor of Finding # 2.

YES – Karyl Spiller-Walsh, Dan Hooper, Matt Hayes, Kent Scott

NO - None

The motion approved by a vote of 4 in favor and 0 opposed.

Finding #3: The proposed flowage easements on lots 1, 2 and 7 are located adjacent to the house locations and occupy the prime areas of the side and back yards where a homeowner would typically and reasonably expect to be able to make customary home improvements and site upgrades. The prohibition on future lot grading alterations required by flowage easements serves as an unreasonable and excessive restriction on future homeowners’ customary use and

enjoyment of their property and primary residence in a typical suburban subdivision. This does not comply with Section 4.4.3 of the *Medway Subdivision Rules and Regulations*: “*The Board will not approve any design or component which in its opinion . . . is unsuited to the character of the subdivision.*”

Discussion – None

A motion was made by Karyl Spiller-Walsh and seconded by Matt Hayes in favor of Finding # 3.

YES – Karyl Spiller-Walsh, Dan Hooper, Matt Hayes, Kent Scott

NO - None

The motion was approved by a vote of 4 in favor and 0 opposed.

Finding #4: The applicant’s proposed means of enforcing the flowage easements on Lots 1, 2 and 7 is for the deeds, which will convey said lots from CLAFCO Builders Corporation to their eventual homeowners, to specifically refer to the flowage easement as shown on the Hartney Acres Definitive subdivision plan. (May 4, 2004 letter from R. Tucker Reynolds, P.C. to Medway Planning Board.) This single mechanism is not sufficient to ensure that future homeowners fully understand their obligation to retain lot grading and to not modify their property in the flowage easement areas. There is no ability for the Applicant or the Town to enforce a flowage easement. The Applicant has not proven that there is either an adequate method or entity to enforce the flowage easements to ensure that the prescribed grading remains intact.

Discussion – None

A motion was made by Karyl Spiller-Walsh and seconded by Matt Hayes in favor of Finding # 4.

YES – Karyl Spiller-Walsh, Dan Hooper, Matt Hayes, Kent Scott

NO - None

The motion was approved by a vote of 4 in favor and 0 opposed.

Finding #5: The bottom of the detention basin at the northeast corner of the parcel measures approximately 160 feet long by 40 feet wide. The top edge of the southwest corner of this detention pond is located approximately 15 feet from the northeast corner of the house footprint on Lot #4. On Lot #3, the northeast corner of the driveway is located approximately 10 feet from the top western edge of the detention pond. For suburban lots, the location of detention ponds so close to the house footprint raises serious concerns for the safety, convenience, and reasonable use of the property by future homeowners and is unsuited to the character of this subdivision. This is not in compliance with the *Medway Subdivision Rules and Regulations*, Section 4.4.2.2 “*. . . the method or methods (to control the rate and volume of stormwater runoff) elected shall be suitable to the site . . .*” and Section 4.4.2.3 “*The Board will not approve any design or component which in its opinion . . . is a possible threat to public safety or is unsuited to the character of the subdivision.*”

Discussion - None.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh in favor of Finding #5.

YES – Karyl Spiller-Walsh, Dan Hooper, Matt Hayes

NO – Kent Scott

The motion was approved by a vote of 3 in favor and 1 opposed.

Finding #6: The Medway Planning Board finds that the proposed stormwater management/drainage design for the Hartney Acres subdivision, although technically compliant with the Massachusetts DEP Stormwater Management requirements, is not in the best interest of the Town of Medway.

Pursuant to the authority and discretion provided to the Planning Board in the opening paragraph of Section 4.4.2. and by Section 4.4.2.7 of the *Subdivision Rules and Regulations*, the Applicant should modify the design of the subdivision and the associated stormwater management/drainage system to better suit the problems and specific needs of this particular site.

Discussion

MR. HAYES – On the second sentence, I would like to strike that sentence.

MR. HOOPER – Let's vote on it as written.

Gino Carlucci – You could do this as a friendly amendment.

MR. HAYES – From my understanding from town meeting, we vote on one amendment at a time.

MR. HOOPER – So, we would vote on the amendment.

MR. HAYES – I would like to eliminate the second paragraph of this finding.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to remove the second paragraph of Finding # 6.

Discussion

MR. HOOPER – I like the second paragraph because it puts meat onto the conclusionary finding.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to amend the amendment and alter the first sentence (of Finding #6) to include the first part of the second sentence as follows:

The Medway Planning Board, pursuant to the authority and discretion provided to the Planning Board in the opening paragraph of Section 4.4.2. and by Section 4.4.2.7 of

the Subdivision Rules and Regulations, finds that the proposed stormwater management/drainage design for the Hartney Acres subdivision, although technically compliant with the Massachusetts DEP Stormwater Management requirements, is not in the best interest of the Town of Medway.

YES – Karyl Spiller-Walsh, Matt Hayes, Dan Hooper, Kent Scott
NO – None

The amendment to the amendment was approved

On the motion to approve Finding #6 as amended, the Board voted as follows:

YES – Karyl Spiller-Walsh, Matt Hayes, Dan Hooper, Kent Scott
NO – None

The motion as amended was approved.

Finding #6 as amended and approved reads as follows:

The Medway Planning Board, pursuant to the authority and discretion provided to the Planning Board in the opening paragraph of Section 4.4.2. and by Section 4.4.2.7 of the Subdivision Rules and Regulations, finds that the proposed stormwater management/drainage design for the Hartney Acres subdivision, although technically compliant with the Massachusetts DEP Stormwater Management requirements, is not in the best interest of the Town of Medway.

Kent Scott read the introduction to the Dead End Street section of the 5-24-04 FINDINGS.

Finding #1: The proposed subdivision road, Newton Lane, is longer than 600 feet as measured between the sidelines of the first through street and the end of the roadway layout. This exceeds the maximum dead-end length standard.

Discussion

MR. HAYES – I had a couple of questions re: introduction to this section. Were the proposed mitigation measures specific to the dead end waiver request and the filing in of 10,000 sq. ft. of wetlands?

Gino Carlucci - I believe the reference to filing in 10,000 sq. ft of wetlands applied to a second wetlands crossing.

MR. SCOTT - Yes.

MR. HOOPER – Is the 10,000 sq. ft. independent of the first wetlands crossing?

Gino Carlucci – I believe the 10,000 sq. ft only pertains to the second crossing.

A motion was made by Kent Scott and seconded by Matt Hayes to change the word “standard” at the end of the second sentence to “requirement.”

YES – Kent Scott, Dan Hooper, Matthew Hayes, Karyl Spiller-Walsh

NO – None

The motion to amend the finding was approved.

A motion was made by Kent Scott and seconded by Karyl Spiller-Walsh to approve this finding as amended.

YES – Kent Scott, Dan Hooper, Matthew Hayes, Karyl Spiller-Walsh

NO – None

The motion was approved.

The finding now reads as follows:

Finding #1: The proposed subdivision road, Newton Lane, is longer than 600 feet as measured between the sidelines of the first through street and the end of the roadway layout. This exceeds the maximum dead-end length requirement.

Finding #2: The Applicant has not submitted any evidence to the Planning Board that a greater road length is necessary for reasons of site topography.

Discussion – None

A motion was made by Karyl Spiller-Walsh and seconded by Matt Hayes to approve finding #2.

YES – Kent Scott, Dan Hooper, Matthew Hayes, Karyl Spiller-Walsh

NO – None

The motion was approved by a vote of 4 in favor and 0 opposed.

Finding #3: The Applicant has not provided the Planning Board with documentation in the form of a professional study to support their request for a dead end length waiver.

Discussion

MR. SCOTT – One of the difficulties I have is that we have not require, to the letter of the regulation, an applicant to meet the technical word for word intent of our regulations. We have we have consistently waived it on the basis of the mitigating issues that we felt would benefit the town. So, to the letter of the law, I would agree with this finding. But, in the spirit this is not how we have worked with applicants during the past year, I have never seen us hold them to this standard. If this is the beginning of holding to this standard, I agree with the letter of this regulation.

MR. HOOPER – It is the beginning. I have served 4 years. I hear what you are saying. We have not done this type of thing. But that is not to say that is right, wrong or indifferent because it is the right thing to do.

MR. SCOTT – This is a place holder in time. This is our way of saying this is how we are going forward. It supports it one way or the other.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve Finding #3.

YES – Kent Scott, Dan Hooper, Matthew Hayes, Karyl Spiller-Walsh

NO – None

The motion was approved by a vote of 4 in favor and 0 opposed.

Finding #4: A plan by this Applicant demonstrating full compliance with all Subdivision Rules and Regulations has not been provided to the Planning Board or evaluated by Medway's Police and Fire Chiefs for comparison to the proposed plan that includes a 1,700' dead-end roadway layout. When compliance with the Rules and Regulations in their entirety is achievable, as appears to be the case with the subdivision of this parcel, the Planning Board expects demonstration of such in order to evaluate the merits of a waiver request.

Discussion

MR. HAYES – I am not sure what kind of words we want to have in here. “As appears to be the case” may not be best language.

MS. SPILLER-WALSH – What about “as found” instead?

MR. HOOPER – If you don't like the wording, either change it or vote against it as presented.

MS. SPILLER-WALSH – I think this is confusing

MR. HOOPER – I want to move this along.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to remove the second sentence of Finding #4.

YES – Kent Scott, Matthew Hayes, Karyl Spiller-Walsh

NO – Dan Hooper

The motion was approved by a vote of 3 in favor and 1 opposed.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve Finding #4 as amended.

YES – Kent Scott, Matthew Hayes, Karyl Spiller-Walsh

NO – Dan Hooper

The motion was approved by a vote of 3 in favor and 1 opposed.

Finding #4 now reads as follows:

A plan by this Applicant demonstrating full compliance with all Subdivision Rules and Regulations has not been provided to the Planning Board or evaluated by Medway's Police and Fire Chiefs for comparison to the proposed plan that includes a 1,700' dead-end roadway layout.

Finding #5: CONCLUSION – The Planning Board finds that the applicant has not provided sufficient or compelling evidence that granting a waiver from Section 4.2.5.1 of the Subdivision Rules and Regulations is in the Town's best interest.

A motion was made by Dan Hooper and seconded by Karyl Spiller-Walsh to amend the finding to add "and hereby disapproves the waiver request" at the end of the first and only sentence.

YES – Kent Scott, Matthew Hayes, Karyl Spiller-Walsh, Dan Hooper

NO – None

The motion to amend the Finding #5 was approved by a vote of 4 in favor and 0 opposed.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve Finding #5 as amended.

YES – Kent Scott, Matthew Hayes, Karyl Spiller-Walsh, Dan Hooper

NO – None

The motion to approve Finding #5 as amended was approved by a vote of 4 in favor and 0 opposed.

MR. HOOPER – We have concluded the discussion on Findings for the Hartney Acres subdivision. Given that we have a unanimous vote on the two "conclusions" findings, does the Board wish to go directly to a vote on the Certificate of Action (Draft – May 24, 2004)?

MR. HAYES – What are the alternatives?

MR. HOOPER – We could sit and talk about the conditions in the Certificate of Action. There are a number of conditions included in the draft Certificate of Action that we should discuss if it is the Board's wish to move toward an approval. In light of where we have come to with the Findings, I would like to know if the Board would wish to discuss conditions, or if the board wants to act on the application before us.

MR. HAYES – Could we approve this plan without the dead end road waiver? We have decided to not grant the waiver.

MR. HOOPER – No, we cannot.

MR. HAYES – Then I see no reason to discuss any conditions.

MR. SCOTT – The Board, by majority vote, has already determined by Findings that this subdivision is not in the Town's best interest.

MR. HAYES – It seems a moot point.

MR. HOOPER – So, at this time, ***I would entertain a motion to approve the Definitive Subdivision Plan for Hartney Acres, as last revised April 27, 2004, with conditions as included in the 5-24-04 Draft Certificate of Action.***

MR. HAYES – So moved.

MS. SPILLER-WALSH – I second that motion.

YES – None.

***NO – Matt Hayes, Dan Hooper, Kent Scott, Karyl Spiller-Walsh
The motion failed by a vote of 0 in favor and 4 opposed.***

MR. HOOPER - That concludes our discussion on the Hartney Acres subdivision plan.

NOTE – The Board took a break from 10:15 to 10:20 p.m.

MR. HOOPER – I would like to make a statement. Unfortunately, the Hartney Acres folks are not here. The vote tonight is obvious. However, I hope I represent the feeling of the Board when I say that we encourage the applicant to return and propose something that can adequately meet the needs and desires of the Town of Medway, through the Planning Board's review and vote, and the applicant's need and desires relative to that development and proposal. Are there any other comments? The intent of this vote is not to say no to any subdividing of that parcel. The intent is clear, based on the findings. It is not in our authority to stop development but to review proposals with respect to our rule and regulations and the applicable issues in the best interest of Medway.

Request for Site Plan Modification – Tara Werlich for 155 Main Street

MR. HOOPER – We have a note from Bob Speroni indicating that the changes are less than minor.

Tara Werlich – With the parking spaces, we did 4, then there is the tree, and then 2 more. This isn't the layout shown on the plan. But we saved the tree.

The Board concurred that this was acceptable.

Tara Werlich – When the contractor poured the car stops, it was down straight rather than jagged.

MR. HOOPER – I thought the wheel stops are going to be granite and that there wouldn't be separate granite curbing.

Gino Carlucci – We wanted there to be no curbing so there would be drainage.

Mark Louro – In looking at the site plan, it says granite curbing with gaps.

MR. HOOPER – I was expecting the curb stops to be granite appropriate to the period of the house and beautiful lamp post. That would be my thought to replace the concrete wheel stops with granite.

Mark Louro – By putting the curbing in you are creating more of a problem.

MR. HOOPER – As opposed to full curbing, what about granite curb stops? I don't think it is in anybody's interest to rip up the paving.

MR. DETOMA – I would leave what she has already done.

The Board's consensus was to leave it as it is built with concrete curb stops and not to have granite curbing as such would create more of a drainage problem.

Tara Werlich – We have been told to remove the handicap parking space. But we would like to keep it. The Architectural Access Board has determined that we don't actually need one.

Susan Affleck-Childs – As I understand it, they can't have a handicap parking space if it doesn't meet the exact specifications for a handicap space and the one they have does not.

MR. DETOMA – I commend them for wanting to keep it. But if the handicap space is not correct, that could be problematic.

The Board concurred to make the handicap parking space into a regular space.

Tara Werlich – We need to move the signpost to the east side of the walkway. It would just be a mirror flip over the brick walkway. This is to accommodate landscaping. The new sign location doesn't block anything.

The Board's consensus was OK to move sign post.

Tara Werlich – We also want to have a brick walkway to entrance #2.

The Board's consensus was OK for the brick walkway to entrance #2.

Tara Werlich – We want to have the outside doors match with both having oval windows.

The Board's consensus was OK on 2 exterior doors with oval windows.

Tara Werlich – Do we have to post a bond for these changes.

The Board's consensus was No.

Susan Affleck-Childs – I will do a note to Bob Speroni outlining the board's determinations.

MR. HOOPER – There is an adaptive use overlay district being proposed for your area. Would you entertain the thought of joining us at some point to advocate for something like this instead of what you had to go through (use variance and site plan review)? We would like to meet with Medway Business Council.

Tara Werlich – Yes, we would be glad to. I read the original proposal.

A motion was made by Matt Hayes and seconded by Alan DeToma to continue the meeting to 11 pm. The motion passed unanimously.

Plan Review Estimate for 4 Main Street Site Plan

MR. HOOPER – We have two estimates. \$5,090 from VHB and \$ 357.50 from PGC Associates.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to approve the estimate of \$5,090 for VHB. The motion passed. Matt Hayes recuse.

MR. DETOMA – I would want them to be more complete in their submittal.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the estimate of \$357.50 for PGC Associates. The motion passed.

Plan Review Estimate – Pine Meadow Subdivision

MR. HOOPER – We have an estimate of \$5,761 from VHB and \$390 from PGC Associates.

A motion was made by Kent Scott and seconded by Matt Hayes to approve the estimate of \$390 from PGC Associates. The motion passed unanimously.

A motion was made by Alan DeToma and seconded by Kent Scott to approve the estimate of \$5,761 from VHB Inc. The motion passed. Matt Hayes recuse.

Construction Observation

Mark Louro - Speroni Acres

I met with Jimmy Smith (DPS) and Owen Sullivan (developer) and then went out on site and identified even more problems. In the pond at the end of the cul de sac, which was moved to avoid wetlands, the pipe between the forebay and pond is crushed so now the forebay fills up and it runs south so it doesn't even work. A lot of the things that Owen thought were done haven't been done so the bond estimate is about \$120,000. Owen said it wasn't enough of a reduction to actually have the Planning Board approve a reduction.

Planning Board Sponsored Articles for June 28th Special Town Meeting

1. Adaptive Use Overlay District

Susan Affleck-Childs – Ted Reardon is very interested in getting this approved and has initiated a citizens' petition to get at least 100 signatures to get it on the warrant.

MR. HOOPER – This is the way these things should go. It is the better way. It gets 100 people to consider it. When we hold our public hearing on zoning amendments, we certainly don't get people to turn out.

NOTE – Planning Board members signed the petition.

2. Site Plan Review and Approval.

Susan Affleck-Childs – I recommend that you not pursue this at this time. The draft we have needs some work and we may want to try to work on this with the Board of Selectmen.

MR. HOOPER – We need to think and talk about it and open up the discussion to other boards and committees. We want it to be able to fly thru town meeting and be embraced by as many people as can logically embrace it. That will take some time. Medway Business Council, BOS, IDC, Town Administrator – all the entities that have a part in the commerce of town and economic development need to come together.

3. Define "uplands" to not include detention ponds.

MR. HAYES – Where are the limits of detention pond?

MR. HOOPER – Gino, any thoughts on this? How do other towns do this? I would welcome your thoughts.

Gino Carlucci – For a definition, you might think about the highest elevation that goes completely around the detention pond rather than the base of the detention structure.

NOTE – It was agreed to hold off on this.

4. Distance from house footprint to edge of detention pond.

Susan Affleck-Childs – When we discussed this before, it was suggested to put the distance in the subdivision rules and regs and not the zoning bylaw. That way you can have some flexibility.

MR. HOOPER – That seems to be an appropriate detail to have in the regs vs. the bylaw.

5. Amend zoning bylaw to add an area for the groundwater protection district that is in the western part of town.

MR. HOOPER – At the annual town meeting, the town was uncomfortable with the prospects of restrictions on the industrial land. What I am getting to is I don't believe the Water/Sewer Commission did an adequate job of promoting the technicalities and necessity of this. I thought it was an all or nothing endeavor with both areas needing to be approved. They didn't do that on the floor. Quite frankly, I wouldn't want to have our name on it as a sponsor until this is resolved. It definitely wasn't being defended. I don't want to be left out there and hung to dry (if we sponsor this.)

MR. SCOTT – From the Board of Selectmen's perspective, this needs to get on the warrant. I will check to see if the BOS will sponsor this. Selectmen Jim Galligan is interested in pursuing this.

MR. DETOMA – The Industrial Development Commission had some real concerns.

MR. HOOPER – Let's consider this again on Thursday night.

6. Street Acceptance – Tulip Way and Algonquin.

Susan Affleck-Childs – These are the only two. Tulip Way is the short extension for the Granite Woods subdivision. Algonquin is a long standing unaccepted street. There is no bond money and DPS is OK with accepting it.

7. General Bylaw re: articles for warrant

MR. HOOPER – This would involve a change in the procedural process for articles being submitted for town meeting. The idea is for any elected or appointed board, which voted in a majority to submit an article, could provide the BOS with an article for a town meeting warrant and it must go on the warrant. So, not just citizen petitions would be automatic. Medfield has it

MR. DETOMA – Right now, the Selectmen have the discretion about what goes on the warrant.

MR. HOOPER – Yes and that has been a problem for us. We drafted the Adaptive Use Overlay District and the BOS declined to put it on the warrant. I suppose you could fiddle with the language and maybe only include elected boards. This idea does stem partly from our experience with the BOS with the sign bylaw and the adaptive use bylaw. It does have a way to invigorate a proactive involvement in town.

MR. DETOMA – Kent, what do you see as a negative to this?

MR. SCOTT – A board can do a citizens petition and get 100 signatures on its own.

MR. HOOPER – However, when you are an official of town, you are already dedicating your time. So to then say that you have to organize a citizens petition, you have disincentivized the whole process.

MR. SCOTT - I don't know if that constitutes a disincentive. I would like to see what other towns do with this.

MS. SPILLER-WALSH – I think it is a great idea.

MR. HOOPER – We can revisit all of these on Thursday (at our special meeting). I want to add in another one re: pool fences.

Minutes

MR. HOOPER – Would you please resend me the minutes from the May 4th meeting?

Invoices – None

Correspondence

1. Mass Dept of Housing and Community Development – Inventory of affordable housing units in town.

MR. HOOPER – It doesn't seem to include the Kingson Lane condos.

MS. SPILLER-WALSH – What will the impact be on accessory apartments?

MR. HOOPER – I think we need to look at what strategies we can establish to include affordable housing. I heard a rumor than Greg Whelan is putting together a plan for a rental. Maybe somebody can come up with something more on this.

2. BOS public hearing (6-21-04) on EO 418 housing, economic development and open space plans (prepared by Gino Carlucci).

REMINDER – Special meeting on Thursday, May 27, 2004 at 7:30 pm at the Library conference room to review and sign the final Hartney Acres decision.

A motion was made by Karyl Spiller-Walsh and seconded by Kent Scott to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 11:20 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

***THURSDAY, MAY 27, 2004
SPECIAL MEETING
Medway Public Library***

PRESENT: Dan Hooper, Karyl Spiller-Walsh; Matthew Hayes; Alan DeToma.

ALSO PRESENT: Susan Affleck-Childs

NOTE – Kent Scott could not attend due to a death in his family.

Chairman Hooper called the meeting to order at 7:44 pm.

Hartney Acres Certificate of Action

MR. DeTOMA – I will recuse myself from discussion as I am an abutter.

MR. HOOPER – We have been advised that our vote on this matter should be “to deny” the plan.

The Board reviewed the Certificate of Action, prepared to document the Board’s findings and action on May 25, 2004. A copy is attached and made a part of these minutes.

A motion was made by Matthew Hayes and seconded by Karyl Spiller-Walsh to deny the Hartney Acres Definitive Subdivision Plan as last revised April 27, 2004. The motion passed by a vote of 3 in favor and 0 opposed. Alan DeToma recuse.

NOTE - Board members Hooper, Hayes and Spiller-Walsh signed the Hartney Acres Certificate of Action.

Finalize Planning Board articles for June 28, 2004 Special Town Meeting

1. Adaptive Use Overlay District – ***A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to submit the Adaptive Use Overlay District proposal to the BOS conjunction with the citizens’ petition being organized by Ted Reardon. The motion passed unanimously.***

2. Site Plan Review and Approval – It was decided to hold off on submitting this.
3. Define wetlands to not include area in proposed detention ponds and/or wetlands replication area.

MR. DeTOMA – This is very important.

MR. HOOPER – At our next meeting, we are going to be setting goals and priorities for zoning initiatives to pursue.

MR. DeTOMA – This needs some more work.

Susan Affleck-Childs – We could task Gino to work on this.

MR. DeTOMA - I will look into this.

MR. HAYES - I will research this on ordinances.com.

4. Distance from house to detention pond

MR. HOOPER – I think we should put in the rules and regs but ask Gino to work on it and look at putting it in the zoning bylaw. But let's hold off for the June 28th special town meeting.

5. Groundwater Protection District – additional area

MR. HOOPER - I tried to contact new Selectmen Jim Galligan who has an interest in this. I don't want to support this without backup all around. Jim may be running with this anyway. I will call Glenn Trindade to see how this is going with the IDC. We should contact the BOS that we won't sponsor this right now.

6. Street Acceptance – Tulip Way and Algonquin – Agreed.

7. General Bylaw re: how articles are placed on the town meeting warrant – It was agreed to hold off on this.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

***PLANNING BOARD MEETING MINUTES
June 8, 2004***

PRESENT: Alan DeToma, Karyl Spiller-Walsh, and Dan Hooper
ABSENT WITH NOTICE: Matt Hayes
ALSO PRESENT: Gino Carlucci, PGC Associates; Mark Louro, VHB; Gary Jacob,
DRC Chairman, & Susan Affleck-Childs, Planning Board
Assistant

The meeting was called to order at 8:15 pm

NOTE – Due to his election to the Board of Selectmen, Kent Scott resigned from the Planning Board effective June 1, 2004. No replacement has yet been appointed.

Public Hearing Continuation – Grapevine Estates

MR. HOOPER – As we do not have a sufficient number of members able to attend tonight's public hearing to be able to vote on this in the future, we will need to extend the deadline and continue the hearing.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to approve the applicant's request to extend the Planning Board's action deadline on Grapevine Estates to July 31, 2004. The motion passed unanimously.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to continue the public hearing on Grapevine Estates to June 15, 2004 at 8:00 p.m. The motion passed unanimously.

NOTE – The Planning Board will hold a special meeting on June 15, 2004 at 7:30 p.m.

OTHER BUSINESS

Tony Biocchi – I am here representing CONCOM to update you on some developments at the Ishmael Coffee Estates subdivision. The CONCOM did do an Order of Conditions for the road construction. We gave the OK to go ahead but we told them they had to stay 100 feet away from what we thought might be a vernal pool area in the skating pond area that is south of the proposed roadway. That area connects to the other wetland. Vernal pools can only really be certified in May-June because of egg masses, etc. Christine Linnebur and Marcy Thomas went on site in May and determined that it was a vernal pool. At that time, we told them they had to stay away from the vernal pool area by 100 feet. We protect it 100 feet from the edge. So that means there will need to be a change to the subdivision plan. The location of the detention pond on lot 1 is effected and also 2 more lots may be impacted. They came before us two meetings ago to discuss moving the detention pond across the road to the north side near the wetlands on that lot but we didn't see a definite plan. This will need to be a modification to their definitive subdivision plan. We are just going to uphold the 100 foot zone.

Mark Louro – Initially they were looking at a more straightforward design and simply relocating the pond, almost matching what they have designed but just moving the pond. But now it appears it will be a more significant design change involving shifting flows, etc.

Tony Biocchi – They cannot dry up the water in the vernal pool. They have to match the flow and rate. One other quick issue. One thing that has changed is when they dug the deep hole they hit water at 10 feet. But just to the left of the two deep holes they hit a ton of ledge and blasted big time. The water in the vernal pool went way down real fast. Did the blasting contribute to that? We don't know. Christine went out and put a "cease and desist" on them. CONCOM can go out on site. She received a call that they were pumping water at night. The police went out and shut the pumps off. There was a concern that they were pumping out the vernal pool.

Mark Louro – They had to pump to do the sewers.

Tony Biocchi – They are not free to keep going. The State came out and Dave Travalini and I sent out.

MS. SPILLER-WALSH – What if they cracked the vernal pool?

Mark Louro – When you model the drainage you calculate the rate and flow. The new design has to match what was there.

MS. SPILLER-WALSH – Since the profile has changed, at what point do you have to go back and evaluate the vernal pool?

Tony Biocchi – The real way to do this is to go through a full calendar cycle.

Mark Louro – They are set back quite a bit time wise because of the ledge.

MR. HOOPER – The same thing happened at the high school.

Tony Biocchi – We will monitor it. We don't know what the cycle is there. Maybe the vernal pool dried up as it was supposed to.

MS. SPILLER-WALSH – At the end of a year, won't it need new calcs?

Tony Biocchi – We will watch it in September.

Mark Louro – It doesn't look like there has been movement in the bottom.

Tony Biocchi – There is a certified vernal pool on West Street next to the animal hospital on Greg Whelan's property.

Gary Jacob – If the bottom of the pool is sitting on the rock, it may be that the rock was cracked for a long time. It is possible that those cracks could have been intended for water to move further and intercept another fissure. One of the things you could do is to have them do a soil core in August.

Tony Biocchi – With the state, we decided to flood it and see how long it holds water. That is yet to be determined.

Mark Louro – I saw it tonight and it appeared to be dry

Gary Jacob – You could do a dye test.

Mark Louro – I am not sure how successful it would be after going thru soils.

MR. HOOPER – What is the next step here with CONCOM and the Planning Board?

Tony Biocchi – I imagine they are going back to the drawing board. When they do, will be glad to come to your meeting.

Mark Louro – They would be allowed to continue construction – sewer, water, roadway alignment, etc.

MR. HOOPER – Is there a letter from CONCOM that we can get that would identify the issues and concerns?

Tony Biocchi – Maybe I can have CONCOM say they need to change the Order of Conditions because the drainage is going to have to change. We don't have jurisdiction out of 100 feet, but up to 25 feet is a no disturb area.

Mark Louro – You have to proceed as though these are still vernal pools.

Susy Affleck-Childs – A subdivision plan modification is needed if the CONCOM's Order of Conditions has requirements that require changes to the subdivision plan.

Tony Biocchi – I don't see any reason why we can't require them to modify the drainage design in that 100 foot area. I would like to have our secretary get our minutes to you so you can be familiar with what transpires. I agree with something that Paul Yorkis said at one of your recent meetings and that is that most of the sites that are left are going to be more challenging. I will try to be the CONCOM's liaison to the Planning Board.

MR.DETOMA – Meeting notes would be most helpful. That is a nice, easy, clean way to deal with it. Open communication is important. There should be an automatic meeting note exchange.

MR. HOOPER – I don't want to have to read CONCOM minutes about things that don't include our projects.

MR.DETOMA – With all these committees it would be hard to create an additional document but what if there is a standard document that outlines what is being discussed.

Susy Affleck-Childs – What if they got CONCOM minutes to Alan (as the PB liaison to CONCOM)?

Gary Jacob – Generally, things that applicants are dealing with are semi-formal. They should know that this is something that applies to them.

Tony Biocchi – What we have been trying to do is follow the PB agenda and review the plans you circulate. We need to get involved to review and look them over. I will come as much as I can.

Gary Jacob - At your request that winter, I had walked the original Ishmael Coffee Estates road route to determine what trees to save. If they change the road routes, the trees could be affected.

Mark Louro – Because of the ledge, the trees may be in jeopardy.

Gary Jacob – You could consider using clay dams.

Tony Biocchi – Let's look at clay dams for Ishmael Coffee when they come in for a plan modification.

Mark Louro – We need to make sure that the Water/Sewer Board is OK with any plan changes.

Mark Louro – Let's add in clay dams for the new subdivision rules and regs.

Tony Biocchi – The “cease and desist” order had to go away. It is gone. We had to have actual evidence of damage done.

Mark Louro – I don't think anything was intentionally done to hurt the vernal pool.

DISCUSSION - PLANNING BOARD PRIORITIES FOR FY 05

Design Review Priorities – Gary Jacob

1. Sign Design Guidelines – We are having a special work session this Thursday just to work on this. The guidelines will support the new sign bylaw. We will have something in place for you by the June 28th special town meeting. We will have the DRC vote on these.
2. We need to work on the process for sign permit referrals to the DRC and back with the Building Department.

3. We want to do a brochure to invite businesses to contact the DRC before filing a sign permit application.
4. General Design Guidelines – We need to complete those for architecture, landscaping, site design, etc.

Gary Jacob – We need a large zoning map for reference at DRC meetings.

Gary Jacob – Regarding some of the items I discussed with you recently regarding retaining walls, I met with CONCOM last week on some of the ideas. I think there are places where compromises can be found.

RE: walls – I thought that there was a state building code that required concrete walls and chain link fences. I would like to see the Planning Board start to incorporate some minimum design standards for the construction of some of these things. These are sites that are on public property and we should have concern for appearance, practicality, and durability. I would like to see you have something more like what you have a Medway Commons instead of what the town ended up with at Broken Tree Road. Minimum standards are set for many other things; we should do it for walls too. There might be in some situations where no one can see it and then you let them do a concrete wall. But we should have higher standards for walls and fences and go with the Cortan or wood rails. You should put forth a standard that is more attractive. That is what I am suggesting the Planning Board do.

RE: Slopes that you are trying to protect. Maybe you can have guardrail but not have to have a fence. If you allowed for more slopes, then maybe you wouldn't need the fences, just walls.

MR. HOOPER – What are impacts of slopes?

Mark Louro – The maximum goes up to 7%. It is just a different profile.

MR. HOOPER – So the issues are speed, safety, and plowing?

Mark Louro – If you are around 5% you are fine.

Gary Jacob – When you cross a wetland, instead of using a 26 foot wide paved road, you would allow the applicant to go to CONCOM and negotiate the width of the road in the wetland fill area.

Mark Louro – No guardrail is needed beyond 4 to 1.

Gary Jacob – If you go to a 2 to 1 slope with only a guardrail, then you can reduce paved width. It would have to be a game that everybody would want to do.

Tony Biocchi – The state standard is 5000 sq. ft for wetlands. There is a mechanism with the state that if go over 5000 feet for wetlands replication, you have to file for a comprehensive DEP permit.

Gary Jacob – I am looking to present ideas for ways for these 2 boards to interact and see these problems and come up with creative ways to solve them and reduce visual impacts

MR. HOOPER – What we are going to do with the 3 items that you brought to our attention? How can we tie that into our rules and regs?

Gary Jacob – I would like to see you set a better design standard for guardrails and walls. Also, water recharge is going to be needed or required soon. Talk to Mark Flaherty about what the State is making Medway do with water moratoriums and pumping restrictions. I spoke to him about putting in a water tap for a vegetated island at Grapevine Estates.

RE: landscaped Islands, they need water after planting. You can use a drip irrigation system just to water planted shrubs, just a few gallons per day max. Can be put in as a temporary system. They are super cheap. That is what the DRC is suggesting with a water shut off valve in the street.

MR. HOOPER – I see a potential for abuse.

Gary Jacob – They would need some sort of turn off system. Limit it for 2 years and then the islands are on their own.

MR. HOOPER – I think that there needs to be something more formal like a homeowners association for long term maintenance.

Gary Jacob – Our recommendation for Grapevine Estates is to have larger size caliper trees and shrubs. Let it naturalize and run its course. You will see our recommendation on that next week. But there are concerns about the timing of street acceptance and the need for 2 full growing seasons. The first couple of these are going to be dicey needing patience and creative thought.

Tony Biocchi – Could you require them to construct and plant the island sooner?

Mark Louro – That could be tough to make them plant early on with all the construction traffic. Usually, an island would be among the last things.

Gary Jacob – You may need a separate bond for landscaping.

Back to Planning Board Priorities

ZONING - Site Plan Review and Approval

MR. HOOPER – The idea here is to change the zoning bylaw to have site plan thru the Planning Board only and not involve the Board of Selectmen.

MS. SPILLER-WALSH – There seems to be no additional use to the town or the applicant to have the additional step with the BOS after the long presentation to the Planning Board. There doesn't seem to be any advantage.

MR.DETOMA – I would have to agree. A one-step process is standard in all the communities I have worked in.

Mark Louro – What if mitigation is established and proposed?

MS. SPILLER-WALSH – At that point, then we need to bring in the Board of Selectmen.

Mark Louro – The Planning Board cannot decide on all that.

Gino Carlucci – You would bring the Board of Selectmen into the process then.

MR.DETOMA – You bring in the BOS on an as needed basis.

Mark Louro – You would have the BOS sign off on the mitigation.

MR.DETOMA – It would afford the PB the opportunity to discuss mitigation during the review process.

MR. HOOPER – The main argument from the BOS is that they are the board of commerce for the town of Medway and they relate site plan approval directly to their macro approach to commerce and development. They feel the PB's view toward the review and approval is on the technical and not on the commerce and tax base.

MR.DETOMA – That is all well and good but when they start to make decisions based on hair-brained ideas that don't hold water!

MR. HOOPER – Ss that specific to individual members or an overall approach?

MR.DETOMA – Let's say for example, there is a restaurant coming into town and it comes before the Planning Board. Assuming there is a change to require special permits for drive-thrus, the PB would have some discretion. But right now, if we were to recommend denial, then they can overrule the whole deal.

Mark Louro – What is the point of the PB going thru the whole process for 6 months for the BOS to then overrules all the work in 2 meetings?

MS. SPILLER-WALSH – Encompassing, evaluating all perspectives is the job of the PB.

MR. HOOPER – I think there are strong arguments that site plan review does belong here with the PB.

MR.DETOMA – If we decide to make this a priority, wouldn't it be prudent to have people come in to testify to how other towns do it?

Tony Biocchi – In Plymouth, their town planner is a liaison among all the boards and communications. I don't see that happening here so the PB becomes it.

MR. HOOPER – So this is a top listed priority.

ZONING – Affordable Housing

Gino Carlucci – You could do it as an overlay to target certain areas that would work for affordable housing.

MS. SPILLER-WALSH – I don't have a handle on all this. I just would like to discuss some new ideas for uses of land for multi-family and how we can pull this into open space

MR. HOOPER – This is a good subject matter for when our next member comes on. Hopefully, he can help us get acquainted with this.

MR.DETOMA – If you have sensitive developers you can pursue land trusts as a joint effort to preserve open space. You get them involved early on to do an OSRD and then you can maintain open space.

Tony Biocchi - I agree with what Gino is trying to do. The ZBA is setting thru these 40B hearings. There are no restrictions on where they can be located. I think it is a good do thing if the town takes the step and identifies locations where this can happen.

MR.DETOA – Doesn't the state have an overriding decision?

Gino Carlucci – Yes, but the state's direction is toward smart growth and to concentrate affordable housing toward town centers and transit stops. Part of the state's decision in overriding a local negative decision is directly related to what else the community is doing to actively work on affordable housing.

Mark Louro – What about trying to, in every subdivision, have a requirement that each subdivision have a % affordable or they pay \$ into an affordable housing fund to be used somewhere in town?

MR.DETOMA – There are some changes to 40B, right?

Gino Carlucci – One of the things that is being considered is to have "affordable for sale" units count double toward the 10% threshold. Another proposal is to count mobile homes and accessory apartments.

Tony Biocchi – We need to find incentives, anything to create more options.

MR. HOOPER – I don't think this is a top 10 at the moment, at least until we have more folks to work on this.

ZONING - Commercial I Revisions

MR. HOOPER – We are working on that with Gino

ZONING – Open Space Residential Development (OSRD)

MR. HOOPER - We need some revisions to the OSRD bylaw to make it work better.

Gino Carlucci – Some towns are making OSRDs the standard way of doing business vs. conventional subdivisions.

MR. DETOMA - The enticement is that they can build on smaller acreage with less roadway, less drainage and less clearing. You make it more advantageous to leave woods. The whole concept of 1 acre zoning was less density but it is resulting in sprawl and loss of open space.

MR. HOOPER – Let's apply this to some of our projects. Can we allow higher density? The open space element cannot include detention ponds in the preserved open space. We want open space linking corridors with undisturbed areas.

Gino Carlucci – In the model open space subdivision bylaw by MAPC, they put forth a 4-step design process that involves a landscape architect. You first identify the areas to be preserved and lay out the roads last.

MR. DETOMA – I see 60-40% split on developed land vs. open space.

Gino Carlucci – I would suggest that we use the MAPC model as a guide and then tweak that.

MS. SPILLER-WALSH – I am going to want to really look at lot layouts for these.

MR. HOOPER – The key is designing around site features.

Tony Biocchi – With the Iarussi property. It has come before CONCOM. We walked the site. There is a big open field that remains. If that goes to the town, CONCOM suggests that some of the open space be kept as a town farm. When you write a new bylaw, keep that in mind. You can do a lot of things with open space fields.

MR. HOOPER – YES, let's make this a priority for Gino to work on for us.

MS. SPILLER-WALSH – As compared to a conventional subdivision, this could be a different animal with a new option.

Tony Biocchi – Developers would bring in a plan that actually fits the site.

MR. HOOPER – How is landscape architect brought in?

Gino Carlucci – Usually, the LA is part of the developer's team, but it is still a special permit.

Mark Louro – We can make that part of our review and include our landscape design staff.

A motion was made by Karyl Spiller-Walsh and seconded by Dan Hooper to continue the meeting until 11 pm. Motion passed unanimously.

ZONING - Rework Village Zoning Districts

MR. HOOPER – I think we need to hold off on this.

ZONING – ALLOW RETAIL IN COMMERCIAL DISTRICT II

Mr. Hooper – Again, I think we can hold off on this. We need to focus our attention on the Commercial I plan.

ZONING - Buffers in commercial zones where they abut residential

No action.

ZONING - Rezone south side of route 109 east of Medway Commons

Susy Affleck-Childs - Rental housing needs to be provided. Perhaps we could look at this as an area for future affordable housing.

MR. HOOPER – That is a good concept, but from a linear aspect I am not sure. I think we should hold off until the Cassidies do something. We need to focus on commercial areas that have no linkages.

ZONING – Drive-thrus by Special Permit

MR. HOOPER – Absolutely, this is one we should work on. We should assign this to Gino to draft.

MR.DETOMA – I would like to add a couple of things to the list. I have spoken with the Board of Health about restricting the storage of trash in trash vehicles in residential zones. They have asked for my support to do this thru zoning so there is substance to prevent and stop trash haulers from storing trash in residential zones overnight. I can try to come up with some language.

MR.DETOMA – We could even expand that to have some bylaw regulating truck parking in residential zones. Perhaps we could bring these two together.

Gino Carlucci – Franklin just did this.

OTHER ACTIVITIES - Commercial I Development Plan

Mr. Hooper – Once this is complete, we need to take in “on the road.”

OTHER ACTIVITIES – Plan for Cassidy Property South of Medway Commons

Susy Affleck-Childs – I think we should try to get ahead of this and not wait and just have to react later when they come forth with something.

OTHER ACTIVITIES – Study to Link Future Development to Water Capability

MR. DETOMA - Can towns have a moratorium on residential construction?

Gino Carlucci – Yes, but you have to have a reason and work on the problem during the period.

Tony Biocchi – The state allows so much to be pumped based on the number of wells in the town. If Medway gets another well up and going, things could be better.

Mark Louro – According to Mark Flaherty, the Water/Sewer Department cannot stop development due to inadequate water supply.

MR.DETOMA – If we are in such a crisis, why don't we freeze development for a while?

Tony Biocchi – Water and Sewer has come before CONCOM to look at well sites. They need to find a site with high enough flow rate.

Gino Carlucci – A 400 foot radius is needed around a water pump.

Mark Louro – Up on Stable Way, there is a site for a water tank on one of those lots.

MR. HOOPER – I am looking at the town map and pockets of undeveloped space. There is the Cassidy land, Henry Wicket's large area between Fairway Lane and Olsen circle, the Briggs land north and south of Adams Street; the Marian community land and the Black Swamp area off of Oakland.

RULES and REGS - Priorities

1. Subdivision – Major update
2. Adaptive Use Overlay District
3. Revise Site Plan Rules and Regs if/when bylaw is changed
4. OSRD if/when bylaw is changed

OTHER ACTIVITIES - Priorities

1. Street acceptance process
2. Board Training – Ongoing
3. Development process brochure – Gino Carlucci
4. Zoning Map Update – Susy Affleck-Childs
5. Improve communication with town boards – in particular, Board of Health and Water/Sewer Board.

INVOICES

VHB – Plan Review \$5,244.36 – ***Motion by Karyl Spiller-Walsh, seconded by Alan DeToma to approve this invoice. Unanimously approved.***

VHB – Construction Observation - \$642.82 – ***Motion by Karyl Spiller-Walsh, seconded by Alan DeToma to approve this invoice. Unanimously approved.***

VHB – Contracted Services – \$293.80 - ***Motion by Karyl Spiller-Walsh, seconded by Alan DeToma to approve this invoice. Unanimously approved.***

OTHER BUSINESS/DISCUSSION

MR. HOOPER – We will start the public hearing on Pine Meadow subdivision on June 22, 2004.

NOTE – Dan Hooper distributed a letter to Pine Meadow applicant Matthew Barnett to inform him that they needed to request a waiver from Section 4.2.5.1 of the rules and regs re: the maximum length of dead end streets.

NOTE – The Board engaged in a hearty discussion re: dead-end length requirements.

NOTE – The Evergreen Meadow Open Space Subdivision Plan was distributed.

A motion was made by Karyl Spiller-Walsh and seconded by Alan DeToma to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 11:35 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

Medway Planning Board Meeting Minutes June 15, 2004

PRESENT: Dan Hooper, Karyl Spiller-Walsh, MR. DETOMA DeToma, and Matthew Hayes

ALSO PRESENT: Gino Carlucci, PGC Associates; Mark Louro, VHB; and Susan Affleck-Childs (7:50 p.m.)

The meeting was called to order at 7:35 p.m.

COMMUNITY BRIEFING – Proposed Adaptive Use Overlay District

7:50 p.m. – Briefing was already underway.

Paul Yorkis – I support fully the idea of encouraging apartments in this area. There is a big need for apartments in Medway.

MS. SPILLER-WALSH – We want to encourage rehabilitation in the small, quaint, village homes, exactly like what you have done (at 159 Main Street for Patriot Real Estate). There is a threat to the village quality by having multiple housing. That could be a real problem.

Paul Yorkis – There is not a mechanism in our community today for this (multi-family housing) to happen, to have true apartments for rent. If this was the intent, I think that is a good thing. My last question is on page 4 – item 6 d relating to the stormwater drainage system. I understand all that, but I am not sure what is meant by that in terms of if an individual is going to do something to their property and make it a strictly commercial uses and add 6-8 parking spaces, whether or not it is economically viable requirement for the applicant to do a study and construct a complete drainage system. I don't know what your goal is. I expect you don't want to create drainage problems and I don't think the abutters would want any uses that create drainage problems. Automatically requiring a drainage system could be a problem for some folks that may want to entertain using their property for business purposes.

MR. HAYES – That doesn't necessarily mean a closed drainage system. It could mean an open system with swales. It could just be showing us how it could work. They don't necessarily need to design or build a fancy system.

Paul Yorkis – It could be a drainage plan vs. a system. A system has connotations. In some cases, it may be necessary and justified to have a drainage system. I know the costs associated with even doing a small project.

MR. HOOPER – I will take that a step further. Keep in mind that this is all discretionary. It can be required, but we don't have to require it. I do agree that better wording might be drainage design.

MR. HAYES – Or stormwater management.

Mark Louro– You are indicating that you will allow a plan to be prepared by a registered engineer or a land surveyor or take it on a case by case. A registered land surveyor is not licensed to design anything. You are giving the surveyor more power and authority than the state does. When the time comes and a site doesn't need a full stormwater plan, then allow for "and".

Paul Yorkis – I want to congratulate the board for this proposal. I think it is in the community's best interest. Although I have raised questions, I am fully supportive of your efforts.

Dick Steinhoff (133 Main Street) – I have property in the middle of this area. I have a couple of questions. I like the overall plan but I second the question on a buffer zone. There is no room for such. The houses are close together. People see the words "buffer zone" and they think of a 25 foot green strip. It will cause problems in the future. I have another concern, this is a long-standing problem I have had with the Town but I have never been sure why this isn't business zoned. Why not extend this from Pond Street all the way to Slocomb on the north side and fall along this area on the south side. That would send a strong message. Is there a reason why the area on the north side of Main Street from Pond to Winthrop was ignored? It doesn't seem to make sense?

Gino Carlucci– At the time it was being drafted, we looked at the area and we tried to confine the proposed overlay district it to where the businesses were already concentrated.

Dick Steinhoff – Why? It doesn't make sense. Why not just say Pond to Slocomb and Elm to Franklin. That covers that whole area and sends a clear message. Why are we spot zoning?

MR. HOOPER – I will give you my 2 cents. Let's get started with something we can handle and if that is something that the town fancies, we could do exactly as you say and complete the picture by expanding the district. This may be the path of least resistance. I would too recommend the same. The intention of the Board and the master plan, in a similar recommendation, is to have a complete corridor of this sort of historic residential mixed uses on from Pond Street (where there is clear delineation from the shopping center side of town) on thru the mill and the historic area. In our defense, we are taking just a bite to get started.

Dick Steinhoff – It can take 20 years to do something. So just do it. All you are going to do is cause grief for everyone who isn't included.

Susan Cooper, 6 Slocumb Place – This gentlemen, I thought you said up to Slocum and up to Franklin. There are homeowners in there who don't want to be driven away by commercial development. You put one store in there and the homeowners will just want to leave.

Peter Cooper, 6 Slocumb Place - There may be master plan that this will all be commercial. By establishing the district, you redline the area. You say to those who are putting money into their home that the town is designating this as a commercial strip. By doing this, you are going to accelerate this going to commercial. I hope you recognize there is some sector of the town that holds that of value.

Tara Werlich, 155 Main Street – We own this property that is still a work in progress. I understand what you are saying about preserving residences. But the building we purchased would have collapsed soon. We had no idea how bad it was when we bought it. The economics are simply that a homeowner probably wouldn't do it. All the wiring had to be replaced. So, I think there are pros and cons to having businesses come in but I can tell you this building would have probably fallen down. We pay taxes and we don't burden the town in terms of services. I am a big proponent of this zoning change. We started our process back in April and didn't have a permit until December. I don't think things will slip through the cracks. I think it will end up preserving homes that are falling apart. We are a CPA firm comprised by my husband and me and two part time employees. We don't have a lot of traffic. The house will stand now for another 100 years.

MR. DETOMA – When this idea first came up, prior to my time on the Board, what I believe they were trying to accomplish is what we see in downtown Holliston. Many of the older homes have become nice offices. Professional type uses is what they tend to draw. It is not an open ticket for any kind of business. The focus is on small operations.

MR. HOOPER – I would say there is also another group of people out there who very much enjoys a mixed-use living environment focusing on access and walkability. Something that I would like the Board to consider is adding sidewalks along these properties. This is a village type commercial district. We need some stipulations to encourage safe sidewalks for walkers. As I remember, the south side of Route 109 through there has no provision for sidewalks.

Resident (???) - Who would put it?

MR. HOOPER – The person who is seeking the special permit for the adaptive use change. There has to be some responsibility to the greater good and connectivity along Main Street. Most of these frontages are 100 to 150 feet.

Mark Louro - The cost would be about \$30 a linear foot.

Joe Dziczek – I think this is a very healthy discussion. My feelings would go to the homeowners who do not want the encroachment of this plan. The planner (Gino Carlucci) did an excellent job doing this. You know this is conducive to the area. As soon as you start going into the truly historic area (further west near the church) you might be going into a more sensitive use. With this, any of those homeowners who wish to put a business into their house will have a process for doing that. I have a question. If someone within the adaptive use overlay district wished to do something beyond the overlay district's restrictions, would they have to go thru zoning? Re: apartments. This is already the AR II district. Anyone who wishes to come in should get more than what AR II already provides for apartments. Regarding the concerns about parking. I think

about too much parking. I think some of these folks brought up some very good points. You don't want people to have a right to do something that is beyond what you really want. I expect Village Street in 50 years will need to deal with this same issue. Let's protect the folks in the older homes. People can always change thru a variance process.

MR. HOOPER – If Mrs. Hoag could speak on this. That original area had just what we are envisioning for the future. It had originally been a very mixed use area.

Grace Hoag - Almost every building had a business in it - bakery, casket makers, etc.

MR. HOOPER – We are not reinventing anything. This is just another cycle of what I think is a lot of people's intention to harken back to the glory days of mixed use when things were walkable and low intensity. I don't think anything in this, on the surface or in detail, will increase traffic any more so than what it is now. That is not the intention. There are some clear prohibitions of uses, things that are not appropriate for the area.

Dick Steinhoff – On page 2 where you list prohibited uses, can I recommend you change "manufacturing of any kind"?

Tara Werlich – Under tax law, a sandwich shop is considered "manufacturing."

MR. HOOPER – That will conclude this briefing. Thank you for coming.

Public Hearing Continuation - Grapevine Estates Definitive Subdivision Plan

Tony Leland, Applicant
Bill Halsing, Land Planning Inc.

Mark Louro – We had a meeting this morning to go over a lot of the outstanding comments and again this afternoon with Dave D'Amico. We needed to address this to Dave's liking so he would feel comfortable that the Town could maintain the underground drainage system without purchasing additional equipment. We went through the June 2 letter and touched on all the outstanding items and figured out how they would be addressed. During that time between 9 am and 4 pm, they addressed the concerns and I would say they are pretty close. I haven't had a chance to review the new drainage calcs but they say they have addressed the issues I raised. There was a slight increase in _____, which they mitigated by putting in recharge units. The roadway drainage was completely addressed but I need to verify that by reviewing the calcs. There are some waivers that are required. I asked Bill Halsing to respond in writing to justify the waiver request re: road distance. The road (Grapevine Way) is within 150 feet of New City Road. But they are as close to the south end of the parcel as possible. Neither this street nor New City Road is a large generator of traffic.

MR. HOOPER – For this parcel, the road at this location is the only access point to get to the land. There are no other options to develop the property.

Mark Louro – They are retaining the two existing homes as well.

Tony Leland – Yes, one belongs to John Rojee's wife's grandmother.

Bill Halsing – The driveways to both existing properties will be off the new roadway (instead of off Oakland Street).

MR. HOOPER – I would suggest you make that part of your justification.

Mark Louro – Any sewer questions are really up to the Water/Sewer department. The soils are very good. They went down 15 feet with their tests and there was nothing.

MR. HOOPER – Will you need to do any blasting?

Bill Halsing – No.

Mark Louro – Their plan proposes some street trees. Dave D’Amico doesn’t want anything within 6 feet of the back of the sidewalk so they have moved the trees further back. They have also addressed all the ADA requirements.

MS. SPILLER-WALSH – What about peak flows?

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Mark Louro – It looks good. Some minor revisions may need to be done. I need to look at this revision but it relates to volume, not flow. With the curbing, we want vertical granite on the roundings.

Bill Halsing – What we are looking at for the island is to have berm.

MR. HOOPER – Granite withstands the hits better, just on the radii.

MR. HAYES – There are different kinds of berm.

Mark Louro – So what are you suggesting?

Bill Halsing – Berm on the island?

Mark Louro – The sharp radius off of Oakland Street will need vertical granite. All the way around the edges and around the outside of the cul de sac is berm.

MR. HAYES – What about a more standard Mass Highway standards for the sloped curb? If it is flatter the plows can go right over it.

Mark Louro – The plow is going to stay to the right and the inside radius is not going to get hit.

Bill Halsing – We will incorporate the landscape design into the final plan set.

MR.DETOMA - The June 2 letter outlines a lot of issues. What is the status on those? Will we get something more?

Mark Louro – I don’t think you should close the hearing tonight as they have revised plans to submit tonight.

Susy Affleck-Childs – What is your timetable for getting this done?

Bill Halsing – Within the next couple of days is our plan.

Mark Louro – You won't have a letter in advance if I review it for next week's meeting. I think it will be a quick review. I can indicate what needs to be done.

Susy Affleck-Childs – You shouldn't close the public hearing without a final letter from VHB.

MR. DETOMA – I have some questions. You mentioned waiver on the road distance. That is fine. But I had a question on the status of review by Medway Sewer and Water.

Mark Louro – Also, where they show the gas line is not consistent with the cross section. The as-built plan will show where it ends up. You cannot guarantee where the utilities actually go ahead of time.

MR. HOOPER – But we can dictate under the paved street?

Bill Halsing – Typically the electric company goes in first and the rest follow after.

MR. HAYES – Maybe you saw it on the section but not on the plan.

Mark Louro – They should put a note on the plan that all utilities will be located in the field and shall be located on the as-built plan. This is not critical to the design of the road.

MR. HOOPER – What dictates where the above ground utility boxes go?

Mark Louro – Usually, they straddle the lot lines, just off the right of way on the private property between 2 lot lines.

Bill Halsing – That way there is no encroachment on people's property.

MR. DETOMA – This whole section in your letter on 3.3.2.17. The wording is confusing. I am not clear.

Mark Louro – I wrote it and I am confused too. I think it was really 2 points.

MR. DETOMA – Re: 3.3.2.18, was it provided? If not, when?

Mark Louro – That was something we addressed today.

MR. HOOPER – Can you clarify what that actually is. What is the MGL statute you are referencing?

Bill Halsing – It has the requirements for certain criteria for plans regarding boundaries and topography.

Mark Louro – There was no mottling and no water when they did the tests.

MS. SPILLER-WALSH – What is on the surface of the infiltration system? What does it look like?

Mark Louro – It will be a lawn with 2 manhole covers and there will be like a water gate or a gas gate cover. There will be 10 of those down the center. Those are called ports. They allow for flushing and vacuuming.

Bill Halsing – They will be flush with the grade and not invasive at all.

MR. HAYES – You should be able to mow right over them.

MR. HOOPER – Are these manhole covers kid proof?

Mark Louro – 475 pounds. They are heavy. You aren't going to move those easily.

MS. SPILLER-WALSH – Are they strong enough to support an SUV?

Mark Louro – These are in someone's yard. We require heavy-duty castings – H20 loading per Mass Highway standards. They are very solid.

MR. DETOMA – Did the plans go to the Board of Health?

Bill Halsing – I talked to Bill Fisher. He received them and he had no comments.

MR. HOOPER - We are going to start to encourage a letter from them.

MR. DETOMA – How about all the other town boards?

MR. HOOPER – We should be encouraging them to comment. I will follow-up with both Chief Vinton and Safety Officer Jeff Watson.

MR. DETOMA – Re: Section 4.2.2.3, can you explain that to me?

Mark Louro – This pertains to the intersection of the subdivision road (Grapevine Way) with Oakland Street. We desire to have that at a 90-degree angle. I have asked for a written response to that. They are limited in terms of how they can orient the road.

MR. DETOMA – You have addressed the curb questions?

MR. HAYES – We didn't give them direction on the curbing for the island.

MR. HOOPER – My preference has always been sloped granite. That is done at Speroni Acres for the entire roadway. It has a design connotation that is in lockstep with Medway and will limit the degradation of berm over time from plows.

MR. DETOMA – I would concur. You are asking for trouble with the plows with regular berm. It will get dug up.

MR. HAYES – I would agree too. I think this is one thing we should put in our island standards (in the revised subdivision regs.)

MR. HOOPER – OK, so it will be sloped granite.

MR. HOOPER – Have we heard from the Disabilities Commission?

Susy Affleck-Childs – No.

MR. HOOPER – I would like to call that board as well. We have experienced, as you may know from going to town meetings, that the Disabilities Commission has sometimes challenged the roads proposed for street acceptance. On the night of town meeting they have questioned things. We are particularly sensitive and we encourage you to be equally and even more so. I will and we should be encouraging the Board of Health and the Disabilities Commission to comment.

Mark Louro – Although it is not a requirement for lot releases, you are required to have your drainage system in place. We are also recommending that you have the sidewalks in place. You are going to build all the homes, right?

Tony – Yes.

Mark Louro – Having the sidewalk binder in place gives you the physical place where things have to meet.

MR. HOOPER – Did we also have a suggestion on the road and the driveway?

Mark Louro – So the sidewalk will be consistent with roadway profile.

MR. HOOPER – We want you to berm up slightly to the front of sidewalk to meet the back.

Mark Louro – The driveways need to match to the back of the sidewalk.

MR. DETOMA – The drainage calcs have been revised? I look forward to your next review.

Mark Louro – This site is very good. The soils are excellent. There is no outfall beyond a 100-year storm. Everything infiltrates. The wetland on the site has poor soils but nothing is being constructed anywhere near that.

MR. DETOMA – I look forward to your next letter.

MR. HOOPER – On page 8 of the VHB letter, you mention the need for detours on Oakland Street during sewer/water installation. How will that work?

Mark Louro – The sewer will be 15 feet deep. Some or all of Oakland may need to be closed sometime during construction. When they go for the street opening permit, the DPS and the Police Department will determine what kind of detour may be needed.

MR. HOOPER – There was one abutter who was very concerned about blasting and its impact on his foundation. Has that been addressed in any formal way?

Tony Leland – We will formally do something. We will do that to make him happy. A videotape may work.

Mark Louro – That protects you too.

Tony Leland – We can get that for you.

NOTE - The public hearing was continued to June 22 at 9:15 pm.

Matt Hayes read the 6-8-04 letter of recommendation from the Design Review Committee. It is attached and made an official part of these minutes.

Matt Hayes read the 6-15-04 memo from Susy Affleck-Childs of notes of a telephone conversation with Gary Jacob, chairman of the Design Review Committee. It is attached and made an official part of these minutes.

Matt Hayes read the 6-4-04 memo from Dave D'Amico, DPS Director. It is attached and made an official part of these minutes.

Mark Louro – An issue was raised relating to the inspection ports. They are doing something different now that will work better. As far as the profile is concerned, there is 1% slope from Oakland St to the low point on Grapevine and a 2 % slope from the low point to the cul de sac. Also, the maintenance plan needs to be revised and they will be doing that.

MR. HOOPER – Specific to the landscaped island, I have had some conversations with Susy and Gino because we are getting what I would consider to be an official “thumbs down” from DPS relative to the maintenance concerns for the island itself. We have discussed the concept of a homeowners association to maintain the island and to relieve the town of this burden. I am considering maybe we should take it a step further and have the island itself actually owned by the homeowners association or a third party such as a land trust so that those who live there would care for it. Issues of water, maintenance and plant life would then be off the plate for the town and on the plate of those whom would most enjoy it. This is something that I am thinking can be applied to all of these. We are clearly in an era of aesthetic enhancement of cul-de-sacs. That is where I am coming from on this.

MR. HAYES – How do we usually handle the open space donations?

MR. HOOPER – My understanding is that the open space donation approach is not the only way to go. I think we already have provisions in the regs to do this. It is very obvious from the response of two DPS directors that they don't want to have islands.

MR. DETOMA – The flip side is that it is problematic. Some homeowners take care of their property and some don't. It may work in some cases but not. It is a huge leap of faith that the homeowners will take care of it.

Susy Affleck-Childs – The responsibility could be incorporated into a subdivision homeowner's covenant.

MR. DETOMA – I would feel more comfortable with that.

MS. SPILLER-WALSH – It would impact property owners on the street. It would only make sense it would be a collective effort.

MR. DETOMA – The only way to do that is with a homeowners association.

MR. HOOPER – If a shrub goes, I know the Town won't take care of it.

Bill Halsing – Let's say there was a homeowners association formed that would own the island. Is the individual homeowner responsible or liable for problems?

MR. HOOPER – On the flip side, if the Town does own it and an association maintains it and somebody hired by the homeowner's association gets injured on Town property, I am thinking that isn't good either.

Bill Halsing – I do think too that thru the DRC process, the idea was to design something that would be maintenance free.

MR. HOOPER – Gino, any additional thoughts?

Gino Carlucci – If you were to do that, the Subdivision Rules and Regs may have to change to determine the right of way that the town would own. Would the town own 3-5 feet on the inside of the island? That is just one issue that may work against it. The Town would still have to own a portion of it. What about taxes? Would taxes be owed on that property?

MR. HOOPER – The number of undevelopable island parcels would be minimal.

Bill Halsing – Or, perhaps instead of separate ownership, make it an easement

Mark Louro – In the Ishmael Coffee subdivision, there was concern about access around the island by larger vehicles. If you do have this size landscaped island, you may not be able to have parking on the circle to make sure that fire trucks can get thru.

MS. SPILLER-WALSH – What kind of paving will there be around the island?

Mark Louro – 20 feet roadway. That is tough for the larger trucks. No matter what you do whether it is a cul de sac or a hammerhead, when you add room for on street parking, they all become challenging. People expect to be able to park on the street in front of their house.

MS. SPILLER-WALSH – There is a tradeoff in those few instances when someone might have difficulty in parking or a huge truck might have trouble. But these large paved surfaces are awful.

Tony Leland – I am not a fan of the island in a cul-de-sac. My kids would love it to be open to play street hockey.

Mark Louro – A large truck could ride up on sloped edging.

MR. HOOPER – I would advocate a flatter slope than what is seen at Speroni Acres.

Mark Louro – A 4-inch reveal is a 60-degree angle. 30 degrees would be fine too but that might be more expensive. You would be talking about custom cut granite.

MR. HOOPER – Are we down to using berm to get these in and make it work? We are talking about all kinds of tradeoffs. I like the idea of the flatter granite on the inside of the circle. If we are going to do this, we should do it right, especially if the town is going to own the curb.

MS. SPILLER-WALSH – Do you really need a curb at all?

Mark Louro – Yes, it would be a mess otherwise.

MS. SPILLER-WALSH – I am sympathetic with the limitation of the circle for access. If there is an emergency or a big truck must go in there, they can jump that curb easily without making a total mess of it.

MR. HOOPER – We are going to have something put in for an aesthetic enhancement but we are also making some assumptions about rights of homeowners to park their cars there. Safety issues need to be accommodated. I prefer granite myself because the town will own it and it will last longer.

Tony Leland – I would vote for the berm. The snowplow will ride up over it.

Bill Halsing – I got into this question with a highway surveyor in another town. They said they want berm because it is easier to repair.

MR. HOOPER – We are left with the residual issue of ownership. I will make some calls.

MR. HAYES – Do we want to run this by town counsel?

MS. SPILLER-WALSH – Yes.

Gino Carlucci – Norfolk does this and the town owns the islands.

MR. HOOPER – Tony, thanks for being patient with us while we work this through.

NOTE – The Board took a brief break at 9:35 pm.

Commercial / Development Plan – Update

Gino Carlucci, Consulting Planner
Steve Cosmos, Landscape Architect

Gino Carlucci – This is Steve Cosmos, the landscape architect who has been working on this with me. Steve did the west side portion in great detail. You will remember the rough sketch I had done and the section beyond Holliston Street that Dave Chilinski had done for you. That has been combined.

MR. HOOPER – Are there any provisions for a town green/common?

Steve Cosmos – There are 2 possible places. It is all a matter of density. One of the nice things about this is giving some space for pedestrians. It would be more for people in town. I think a Green with a buffer of a building between the Green and Route 109 would make for a better environment. It would be quieter.

MR. HOOPER – It is a sound thing. I grew up in Franklin. There is a cultural element for that comment that is very nice for the community.

Steve Cosmos – You want this to be something that generates action.

MR. DETOMA – Another common that works well is in Barrie, MA.

Steve Cosmos – Commons are often defined by architecture, not by parking. There are buildings around them. I just designed a new one in Marshfield from scratch.

MR. HOOPER – I think commons have taken on a whole new purpose.

MR. DETOMA - Just look at how Natick's Common functions. It is used extensively.

MS. SPILLER-WALSH – What kind of acreage is really needed?

Steve Cosmos – 1-2 acres is a good size.

Gino Carlucci – Franklin's is 3 acres.

MR. HAYES – I would like to see a common in the area.

MR. HOOPER – I would definitely want to see that too. It needs to be something of significant impact. It needs to be bigger to house community events.

MS. SPILLER-WALSH – It needs to be more like 2 acres.

Steve Cosmos – Parking issues are tough. It becomes a density thing.

MS. SPILLER-WALSH – We need to surround a common with beautiful buildings. Maybe even condos. Something needs to call you into it from Route 109 - - some sort of visual connection between this area and Route 109.

Steve Cosmos – I also started to make some more of a streetscape on route 109. Like Millis, the trend is to put the buildings closer to the street and put the parking behind.

MS. SPILLER-WALSH – This is our main street.

Steve Cosmos – We got rid of all these driveways/curb cuts off of Main Street.

MR. HOOPER – Would that then cause speeding up of traffic on 109? I just don't see replicating the feel of the new street onto Route 109.

Mark Louro - You have enough width on Route 109 to put in parking because you don't need the turning lanes.

MS. SPILLER-WALSH – The buildings on Route 109 need to have 2 fronts – one toward Main Street and the other toward this new street.

NOTE – A full discussion of design options followed.

Steve Cosmos – I would like to spend more time doing it but I need to wrap it up if there isn't more time you can give me.

MR. DETOMA – We need to determine how we want to proceed.

MS. SPILLER-WALSH – A lot of what he did is very close, the whole end thing there with the town hall building and a common and residences.

Steve Cosmos – I think it is frugal to do those sketches.

MR. DETOMA – Perhaps we need to entertain another proposal from him to take it to the next step. A rendered plan doesn't do any good if it isn't well thought out.

Steve Cosmos – I didn't even put a meeting into the proposal at all.

MR. HOOPER – I don't think you need to attend another meeting. I would like to see a refinement of the westerly end. Ultimately we will need a color rendition and then some sort of articulated document of the conceptual plan, something we can then use as the basis of a presentation. We will want to be able to do an electronic output (for smaller versions).

Steve Cosmos – Half scale?

MR. HAYES – It could be scanned in.

MS. SPILLER-WALSH – There are some elements that need to go a lot further. We need to divide this into units and focus in on each.

MR. HOOPER – I would recommend we not go too far into any of these aspects at this time. The input that we will be getting will need to get filtered in.

Steve Cosmos – This will inspire good conversation.

MR. HOOPER – It will ultimately design itself by owners and others who want to jump on board. This is a trigger.

MS. SPILLER-WALSH – I see this as conceptual inspiration but it needs to be throughout. Some of these ideas need more work.

Steve Cosmos – Thanks very much.

A motion was made by Karyl Spiller-Walsh and seconded by Alan DeToma to extend the meeting until 11 pm. The motion passed unanimously.

Plan Review Estimates for Evergreen Meadow Subdivision

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to approve VHB's estimate of \$7,741 for plan review services for the Evergreen Meadow subdivision. The motion was approved. Matt Hayes recuse.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to approve PGC Associates' estimate of \$ 585 for plan review services for Evergreen Meadow. The motion was unanimously approved.

INVOICES

Prellwitz-Chilinski Associates for \$684.06 related to the sign regulation bylaw – *Motion by Matt Hayes seconded by Karyl Spiller-Walsh to authorize payment of \$684.06 to Prellwitz Chilinski Associates for consulting services from FY 03 encumbered funds. The motion passed unanimously.*

PGC Associates for \$1,235 for consulting services related to the Hartney Acres subdivision to be paid out of the General Fund budget (not the applicant's plan review account). *Motion by Matt Hayes, seconded by Karyl Spiller-Walsh to authorize payment of \$1,235 to PGC Associates. The motion passed unanimously.*

PGC Associates for \$211.25 for plan review services. *Motion by Matt Hayes, seconded by Alan DeToma to authorize payment of \$211.35 to PGC Associates. The motion passed unanimously.*

Construction Observation – VHB Mark Louro

Ishmael Coffee – They will be crushing for another month.

Granite Woods – They are doing the sidewalk top.

Birch Hill Estates/Hunter Lane – They were flushing out the drainage system and cleaned out all the catch basins.

Resolution to support the Transportation Bond Bill

MR. HOOPER - State Representatives Jim Vallee and Paul Loscocco have amended the bill to include \$1.5 million for emergency repairs, sidewalks and reconstruction on Route 126 in the area near the new high school. We have a resolution to support that amendment to send to the State Senate and Governor's office.

NOTE – Dan Hooper read the resolution. It is attached and made an official part of these minutes.

A motion was made by Matt Hayes and seconded by Alan DeToma to adopt the resolution as presented. The motion passed unanimously.

OTHER BUSINESS

MR. HOOPER – Let's meet at 7 pm on 6-22 to do some housekeeping work that we have been continuing.

MS. SPILLER-WALSH – I am getting an estimate to mount the aerial photograph.

MR. HOOPER – Let's hold over minutes to next week's meeting.

CORRESPONDANCE

NOTE – Dan Hooper read a 6-10-04 letter from Town Counsel Richard Maciolek as a follow-up to a June 4, 2004 communication from Sean Holland, attorney for Jonathan Bruce regarding bonding and street acceptance issues at the Forest Edge subdivision (Field Road). A copy of the letters are attached and made a part of this record.

MR. DETOMA – I have the agenda for the upcoming CONCOM meeting.

MS. SPILLER-WALSH – The DRC will be meeting with Karen Johnson /Charter Realty re: the proposed CVS at Medway Commons.

Gino Carlucci – I have completed the various reports for Executive Order 418. There are copies for each of you. The public hearing is June 21, 2004 during the Board of Selectmen's meeting.

A motion was made by Matt Hayes and seconded by Alan DeToma to adjourn. The motion passed unanimously.

The meeting was adjourned at 11:05 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved – October 7, 2004

*Daniel J. Hooper, Chairman
Matthew J. Hayes, Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

**Minutes
June 21, 2004 Special Planning Board Meeting @
Board of Selectmen's Meeting**

Planning Board members in attendance: Dan Hooper, Karyl Spiller-Walsh, Matt Hayes
Absent: Alan DeToma

The meeting came to order at 7:05 pm. The only agenda item was to discuss the possible appointment of Eric Alexander to fill the Planning Board seat to be vacated by Kent Scott, recently elected to the Board of Selectmen

BOS Chairman Joe Dzialek invited commentary from his fellow BOS members re: Mr. Alexander's resume. He then invited commentary from the Planning Board. Dan Hooper emphasized the unique skill sets and current work experience for the MA DHCD and that such experience could serve Medway well, since housing and specifically affordable housing are action items cited in the Medway Master Plan.

A vote was taken both by the BOS and the PB, separately.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to appoint Eric Alexander to the Planning Board. The motion passed - 3 in favor, 0 opposed, 1 absent.

The BOS members also voted unanimously to appoint Mr. Alexander to the Planning Board.

At 7:45 p.m., a motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to adjourn the meeting. That motion passed, 3-0.

Respectfully submitted,

Daniel J. Hooper
Chairman

June 22, 2004

PRESENT: Dan, Alan, Karyl, Eric, Matt Hayes

ALSO PRESENT: SAC, Gino Carlucci

Meeting called to order at 7:05 pm

Dan – Welcome aboard Eric Alexander – appointed last night by BOS and PB unanimously – great resume and spoke eloquently –

OTHER BUSINESS ITEMS

Discussion on Dead End Length Definition –

Matt – I missed that discussion but Mark briefed me.

Dan – Alan and I read it more literally – that every footlength in a subdivision that was in a single access way was inclusive in the length determination of a dead end. As it applies – any length starting at the intersecting through way and beyond is all inclusive; mark's perspective was the single furthest point would be the length.

Mark – my interpretation – you could have a series of dead ends – each still less than 600 feet in a subdivision - - mark showed his example –

Matt – what are we trying to get to with this – safety – 600 foot hose and there is a blockage at the beginning of the dead end – can it reach every point on the street – you aren't going to go all the way to the end of one streets and back to get to another

Dan – furthest point from the access point at the throughway – in the case of the loop, where do you determine it?

Alan – I am rereading 4.2.5.1 – put text in . . . I think the definition in itself makes it cumulative

Gino – I think if you stop there, you would be correct; but when you continue on and it gives you direction on how to measure it – that is what makes it confusing; your suggestion about measuring to the furthest end point.

Matt – I put together a working definition for us –

Karyl – we need to choose one and clarify it and go with it –

Dan – we can't change the rules and regs today but we can clarify what we mean

Alan – could mark explain how what you measure between the sideline to the end of the cul de sac layout. –

Dan – new practice for our agenda; one of the practices that I thought is helpful and thoughtful to allow for encourage citizen comments – if you are here for a hearing, then speak then,

None

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Adaptive Use Overlay District – possible amendments that we may suggest from the floor

Handout from SAC dated 6-22-04

1. expand the district -

dan – this subject was brought up at the forum last week; I voiced an opinion in opposition to this thinking that the town would have enough with the boundaries as proposed – we will dismiss

2. stormwater

alan – by requiring that they submit for a drainage system it commands a fuller submittal – design is broader; I like changing the text to design

matt – I agree; I suggested this

mark – symantics

dan – I would agree esp in terms of bus friendly sense – I recomm to attempt to do this too

3 – requirement on PE

mark – you could say AND instead of OR- but give the PB

dan – I would like to see it stay as is and vary it depnding on the scope of the project –

aln a- you could even have an architect come up with a plan – landscape architect even – if you are going to design a site plan, you need an engineer or architect;

karyl – tucker Reynolds project

alan – you may want to est a definition of impact – where work being performed is _____, then you could have a varied

mark – leaving OR in there will allow them to choose – you are leaving it open; - trying to est a criteria for this size,

karyl – engineers can do small jobs too;

mark – the cost of the engineer is going to be relative to the site

matt – I hadn't thought about doing this thru the rules and regs – I would want to put AND

gino – remember this is a zoning bylaw and you can't waive it;

mark – you could limit the scope of the engineer;

dan – you could do that in the rules and regs

gino – a professional designer as specified in the rules and regs as opposed to specifying it here as a professional engineer –

gino – you could say – an engineer is required subject to the discretion of the PB depending on the scope of the project -

Karyl – an engineer would cue the surveyor?

Dan – comfortable with that.

Sidewalk Construction?

Dan – I brought this up, I would consider it to be useful and practical, knowing well that a site plan on our main street may have an existing sidewalk in front of it, or none at all, - but somewhere the PB should be able to pursue sidewalk renovation or creation or fund

Karyl – if you piecemeal sidewalks – it becomes a patchwork problem –

Dan – that could be a consequence of it

Alan – unless you set a town wide sidewalk spec.

Dan – if you are allowing for retail/commercial use, then there should be a sidewalk

Alan – can we put a practical pair of glasses on this – a stretch of 6 homes – with one adaptive use project in the middle – it almost seems impractical – if the funds were made available to a sidewalk fund at the discretion of the pb, ONCE THE fund has achieved enough – then apply it to that street – otherwise you could end up with pieces –

Karyl – what a mess,

Alan – while we may be trying to do a good thing, it may create a problem –

Dan – sidewalk fund – this is a perfect example for this type of fund – linear frontage foot equatin

Alan – based on industry rates

Mark – you could offer the applicant the option of building or putting \$ into the fund.

PUBLIC HEARING –

Motion to waive reading the ph notice in its entirety – Karyl and Alana – unanimous

Matt read opening section and list of items – ATTACH –

Dan – we can segway right back to the adaptive use overlay discussion

Karyl – about the sidewalk funds, if you have a fund, and let's assume the commercial projects will be paying for this – if at some point, you have a given length, then the town will take those funds and put in some of its own \$ to do the work – as other commercial enterprises come in they would contribute to the fund – funds would be paid for by the entering new – you get to the halfway point, and continuing oncoming new enterprises would add

Alan – this is a bit off the beaten path, where creation of the sidewalks would wind up taking some of their land,

Eric – I would assume this would be in the roadway layout

Dan – this is just route 109/main street; take the 155 main street project – there is a granite wall there – is there room there to do this??

Kent Scott – pose a scenario – if I have a residence in this new district and want to change to an accounting firm or attorney, or engineer by putting an office, are you going to ask me to put in \$ for a sidewalk when I really didn't change the size or appearance – I am just determining

Dan – where you are taking it . . . we are allowing for the possibility of changing the residential use to a commercial use – with the potential for in and out – I think there is some relevance to have some connectivity when you change the use in a streamlined fashion

Kent – push that further for you, if I have a residence and I am converting the bottom to a residential use – mixed use scenario and I am going to be renting the top and have an office on the bottom, could this effect this as well?? I could see those issues come up?

Karyl – anybody can have an office in their house and you invite people to come to the house, then the use does change.

Alan – the intent of this is who creating a business –

Joyce Hofstra, 171 MAIN STREET – corner of Lincoln and Route 109 – lived there since 1965; seen tremendous increase in traffic; we now have a police depot on village street that comes

ripping down – I don't understand the need for more business in medway; what are you proposing to do about the traffic – there is no place to park up there

Dan – what initiated this proposal was what we saw – in the master plan, this intention is not to exacerbate traffic – there may be an effect on traffic, I think it could be argued that a residential traffic pattern may have equal to or more than a small office in the same space – without getting into trip counts – the other master plan item is business friendly – there is a desire by the majority to offset some of the residential burden – the focus of this district is also one of preservation – the value of some of the properties may not be what people would like – they have not been kept up well – the hope here is that the combination of a streamlined system for very small businesses with the intention to enhance and maintain the architectural quality of the buildings, we will find a marriage of goals that the town of medway has voiced and we are trying to allow for – historic preservation and small bus use – to go back historically, it has been told to us that that is the foundation of that area – the commission has told us that a retail or commercial operation on first floor and residential upstairs – we would be very attentive to the traffic concerns, - impact on abutters and traffic on route 109 and adjoining streets.

Joyce – I wonder when you say medway wants – what is the tax consideration

Dan – there is a flat tax rate in town – they are not charged more –

#5 – re: how this could be used for just multi family housing as it is written –

Dan – Gino, any thoughts on this tied to our mixed use goal – not that we don't need apartments, I think there are some on the board who have strong reservations about this possibly being abused . . . of course, it is still our discretion – but it may be good to clarify

Gino – it is somewhat of a policy decision – one of the purposes was to provide an incentive to restore some of these houses – so perhaps converting from single family to multiple may be good – this is not a carte blanche – desirable to create the mixed use type of district to have some provision

Dan – when talking with susy earlier today – under AR 2 – 2 families are currently allowed; when we consider the rules and regs – maybe we could consider a max – do we want to mandate the connection with a commercial use

Alan – I think the commentary about multiple residences with commercial uses – that is the intent – is multi use – the language needs to be guided to that end – it wasn't the board's intent to increase multi family housing- the language states the connection between the two – allow it in conjunction with mixed use

Dan – gino, I would like you to help us come up with some language

#6 – re: manufacturing being allowed in this district –

dan – current language is considerate of the current residents who will remain there and those who may est residences; I am of the mind set to keep the prohibition in –

matt – do we currently prohibit manufacturing in the commercial zones

alan – could we get to blacks' law dictionary

dan – leave it in for now

#7 – buffer requirement – there was some question –

alan – my thoughts are that we are trying to encourage mixed use – while you may have someone who has already gone thru the variance procedures – that person next door may have an apartment – you still are in a zone in which residences can be by right – require the buffer regardless – if the configuration is difficult, then you can address it in a variety of ways –

karyl – it depends on the site analysis – visually – it may not be a good thing – on a case by case –

alan – some level of parameter is needed

dan – let's leave it in – a buffer could be many different things

alan – if we leave it in, are we restricting it.

Gino – right now, the text gives you a lot of discretion for what can be in the buffer zone-

Dan – we are pushing it to some extreme – I think there is enough flexibility to allow us to examine each scenario

Karyl – who was giving us an example of where there was no way to do something – hypothetically, there might be a slight chance of

8 – re: restoration and enhancement -

Dan – Gino, do we have enough flexibility here ? I would expect there will always be some physical change - a house that is in good repair is not one that we would necessarily want to

Alan –

Eric – if you are changing the use, one of the intent is to bring back some of the character and improve appearance – even if there is just a change in use, you would still want to require some enhancement

Mark – that could be as simple as paint –

Karyl – can you think of some buildings that you wouldn't want to renovate

Alan – do we state anywhere that demolitn is not allowed?

Gino – not directly, this section is where it is covered –

Karyl – are there any one story boxes inthis area –

Dan – I would say that the day care isn't superb

Eric – I would add . . when deemed approapote by the PB at the end of the text

Dan –comments from audience on adaptive use overlay district

NONE

Sign Bylaw – citizen s petition –

Dan – the main concern is the commercial V zone that is not now covered –

Sac – I would sugest adding the Commercial V district to TABLE 3

Dan – and then at a future town meeting, add anew commercial V section

Dan – any comments from the audience

Motion by Matt hayes and wecond by alnaan detoma to close the public hearing –

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8:30 pm - Brief Break

PINE Meadow Subdivison – Public Hearing

Matt read the PH notice – Attach and make a part of the record

Paul DeSimone – Consultant

Matt Barnett - Applicant

Dan – Welcome

Paul DESimone – Has anybody been out to the site? Short side between 109 and and wewst street; 8 lots; mother lives at 12; and sister lives at 10 – we did a FORM A plan a little while ago before you – we moved the road opening over a bit to make sure that Mr. Turi's garage iis in conformance – 8 lots – all the drainigne to go down to basin at the north end of site – concom is ready to issue an order fo conditions pending your approval – I got a letter from the chiamran saying that the we need to request a waiver – if you could tell me how to word that?

Matt – my attorney cannot find anything in your rules and regs

Dan – your attorney has interpreted this differently –

Paul – give us verbage on how to request the waiver.

Mark –measure the dead end from the through street (Fisher Street)

Alan – 4.2.5.1 – was read

Dan – the roadway that is directing northerly –Lantern Lane – that intersecdts solely with Pine meadow., - thefurthest poiknt of the roadway layout

Paul – an extension would be of the road it is coming off of; this is a separate road; you are saying that lantern lane; how doyou want us to word that

Paul – as mitigation, we have proposed sidewalks on both sides of the road and the regs only require 1 side

Paul – as far as a professional study goes, you don't need to see that this is the only way in – surrounded by boston Edison;

Dan- I don't thnk anyone is quelstiong the access; ;the only question is the length of the roadway

Karyl –and where the dead end brings you in relation to the detention system;

Paul – all half acre lots; all have been perked thru board of health; detention pond ismostly on lot 2 –

Paul – town water and septic;

Alan – certified vernal pool within _____ feet

Paul – we are all set with conservation; this is pretty basic

VHB review comments

PGC Comments

Paul – 3.3.2.23 – why include this?

Mark – it is very helpful to have all this info at a glance; the bottom line number, I agree, doesn't make sense –

Susy – so we need to fix that with our revision s

Dan –in the meantime, please comply with what has been asked for –

Paul – trees, we will

Paul – lighting – we will not be doing any lighting

Dan – Gino

Gino – 3.3.2.23 – there is no table at all was my point –

Gino – there is a note that tree easements will be on each lot but they are not shown on the plan;

Paul – it is on the back sheet

Gino – the easements are not shown on the plan nor are the tree locations –

Gino – it is not a requirement, but I always recommend not going with 1 species

Susy – list of trees from Tree warden – pick 3

Mark – what is the purpose of the easement? For the town to maintain?

Paulo – we will have a 10 foot easement for the trees

Gino – landscaped islands – board needs to decide on this

Paul – we are not proposing any

Matt – who takes care of them? Nobody takes care of them; the highway department can't stand them because they are difficult to plow

Dan – the residents can't stand them because they are a sea of asphalt –

Mark – one thing on the island, in the regs, there is a discussion of the size of the cul de sac

Paulo – 100 foot paved diameter island – island may hinder;

Matt – the regs stipulate there is an option to put in an island, but the circle must be enlarged –

Paul – you may get a moving van down here,

Mark – fire apparatus is probably the largest things

Gino – I believe there is also a provision for cul de sacs for streets that are not to be extended in the future for the cul de sac to be larger with an island.

Mark – I have all my comments

Paul – I picked this p tonight; I would like an answer on that tonight

Dan – we evaluate waivers the way it reads – in the best interest of Medway – the length of 600 feet has been on the books for 5-6 years; like any waiver, the board has to consider it seriously ; I think it is incumbent upon the parties to read it and figure out how the application for a waiver would fulfill to the members, the best interest of Medway – it is a regulation that is in nearly most communities in Massachusetts – all communities look at it – what is the betterment of the town by providing the waiver – you are saying that you are proposing an additional sidewalk is the benefit to offset the extension request – the board will then consider that as a gesture to consider

Mark – the board's interpretation of the regulation – you measure from Fisher along Pinemeadow to the intersection with Lantern and then to the end.

Paul – I am asking for a vote tonight, it doesn't make sense for us to revise the plan

Karyl – even to consider a waiver, I understand that the length of this road, has opened up Lantern Lane – I would like to see footprints of the houses, and what those lots look like, and where the detention ponds are located – how is that house going to look on that lot in relation to the location of the detention pond – that is all relevant to me

Dan – in fairness to this board, and to me, in almost every subdivision that has been before me, we must have a waiverless plan to decide or judge to decide what a waived plan is or isn't. How can I decide if this is in the best interest of Medway, if I can't see what a waiverless plan would offer Medway. I have yet to be able to judge without that.

Alan – I would like to expand. Specific to the deed – even in its strictest interpretation – this doesn't meet it. Even loosely, it doesn't meet it. It isn't our position that we should instruct an applicant how to word their request – beyond that, based on what I have seen from our reviewers, is that there is a great deal of information that hasn't been included. I can't respond to a waiver request without that.

Paul – the problem is that I am working for Mr Barnett, we are under the assumption that we will make revisions and working toward an approval. If we do this and go through the process and then at the end, that you are going to deny the waiver. We want a vote on its.

Matt – last year, I was in here then and was told I had to decide my future – I am doing that now

Dan – As Chairman, I have asked for an attempt at what a waiverless plan would look like – and I frankly, don't think that is unreasonable – essentially a plan that does not require a waiver.

Paul – Mr Barnett's attorney has said he doesn't need this.

Matt – we are not coming back with a waiverless plan;

Alan - we have rules and regs – it is incumbent on anybody who is designing a subdivision, that they have to meet the requirements and the zoning bylaw - - so when a subdivision is being requested, they in theory are developing their design in accordance with the zoning bylaw and the rules and regs – the PB is not requiring an alternative plan be designed on a whim, there are rules and regs that these are to be designed to

Dan – to the extent possible.

Alan –and I see that this parcel can be developed upon in accordance with our rules and regs – we are asking for the plan to be designed in accordance with the rules and regs and zoning bylaw

Paul – it does comply with the zoning bylaw – the regs are guidelines, not bylaw – those are voted on by 5 people

Dan – 5 people elected by the entire town of Medway and in the course of public hearings whereby attendance by citizens is open and free – the rules and regs are an entire town of Medway document- they are very definitive and authoritative guidelines for boards to act – they are upheld in court as something we are required to make

Paul – our argument, we are not going to come back to the table with a waiverless plan; this is a plan that complies with zoning

Dan – you must come thru the filter of the zoning bylaw and the filter of the rules and regs; this approach that you only have to meet the zoning bylaw is sort of unusual way of approaching this subdivision – I don't agree with

Mark – are you suggesting

Alan – can you not draw a plan that meets the rules and regs and zoning bylaw

Paul – it complies with zoning; we need a waiver for that road

Mark -0 or you could shorten the road

Paul – we could, but we are not. We need a vote on the waiver.

Dan-I think it is the sense of the board, at this time, based on what has been presented to us, we are not prepared to make a judgment on that dead end length limitation and the waiver.

Karyl – you are pushing

Sac – the applicant has been directed to request a waiver in writing and to provide the rationale and justification

Dan – you are asking us to do this

Paul – I have been coming here since 1983 and have never been turned down for a dead end waiver request – what info do you request? I don't want to waste Mr. Barnett's money or my time.,

Dan – we are not going to vote on a waiver request.

Matt Barnett - leaves

Paul – we are not going to provide any exgenison

Paul – you have asked me to come in with a waiverless plan, that is not a requirement – the rationale is that this person is trying to develop a plan to the maximum of the

Dan – we will not vote on this tonight.

Paul – it is better for you if you do it tonight.

Dan- we have the authority to take time. So I am going to use that time. Not in an effort to waste time but to make an informed decision

Paul – as far as a waiver request, we have a list form mark and gino - the waiver request is what we have in front of you.

Karyl – footprint on lot 3 -where is it – it looks to me like the length of the road is causing a problem

Dan – do we require the driveway locations and house locations

Paul – yes, you require driveways,

Mark –I think that this plan does not comply with zoning – lot 10 may not conform

Paul – no that lot is Ok

GINO –AS far as I can tell, it fits zoning.

Mark – does dry = uplands

Paul – yes

Karyl – it is still an unknown, what are they going to end up with in lot #3

Paul – it complies with zoning

Paul – strip next to Mr. Turi's property – Mr. Barnett will deed that land to Mr. Turi

Dan – would anyone from the public like to speak?

None

Dan – any board comments?

Karyl I would like to see a cul de sac islands – also lot #3 – I am concerned about

Motion by Matt to Continue the public hearing to July 27 at 8 pm .- seconded by Alan DeToma –
unanimous

2-4 Main Street Site Plan

notice of public hearing was read by Alan DeToma – attach and make a part of these minutes.

Rick Merrikin – merrikin engineer in Millis, - we have an existing property in Medway that has been occupied for a long time – Apolloog auto salvage – the town line is right here – so what we have existing on the site, the front portion used for auto salvage and auto sales – the rear portion the site is undeveloped – parcel is bisected by a river – present condition – 2 story industrial building-metal – access to the lower level on the 2 ends ; there is another building that appears to be a conglomeration of things over the years – has various spaces in it that small contractors have used; another structure that has been used as a house and office – now used by owner - the area in grey is paved – the portion to the east is used for auto sales display – and storage – there are lights along the front and lights to be added – paved area in back in middle is for display area – in front of wet structure is basically gravel – there was a fence along there but the roadway improvement means the fence is gone and it is just travel. There is a rip rap area that separates the wet area from the rest of the site – Mr. Pathway has installed a wall along the river – made up of large concrete blocks to prevent any uses from extending into the brook and wetlands. So what we are proposing to do here – he would like to take advantage of the fact that Route 109 is improved - he would like to do his part to improve the site- propose to put a 4000 sq. ft building here that will be used by auto sales – office, and open bays to prep cars, and add 4 more lights for security lighting – in addition, on the wet end of the site, he wants to better utilize the second floor of the existing building – the intent of the additional structure 2800 sq. ft is to provide a front for the upper level- he hopes to be able to use for smaller spaces of office warehouse, - smaller users – ramp to upper level – covered walkway in the front - no change to the other existing buildings – we have highlighted parking areas. We have shown on the existing pavement where we could put parking – in the new parking area to the west – there would be paved parking area which is accessed . . . – in the past this was a side open curb – we have 3 curb cuts with the roadway upgrade on 109. no new curb cuts provided; industrial district and also in the flood plain district – as you can see, the buildings are outside the flood plain district – the only construction in the flood plain area is the drainage. The other issue here – we are in a sensitive area with the river and wetlands, under the wetlands protection act, this is considered a redevelopment project. Under those requirements in the wetlands regs, we are required to improve the property – what we are doing – the present area that is paved has no drainage – what we

propose to do is install cape cod berms outside the paved areas and collect the runoff and run thru catch basins to treat the runoff before it is discharged to the river. We have proposed to put trench drains and then a VORTECHNICS unit – dep allows this – uses a little different methods of separating oil and water. We have one of those here that will collect runoff from 2/3 of the site; in the front, we are proposing catch basins with a water quality tank and infiltration fields and overflows to the rear – this is how we keep the infiltration of the site the same after as before. Then in the back rear corner – we have a trench drain and run that thru a standard manhole into the brook – under the CONCOM regs, you don't have to meet 100% of the stormwater requirements – the site is already provided with sewer and water- we will show you where those connections are. Basically, that is it.

I do want to show you the 4800 sq. foot structure that is going to be built – MORTON building- metal with a brick façade on the front. Brick look – this is the brand new building on the right. Rick distributed façade elevations

The other building will be more of a front approach- no drawing provided.

Rick – I apologize for not getting the check so that Mark could do the review

Rick – we are in the 100 foot area but it is a redevelopment project

Mark – I thought the 100 feet is a NO TOUCH

Rick – no, with a redevelopment project, it is not so stringent as long as you make something better – now it will all get treated . . this is considered appropriate- we will file with CONCOM next week.

Rick – “redevelopment project” is in river portion of wetlands protection act

Alan – what percentage of the existing 2 story building is the addition

Rick – 12,000 sq. foot existing (6,000 SQ. FT PER EACH FLOOR) – addition is 2800 sq. ft – The lot itself conforms to zoning; if the structure itself is non-conforming and you are not doing anything with it, it is usually not required that anything be dealt with

Eric – how much of the site is paved?

Rick – almost everyign

Karyl – elevations for westerly building?

Rick – I will let you something. He may change

Karyl – it might behoove him to run it by the Design Review committee

Rick – the idea here is to make it attractive. Yes,

Mark – is there a snow storage area.

Rick –not yet; iwill do so

Matt –any fences

Rick – yes.

Rick – ther eis also a billboard there that will stay – it belongs to him.

Kalryl – is there any chance to pull that

Rick – it would be very difficult, it is a nice money maker – no heaqt and light; I will ask him.

Kalryl – that is the only billboard in town –

Rick – landscape thoughts? Buffers?

Rick – we will improve that area to the west; a small area in the front

Dan- how about the far easterly property line? Is there any opporltunitiy since there is more than adequate parking, any chance to increase some landscaping embellishments 0

Rick – ther eis afence ther now –

Dan – coming from the east, the east bulding face is welcome to medway.

Rick – you wont see the bulding unti you are really close – ther eis a lot of vegation there

Dan – do we usually require more visuals – to see how this interacts

Mark –there is a requiriemetns for a landscape buffer.

Dan – I would like to see what is next door – in general ggraphics -0 what kind of vegateat area a ther are to get a linear sense

Rick – the first lot to the west is vacant – -

Malcomb Porter, Metrowest auto - owner of business to the east side/Millis – there is grass and trees on the west end of the abutting property – storage units are set back 250 feet.

Matt – the drainge sytem is 75%

Rick – 2 of the 3 are 80% - the back corner for the trench drain doesn't – runs about 35% and a lot of that is roof which you don't have to count anyways.

Matt – any oil separation

Rick – vegetation units and water quality tank –

Karyl – the MORTON building – the DRC will want to talk to you – roof – certainly the front side will need a lot of dressing up – the west elevation needs to be addressed – landscape treatment especially toward the front

Matt – any ideas for signage –

Rick – Malcomb already has a sign

Malcomb – nothing is visible between the house and the proposed building ; maybe something in the southeast corner we could work with you on. But we are trying to display cars -

Rick – the additional units on the west would just be wall signs.

Dan – this is an opportunity as an introduction to Medway in an improved way as opposed to how Medway is envisioned just thru the shopping center. – opportunity by opportunity we want to encourage and see improvements – the DRC is a great venue and opportunity to engage in some healthy discussion – for the waterways of Medway, the approach that you are taking thus far is very advantageous – what has been presented seems to offer a great improvement to existing conditions esp relating to storm water management and cleansing –

Matt – is there any storage right now in front of the middle building

Rick – it is paved and a concrete pad here – storage purposes

Matt – nothing being proposed there?

Rick – some landscaping – we will do some more for you there and extend down .

Dan – could I ask for the benefit of us – to have some photographs of the site – it is a complex site – dysfunctional in some ways – hopefully this is moving toward some improved functionality –

Karyl – I am very worried about the front to the west building – it is a very important location – extremely visible – what happens there will be of great concern to us and the DRC and folks who drive by every day

Rick – I will get something for

Matt – is there a traffic flow pattern between the east and west sides of the site –

Malcom – there is a fence there now –

Karyl – any chance to do it in wrought iron

Malcom – it is pretty far back

Klarul – the drc will want to talk to you about that too.

Mark – the proposed increase in building space – do you anticipate any additional traffic being generated by the site.

Rick – not really, the second floor of the wet building has had various uses – the new building will allow Malcom to keep the cars on site

Mark – has a traffic engineer address that in writing that

Malcomb – 10 people in and out of a lot per day

Alan – where is the proposed parking for the new building- customer?

Rick – I can delineate for you

Alan – 1 space for each . . .

Rick - there is a table on the front – look at that. – where I broke it all done

Malcom – 8 spaces on my side – we can designate for customer

Dan – refuse storage area? Trash

Rick – they have a dumpster back here. They are non permanent

Dan – will that be increased with addition of new buildings.

Rick – we will put a dumpster elsewhere –

Alan – in the flood plain wetland protection district – section P - - I want to look at the math for the enlargement – this may need a special permit from the ZBA; it references any use of the lot

Rick – I will check with Bob Speroni; the building is not in the flood plain

Dan – any comments from the board re: sidewalks?

Rick – there is one there – it goes all the way across.

Dan – any other comments from the board

Gino – most of my comments have to do with missing information – I think that is really all of it. Landscaping, lighting, all the items that are required.

Dan – VHB's timing,

Alan – I would like to see VHB's review before we see them again

Dan – any audience comments?

Motion to continue public hearing to 9:15 on July 13th - MATT AND ALAN

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Break – 10:20 pm – 10:30 pm

PH Continuation - Grapevine Estates

3 additional letters – vhb, fire chief, and safety officer

Bill Halsing – small item that came up before concerning the abutter's concern – letter from site contractor who will do a survey

Eric read the letter from Deputy Fire Chief Trufant – attach and make part of the minutes

Karyl read letter from Jeff Watson – attach and make a part of the minutes

Mark – my only concern with these letters is that they are based on a plan without the island

John Rojee – the fire department did see a plan with the island

Mark – key issues – request for waiver for reduced offset difference between grapevine and New City Road – 110 feet vs. 150 feet as required. – trees are proposed – they provided a mix of tree species and location per DPS - I am concerned that traffic officer's review did not

Alan – please tell us where you are

Mark – traffic officer's review did not consider island; covenant has not been provided;

Bill – we plan to include it in the deed and not do a separate covenant;

Dan – this is sort of a followup for town's concern to paying for public lighting -

Tony – will set a sample deed

Mark – 3.3.5 – refers to comments from fire and police department – issue relating to the actual size of landscaped island that needs to be finalized –

Karyl – we had a design idea – Sherborn – 25-30 degree slope for curbing – makes island smaller

Mark – they call it a truck apron – can be made out of brick – can be done asphalt stamped to look like brick

BUY DRY ERASE MARKERS

Tony – can it be colored?

Mark – yes, it is painted - being done at star market

Mark – 4.2.2.3 – provide info on sight distances at Oakland Street

4.2.8 – where are asphalt berm limits shown? Just indicate asphalt berm on the plan

4.2.9 – label wheelchair ramp on oaklndad street –

bill – done

4.4.2.2 – table provided and calcs had an error –

bill – been fixed and I have 2 copies

page 4 – re: variance – no written comments from bob

susy – asked bill to ask bob to do an email to us.

Page 5 – still refernce to a designmanual on storm tgech

]

bill –not anymore

bill – all 15 inch pipes – all PVC

mark – O and M plan – almost had too much info –what is town going to need to do, how often, etc.

bill – we had discussed that would go on final plan version

page 6 – any other comments form town deaprmntent s

bill – we did meet with concom and did a site walk onaturdya – they decided to move 2 wetland flags and we have shown that on theplan

page 7 – first bullet –

bill – no flowable fill

page 7 second bullet – re detours – DPS will deal with that thru the street opening permit process

rip rap pad –

bill – we will make it 2 feet deep

page 7 4th bullet – conflict between 2 references

bill – going with LF 244 grate –

mark – the big issue is the island – figure that out

dan – based on this proposed design brought to our attention by Karyl – I think it has tremendous merit – I wonder if you think there may be concerns for signage by the police and department

mark – it is commonly being called a roundabout – being used more around the state – it is a reasonable solution –

karyl – very attractive.

LANDSCAPED ISLAND RESOLUTION

Stamped concrete

Mark – at least a fire apparatus should be able to get in -

Outside to outside pavement will be 100 diameter – no change

20 feet paved road sloped 2% to the outside

10 foot sloped stamped concrete or asphalt – sloped 10:1

central landscaped island – would have a sloped edging – sloped granite as perimeter of the island

landscaped island would be 40 feet diameter –

no grass

alan – will town have to plow the stamped area

dan – no on street parking for snow events

mark – no stock piling of snow there –

Sign Bylaw –

Reco to approve the sign bylaw with one revision to add Commercial District V to Table #3 –
kalryl and matt – unanimous

Reco to recommend approval of the adaptive use article to include the following amendments
With the changes as listed >>>>> moved by mat, second by alan – unanimous

Memo from SAC – June 4 – re: call from Irene Streifer 37 BAF Road – reports problems and
wants progress report –

Very end of the subdivision – house has frontage on the circle – 4 acre site -

No \$ in CO account for CV Estates –

Eric will drive by and look at it -

Invoice – Aspen Publishing – Handbook of Massachusetts Land Use and Planning Law - \$ 204.
02

Motion by Karyl, second by alna- approved

Granite Woods

New as-built plan

Did an inspection today – a number of items – detention pond at back was to be at 262 and the
as0byilt shows it at 261 feet – I asked for a response from their engiinner – they did not respond
– so it is a foot lower – and on the east side of the berm, it is steeper than it was designed – to
correct it, they may worsen the situation in term sof soil stability – maybe rip rap it – you cannot
see the slope from the homes or the road – so it is not an aesthetic issue – 0 also street sweepoing
needs to be done and clean drainage system – loam and seed along the back of the walk – that
should be tweaked – some areas where some boulders were left – looks bad; in the island – 60
junipers were required – 38 were out there – there was also a requirement for 40 tulips – no way
to verify that they were planted – Disability Commission inspected?? Unsure if they have gone
out? One of the street trees needs to be replaced?? I will write it up and get it to Wally and see
if he can do it? No written report from Mark

Motion to reco Algonquin ave – matt and alan, - unanimous

Hold off on Tulip –

Special PBmtg Monday at 6:30 pm- 6-28-04

Greg Coras – Camelot Subdivisoins

Dan – we did receive a call from Greg – he has done the work and gotten approval from Disaiblity commission for the work that had been probalmatic – none of his streets are one the warrant – i spoke with the moderator who feels there is a procedural problem to add those streets on the floor of the meeting – in my opinion, this is outside the loop of the PB’s SOP on roadway acceptance – I did not commit us to supporting – FYI

Motion to continue until 12:30 AM – KARYL, ALAN – YES

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Motion to go into executive session TO DISCUSS stragety with respect to pending litigation –
matt – karyl –
Dan -

Alan – given my prior poisiton, relative to recent jining the PB and lack of iinvolvement in prioer hearings andhaving been recused from two hearings and recused from DRC – but in light of the fact that I have been named in theis lalwauite, I will paticipate intheis exec session

Karyl – yes
Matt – yes
Alan –yes
Eric- yes
Dan- yes

*****8
exec session – 12:00 pm

Gino leaves

Mark Louro remains -

Kent Scott and Jim Galligan – also present –

Kent – BOS voted to support legal counsel for the PB; BOS will select counsel with input and direction from the PB. Attorney fees will be covered by the town; if there is any outcome against us individually -

Dan – I am not sure about mr. maciolek’s iknfo

Dan 0- - we are awaiting resonse from insurance componay to make a determination –

Alan – my understanding from my attorney;

Kent – my wife

Eric – I think it is very rare for a town to be covered under civil rights

Dan – I did call Mark Cerel, attorney, -town counsel for Franklin and Medfield – this is the route that plaintiffs are taking to exacerbate the pressure on boards – to settle; how about a counter suit relative to the frivolous nature of the suit. I don't want to let my emotions take over here

Kent – we should ask that of counsel,

Karyl – if we counter sue we are saying that we made this decision with conviction –

Jim Galligan – at least you ought to try to get your costs covered? You may not want to seek damages but at least seek compensation for their attorney's costs and costs of assembling documentation –

massive request for subdivision documents back to 1989.

Kent – intent and comment that seems to be applied to 2 people (Karyl and Alan) is suspect to me. There is a direct attack on the 2 of you – you are targeted within this lawsuit. I can't read plaintiffs intent

Karyl – they are going to try to dig up something on my subdivision plan

Kent – there is a question about our election procedures – how was Karyl appointed and elected – that is a town question on how we elect our public officials – there are a number of issues that can be elevated by our counsel.

Karyl – it is supposed to be a discrimination case – it also discussed a lot of other concerns –

Kent – they are all effectual – and so that is actually to our benefit that they asked for this.

Kent – getting our determination here is to choose counsel – there is a time line to respond

Dan – one of the names that Mark Cerel suggested we look at is Leonard Kesten – also suggested by Greg Balukonis – he has experience in the municipal side of things –

Dan – this would be a jury trial but needs to go thru a judge –

Kent – in the meantime, we have all the effort that has to go in to putting this all together

Dan – Greg asked that the PB give the BOS a report by Monday –

Alan – read thru some of the things that are being demanded

Kent – our attorney will negotiate what is available – don't even worry about this all right now – this is the intimidation factor at play.

Jim galligan – make them do this as a freedom of information act –

Kent – it is all negotiable

Karyl – we should have the attitude that we are not paying anything

Alan – the attorneys see this as how to settle – how much do you want to spend to get rid of this

Dan – we did our job as elected officials to do the best job we could for the best interests of the town – I am going to have a hard time backing down –

Kent – let's get back down to ground level –

Alan – once you have legal counsel, they will give you the advice on how to –

Eric – what is level of proof is required to prove intentional violation of civil rights

Jim – from the BOS perspective, the question may come up for hourly rates for this guy? What is their basic rate or package price or contingency? Probably \$200 – 300 range. The BOS will have some parameters – some boundaries

Alan – what is going to be discussed Monday night

Kent – the PB needs to give the BOS a recommendation on who it wants

Kent – what about the mass association of planners

Eric – will check with ACTON town planner Roland Bartles

Kent – both Karyl and Alan are called for depositions –

Karyl – will ask Doug

Dan – would the board allow myself and Susy to narrow down to 1-2 attorneys for Monday evening.

Alan – my attorney has asked me to send my summons;

Dan – I welcome any other names you may want to put forth –

Alan – once we have counsel on board, do we need to be in Exec Session with the attorney –

Karyl – do we go there or can he come here

12:40 am

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

***MEDWAY PLANNING BOARD
MINUTES
Tuesday, July 13, 2004 Meeting***

MEMBERS PRESENT: Dan Hooper; Alan DeToma, Karyl Spiller-Walsh, Matthew Hayes, and Eric Alexander

ALSO PRESENT: Mark Louro, VHB, Inc.; Gino Carlucci, PGC Associates; and Susy Affleck-Childs, Planning Board Assistant.

Meeting called to order at 7:30 p.m.

CITIZEN COMMENTS

MR. HOOPER – As is our custom now, we have a citizens' comments time slot. Does anybody have anything they want to state before we begin our meeting?

MS. SPILLER-WALSH – Would anybody like to discuss flowage easements? I would like to revisit that matter. We talked about the description of the collection of water across property lines as referring to a flowage easement. There was a consideration of sheeting water. That is a flowage easement. . the natural sheeting process over land. Is that correct?

Mark Louro – You would usually put a flowage easement where a swale is located. But we said it wasn't "collected" water.

MS. SPILLER-WALSH – That was the question. Could it be termed collected if you are creating a topography to move the water? If you are changing the direction that water would ordinarily fall through the process of grading, because you are diverting and changing the direction, wouldn't that be called collected?

Mark Louro – The difference is between a pipe outfall vs. grading. A flowage easement is where there is no structure or pipe. It could be a swale but it may not be that defined.

MS. SPILLER-WALSH – It was my concern that it was really collected.

MR. HOOPER – I think somewhere in the flowage easement you do have an informal collection of water. It flows to a linear collected area from one low point to bring it further to other low points of a more formal drainage structure.

Mark Louro – The difference was that in the regs, it mentions that you can't discharge collected flows across property lines. I interpreted that as piping roof runoff toward your property line so the flow is directed to a neighbor's property.

MS. SPILLER-WALSH – So what is gray and fuzzy has become very important. We need to hone that description so we can deal with these subdivisions with water problems. It is a description of collected water. When does it become "collected?" We need to discern that. If it means that it goes through some of manmade devices, then we need to say that.

MR. HOOPER – Our scheduled appointments begin at 8:30 pm so we will attend to some of our other business beforehand.

Bond Release - Granite Woods Subdivision

Mark Louro – We were requested by Wally Frink and Susy Affleck-Childs to go out and inspect. You may remember there were two items left to do from last time. We went out and verified that the concrete around the frame and grate was removed and replaced with asphalt. It was sealed with infrared. He also loamed and seeded the back of the sidewalk. There had been some discussion that the abutters would do it but he did it instead. On the first lot on the right, there is a large wood chip area that seems to be incomplete.

Wally Frink – That guy is going to build a stone wall and do a bunch of landscaping.

Mark Louro – There were some rocks on that lot. It appeared they were there as a result of the construction. I had asked Wally to remove them, which he did, but the property owner wanted them.

Wally Frink – So I will give them back.

MR. HOOPER – The back of sidewalk lawn area is right of way?

Mark Louro – Actually, no. Wally put the loam and seed on private property. The back of the sidewalk is the property line.

MR. HOOPER – Did everybody read Susy's comments? There are 2 separate bonds - one for \$35,000 for the road. The other bond of \$1,884 is for the landscaped island. That one had originally been about \$10,000 and we reduced it last fall. There are new plants that were put in recently to fulfill the original plant count. The concern is that these are now in but haven't proven their ability to thrive thru a full set of seasons. Does the board want to entertain a motion to that effect to hold back a portion of the landscape bond essentially as insurance for survival of those plants? The bigger issue is the roadway bond since it seems like everything has been done.

Mark Louro – Most of the plantings were done in September 2003.

Wally Frink – The wording in the agreement was one year.

MR. DETOMA – The portion that has been in a year has done well. What percentage is the new plantings of the total?

Mark Louro – Maybe 20% has been planted within the last month.

MR. HOOPER – For the sake of even numbers, maybe we hold back \$1,000 to ensure that the new plants survive. I would entertain a motion to release the road bond of \$35,000.

MR. HAYES – Has he paid up the Construction Observation account?

Susy Affleck-Childs – \$2,245.15 is now due. I gave Wally an invoice today. That should be paid before the bond refund is paid out.

MR. HOOPER – How about a date certain in the future, say June 1, 2005 for releasing the landscape bond?

A motion was made by Alan DeToma and seconded by Matthew Hayes to approve release of the \$35,000 subdivision bond for roadway & infrastructure and \$884 of the landscaping bond, contingent on Mr. Frink's payment of \$2,245.15 in outstanding construction observation fees. \$1,000 of the landscaping bond shall be retained until June 1, 2005. The motion passed unanimously.

Wally Frink – The landscaping bond pertains only to the landscape materials. There is one other thing. There is also an account with \$50.00 in it that was established when the subdivision was first approved. That needs to be released as well.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to release the \$50.00 bond account for Granite Woods. The motion passed unanimously.

Grapevine Estates - Certificate of Action

NOTE – The July 9, 2004 draft was distributed for review by the Board.

Susy Affleck-Childs – I just want to note that when I prepare these, I take the most recent certificate and tweak it so there may be some items in here that were specific to Ishmael Coffee Estates that may not apply to this specific subdivision.

NOTE – Alan DeToma and Eric Alexander cannot vote on this subdivision, as they did not serve on the Planning Board for the entire course of all public hearings.

Matt Hayes read a letter from Land Planning Inc. dated June 25, 2004 re: landscaped island. That letter is attached and made a part of the record. The letter pertained to the width of roadway around the landscaped island in the cul-de-sac, cost estimates for various options for 10' wide treatment around 40' diameter island, and deed language for light posts.

MR. HOOPER – In this scenario, it comes down to a 30' paved way. That accommodates a WB-50 vehicle. That is an 18-wheel trailer.

Mark Louro – That vehicle can turn on a 42' radius with no parking in the circle at all. It might come up on the edge of the island.

MR. HOOPER – Our fire apparatus can handle this?

Mark Louro – I don't know exactly what they need. The Fire Department did comment on the first plan but not on this one with the island.

Susy Affleck-Childs – You may remember that the Fire Department was OK with Ishmael Coffee Estates with a less wide road and the Police Safety Officer said it was OK as long as NO Parking signs were included.

MR. HOOPER – I think even turning onto to Oakland from the subdivision will take out some lawns.

Mark Louro – They have 40' radius there. It is the narrowness of Oakland that is the real problem.

MR. HOOPER – So what is the board's pleasure here on this? Just from a glance. I would like to comment that these prices are very high (for stamped concrete and asphalt). However, since we haven't really nailed down what we are seeking, I think it is unfair to impose these on them. I don't think we as a Board are prepared to fully implement this level of plan that we contemplated at our last meeting. I am more in favor of conceding where they want to go. In all fairness to the applicant, this is a pretty good compromise – a 40' diameter island with berm, with 30 feet paved width around the island.

MS. SPILLEER-WALSH - I think (at the last meeting) we gave you a lot of stuff on the fly that is unresolved and it isn't reasonable to expect you to pick up on all that. You have been very responsible to follow thru on what we are trying to do. You are willing to listen to ideas about maintenance. I am very happy with their plan as they propose.

MR. HOOPER – There is an issue of maintenance especially with the 5-foot strip of grass around the edge of the island. That is an issue for mowing and that is never going to occur by the Town. DPS is not in favor of these because of maintenance concerns with staffing.

Tony Leland – How about some kind of colored stone instead of the grass?

MR. HOOPER – A stone mulch instead of the grass. My concern is weeds growing up between the stones or then you need a weed mat. But that may be the way to go and you just live with the weeds. It is either maintained well or it will go natural. It should be envisioned as natural if that is the way you are going to go. Susy and I have discussed the possibility of those surrounding the island playing a part in the maintenance – mowing, edging, what have you, to keep it maintained. Relative to this one, I just don't know how we package that and feel confident that that will be taken care of.

MS. SPILLER-WALSH – 3 times a year you have to get out there and take care of it.

MR. HOOPER – It would be my suggestions that we go with the landscape plan as presented but we eliminate the grass edge strip and put in stone mulch.

Tony Leland – The main reason for the grass was that it would be easier to repair if there was some damage to the edge of the island.

MR. HOOPER – Let's come up with an alternative for the 5-foot grass strip. I like stone mulch, something in the earth tones, nothing red or yellow.

Tony Leland – You guys can pick it out the color.

NOTE – There was a consensus on the island as follows: 40' island with curbing. 30' landscaped area inside with a 5' strip of earth tone stone much. Roadway width around the island will be 30 feet.

MR. HOOPER – We can now move through the draft Certificate of Action.

MR. HOOPER – We need to deal with the requested waiver of from Section 4.2.2.1 of the Subdivision Rules and Regulations, which require that the minimum centerline offset between intersecting streets shall be 150 feet. As is our practice, when a waiver is requested, the Board takes a vote on that waiver request to approve or deny the waiver request.

Susy Affleck-Childs – You need to vote first on the Findings please and then on the waiver.

Finding #1 – The centerline of the proposed subdivision to be known as Grapevine Way is approximately 110' feet from the centerline of New City Road, the closest intersecting street.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve Finding #1 as presented. The motion passed by a vote of 3 in favor (Hayes, Hooper and Spiller-Walsh) and 0 opposed.

Finding #2 – The Board concurs with the Applicant's contention that access, roadway construction and subdivision development is not at all possible without approval of this waiver.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to accept Finding #2 as read. The motion passed by a vote of 3 in favor (Hayes, Hooper & Spiller-Walsh) and 0 opposed.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the Applicant's request to waiver Regulation 4.2.2.1.

DISCUSSION

MR. HOOPER – The subdivision becomes possible only at this point of access. He is basically able to subdivide this parcel only thru this access point.

MR. HAYES – The location of the street provides for adequate sight distance. Also, New City Road is a private way and is not heavily traveled.

The motion passed by a vote of 3 in favor (Hayes, Hooper & Spiller-Walsh) and 0 opposed.

NOTE – The Board then went through the Certificate of Action, item by item.

MS. SPILLER-WALSH – Re: the landscaped island, the DRC wants the developer to maintain the plants for 2 growing seasons from the date of planting.

Mark Louro – That could mean 2 years after street acceptance, as the landscaping will be among the last things done.

MR. HOOPER – How about if we have the landscaped island be planted in sufficient time prior to roadway acceptance? It could be planted in the fall of this year. Otherwise, this will involve bonding beyond roadway acceptance. I would rather do it the cleaner way, that way they are taking care of it.

Mark Louro – You could put a safety fence around it once it is planted.

MR. HAYES – There will be trailer trucks going around that island.

MR. HOOPER – Is it reasonable to keep a bond beyond roadway acceptance? So that narrows our choices. Maybe they need to maintain it through two planting seasons.

Mark Louro – Can you make them warrantee the plants for 2 years?

MR. HOOPER – But who will do the replacement if the plant materials die if after the street is accepted?

MR. DETOMA – My most recent experience with something like this is in the suburbs of Cleveland. They were doing landscaped cul-de-sacs. I did some research on how they are maintained. The answer in each case was a homeowners association, which owned and maintained the island, funded by annual dues.

MR. HOOPER – Was the road public or private?

MR. ALEXANDER – The homeowner's association has a board, which handles this usually through an annual maintenance contract.

MR. HOOPER – Any other thoughts as we have gotten to this point? Does anybody have anything to add?

Gino Carlucci –I think you are going in the right direction to have low maintenance design.

MR. HOOPER – Let's finalize this maintenance issue tonight.

MR. HAYES – During street acceptance, we don't have to accept the entire street. We could accept just a portion and leave the island out.

MR. HOOPER – Until we get an established island concept and procedures, it will be in public ownership. This is the same idea as private homeowners taking care of the part of the lawn that is in the Town's right-of-way.

MR. HOOPER – How do we want to verbalize a time certain for the landscape work prior to roadway acceptance? How long should that be?

MR. HAYES – Are the plants going to be warranted?

Susy Affleck-Childs – You could put some language in the Certificate of Action that this Planning Board's intent is for the neighbors to maintain the island. The Certificate is something that can be referred to in the future and will provide guidance to those on the Planning Board when all this comes up, as it will. It needs to be understood that the Town owns the island but will not maintain it and it is up to the neighbors to care for it.

MR. HOOPER – It has been our practice to ask for sidewalks on the way that the subdivision roadway comes in from. We have either asked for the sidewalk to be built or we would ask for a cash contribution relative to an estimate for sidewalk construction per linear foot (\$35/foot for granite curb with sidewalk.) We have made pretty serious concessions to where we wanted to be on the island concept. I don't believe this was discussed before, or at least not in depth. It may be a bit beyond the time frame to discuss it. Also, because we are now after 8:30 pm, we need to move onto our next items and come back to this later tonight.

MR. HAYES – I have a question on condition #10. DPS wants the street opening bond to be combined with the Planning Board's subdivision bond?

Mark Louro – I believe Dave D'Amico wants to have a smaller fee with the street opening permit but combine the bonds with our oversight.

MR. HOOPER – Let's chew on the sidewalk one and we will come back to this after we are done with our scheduled public hearings.

Evergreen Meadow Open Space Residential Development Special Permit and Definitive Subdivision Plan

Matt Hayes read the public hearing notice. It is attached and made a part of these minutes.

Taniel Bedrosian, Applicant
Paul Truax – GLM Engineering

Paul Truax - We have a total parcel that is 26 acres. It consists of the areas that are shaded. 45% of the parcel is required for open space. We are providing 15 acres of open space (that is 59%). Of that 15 acres, 8.8 acres is upland so we exceed the requirements. If you notice, we excluded parcel A from our calculations. We did so to meet the % criteria. It is our intent that this parcel also be deeded along with the 15 acres. It is my assumption that parcel A is 100% wetlands and that is why we excluded from the formula. If the board doesn't want that land, we can remove it from the open space deed.

Of the remaining 10.6 acres, 9.4 acres is divided up among 15 house lots, each about 28,000 sq. feet. The minimum lot size per the bylaw is 22,000 square feet. The minimum frontage is 75 feet. Our lots need larger than the minimum frontage because they will have septic systems. So we have up to 130 feet frontage in some cases. This does have a more conventional feel to it. We have houses that are set back further from the road than you might normally see in an open space subdivision. All the lots have been perc tested by the Board of Health and comply. Each lot will have private well in the back yard. The septic system will be in the front yard. The drainage system is very simplistic. There are pine groves off the back of the property and there are other pine areas that meander. Only about 1 acre of the site will be cleared. We are proposing to do 2 small detention basins. Basin #1 is 3 feet deep in a 100-year storm event. It is in an area where there is already a swale and we will berm it up. Basin #2 is somewhat similar. We will be trying to utilize that area in the pine grove with a swale and berm it up.

We are requesting two waivers. You will remember on the conventional plan option there were 2 roads accessing the site. By going with this approach, there is just one roadway so we will need a waiver on the 600' maximum dead-end length. We are also asking for a waiver from the roadway slope standard. The site is relatively flat. WE are having a problem with the drainage design. We are trying to outlet it but minimize cut and fills. We are asking for a waiver to a .8% slope to minimize amount of fill we need to bring in.

MR. HOOPER - Mark Louro from VHB has some reviewing comments and we also have some from Gino Carlucci.

Paul Truax – We also have a concern re: the 100-foot between the frontage and first lot line. The regs say 100 feet but allow the board to waive that. We show 30 feet. We didn't want to take that 100 feet and make the road even longer. The land at the back (south) of the site is more valuable than the land up near Lovering St.

Another concern is the location of detention basin #2 in the open space. We believe it meets the criteria. We will provide that info. Also, is it necessary to have an easement all the way around the detention basin or not?

MR. DETOMA – I thought detention basins weren't allowed open space at all.

Paul Truax – We weren't sure about that requirement in the bylaw.

Mark Louro – Are you saying that with the calculation, you are so close that you actually need that space?

Paul Truax – We have an additional .6 acres.

MR. HOOPER – Can you define the colors you are showing on the map?

Paul Truax – The light green is already open or proposed grass. The blue area is vegetation to remain. The amount of vegetation being removed is very minimal. The site is very open. Our intent by not providing 100 feet of setback from Lovering St. is to keep the buffering at the back of the lots at the end of the cul-de-sac.

MR. HOOPER – Gino, any comments?

Gino Carlucci – One of the requirements (#6) of an OSRD submission is a narrative statement detailing features of the site. What was provided was very brief. You may want to ask for more. Requirement #10 is that the site design should preserve natural features. Paul did review the detention basin and how they are trying to fit them into the terrain. Re: buffering, it is unclear whether the existing vegetation is sufficient to meet the requirement. One of the dimensional requirements is that the open space be not less than 25 feet wide. Part of the site at the east looks too small/narrow. That lot may have to be adjusted. The bylaw encourages a 100-foot buffer but it is not a mandate. The bylaw does provide for the Board to allow for a lesser amount. Again, there is not a strict prohibition on locating a detention basin in the open space. Requirement #13 is that convenient access be provided to the open space. As drawn now, the access is from Lovering Street and in both cases, it is not convenient. There are significant wetlands on one side that are probably within the 25-foot no disturbance zone. And there appears to be some wetlands on the other side too. Access to the open space from the bulb of the cul-de-sac would make the open space more acceptable.

Paul Truax – We agree with that. There could be some type of easement along lots 7 and 8 or 8 & 9. There needs to be some type of delineation of the trail with a sign or fence on either side to note that. That is obviously something we would make part of the special permit, to clearly delineate the edge of the open space.

MR. DETOMA - Who does the applicant propose to deed the space to?

Gino Carlucci – To the town. If not, then a conservation restriction would be needed to go to the town.

Paul Truax – We would envision probably to the town, but we would still put a conservation restriction on it.

MR. HOOPER – Mark, any highlights you want to cover?

Mark Louro – There were no waivers shown on the cover sheet.

Paul Truax – I went thru your comments and we can make changes and provide a written response.

Mark Louro – There is still a question as to whether we need drainage easements around the detention basins. Does the open space accommodate access to the detention ponds by the Town?

MR. DETOMA – From my perspective, drainage facilities should not be located in the open space area. If it is, then you don't need an easement on the town side but you would need an easement on the private side.

MR. HAYES – Is there any chance the town wouldn't accept the open space? In that case, the town would need an easement around the detention basin in the open space portion.

Mark Louro – Based on the plan, the areas of the 2 ponds that are within the open space are minimal and are certainly less than .6 acres. They could be removed from the calculation. But the larger pond might limit access. Can you get around detention pond #2?

Paul Truax - There is a bit of a trail already. Our intent is to put that berm on that trail.

Mark Louro – Some sort of level area will be needed for access by maintenance vehicles.

MR. DETOMA – It appears to me that public access is difficult to walk through the open space.

Mark Louro – The ponds create problems. The pond on Lovering Street goes right to the wetland. We need access.

Paul Truax – There is an isolated wetland to the west. It has always been able to be mowed.

MR. HOOPER – There is a low point in the field. On the ANRAD, it is a resource area. Could the CONCOM dictate accessibility?

Mark Louro – My point is that you have to provide maintenance access to all the ponds. The pedestrians can go into the open space.

Paul Truax – We could use the berm of the detention pond as the pedestrian path.

Mark Louro – Is there a weir?

Paul Truax – No.

Mark Louro – so, you can put in a berm.

Mark Louro – I have a few other comments. No test pit data was provided. Please include it in the plans to substantiate your claims.

Paul Truax – We can do that.

Mark Louro – We talked about a 30-foot strip vs. 100-foot strip. There are 2 issues. The open space requirement is for a 100-foot buffer but the subdivision regs don't allow for the creation of a reserve strip. So there is a conflict.

Paul Truax – I think the Board has the discretion to decrease that 100-foot standard.

MR. HAYES – Are there power lines crossing the back?

Paul Truax – There are Boston Edison lines across the back.

Mark Louro – We have a 1% grade requirement for first 100 feet. We want that for sight distance. DPS would like it to be closer to 2% for improved drainage. We need to get DPS involved in this discussion soon.

MS. SPILLER-WALSH – Is the detention basin linked to the grade?

Mark Louro – Not more flow.

Mark Louro – What about the dead end street? You have made a waiver request. What is the distance?

Paul Truax – About 950'

Mark Louro – ADA ramp details have been revised. We are using the Mass Highway standards. Please get those up to date. There is more scrutiny by the local Disability Commission. The Mass Highway standards have a factor of safety tolerance.

Paul Truax – They have been revised in the past 12 months.

Mark Louro – Re: drainage issues, they are to supply perc tests and explain how they were done. Also, the recharge units for the houses need to be shown on the plan.

Paul Truax – In the drainage calcs, we designed for the 100-year storm.

Mark Louro – Please show the Cultec units on the plans and locations and a detail of exactly what size so we can verify during construction.

Paul Truax – The house footprints are 36' x 80'. We are trying to assume maximum footprint.

Mark Louro – The driveways are very close to the property lines. In some cases, right on the property lines. The regs require 10 feet. I would like to see as much of a separation as possible. We don't want to have to deal with access and crossing somebody else's property.

Paul Truax – We will add a note to the plan that driveways will be set back at least 10 feet from the property line.

MS. SPILLER-WALSH – I have a lot of questions. I need to get some things settled. I want to go back to the original conventional subdivision plan. I have a question concerning the stream on the east side. It is shown on the USGS map as an intermittent stream. But you only show it as part of the wetlands. My question is to CONCOM and I want to know what did they find that stream to be?

Tony Biocchi (CONCOM member) – A perennial stream flows every day all year long. If it dries up even one day, it is an intermittent stream. There is always a fight about this. The burden is on the applicant to convince us if it is not identified by the USGS as a perennial stream. We haven't seen this yet but we will see it on Thursday. We have not even seen a preliminary plan. We have seen a wetlands delineation for the site. But we aren't a lot into this yet. I don't represent all of the CONCOM. There are a lot of different issues here. I would first go to the original plan and see what the density is going to be.

MS. SPILLER-WALSH – Let's assume that is a perennial stream. From our rough calculations, with the conventional plan, there is a footprint of a house about 60 feet away. The water is moving. There is a culvert under Lovering Street for this stream. Across the stream, they had to get a variance to build closer to the stream.

Tony Biocchi – Wetlands in Medway are protected by the bylaw. There is a 25-foot no build area around wetlands per the bylaw. With a perennial stream, there is a 200-foot area of concern. The first 100 feet is an absolute no touch zone, but the second 100 feet needs our permission. That is a whole separate filing. Although I haven't seen the plan, I expect there are quite a few lots within 200 feet of this stream.

MS. SPILLER-WALSH – I see some within 100 feet.

Tony Biocchi – The open space will be good for us. The decision on your end is what the density should be.

MS. SPILLER-WALSH – That doesn't change the buffer.

Tony Biocchi – It does change the density if they only can have 13 lots. You have to look at it conventionally and then look at it with the open space design.

Tony Biocchi – Normally, when the town gets open space, the CONCOM puts a conservation restriction on it. In this case, there are wetlands but also there are uplands, which is one of your requirements. In another area where the CONCOM took the land, the donor had to supply some places to park. From CONCOM's view, you have to be able to get to the parcel and use it. We can or can't allow crossing wetlands to get to the open space. I am not sure about detention ponds. Using them may not be a viable access. Where are you going to be able to park to access the open space? Within the subdivision? I don't think this road is going to be big enough for that. Normally when you have an open space parcel there is some access and some parking. Those are the comments I can make right now. The CONCOM will be reviewing this on Thursday this week.

MR. HOOPER – How long do you think it will take (for CONCOM) to make a determination on the easterly stream? That is the primary one that will dictate buildability, etc. The ANRAD flags determine the wetlands edge, not the buffers.

Mark Louro – The ANRAD has been issued. Why isn't the stream shown?

Paul Truax – We filed only for wetlands. I am not sure if we submitted for stream boundaries.

Mark Louro – They do show a 200' riparian zone on plan (for Chicken Brook).

Tony Biocchi – We have probably made a determination. I believe we did determine for Chicken Brook. But in an ANRAD, we are asked to do a certain job (define the wetlands) so that is what we do. We can't overstep that unless we are asked to. Under the ANRAD, we can only do so much. We don't see any proposed lot lines when we do an ANRAD. This site is a big open field that is wet on the east and west. We will be back to revisit so you can have the benefit of a CONCOM report.

Jim Wieler (62 Adams Street) - I want to congratulate Taniel Bedrosian for doing exactly what the Planning Board asked him to do this past winter. Here is my 2 cents for the record. We need open space in this town and this is a critical piece of property. Back when we were doing the master plan, open space came up as a priority. We have the potential for a greenway that runs through town and this site can be part of that. The greenway/trail can run from Holliston at the Upper

Charles Land Trust's Wenakeening Woods to the Marian community property, tie in here and continue to Mr. Lee's property and then to the new high school and eventually to Choate Pond. The Upper Charles provides 2-3 parking spaces for 6 acres at their site in Holliston. This would be a linear park, 5 feet wide. Maybe a few spaces could be provided at the northwest corner of this site. A land trust could take this land. Something like this would be great. It could have some marking at the edges of the open space. The walkway would have to be maintained by somebody. This is a vision, a long-standing vision and some of us have been working away at it with spending a nickel. I want to commend Taniel for this. He is a good developer and has played by the rules with his other subdivisions in town. I hope you can work with him on this.

Paul Truax – With the parking issue, we don't want to see parking provided on a new road but maybe providing a few spots off of Lovering Street is a good idea.

MR. HOOPER – That is a link point across the street to Lovering with the future potential to link northerly on up into the Marian community lands and Wenakeening Woods. The western access point is more appropriate.

MR. HOOPER – Re: a trail. A buffer of some sort between the back of proposed lots and the trail system would be important such as a 4 season, landscaped evergreen buffer that will visually separate the open space and trail from the private lots. It is one thing to say it is good to have a trail. It is another thing for the homeowners and those who are using the trail to pass by lots and have full visual access to private homes. Let's do it so that people will use it. If homeowners start to put barriers in the way, that defeats the whole purpose.

MR. HOOPER – It seems the biggest issue is whether the easterly stream is perennial or not. We will await that determination from CONCOM.

MS. SPILLER-WALSH – One other thing I want to mention. In Gino's review regarding requirement #8 that the open space development is to be in harmony with the zoning bylaw. With this, we are getting into a dense situation that is not consistent with the zoning bylaw. If we have this look and this development in this spot, somehow the house designs and landscaped buffer must somehow have a shape and design that is not so austere. Certainly there are some things that can be done to soften that should all the houses be built there. There needs to be some considerations on landscape to soften the row house appearance and look of a post war development in a field. We would also want to see a landscaped island in the cul-de-sac.

MR. HOOPER - I too would like to see some landscaping on Lovering Street, perhaps a deciduous buffer on the edges of the frontage. There is some there now but it does need to extend the full length of the frontage.

Paul Truax –That buffering is in the scenic road right of way.

MR. HOOPER –I would like to see some berming at least at the mouth of the frontage at Lovering Street, some sort of contouring different from the flat site at it relates to the site lines, some sort of landscaping mechanism for the entrance that lends itself to the farming history –a post and rail fence. It would create dimensionality. We want to avoid the skeletal look.

Paul Truax – Lovering Street is a scenic road and is narrow and then you come into 26 feet of pavement with the new road. There is a 40 feet of radius so you have over 100 feet of mouth opening. That is huge.

MR. HOOPER – But without it you could hardly get an SUV out of there.

Mark Louro – With Lovering Street being so narrow, you need the width shown on the plan for the new roadway into the subdivision to accommodate truck turning.

Paul Truax – We can look at some ideas, maybe something smaller to soften it and incorporate a landscape type berm. I understand what you are saying. This is an issue in every town especially when you come off a scenic road.

MR. HOOPER – In some open space development situations, one of the solutions is to keep the existing farmhouse and then you set the new subdivision way back so you can keep some of the field. That is not the scenario here but there are some talented people who can come up with something with the density that is here that can lend itself to the history of the farmland and the scenic road. You also need to look at street trees.

Jim Wieler – With the boundary between the house lots and the open space it would be good to have even a small barrier/berm to delineate where the private property ends and the open space begins.

MR. DETOMA – That works 2 ways.

MR. HOOPER – There are several more comments I would like to make. I would like to have a full response from the Board of Health on this. I would like to send a letter to them to specifically ask about this. The last subject is putting in sidewalks along Lovering Street. This is a scenario we are going to run into where sidewalks don't exist. It is our preference to encourage sidewalk construction. But that may not be possible here so we would be looking for something in lieu of sidewalk construction on Lovering Street.

MR. DETOMA – Would the scenic roadway prohibit sidewalk construction?

MR. HOOPER – Not necessarily.

MR. ALEXANDER – You can end up with piecemeal approach to sidewalks.

MR. HOOPER – That could be one option but we would probably want to consider other alternatives to sidewalk construction.

MR. HOOPER – I want to follow up directly with the Medway Fire and Police departments to specifically ask for their input on this.

Mark Louro – Is the board is considering a landscaped island in the cul-de-sac?

MR. HOOPER – The board has been looking at landscape islands in cul-de-sacs. IN this case, this may be an idea scenario because it could be a naturalized island. You had mentioned there some vegetation in that area.

Paul Truax – Yes, it is all pines.

MR. HOOPER – That is the no maintenance solution that we look for.

Paul Truax – We can stake the center of the island and see what can be included.

Mark Louro – Do you want to give them direction on the size of the island

Paul Truax – The size of the island may depend on the Fire Chief. I expect we would need a minimum 23-foot radius.

Mark Louro – We have done a 40-foot radius with Grapevine.

MR. DETOMA – In the prior submission was it brought forth in compliance?

MS. SPILLER-WALSH – If the density were reduced, then our concerns would be a slam-dunk.

MR. DETOMA – I have some concerns on the road length limit. I see some conflict on the size of the lots. I am seeing a bigger lot size than is really necessary. I see this plan could be done to be more in concert with the zoning bylaw, to make it fit better with the OSRD goals. I support providing for additional open space. I commend them. It needs to go another step. I would like this to meet our current requirements.

MR. HOOPER – It will all come down to buildability per CONCOM. From my vantage point, the CONCOM should have some input on the palette before getting a final determination.

MS. SPILLER-WALSH - This is a red flag until CONCOM deals with this.

MR. HOOPER – I too am pleased. I sincerely hope this moves forward and gets approved.

Paul Truax – Our next step is to go to CONCOM. There seems to be concerns on the density of the conventional subdivision option. We need to take a detailed look at this if the river is perennial. Does that change our density per the River Protection Act? Obviously there will be some impacts but there can be work done within the 100 to 200 foot zones.

Tony Biocchi – CONCOM makes the call on the stream. That can change this dramatically. We have to take into consideration that the wetlands are all grass. There is a bunch of things to look at. We need to see the conventional plan.

Paul Truax – We feel comfortable with the conventional plan density.

MR. HOOPER – Tony, thanks for coming.

Paul Truax – On the issue of intermittent vs. perennial stream. The River Protection Act has changed. There are a lot more criteria in making a determination. We will provide whatever data is needed.

Mark Louro – We will need to do a scenic road public hearing.

MR. HOOPER – Is there a stone wall in the right of way?

Paul Truax – There are staggered pieces.

Susy Affleck-Childs – We will do it in conjunction with one of these hearings.

MS. SPILLER-WALSH – I would like to see stone walls on Lovering to mitigate absence of sidewalks.

Paul Truax – Between the roadway layout and the edge of pavement, there is a lot of vegetation.

NOTE – The public hearing was continued to August 10, 2004 at 9 pm. Plan revisions are due by July 27th.

NOTE – The Board took a break from 10 – 10:10 pm.

Public Hearing Continuation – 2-4 Main Street Site Plan

Rick Merrikin, engineer

Bob Potheau - Applicant and property owner

Malcolm Porter – Auto sales/tenant

MR. HOOPER – Sorry for the lateness tonight. We have a review letter from VHB.

Rick Merrikin – Bob Potheau has decided to eliminate the building addition on the westerly building and just create a second floor entrance. In lieu of that, we have changed the parking and made it a double row, added landscaping, a ramp and some green space in the front. We met with the DRC and discussed aesthetic concerns for planting in front. We also talked to them about some green spaced, which we will provide in the middle frontage, and some additional plantings around the new building. We have made those changes. I want to talk about sequencing here. Bob Potheau is really applying to get the new building in. Malcolm needs some space for his office and to service vehicles. That is the prime focus. In conjunction with that, Bob Potheau will upgrade the middle building with a gable roof and door and windows. Then the westerly building will be done later. So that is how we will deal with this application. There will be improvements in the parking lot here relating to the new building. That is what we want to get going. That is our end of it. I did receive Mark's letter. I didn't see any major issues there.

Mark Louro – I will go over a few items that stand out. This project is for a site with buildings that have been there for a long time. It is very difficult to create safe access. I do want to see a detail for the wall. That seems to limit the access to the parking and sight distance to the access drive.

Rick Merrikin – The reason for the wall is to separate the grade.

Mark Louro – You are creating a difficult movement for access into the westerly parking lot.

Rick Merrikin – We will look at that. The difficulty is in serving the existing building. We will do the best we can to reduce the wall or cut out a few parking spaces. I am looking at this as a one-way driveway.

Mark Louro – It blinds any driver coming in. You are saying that to the right it will go down. Please give us a detail.

Rick Merrikin – Yes, we will.

MR. HOOPER – Can you indicate for us where the curb cuts are? What criteria did the state use in determining where the curb cuts would be?

Bob Potheau – Originally the whole parcel was accessible from Route 109 because there were no curb cuts. There are now three curb cuts.

Rick Merrikin – This is an industrial area. We know what the traffic is now – about 7-8 trips per day. And there is very little that goes on behind the building. There are not any big traffic users. We are not looking at this as a big generator. We don't need that many parking spaces.

MR. HOOPER – I am having a tough time visualizing the westerly building.

NOTYE - Bob Potheau handed out photos of the building.

Rick Merrikin – In talking with the DRC, they suggested putting something attractive up front to block out the back.

Mark Louro – My concern is with the easterly curb cut. You will have cars parked for display across the front. Is there really room for cars to come in and turn? Is there any way to address that? None of this would be allowed on a site that was newly developed.

Rick Merrikin – This is clearly an existing use.

Mark Louro – Except for the new building. Yet, what you are proposing is difficult at that particular location.

Rick Merrikin – We will show you some layouts of car display area.

Mark Louro – The wall (at the westerly building) is not there today?

Rick Merrikin – No, it is not.

Bob Potheau – DRC suggested a stone wall in front with cascading evergreens.

Mark Louro – I am very concerned about this wall. It is making access very difficult.

Rick Merrikin – I will pull it back.

MR. DETOMA – Just demonstrate how it will be done. Is the second floor of the building accessible by the stairs?

Bob Potheau – I would like to lease that top floor but there is no tenant yet. I have waited the better part of a lifetime for this Route 109 work to be done. I live in the house on this property.

MR. HOOPER – The key word is “improvement” of the site.

MR. DETOMA – I think the effort is commendable

MR. HOOPER – But we cannot create a problem by trying to solve another problem.

Bob Potheau – Phase 1 is the new building. Phase 2 is to fix the middle building with input from the DRC but adding a gable roof and giving it more of a colonial look.

Mark Louro – It does not appear that there are any pedestrian ways within the site. Any comments from the Fire Chief?

Rick Merrikin – I will get in touch with him.

Mark Louro – How about CONCOM?

Rick Merrikin – I will file next week with them.

Mark Louro – You are within the 100-foot riparian zone with the new building.

MR. DETOMA - Could I ask another question? When you do ultimately lease the 2-story structure and ultimately lease the zig zag building, what type of tenant will you have?

Bob Potheau – I would like to reduce the use it has had as a junk yard. I would rather not have uses that are as noxious as they have been in the past.

Mark Louro – The trips generated by the site may change with these changes. Perhaps there should be some sort of trip analysis conducted.

MR. DETOMA – With everything he is trying to do, what is it? If it becomes an office, is it a change in use?

Bob Potheau – I would like to have the cleanest uses possible. This is the gateway to Medway. I have no intention of selling this property. I live there. My ownership of it has to find the least noxious use because that is the least risky.

Mark Louro – I really think you should have some sort of traffic analysis.

Bob Potheau – I would like to point out that during my ownership of this property, there was an excess of 100 trips a day. I sold the auto salvage business. I regained control of the property in 1999. I moved into the house and waited for the Route 109 road project to happen.

Mark Louro – Are you going to repave?

Rick Merrikin – No, the pavement is in good shape. There may be some paving behind the sidewalk.

Bob Potheau - It will look very nice.

Mark Louro – There is no detail provided for landscaping.

Rick Merrikin – Do we need a waiver on the requirement for having a landscape architect prepare a landscape design?

Susy Affleck-Childs – The Planning Board can recommend that the BOS waive that requirement.

Bob Potheau – I would like to get a feel from the board. Can we get started on the new building? I am under some very serious time constraints to get this building up.

Rick Merrikin – Could we revise the plan to just show the new building and the drainage improvements?

MR. HOOPER – What about withdrawing the plan without prejudice and come back in with a separate plan just for the new building portion.

Rick Merrikin – The new part is pretty self-contained.

Mark Louro – But I would want you to design the drainage to accommodate the expected future use of the site.

Bob Potheau – I think one of the issues for you is the overall design of the project. What are these 500 feet going to look like?

Bob Potheau – My budget has nearly doubled due to the engineering costs. I am not a big developer. I don't want to have a mortgage. If it becomes too expensive to do, I will just leave it alone. But I am trying very hard to just have it look better.

MR. HOOPER – At this point, we are trying to decide how to proceed. You want to focus on the easterly new building area. We are trying to figure out the most expedient, efficient, careful, legal way to help you get there. Does it make sense to withdraw and resubmit for just the easterly site and assume the rest remains as is?

Susy Affleck-Childs – It is the new building that has triggered site plan review. I am concerned that if you separate out this project, the other work may not require site plan review and then you won't have any way to comment or guide it.

Rick Merrikin – You can approve the current work and require future work to have to go thru site plan review process.

Bob Potheau – I would almost rather stay the course than withdraw at this time. Let's try and see us resolve the wall and traffic over at the westerly building.

MR. DETOMA – If you reduce parking in front, put in the curb, you are there.

Bob Potheau – I think we can address the issues properly that have been brought fort. I hope the board has noticed one thing that I took off the addition to the westerly building. It doesn't pay for us to build something that isn't going to work. Rick Merrikin told me you were uncomfortable with that. So now, there is more setback from the road. I understand safety is something we have to address.

MR. DETOMA – Are you going to put a retaining wall along the façade and at the back of the sidewalk?

MS. SPILLER-WALSH – This is where putting in a parking lot is better than the building itself.

MR. HOOPER – What can we expect the next time? It is really in your hands.

Rick Merrikin – I will address the comments and revise the plan to make it work.

Mark Louro – What about traffic volumes? We need a baseline to decide on flow.

Malcolm Porter – What are your traffic concerns on east end of the site?

Rick Merrikin – Where you will have display cars.

Mark Louro – How are trucks going to move in and through with the display area being there so close to the building.

MR. HOOPER – The parking area may have to move way down.

Malcolm Porter – We can do double rows of parking along the east side of the site.

Rick Merrikin – New car dealerships are very different from a used car dealership (as this one will be.)

Mark Louro – We need to plan for typical delivery vehicle movement plus one car exiting.

MR. HOOPER - That entrance needs to be 2-way in and out.

Rick Merrikin – We will lay it out to do that.

Bob Potheau – There is very limited traffic with this type of use.

Malcolm Porter – It is pretty wide curb cut now.

Mark Louro – Try to make a straight shot in. Maybe move the building.

Bob Potheau – We will work on it.

NOTE – The public hearing was continued to 7:35 pm on August 10th.

Susy Affleck-Childs – So you will be going to the DRC meeting July 21st?

Rick Merrikin – Yes.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to extend the meeting to 11:30 p.m. The motion passed unanimously.

Return to Grapevine Estates Certificate of Action

MR. HOOPER – Back to item #6 re: sidewalks. How do we want to address this issue for this applicant?

MR. HAYES – I would like to do a payment in lieu of sidewalk construction.

MR. HOOPER – I think it is important to be consistent in how we treat subdivisions. We should strongly consider this element.

MR. ALEXANDER – I would like to comment even though I won't be voting on this. Unless we are presented with opportunities to tie into or extend existing sidewalks, it always makes sense to do a payment in lieu of.

MS. SPILLER-WALSH – What is the status of existing sidewalks on Oakland Street?

MR. HAYES – There are none.

MS. SPILLER-WALSH – We just ran into this situation onto Lovering Street as well (with the Evergreen Meadow application.) Sidewalks are not necessarily desired. So, perhaps it is a thought that for roads with those scenic characteristics, it is not a natural application to have sidewalks there.

MR. HAYES – The more major a street the more it should have a sidewalk, even more than within a subdivision.

MR. HOOPER – Do we ever see that opportunity come forth? It could only come forth with this kind of projects?

Mark Louro – Building sidewalks also has to involve curbing and drainage.

MR. HAYES - This town has to get serious about building sidewalks.

MS. SPILLER-WALSH – What about Sherborn? How do they handle it?

Gino Carlucci - They basically do the same thing and have a payment in lieu of. There was a committee who had come up with plans for priorities on where sidewalks would go. Norfolk does the same thing.

MR. HOOPER – What is the reference point? The linear footage along the thru road?

MR. SPILLER-WALSH - Based on that amount of frontage. But what if that road cannot ever have a sidewalk?

MR. HAYES – There is always room for sidewalks.

MR. DETOMA – My personal opinion is that this town should be striving to provide sidewalks to its resident. If it not proven that it works to put a sidewalk in, Eric's comments about a payment in lieu of are good. It is a community thing that should be available. If you just keep setting aside the funds, eventually there will be a way to do this.

MR. HOOPER – Everybody can agree with that general statement. What is before us is in the context of subdivisions that are already installing sidewalks on frontage that they are newly creating. Over and above that, do we also want to ask for sidewalk funding to contribute to a master town fund for sidewalks? Or do we do it through the public manner and ask for it thru town meeting?

MR. ALEXANDER – There are 4 new houses in this subdivision. That means 4 new families that are going to be using sidewalks somewhere in town. It is reasonable to require that there be a contribution to a fund to provide sidewalks somewhere. If we have an opportunity to connect or extend, then we would want to have the sidewalk actually built. But in cases where it is not logical or possible, I do think it is defensible and desirable to expect that a contribution be made to support sidewalk construction somewhere in town.

John Rojee – This wasn't brought up to us ever until now.

MR. HOOPER – I think sidewalks were discussed but dismissed as an opportunity for construction as there is none there. I agree that a financial factor may not have been discussed. That is an element of my concern.

Mark Louro – Will they need to go before the BOS for the sewer connection?

MS. SPILLER-WALSH – I think that everything has been discussed has real merit and value. We do need to make a bigger and better stand and all of that costs money. But I think what we need to do, like with the landscape islands, is firm up where and how much. I think we are just discussing with this applicant another element on the fly. We are zinging at him now. It is late in the game to try and tie him on this subdivision to a whole concept of town sidewalks.

MR. HAYES – What did we do with Ishmael Coffee Estates?

MR. HOOPER – We ended up with a payment in lieu of as we determined that sidewalk construction there now did not make sense in light of the Route 126 plans.

MR. ALEXANDER – I would like to clarify that my comments are not on the specifics of this project, but are general in nature.

MS. SPILLER-WALSH - This may need to be in the subdivision rules and regs. Should it apply to all streets? Or do we take a percentage? We need to talk about this more, but to grab him back now and cough up again isn't right.

MR. HOOPER - \$1,750 is what we are speaking about. The dilemma is one of fairness and consistency. We didn't fully get into a discussion on this with you but I believe sidewalks were discussed somewhere along the line.

Mark Louro – It is in the regs.

MR. HOOPER – My concern is one of consistency. We did it with Ishmael Coffee Estates. If we do not include this now, it becomes more difficult to do it later with other subdivisions. We find that what happens in one subdivision matters later. It behooves us to very strongly consider this. I just asked Mark Louro what the cost would be without a curb. It would go to \$15/foot. It is in our rules and regs. Do we want to do this? I do. I would like to have a linear foot approach. Oakland Street has no real potential for connectivity. Some sort of compromise is to have a reduced linear foot cost. I would propose that in our certificate we include \$15/foot times 50 feet on Oakland, in the spirit of fairness.

MR. HAYES – That would not include granite curb.

Mark Louro – Correct, just a sidewalk with no curbing at all.

MR. ALEXANDER – Just a point of clarification. Does it specify in the rules and regs?

Mark Louro – It doesn't say what type of curbing.

MR. HAYES – What type of sidewalk is reasonably expected. I would like to see some sort of curb. I could be persuaded against granite.

MR. HAYES – Could you come up with a price for a bermed curb?

Mark Louro – They really don't put that in anymore. But it would be maybe \$5/ft for bituminous curb.

MR. HOOPER – We need to come to a decision. Let's do it at \$1,000. Agreed by Dan Hooper and Matt Hayes. No per Karyl Spiller-Walsh.

MR. HOOPER – We will rework this and finish it up at our next meeting.

VHB Construction Observation Report - Mark Louro

Ishmael Coffee Estates - Things are moving forward. They are coming in with a plan modification for your July 27th meeting.

Daniels Wood - They are starting utility work. I told Vin Bozanowski that he will need a street opening permit.

Dan Hooper handed out various items - Sign bylaw as revised and approved at the June special town meeting; pending PB deadlines, future agendas; and the adaptive use overlay district bylaw as revised and approved at the June special town meeting

Adaptive Use Overlay District Rules and Regulations – Proposal from PGC Associates

A motion was made by Matt Hayes and seconded by Alan DeToma to approve the estimate of \$630 to have PGC Associates/Gino Carlucci draft rules and regs for the new adaptive use overlay district. The motion was approved unanimously.

MR. HOOPER - Do you see this taking more meetings than just one? I would recommend in the future you estimate a tad higher to include more iterations on this type of work.

Commercial One District Development Plan – Update

Gino Carlucci – Here is the sketch from Steve Cosmos for the western end of the C I district.

MR. HOOPER - From the parking standpoint, I am concerned about the distance between the parking and the town hall. We may need to reexamine the whole thing.

MS. SPILLER-WALSH – How many acres would the town common be?

Gino Carlucci – Roughly about 3 acres, which is the size of Franklin's common.

MR. HOOPER – To me, the critical elements of a town common are to have at least 3 sides be viewed by traffic. It is best if it is completely surrounded. There has to be a minimum number of residences around it. Even better to have mixed uses around it. A common loses something if it is not completely surrounded with buildings. Density is important.

MS. SPILLER-WALSH – Maybe we need to not think of this as the one and only town common but a piece of a network.

MR. DETOMA – In the Cleveland suburbs, I saw an area called Legacy Village. It was created with a true downtown feel, even better than Mashpee Commons. It was strictly commercial and office.

MS. SPILLER-WALSH – I like the idea of bringing in residential also.

MR. HOOPER – Maybe there are pockets of residential or mixed uses.

MR. DETOMA – In other areas of this country there is progressive planning going on. I don't like the octopus approach of this common. I also think you may be selling yourself short by not having the common visible from Route 109.

MR. HAYES – I remember we previously discussed noise concerns by having the common open to Route 109.

MR. HOOPER – I am also concerned about Pond Street being one of the sides of the common.

MR. HOOPER – Is this really the best place for a common? It has almost lost the central focal point idea.

MR. DETOMA – If you were to design this whole thing so that the common and town hall were more in the middle of the C1 district, that would be good.

MR. HOOPER – We are now just at the fun end of this. We are a point now regardless of the graphic that we need to come up with a strategic schedule or roadmap for how to bring this conceptual change CI to the masses, individually and collectively through forums, etc. We need to get the buy-in from those who need to – the property owners, etc. That scope of work is where we need to go next. This is lots of fun but it isn't going to go anywhere if we don't have a plan.

MR. HOOPER – I am going to talk to Jeff Nutting to see what he did in Stoneham. There is an area in that downtown that went from a run down area that the town had leveled and then redeveloped. They created value. He could lend a lot of insight as to how they got there. This is a huge sales job. We need to really think about this and how you get the buy in and some funding. We need to think big. Bob Parella echoed that when we first spoke with him and Ann Sherry about this several months ago.

MR. DETOMA – A town center is such a valuable thing. I recently had dinner in downtown Franklin and after, we walked thru Dean and at the library. It had a nice feeling.

MS. SPILLER-WALSH – The tendency is to think too small. We need to think beyond!

MR. HOOPER – We need a written vision and some conceptals that aren't going to turn people off.

MS. SPILLER-WALSH – You know something will be happening there in the years ahead.

MR. HOOPER – With CVS moving down the hill (to Medway Commons).

Gino Carlucci – I have a couple of thoughts. Remember we had a narrow parkway by the Shell station to hook up with the residential behind. Perhaps we should make that more substantial and have the Medway Block area be a smaller park element. Put the town hall closer to the middle. One of the purposes in this was to create a vision to get people excited, especially the latest version that uses a lot of the existing buildings.

MR. DETOMA – I don't think you would have a hard time convincing new Medway residents that something is better than the present Medway shopping center.

MS. SPILLER-WALSH – We may want to think of Medway Commons as the outskirts in the field with a more rural feel with a more intense use toward the center coming up the hill on route 109. Medway Commons has more farm like roof lines.

Susy Affleck-Childs – I am envisioning a zoning proposal for the May 2006 annual town meeting. Let's work backwards from that with plenty of time to draft and get people to buy in.

MR. HOOPER – We need to have some possibilities on funding. We need to be able to respond to funding questions. My fear is that when we take these fun drawings out on the road, how can we respond to questions and curve balls? Susy and I need to come up with a scope, a roadmap roadmap of scheduled times, phases, workshops, etc.

MS. SPILLER-WALSH – WE need to be able to show some examples like what they did in Stoneham and the Cleveland stuff Alan was talking about. Maybe a dog and pony show at the next town meeting.

MR. ALEXANDER – Lets just sit down and talk and go through a charette process.

MR. HOOPER – We could do an all boards meeting at the new high school, bring in the graphics and start to get this rolling.

MR. HOOPER – Susy and I will write up something.

Gino Carlucci – Should I hold off on the graphics or get Steve Cosmos to wrap it up?

FY 04 Encumbrances

MR. HOOPER – We need to encumber some FY 04 funds. We have our mapping project with the aerial photograph, getting that mounted and then the overlay of property lines. We already approved that at our last meeting for Des Lauriers and Service Point. We have another expense we need to encumber from VHB for \$287 for non-project specific consulting services provided prior to July 1 that will come in on a bill in a few weeks.

A motion was made by Karyl Spiller-Walsh and seconded by Alan DeToma to encumber \$287 for future VHB bill. The motion passed. Matt Hayes recuse.

Invoices

VHB – Construction Observation services- \$1,577.98. *Motion by Karyl Spiller-Walsh, seconded by Alan DeToma. Motion passed. Matt Hayes recuse.*

VHB – Plan Review services - \$3,333.90. *Motion by Karyl Spiller-Walsh, seconded by Alan DeToma. Motion passed. Matt Hayes recuse.*

Mark Bobrowski - Plan Review services (River Run ARCPUD special permit) - \$300. Motion by Karyl Spiller-Walsh, seconded by Alan DeToma. Motion passed unanimously.

PGC Associates – Plan Review services – \$520. ***Motion by Karyl Spiller-Walsh, seconded by Matt Hayes. Motion passed unanimously.***

PGC Associates – Consulting Services - \$3,592.50. Motion by Karyl Spiller-Walsh, seconded by Alan DeToma. Motion passed unanimously.

Other Business

MR. HOOPER – The Medway Business Council has found someone to serve as its representative to the Design Review Committee. I would entertain a motion to appoint Andy Rodenhiser.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to appoint Andy Rodenhiser to the Design Review Committee as the representative of the Medway Business Council for a one year term through June 30, 2005. The motion passed unanimously.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 12:15 am on July 14th.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

***Minutes
Planning Board Executive Session
July 27/28, 2004***

The Planning Board convened in Executive Session at 12:10 am on Wednesday, July 28, 2004.

Present: Dan Hooper, Matthew Hayes, Alan DeToma, Karyl Spiller-Walsh, Eric Alexander, and Susy Affleck-Childs

The Board discussed the 7/19/04 Revised Draft of Debra Ecker's response to the lawsuit, Claffey vs. Town of Medway.

MR. HOOPER – I had made some commentary on the phone during a conversation I had with Debra Ecker, mostly related to the Planning Board's handling of the Granite Woods subdivision (extension of Tulip Way). This was a 200-foot appendage off the end of the Granite Estates subdivision. During the Granite Woods preliminary plan discussion the Planning Board did not feel it was a dead end issue. The Board was more focused on limiting this development. The intent was to nub it off at 4 lots and not allow it to extend thru into Bellingham.

MS. SPILLER-WALSH – There was also much focus on the huge cul-de-sac and coming up with a plan for a landscaped island. That was the problem that the Planning Board focused on.

Susy Affleck-Childs – In looking over the minutes from then, the dead end issue wasn't even on the radar.

MR. HOOPER – I think it is better to deny allegation #22 than to admit the Planning Board inadvertently violated its regs.

MR. HAYES – On #11, Debra's draft says to CHECK on this. She needs to do this as she has all our files with the details on when the application was submitted, etc.

MR. HOOPER – I had asked her to revise items 5-8 from the first draft regarding who was "relevant at all times" on the Planning Board.

The Board discussed these items.

5 should admit that Matthew Hayes was at all times relevant hereto a member of the Board.

#7 should admit that Karyl Spiller-Walsh was at all times relevant hereto a member of the Board.

MR. HOOPER – Just a reminder that we are meeting with Debra Ecker and Lenny Kesten at 7:30 p.m. on August 3.

A motion was made by Matt Hayes and seconded to Alan DeToma to close the Executive Session.

ROLL CALL

Karyl Spiller-Walsh - Yes

Matt Hayes - Yes

Alan DeToma - Yes

Dan Hooper - Yes

Eric Alexander – Yes

The motion was unanimously approved.

The Executive Session concluded at 12:40 am, July 28, 2004.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

MINUTES OF JULY 27, 2004 PLANNING BOARD MEETING

PRESENT: Karyl Spiller-Walsh Dan Hooper, Alan DeToma, Matthew Hayes, and Eric Alexander

ALSO PRESENT: Susy Affleck-Childs Affleck-Childs, Planning Board Assistant; Mark Louro Louro, VHB; Gino Carlucci Carlucci, PGC Associates

The meeting was called to order at 7:30 P.M.

Citizen Comments – None

MR. HOOPER - As is our good form these days, at 7:30 p.m., we allow anyone in the audience to speak on any issue that strikes them at this time. As there is no one tonight, let us move to other business

CONSTRUCTION OBSERVATION – Mark Louro

Ishmael Coffee Estates – Pretty much work is done. They are waiting for your action tonight on the modification. Construction is moving along well. They have started processing stone. The detention pond closest to Summer Street catches drainage from 4-5 drainage basins. The detention pond has a stone bottom. It has 30 infiltration structures and is used for subsurface storage. When it reaches a certain elevation it goes to a stormceptor out to the Summer Street drainage system and then it heads south. There is lots of storage in this pond.

MR. HOOPER – It is very deep. It has substantial cubic footage.

Mark Louro – It is 4-5 deep plus 4-5 more feet underneath.

Birch Hill – They are moving forward with grading on the south side of the cul-de-sac. There is constant erosion. They reconstructed a swale. The drainage in the circle is working better. They have cleaned out the drainage system down to the pond. There is some stuff in the pond that needs to be cleaned out.

Daniels Wood - They have trenched across the front of 2 properties to install the utilities. They had spoken with each abutter. There was one call from a neighbor. I followed up and told them they needed a street opening permit.

Country View Estates – There was a call from Irene Streifer asking for a status on the pond.

Susy Affleck-Childs – Irene had called the office and she wants the pond cleaned out. She is very concerned about mosquitoes.

Mark Louro – They submitted as-built plans of the pond over the winter. The as-built plan is almost exactly like the definitive pond. It is closer to the approved plan than what we usually see in actual condition. I may actually need to go out and watch them survey.

MR. ALEXANDER – I went out to her property, spoke with her and took some photos. It seemed like there was a lot of silting and a lot of erosion on the banks. There is still an access problem to the sides.

MR. HOOPER – Is there any way we can set a timetable to get this taken care of?

Mark Louro – They had contacted VHB to do an inspection but I told them I couldn't go out because Greg Whelan hadn't paid.

Susy Affleck-Childs – Greg hasn't paid on the construction observation I sent him the end of April. We may need to have him in for a chat.

MR. HOOPER – I want Greg's phone number and I will call him.

Informal Discussion with Jonathan Currier re: Rezoning of 2 Franklin Street

Jonathan Currier – I am co-owner of the building at 2 Franklin Street with my wife Sandy. She has run Flipside Gymnastics for 10 years. I am here to ask the Planning Board to rezone the property from AR II to some sort of commercial. It has been used commercially since 1948, first as an icehouse by American Ice Company. I called Fran Donovan (town historian) and he gave me some information on the building. In the 50s, it was the Puritan Ice Company, which made ice cream. It was then purchased by Harvey Davis for Be Well Farms, also ice cream. He also ran a trucking distribution center from there. After that it was leased to Tigeri brothers for a satellite trucking distribution center. When Harvey died, Corey Finklestein bought it and quickly sold to John Guyette and we became tenants 10 years ago. In August 2002 we purchased the building. It houses a hair salon, gym, and an electrical contractor. I want to ask for a zoning change because every time a tenant moves in we have to go before the ZBA for a special permit. That takes time and money. With the economy the way it is, we are at a disadvantage to compete with other commercial properties. If a tenant moves out and the exact same business goes in, we still have to go thru the special permit process. If the zoning was changed, it would be easier to get tenants in and we wouldn't be wasting the Town's time. Also, I heard through the grapevine that Medway might consider rezoning some of Route 109 west and I wondered if

there was a way to get looped into that. This is just a preliminary discussion. I want to make it easier for us to get tenants and not waste the town's time. I am hoping that maybe this is a possibility. Thanks for hearing what I have to say and considering this matter.

MR. HOOPER – I just passed out to you a review from Gino Carlucci Carlucci, our planning consultant referring quite a bit to something on spot zoning from Mark Bobrowski's *Handbook of Massachusetts Land Use and Planning Law*. For the Planning Board to sponsor a rezoning, we would need to consider this matter carefully. Does anybody have any thoughts or questions for Mr. Currier?

MS. SPILLER-WALSH – How many tenants are capable of going in there?

Jon Currier – There are 1-2 spaces available now. We had a 1-year tenant and they are gone.

MS. SPILLER-WALSH – Is it a single floor building?

Jon Currier – There is also a basement and a 2nd story that are used as storage.

MS. SPILLER-WALSH – It has been used as a business for as long as I can remember.

Jon Currier – It has never been used as residential in any form. It has always had a business use.

MS. SPILLER-WALSH – The building is appropriate for the businesses in it. It never appears to be overloaded. I don't think you would want to see them add another floor or to go back to the old trucking.

Jon Currier – I heard that when it used to be used for trucking, there were tons of complaints. Our businesses are non-noxious and non-invasive. We would be open to any restrictions. I am a landscaper and take pride in it. I will continue that. I am very particular. This will not go down hill. It will get better. All I want to avoid is to have to keep getting a special permit for each tenant. This process is a turn off to tenants. Flipside will be there forever. We will not expand but we will make building improvements. It can't be a piggery or a furrier in there per the special permit and I don't want a trucking company. It can be used for light manufacturing per old variances. We only live a mile from the building.

Mark Louro – What are the abutting properties?

Jon Currier – They are all residential uses. I have tried to address their concerns and I will continue to do so.

Mark Louro – What are they?

Jon Currier – There is one residence at the corner of Franklin and Village. They are all residential. The closest business is Julian's Oil and Gallante's.

MR. HOOPER – I know the Board will want to take a look at this. Gino, is there anything you want to emphasize from your memo to us?

Gino Carlucci – My thought is that it wouldn't be spot zoning, as there are already existing businesses on the property. I reviewed the excerpt from Bobrowski's book. However, if there was a concern about spot zoning, one alternative might be to have a change in the zoning text to not have to require tenant turnover to come back each time.

MR. HOOPER – Not really knowing the exact impact of rezoning just one parcel on the adjacent properties, I am somewhat concerned that once you start to plant the seed to start commercial zoning, that other folks will want to do so. My concern with how I will be reading this. It is a pretty significant distance from you to the other commercial properties you mentioned. My fear is that the area might start to be encroached upon by this.

MR. ALEXANDER – Re: the parking, I am curious how many spaces you have?

Jon Currier – There are around 40 on site. You are concerned about the area around it. Nobody is going to be able to come in next door to me and put in a commercial use there.

MR. HOOPER – All the residential across the street wasn't there when this building first went in. I am sympathetic to the concerns of tenants.

MS. SPILLER-WALSH – You would want to be very careful (about what you allowed.) You wouldn't want a roadhouse or a bar.

Jon Currier – The Board could put any restrictions on as long as you didn't push out an existing tenant - office, hair salon, and potentially, down the road, a donut shop is perhaps as a possibility.

MR. DETOMA – How is the current variance written? Is it particular to this particular owner, or is it transferable?

Jon Currier – There is a use variance to Action Products Inc., which transfers to new property owners. But every tenant is under an individual special permit.

MR. DETOMA – Is it zoned AR II currently?

Jon Currier – Yes.

MS. SPILLER-WALSH – How much area is it?

Jon Currier – There are two parcels, about 2 acres plus.

Mark Cerel, 6 Franklin Street – I live on the corner. I am the municipal attorney for Medfield and Franklin. I have a working knowledge of land use. This is a pre-existing, non-conforming structure and use, one of many in Medway. It is an isolated property completely surrounded by

residential. It is less than one acre in size. He knew the zoning when he bought the property. He has received all the zoning relief he wanted except for an in-ground pool, which was denied by the ZBA. We wanted privacy and screening. The mechanism for balancing commercial and residential is the special use permit in the zoning bylaw. That puts the authority in the hands of the ZBA. I believe this is textbook spot zoning. It is a requirement of chapter 40A that you have uniform zoning districts so you don't have a patchwork. If you have a single parcel, it is going to be spot zoning. The area around the intersection of Route 126 and 109 was recently combined into a new zoning district. There is no way if this got as far as town meeting, that it would withstand the legal scrutiny of the Attorney General's office and the courts. We would adamantly oppose this. I have no problems with the ZBA providing a broader special permit to permit to allow for similar uses. The issue we had was with Flipside Gymnastics going beyond the original special permit. We crafted an agreed set of conditions that the ZBA adopted. The site is maxed out with uses. It is a very busy place. The ZBA had some concerns.

MR. HOOPER – Mr. Cerel, aside from the legal concerns you have noted, what are the tangible fears of this being commercially zoned vs. the present special permit approach?

Mark Cerel - Once it is zoned commercial as of right, there is no review by the ZBA or the Planning Board for a special permit. They can go in and just run their business. With noise, there is no oversight of that.

MR. HOOPER – If it is written in as of right, and say a new zone was created with fairly limited usage rights, what are the pros and cons of that? I am not sure what the relative merits are of addressing this problem thru a change to the special permit or by rezoning?

Mark Cerel – I doubt that given the quirky nature of the property, that you could possibly craft a bylaw that would satisfy Mr. Currier.

MS. SPILLER-WALSH – Have you witnessed the fact that the parking lot is filled?

Mark Cerel - Yes, it overflows into surrounding areas on the street on and off during the year when there is large activity going on with the Gymnastics school.

MS. SPILLER-WALSH – How often is that?

Mark Cerel – The number of students permitted there right now is over 40 plus staff with cars coming and going. Most of the parking is around back. It actually looks like there is more parking than there is. People have been known to go over and park across the street in the subdivision.

Jon Currier – That is absolutely not true.

Mark Cerel – This is a textbook pre-existing non-conforming use that is subject to zoning relief. I can identify several more around town. There a little commercial uses all around.

MS. SPILLER-WALSH – Just one more thought. If all of that is true, it must be annoying, but this has been a building that has been used commercially for a very long time, much longer than the residential around it.

MR. DETOMA – Let's assume the scenario that he goes to Florida when he retires, or somebody else comes in and decides they want to do something not so great. I have to be sensitive to the abutters.

Jon Currier – The variance allows for industrial uses.

MR. DETOMA – This is a real difficult situation. We need to keep an open mind here.

MR. HOOPER – It is tenuous but preexisting. You moved in there knowing the situation

Jon Currier – There are a whole bunch of abutters but there is only one abutter here who says he represents the abutters. Mark Cerel has been there (6 Franklin Street) for only 2 years. He should have understood that there was a business there.

MS. SPILLER-WALSH – Mark Cerel is saying that the fewer the cars and the less he sees the better.

MR. HOOPER – We need to consider this carefully. Please read the information from Mark Bobrowski's book and review Gino's comments.

Mark Cerel – I would suggest that you ask Town Counsel for an opinion on spot zoning.

OTHER BUSINESS

Paul DeSimone – I heard you speaking earlier about the detention pond at Country View Estates. I met with Greg Whelan out on Broad Acres Farm Road today. He is waiting for the detention pond (at the Streifer's lot) to get completely dry before he goes in to clean it out.

MR. HOOPER – Will it ever dry?

Mark Louro – How deep is it now?

MR. ALEXANDER – It was at least a foot.

Paul DeSimone – If you were to go stand on their bank, there is about 2 feet of silt. When we did the as-built plans, we shot the grades.

Mark Louro – You did the as-builts when they dug the pond. So, you agree that what is on the as-built plan is not what is out there today.

Public Hearing Continuation – Pine Meadow Subdivision

MR. HOOPER – This is a continuation of the public hearing for the Pine Meadow subdivision. We need to go back a little bit and read some communications.

NOTE – Matt Hayes read the June 25, 2004 letter from the applicant, Matthew Barnett, requesting a waiver from Section 4.2.5.1 re: the length of a dead end street and from Section 4.2.4.3 for leveling area. This letter is attached and made a part of these minutes.

NOTE – Matt Hayes read the July 2, 2004 letter to Matthew Barnett re: required documentation on a request for a dead-end road length waiver. This letter is attached and made a part of these minutes.

MR. HOOPER – Do you have any other comments related to this last letter?

Matt Barnett – No.

Paul DeSimone – No.

MR. HOOPER – You are seeking an immediate decision on the waiver request for the dead end length. We want to be consistent with how we have proceeded in the past. We will go thru findings and then make a decision.

MR. DETOMA – We should make sure they understand they can withdraw and reapply without prejudice.

MR. HOOPER – We have told them that before.

MR. DETOMA – If you were to develop your roads in compliance with the Planning Board's subdivision Rules and Regulations, could you develop the land?

Paul DeSimone – Yes, but not to the fullest extent possible.

MR. HOOPER – We have a draft set of findings, dated July 22, 2004.

NOTE – Dan Hooper read the Finding #1.

DRAFT FINDING #1 - The Applicant, Matthew Barnett, has proposed two dead-end roads for this subdivision. Pine Meadow Road is 495 feet long from Fisher Street to its end. Lantern Lane, which is accessed from Pine Meadow Road, is 425.62 feet long. The total distance from Fisher Street along Pine Meadow to where it turns onto Lantern Lane and continues on to its end is 707.69 feet. This distance exceeds the maximum 600-foot dead-end requirement.

MR. HOOPER - Is there any discussion on this finding?

MR. HAYES – I want to make one point. Just by the names of the streets alone, the lengths are longer.

MR. HOOPER – I am wondering if the board is open to an amendment to this finding. I would suggest it read two cul-de-sacs instead of two dead end roads.

MR. DETOMA – A cul-de-sac is the end of the road length.

MR. HOOPER – I see. Does this read OK as presented?

Mark Louro – Unless you want to indicate that Fisher Street is the through street.

A motion was made by Eric Alexander and seconded by Karyl Spiller-Walsh to amend this finding to insert “the first through street” after Fisher Street in the second sentence of Finding #1. The motion passed unanimously.

A motion was made by Karyl Spiller-Walsh and seconded by Matthew Hayes to approve Finding #1 as amended. The motion passed unanimously.

NOTE – Dan Hooper read Finding #2.

DRAFT FINDING # 2 – In a June 9, 2004 letter, the Planning Board notified Mr. Barnett that the Pine Meadow plan included dead-end roadway in excess of the 600-foot allowable length. Mr. Barnett was informed that he needed to request a waiver from Section 4.2.5.1 of *the Subdivision Rules and Regulations* and prove to the Planning Board that the greater roadway length is necessary due to site topography or because there are other local conditions in the Town’s best interest which merit the Planning Board’s approval of the waiver. To assist in evaluating the Applicant’s waiver request, the Planning Board asked the Applicant to provide a basic layout of a waiverless plan to show how the subdivision layout could be designed without any waivers. The applicant was asked to submit the waiver request, supporting documentation, and waiverless plan to the Planning Board by July 6, 2004. On June 30, 2004, the Planning Board received the Applicant’s written request for a waiver from Section 4.2.5.1 of the *Subdivision Rules and Regulations*. That communication did not provide any documentation justifying the waiver request nor did it include the basic layout of a waiverless plan as had been requested. On July 2, 2004, the Planning Board sent a letter to the Applicant reminding him that he needed to provide supporting documentation and evidence to justify the dead end length waiver request. The correspondence also restated the request for the Applicant to provide a waiverless plan for the board to evaluate. The deadline for submitting these items was extended from July 6 to July 16, 2004.

MR. DETOMA – I would like make motion to change wording of this finding and replace “a waiverless plan” with “a plan meeting the Planning Board’s subdivision rules and regulations and the zoning bylaw.”

Paul DeSimone – The finding as written is what you asked for - a waiverless plan.

MR. HOOPER – From an historical perspective, what Alan has described is exactly what we have meant.

Mark Louro – What I think Paul is saying is that they understood it to be something different.

MR. HOOPER – Let's define a waiverless plan in one sentence and include that earlier on in the finding.

A motion was made by Eric Alexander and seconded by Karyl Spiller-Walsh to amend this finding by inserting, after the third sentence, a new sentence as follows: "A waiverless plan is a plan that complies with the current Subdivision Rules and Regulations and the current Zoning By-Law, as determined by the Planning Board." The motion passed unanimously.

Mark Louro – The text here is that we asked for a basic design concept of a waiverless plan.

MR. HOOPER – We determine whether the distance requires a waiver. Applicants may envision or submit a plan to the Planning Board that they claim is waiverless and we have found things that do need waiver.

A motion was made by Alan DeToma and seconded by Matthew Hayes to approve Finding #2 as amended. The motion passed unanimously.

NOTE – Dan Hooper read FINDING #3.

DRAFT FINDING # 3 – During the public hearing on June 22, 2004, the Applicant stated he would construct sidewalks on both sides of the Pine Meadows roadways as mitigation for the dead end waiver.

NOTE – There was no discussion on this Finding.

A motion was made by Karyl Spiller-Walsh and seconded by Matthew Hayes to approve Finding #3. The motion passed unanimously.

NOTE – Dan Hooper read FINDING #4.

DRAFT FINDING #4 – The Board finds that disapproval of the dead-end waiver request prevents the Applicant from creating access to his property or developing a subdivision on this land.

NOTE – There was no discussion on this Finding.

A motion was made by Matthew Hayes and seconded by Eric Alexander to approve Finding # 4. The motion was unanimously defeated.

NOTE – Dan Hooper read Finding # 5.

DRAFT FINDING # 5 - As of July 27, 2004, the Applicant has not provided sufficient or compelling evidence that granting a waiver from Section 4.2.5.1 of the *Subdivision Rules and*

Regulations is necessitated by reasons of topography or other local conditions that are in the best interest of the Town of Medway.

NOTE – There was no discussion on this Finding.

A motion was made by Matthew Hayes and seconded by Karyl Spiller-Walsh to approve Finding #5. The motion was approved unanimously.

ACTION ON WAIVER REQUEST

A motion was made by Alan DeToma and seconded by Eric Alexander to approve the applicant's request for a waiver from Section 4.2.5.1. of the Subdivision Rules and Regulations.

MR. HAYES – Just a point of information. Does it have to be worded in a positive format?

Susy Affleck-Childs – I drafted it this way, as it is the applicant's request to approve the waiver.

MR. HOOPER – So, by opposing this motion, you are voting against approving the waiver request.

MS. SPILLER-WALSH – My reasons for voting against this waiver request may not be included in these findings. There are other concerns that I have.

MR. HOOPER – Then you can create another finding if you wish.

MR. DETOMA – I think the motion should be written to reflect the way the Board is going.

MR. DETOMA – I withdraw my motion

MR. ALEXANDER– I withdraw my second.

A motion was made by Alan DeToma and seconded by Matt Hayes to revise the Draft Action on Waiver request to state “deny” instead of approve. The motion passed unanimously.

A motion was made by Eric Alexander and seconded by Matthew Hayes to deny the Applicant's request for a waiver from Section 4.2.5.1 of the Subdivision Rules and Regulations.

The motion was unanimously approved. The waiver is denied.

MR. HOOPER – So, now we will get back to the public hearing. There is a September deadline by which we must act on the subdivision. So, the options are to close the hearing now. Or you can revise the plan to be waiverless, or submit information to us to try to convince us of the need for the waiver request.

Paul DeSimone – We would like to keep the public hearing open for the abutters and to give us time discuss what we will do.

Paul DeSimone – On this subdivision plan, neither consultant (VHB or Gino Carlucci) in their review letters opposed the stationing of both roads. This was not questioned by either consultant. We have two approved streets named differently. In your own findings, Lantern Lane is less than 600 feet. Pine Meadow Road is less than 600 feet as named. Lantern Lane by any definition in the zoning bylaw or the Subdivision Rules and Regs is not an extension of Pine Meadow Road. Where can you find that?

MR. HOOPER – “A non thru street and its extensions shall not be longer than 600 feet.”

Paul DeSimone – The way I read that is if Matt Barnett wanted to extend Pine Meadow in the future it could go as long as 600 feet.

MR. HOOPER – The regs state that the distance applies to a non-thru street.

Mark Louro – Look at Section 4.2.5.1. The explanation is in the first line of the section.

Paul DeSimone – We don’t agree that Lantern Lane is an extension of Pine Meadow.

Paul DeSimone – I need a copy of the guidelines for the professional study that is required.

MR. HOOPER – There are no guidelines. It is justification you write as to why the development of this land can or cannot be built within the context of the subdivision rules and regulations based on topographical or other concerns that might convince the board that it is in the best interest of Medway to waiver that particular limitation and that it is justifiable and agreeable to the board.

Paul DeSimone – So there are no guidelines.

Susy Affleck-Childs – This board looks to the applicant and his development team to use their professional talents and expertise to prepare a persuasive case.

MR. HAYES – Would it be appropriate to reconsider finding #1 to have it read more like what Mark Louro read to us?

MR. HOOPER – We are done with the findings now. Is there anything else?

The public hearing on the Pine Meadow subdivision was continued to August 10 at 9:45 pm.

NOTE – The Board took a break from 9:00 – 9:05 pm

Public Hearing – Modification to Ishmael Coffee Estates Definitive Subdivision Plan

NOTE – Matt Hayes read the public hearing notice. It is attached and made a part of these minutes.

Susy Affleck-Childs – I need to note that the actual applicant is Granite Estates Inc.

NOTE - David Faist, engineer and Dan O'Driscoll, surveyor were present to represent the applicant.

David Faist – I am the civil engineer for the project and Dan O'Driscoll is here as well. I want to go over the proposed changes to the definitive subdivision plan based on finding a vernal pool. Originally there was a detention pond and open space parcel. A vernal pool has been identified in that area by the CONCOM. It is an inter-connected area – about $\frac{3}{4}$ acre in size. We had to remove the detention pond that was on the property. There were 4 catch basins. We took 2 catch basins at the low point of the wetlands and ran them thru a stormceptor water quality unit. We are not decreasing any water that flows to this area. The other 2 catch basins at the Freedom Trail and Independence intersection were rerouted to detention pond #3. We made it a little larger to accommodate. We resized 2 pipes and also used a stormceptor water quality unit. The elimination of detention pond #2 forces us to break that up. There is a question on the buildability of lot #3. The CONCOM is enforcing a 100 foot no disturb protection zone around the vernal pool. Lot #3 has adequate area and frontage but it is within the 100-foot zone. We have not filed any Notice of Intent with CONCOM for individual lots. Those will be filed individually, lot by lot. Tonight, our main purpose is for the permitting of the main roadway. On lot #3, we showed a house schematic but it is not included in the drainage plan. The applicant has hired a botanist and a hydro geologist to study the vernal pool area to actually determine some of the issues.

MR. DETOMA – There are a few of us that are new to the board. How does this differ from the first plan?

David Faist – There was a detention pond near lot #2, which accepted run off from 4 catch basins. Its purpose was infiltration. When the 100-foot protection zone was identified around the vernal pool, we had remove the detention area reroute what would have been handled by it.

MR. DETOMA – It seems quite coincidental that the 100-foot zone almost parallels the road.

David Faist – The road is allowed by the CONCOM. The 2 wetlands areas are separate from each other. The road divides them. Each drains differently.

MS. SPILLER-WALSH – So it is possible that between now and next spring there could be conditions in the vernal pool that could cause you to not be able to build on that lot?

David Faist - Currently, the CONCOM is regulating a no disturb zone. There are other issues from a biology and wetlands regulatory standpoint.

MS. SPILLER-WALSH – First, you need to be clear on the plans that this is a modification. You have given us two versions of a modification. On the first one that you submitted, it had no house on lot #3. On the second submission, the house was back on lot #3. So what happened?

David Faist - We are caught between the 2 boards. The applicant has hired an attorney. The only explanation I can give is that the house is shown from schematic perspective. It is buildable from the Planning Board perspective, but not from CONCOM's.

MR. HOOPER – This is a plan modification to the definitive subdivision plan. Our purview is roadway layout, drainage system, and the adequacy of the lots per zoning.

MR. DETOMA –I would like to point out that I attended the CONCOM meeting. There is some question as to the integrity of the vernal pool subsequent to some blasting. There is some question as to whether it has been damaged. If the pool is broken and it has to be fixed, how does that impact the subdivision itself?

David Faist - Our intention is to not increase peak flows off site. Whether the vernal pool is broken is another matter. The applicant has hired a botanist and a hydro geologist. They need to determine whether it will still hold water next spring. Those reports are in progress.

MR. DETOMA – That doesn't answer my question. If they are required to fix the vernal pool, how does that impact the road layout and the drainage issues?

MR. HOOPER – We don't know. It may impact the roadway and lot layout. If it does, they will have to come back with another plan modification to the definitive subdivision plan.

Mark Louro – I have a question regarding the house on lot #3. I thought I heard you say that the runoff from that is not included in this drainage analysis. Is that right? If the house is now on the plan, do you need to rerun the analysis? If you are showing a house on the plan, then the house should be included in the drainage calculations. Is it anything that would change the drainage design?

David Faist – That is uncertain until we actually know what area we can use.

Mark Louro – I have a problem with having a house there that is not included in the drainage calcs.

MR. HOOPER – Does the board agree?

Yes – ALL

Mark Louro – Right now, that plan shows something that is not included in the drainage calcs. You either need to take off the house or redesign the drainage system.

David Faist – I will take off the house.

MS. SPILLER-WALSH – I feel better about that.

Mark Louro – So, there are two outstanding issues from my 7-26-04 letter - the pipe size and upgrade the size of the rip rap. And now the house issue on lot #3.

David Faist – We have submitted plans tonight to address the pipe and rip rap size.

MR. HOOPER – Are there any members from other town boards who would like to comment?

Tony Biocchi/CONCOM – I have two things. What he discussed on the vernal pool is correct. We really don't know the status. They have hired a hydro geologist who will be before us at our next meeting (August 5). It could be one month or 6 to do the testing. The applicant has to prove whether the vernal pool is working. Will it change the plan? I don't know. The applicant, at our last meeting, said he would proceed with the roadway and hope it wouldn't change. As far as lot #3, the 100-foot protection is a local bylaw under our control. The state doesn't look at a vernal pool like we do. The state looks at it for the 25-foot buffer zone. We look at it for 100 feet. For our purposes, we will stay on that 100-foot area unless we are told not to. That becomes a legal issue. The 100-foot area does go thru lot #4 and a bit into lot #5.

MR. HOOPER – What is your time frame?

Tony Biocchi – We will know more at our next meeting. The hydro geologist will give us a report.

MS. SPILLER-WALSH - About lot #3, if it is found, would there be some circumstance that they could put a house on it? Could they disturb it?

Tony Biocchi – We won't know.

MS. SPILLER-WALSH – What about lot #4? Would there be grading restrictions in the 100-foot area?

Tony Biocchi – They can put a house outside the 100-foot zone.

Brian Snow/CONCOM – The CONCOM has some discretion but we aren't going to let a house fully into it

Mark Louro – Each individual lot will need its own CONCOM Order of Conditions to get a building permit.

Brian Snow – Right now, we are only looking at the road.

Regina Bates (46 Summer Street) – I have a question about the construction dust in the roadway that goes right by my house. It is pretty bad. It has been very dry. I can't open my windows. I can't sit on my deck. It is like a sand storm when the trucks drive in.

MR. DETOMA – In commercial development, you can mandate dust control.

Mark Louro – The first couple of 100 feet is the real concern. We can request that they extend the construction access entrance so that there is more stone and less dust and water it more often than he has been doing.

Mark Louro – Regarding lot #3, by removing the house from the plan, that house cannot be built until CONCOM issues an Order of Conditions on that lot. What if we note that lot #3 is not a buildable lot on the plan?

Susy Affleck-Childs – I have a concern about future lot releases. If this plan needs to be changed, what if lot releases are already approved?

MR. HAYES – We may have to not approve lot 3 and 4 for lot releases.

Mark Louro - The only thing that would result in a roadway realignment would be an enlargement of a vernal pool itself.

MR. DETOMA – I thought I heard that one of the fixes could be a larger vernal pool.

Brian Snow – The roadway has been agreed to. We aren't going to change that. If there is a fix and it ends up being a larger vernal pool, it would probably go the other direction.

Mark Louro – Should we put a note that lot #3 is not a buildable lot until the drainage calcs are revised?

MR. HOOPER – What would the impact be of one additional house lot on the overall drainage design?

Mark Louro – They could put in an individual recharge unit for that house so the runoff never hits the roadway drainage system. If there is a volume issue, then the pond may have to be a little bit bigger.

Mark Louro – With lot #4, the calcs have been done.

MR. HOOPER – I agree with your added notation for lot #3 – “not a buildable lot” because we don't have calcs for that lot.

Gino Carlucci – You might want to included a condition in the Certificate of Action – that the decision is based on no house being built on lot #3 and before lot #3 could be built on, there would have to be a further modification.

David Faist – Where should we put that note? On the cover sheet?

Mark Louro – I would put in right on the lot itself. Then there will be verbiage in the Certificate of Action.

Dan O'Driscoll - As a professional surveyor, if I show a plan that has adequate area and frontage, I don't think I can say it is not buildable. I would recommend that you say - "lot is subject to Planning Board restrictions as indicated in the Certificate of Action."

MR. DETOMA – You write it excluding that lot and say the plan is approved for everything except for lot #3.

MS. SPILLER-WALSH – They would have to do another plan modification later.

Susy Affleck-Childs – So the Planning Board will not approve a lot release for lot #3.

MR. HOOPER – Any other issues?

Susy Affleck-Childs – In terms of process, the Planning Board has to approve a Certificate of Action and file it with the Town Clerk and wait 20 days before endorsement. We will need a whole new set of Mylars with all pages. Each page should say Modification and also show the first endorsement date. Gino, do we need to redo the covenant because of the modification?

Gino Carlucci – I think we don't need to do that.

Mark Louro – I have looked over the plans you gave us tonight. The comments from my last letter have been addressed so just the changes on lot #3 need to be made.

MR. HOOPER – If we close the public hearing tonight, there can be no more comments from the applicant, or other boards or citizens. Are there any other comments? Seeing none, I would entertain a motion to close the public hearing.

MR. ALEXANDER– Can I act on this even though I wasn't part of the board for the original Ishmael Coffee Estates subdivision?

MR. DETOMA – I have the same question.

Gino Carlucci – Yes you may.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to close the public hearing. The motion passed unanimously.

O'Malley ANR Plan – Legion Avenue/Ridge Street

Dan Hooper distributed a review letter from Gino Carlucci.

Jack O'Malley – Ridge Street is a street that came before you not too long ago. I want to divide my property at 14 Legion Avenue and create another lot with frontage on Ridge Street/private way. I am not looking to make it a buildable lot at this point. I just accepted a job in Martha's

Vineyard and we want to move but possibly come back in the future. I want to divide the lot now and address the roadway upgrade at a later point. Some comments were made about my property during the Ridge Street subdivision process.

MR. HOOPER – Good luck to you.

Gino Carlucci – As you know, endorsing the ANR is saying it is not a subdivision. In this case, because there is no road there, it is a subdivision. I don't think you can endorse this ANR as it presently shows. If that second lot had a note inside that said Not A Building Lot, then it would not be a subdivision. As it is now, it is a subdivision and not entitled to ANR endorsement.

Jack O'Malley – I have the Mylar and we have already added the language suggested - Not A buildable lot.

MS. SPILLER-WALSH – Where it was such an unconventional decision that it became a private way after much deliberation and difficult decision making. We kind of anticipated that this would be coming. When we decided that it would be a private way, once we made that leap, we see it as a leap to accommodate this lot. That private way provided frontage for his second lot. Let's jump right to the meat of the situation and start discussing how that street will unfold.

MR. HOOPER – The agreement with the Gerishes is already completed. To ask them to change that agreement at this time is beyond what we can or should do. If we don't feel that the adequacy of Ridge Street as approved for Mr. Richardson is good for this lot, then we can note it is not a buildable lot.

Paul J. DeSimone (senior) – Here is the Ridge Street plan. This will give you the conditions for the Ridge Street construction. The sewer is being built from Legion Avenue to Mr. Richardson's house. It is being built according to what you signed. We left a sewer manhole to let this new lot tie into it. The idea would be to widen that roadway to the width you want to accommodate the new lot.

Jack O'Malley – I wasn't asking the board to address the roadway width tonight.

MS. SPILLER-WALSH – I told you so that this would come back to us.

MR. HOOPER – The decision to make the paper Ridge Street into a private way was ours to make. It was not a way on the ground and it never was. We had to create the street. It now exists but it is not adequate for another lot.

Jack O'Malley – All I want to do right now is divide the lot. Then it would be at the same point as the Richardsons were a year ago. I would come back to do the road. I will sell the lot with the house and retain the back parcel for myself for the future.

Susy Affleck-Childs – I would suggest that the text in the ANR memos needs to explain that this will come back.

A motion was made by Matt Hayes and seconded by Karyl Spiller- Walsh to endorse the ANR plan of Land for 14 Legion Avenue dated July 18, 2004 by Paul J. DeSimone. The motion passed by a vote of 4 in favor and 1 abstain (Alan DeToma).

NOTE – The Board signed the ANR plan and Form A-1.

OTHER BUSINESS

MR. HOOPER – I want to announce that we will be working on the Grapevine Estates Certificate of Action at 10:30 p.m.

37 Broad Acres Farm Road – Continued Discussion

MR. ALEXANDER – Based on my visit out there, it appears to me to be a mess.

MR. HOOPER – I will make a phone call to discuss this with Greg Whelan.

DRAFT – Adaptive Use Overlay District Rules and Regs

Gino Carlucci – I attempted to make these regs comparable to your other rules and regs while at the same time trying to keep the spirit of the bylaw, which was to streamline the process. I hope I hit the right balance here. Probably the first item to look at is page 3 regarding coordination with site plan approval.

MR. HOOPER – I would like Matt to take the lead on this and get your comments in and work with Gino Carlucci to get this revised.

MR. HAYES – I have a question on requiring a pre-application meeting.

Susy Affleck-Childs – I would strongly recommend the pre-application meeting so we can determine what level of engineering is needed for drainage design.

MR. HOOPER – How do we get to that determination? Any sort of tiered approach we can use?

Gino Carlucci – It would be good to have some minimum level that would trigger stormwater review, maybe 3 levels of intensity including some amount of addition of impervious surface.

MR. HOOPER – We need some sort of benchmarks to give some guidance to all.

Susy Affleck-Childs – Is there any triggering mechanisms within the State's stormwater management regulations? What size project?

MS. SPILLER-WALSH – What needs to be looked at first? If the land is so simple, then the problems will be miniscule.

MR. HOOPER – The main or primary landform changes would be the addition of parking spaces and that could effectively create more drainage and impact rate and flow. I don't want people to use AUOD to skirt things. We need some benchmarks.

MR. HAYES – I will look to see if there is something we can use to quantify when stormwater kicks in.

The Board continued to provide feedback to Gino. It was agreed that additional feedback should be directed to Matt Hayes who will then work with Gino on revisions.

Grapevine Estates Certificate of Action

Tony Leland present.

MR. HOOPER – Let's take a few minutes to review this one more time. Reference to revised draft - July 22, 2004

MR. HOOPER – This definitive subdivision plan can only be voted on by Matt, Karyl and myself. Do any of you have any comments? We need to resolve any remaining issues on the island and sidewalk construction.

MR. HOOPER – Let's look at condition #5 re: sidewalk construction. There is not currently a sidewalk fund in the Town of Medway. Back during the preliminary subdivision plan review, we received a letter dated 10-14-04 from Jimmy Smith, DPS Highway Foreman, recommending installation of a sidewalk on the east side of Oakland Street to from Grapevine Way to North Street and across to meet up with the North Street sidewalk. A copy of that letter is attached and made a part of these minutes.

Mark Louro – I talked with Jimmie and reviewed the plan and he went out to look at Oakland Street. It does not appear that there is sufficient right of way on the east side of Oakland Street to put in a sidewalk.

MR. HOOPER – The concept of what DPS asked for is good but in practice it is not feasible. And we have not typically asked for sidewalk on frontage that is not in the subdivision. So, I would instead advocate for sidewalk along the 60 feet of Oakland Street frontage in the subdivision, the cost to be estimated based on actual sidewalk construction and curbing. The items I want to see included are sidewalk, curbing and one wheelchair ramp and loam and seed for the grass strip. Mark, can you give me a number on that? The curb detail is an issue. What type of curb should be used?

Mark Louro – Susy had asked me for an estimate for sidewalk all the way down to North Street. You would want to see a vertical curb and not berm for a through street like this.

MR. HOOPER – When you say berm, you mean Cape Cod berm. There is also stand up bituminous curb. I don't find that to be very good for bike riders.

MR. HOOPER – I would recommend a sloped granite curb.

Mark Louro – For 60 feet of sidewalk with asphalt paving, 5 1/2 feet wide with sloped granite curbing, one wheelchair ramp, and a 4-foot grass strip, my estimate is \$2,850 with no contingency.

Mark Louro – My original calculations provided for bituminous stand up curb.

MR. HOOPER – Do we want to see that kind of curbing on Oakland Street?

NOTE – Consensus was no.

MS. SPILLER-WALSH – If you are going to do a sloped granite, you probably couldn't on Oakland Street because of the width. There are a lot of hypotheticals here.

MR. HOOPER – You can do anything if you have enough right of way.

MS. SPILLER-WALSH – I think you should knock off a little bit.

MR. HAYES – I think you could knock off the grass strip. You wouldn't want to have that on a main road.

Mark Louro – Also, you probably don't have right of way for the grass strip.

MR. HOOPER – What would the cost be without the grass strip, \$2,790?

MR. HOOPER – I am OK with a \$2,790 donation in lieu of actual construction. That amount would cover a wheelchair ramp, 60-foot asphalt sidewalk and sloped granite curbing. Again, we once considered a 220 foot sidewalk here early in the process back in October but it cannot be done.

MR. HAYES – This is based on actual linear footage of the subdivision frontage on Oakland Street.

MR. HOOPER – Do we want to impose this in the 60-foot area?

MS. SPILLER-WALSH – If this were more viably doable, I would say go for it. That is where I get a little fuzzy because there isn't room.

MR. HOOPER – It is what we require.

MR. HAYES – Yes

MS. SPILLER-WALSH – Yes

MR. HOOPER – Let's look next at Condition #6 re: Repaving on Oakland Street. I want Mark Louro to work on this text a bit more.

MR. HOOPER – Regarding item 3D for the Landscaped Island, I am concerned about liability. If the town owns the island and if some injury were to happen to a resident who is maintaining it, that's my concern

Mark Louro – In Condition 3A, you should say that the 40 foot island diameter includes the Cape Cod berm.

Mark Louro – Re: condition #6, you want to make sure that the applicant will cold plane the sewer trench and then overlay the entire roadway width.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the Draft Certificate of Action dated July 22 with all the changes in conditions finalized tonight. The motion passed unanimously.

MR. DETOMA – I thought we were going to end up by 11 pm? It is past that now.

MR. HOOPER – I would like to suggest we start to do an extra meeting for more administrative items.

MS. SPILLER-WALSH – Yes, we also need time to discuss some broader issues.

MR. HOOPER – Would the board entertain one more Tuesday a month for administrative matters, minutes, invoices, broader policies, rules and regs?

MR. DETOMA – It seems to me that by the end of the night, we are out of steam. We should try it and see what happens.

MR. HOOPER – Let's start in September to institute that with the first Tuesday, September 7th Is that OK with everybody?

AGREED.

Commercial / Development Plan

Gino Carlucci – From our last discussion, the open space area to the west was scaled back and the Common was put more in the middle of the site.

MR. HOOPER – Is there a gathering place somewhere? That is what I want in a common. The town is sorely lacking.

MS. SPILLER-WALSH – Is the Holliston Street golf driving range shown on here?

Gino Carlucci – Yes.

MR. HOOPER – I think the western end could be more heavily residential. I am seeing the top of the hill as being a key element in the visual importance. This drawing doesn't completely serve where I really would like to go with this. I would like to have the town hall and the Common nearby somehow situated up the hill.

MS. SPILLER-WALSH – It might be fun to meet on a Saturday morning with coffee to talk this through more.

MR. DETOMA – When do we want to get some ideas from the DRC?

MR. HOOPER – Susy and I need to start writing something to lay out a timetable and action plan. This graphic is generating a lot of thoughts.

MS. SPILLER-WALSH – I think we should try to establish a town hall fund.

MR. DETOMA – How about a town redevelopment fund?

Gino Carlucci – Do you want to get this into electronic form?

MR. DETOMA – They would do it in layers.

Gino Carlucci – No, it would just be a PDF file.

MR. HAYES – I can do something from a PDF file.

MR. HOOPER – Could DesLauriers produce something like this underlay?

MR. HOOPER – Gino, please go ahead and get it scanned and save it as a jpg file.

Estimate from PGC Associates for CVS Site Plan Review

A motion was made by Karyl Spiller-Walsh and seconded by Alan DeToma to approve the estimate by PGC Associates/Gino Carlucci for \$490 to review the CVS site plan. The motion passed. Matt Hayes recused.

Invoices

\$233.10 (from FY 04 encumbered funds) to Gene Walsh to reimburse for the Service Point bill to mount and laminate the Medway aerial photograph. Motion by Matt Hayes, seconded by Alan DeToma. The motion passed. Karyl Spiller-Walsh recuse.

\$89.99 to WB Mason for office supplies. Motion by Matt Hayes, seconded by Alan DeToma to approve. The motion passed unanimously.

123 Main Street 40B Project

Susy Affleck-Childs – We have received revised plans from GLM Engineering. The ZBA would like us to review. Mark, are you reviewing the plans for the ZBA?

Mark Louro – Yes, we are.

MR. ALEXANDER – I may have to recuse myself from this depending on what funding source the applicant is using. If they came to the Massachusetts Department of Housing and Community Development (MDHCD) for their site approval letter, I cannot participate.

MR. HOOPER – We must try to respond to this. Would somebody like to grab this one and run with it?

MR. ALEXANDER – Yes, I would if I don't have to recuse myself.

Mass DHCD – Update to 40B Housing Inventory

Susy Affleck-Childs – We received a notice from MDHCD that the Medway inventory has not been updated. Remember we talked about this a couple of months ago and we noted that the units at Deerview Meadows were not on the list. It is unclear who is responsible for doing this update.

It was agreed that Susy and Dan would draft a letter from the Planning Board to the Board of Selectmen regarding the need to update the inventory.

MR. ALEXANDER – This is very important because showing progress toward the 10% goal can make a difference and buy some time.

Field Road/Forest Edge –

Susy Affleck-Childs – The BOS plans to convene a meeting with Jonathan Bruce, the PB and neighbors to try to work this out.

MR. HOOPER – Who can participate in this for the Planning Board?

MR. HAYES – I can do it but not during the day.

CVS Site Plan

Susy Affleck-Childs – The public hearing on this begins August 10th. Please pick up the plans, the traffic memorandum and the first elevation drawing tonight before you go. We still don't

have an alternate engineering firm to conduct the review. The Town Administrator will let us know when he has made his selection.

EXECUTIVE SESSION

A motion was made by Matthew Hayes and seconded by Alan DeToma to go into executive session to discuss pending litigation.

ROLL CALL

Karyl Spiller-Walsh – Yes
Matthew Hayes - Yes
Alan DeToma – Yes
Eric Alexander – Yes
Dan Hooper – Yes.

The motion passed unanimously.

MR. HOOPER – At the conclusion of our executive session, we will return to our regular meeting, but we will not return to the air.

The Board moved into Executive Session at 12:10 am July 28, 2004.

EXECUTIVE SESSION

The Board returned to the regular meeting from Executive Session at 12:40 am.

A motion was made by Matt Hayes and seconded by Alan DeToma to adjourn. The motion passed unanimously.

The meeting was adjourned at 12:42 am.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

***MINUTES
SPECIAL PLANNING BOARD MEETING
Tuesday, August 3, 2004***

MEMBERS PRESENT: Matt Hayes, Karyl Spiller-Walsh, Alan DeToma
NOT PRESENT: Dan Hooper, Eric Alexander
ALSO PRESENT: Kent Scott, Leonard Kesten, Deborah Ecker, Susy Affleck-Childs

The meeting was called to order at 7:42 p.m. by Matt Hayes.

A motion was made by Karyl Spiller-Walsh and seconded by Alan DeToma to go into Executive Session for purposes of discussing strategy relative to pending litigation.

ROLL CALL:

Karyl Spiller-Walsh – Yes
Alan DeToma - Yes
Matt Hayes – Yes

The motion to go into Executive Session was approved. The Board went into Executive Session at 7:43 pm.

The Board reconvened from Executive Session at 8:55 pm.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to adjourn. The motion passed unanimously.

The meeting was adjourned at 8:56 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

***PLANNING BOARD MEETING MINUTES
Tuesday, August 10, 2004***

PRESENT: Dan Hooper, Matthew Hayes, Alan DeToma, Karyl Spiller-Walsh and Eric Alexander

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant and Mark Louro VHB, Inc.

Dan Hooper called the meeting to order at 7:31 pm

Citizen Comments

MR. HOOPER – Seeing none, does any board member have any comments?

MR. DETOMA – Last night, I went to the Board of Health (BOH) public hearing on their rules and regs on waste trucks in residential zones. They have amended their rules and regs to prohibit such. This is something that has transpired over 9 months. They have requested the cooperation of the Planning Board to support them in their efforts to change the zoning bylaw as well. Bob Speroni had made a request that if the BOH changed their rules and regs, then there might be value, in terms of enforcement, in a general by law change vs. a zoning bylaw. With a general by-law, the police could enforce. I offered, as an individual, to help. I know Franklin recently implemented something that was more broad based to prohibit commercial vehicles in residential zones. The goal was to try to preserve residences and neighborhoods. Think of all the effort that we are doing with landscaped cul-de-sacs. This kind of issue is important too.

MR. HOOPER – Definitively from a public safety perspective. IN a couple of weeks, there can be a lot of animal activity.

NOTE – Alan distributed the text of the BOH rules and regs that was approved last night.

MR. DETOMA - They were concerned about out-of-town trash that could be brought in and stored and then moved out. I think they did a good job and we should support them. That went thru the public hearing last night.

MR. HOOPER – Do they have a proposal for a bylaw change?

MR. DETOMA – Not yet. They may be looking to us for that.

MR. HOOPER – I think we would recommend that they would draft something for us.

Susan Affleck-Childs – The BOH cannot sponsor a zoning bylaw but they could give us something to work with.

MR. HOOPER – There are different (town meeting) voting requirements to approve a general bylaw vs. a zoning bylaw.

Public Hearing Continuation – 2/4 Main Street Site Plan

MR. HOOPER – The applicant has asked for a continuation to the August 31st meeting.

MR. DETOMA – I will not be there.

MR. HOOPER – With a site plan, as we are not the approving body (only the recommending body), it isn't such a big deal if one member is absent for a public hearing.

Mark Louro – The key issue is traffic circulation. The entire site is impervious so drainage isn't a big deal. I don't think there will be a lot of discussion.

Susan Affleck-Childs – They are scheduled to meet with the DRC on 8-18-04.

MR. HAYES – Are they proceeding with the whole project or splitting off a portion.

Susan Affleck-Childs – Based on the last meeting, they said they wanted to continue with the whole thing.

MR. HOOPER – I have real concern about the eastern access and driveway route/parking layout on the site. I would like to see a more favorable traffic flow. The safety perspective is important.

NOTE – The public hearing was continued to 8/31/04 at 7:35 pm.

MR. HOOPER – I think this needs a lot of time. Let's allocate 45 minutes.

Informal Site Plan Discussion – 133 Main Street

Mike Cannistraro and Angela Falzarano present.

MR. HOOPER – Susy had pointedly asked us to look at your site. I am that I wasn't able to swing by before the meeting.

NOTE – Alan DeToma and Eric Alexander visited the site.

MR. HOOPER – Please give us a little sense of where you are with your plans.

Mike Cannistraro – We will be opening a tattoo, piercing and art gallery at 133 main street, occupying the first floor. I did bring copies of the floor plan and stations. All renovation work is internal to the building.

MR. HOOPER – Most of what we are concerned with is site related.

Mike Cannistraro – As far as the outside, we don't have any intention to do anything except the signage. I have a copy of the sign regs. We want to put up a small projecting sign on the front of the building. I did bring a drawing of an idea for the business sign. We thought it would be good to use a wrought iron bracket to match the Victorian style building.

MR. HOOPER – That would be a projecting shingle sign.

Mike Cannistraro – As far as the outside is concerned, there is existing landscaping. There is already plenty of parking there. This lot is next to Dr. Barry's and I believe there are 32 parking spaces there that are shared (by 131 and 133 Main Street.)

MR. HAYES – What is in the building now?

Mike Cannistraro – I will go in on the first floor; the second floor is used by the owner of the building for his business.

MR. HAYES – All the parking has been in that one area he mentioned but there is a small unused parking area on the other side (west) of the building.

Dick Steinhoff – I am the owner of the building. That other parking area is used for service vehicles only.

MR. HOOPER – What was the sequence of events to get you into the site plan process?

Mike Cannistraro – I did talk to the building inspector. I just asked around at town hall about how to start the process. I spoke to the town clerk and the health department. The state has regulations regarding tattooing. They town may adopt them or add to them. So, I talked to Bill Fisher first. I met with the Board of Health last night. Then I talked to the Building Inspector and he directed me over to Susy for the site plan.

Susan Affleck-Childs – I had asked Mike Cannistraro to come in tonight to review the site plan application requirements.

MR. HOOPER – I would think safety lighting in the parking lot would be important. Also curb stops. With Main Street being what it is, I would like to see some more curbing, unlike Speroni's/Restaurant 45 where the parking area/curbing didn't get addressed and it is wide open to the street. Channeling the traffic flow into the site is important. I would like to see screening of dumpsters and things of that nature with vegetation or fencing. Those are the things we typically look for and I expect we would want to see here but not to the degree of intensity that would be applied to Medway Commons with an entirely new site. In terms of drainage, as you aren't changing anything on the ground in terms of impervious surfaces, there would likely be a 0% change in runoff rate and flow. So then we would move to safety issues - operation time, traffic flow, noise impact, lighting impact off the property if new lights were sought for safety purposes.

Mark Louro – There would be handicap accessibility concerns too.

MR. DETOMA – We have an email memo from Bob Speroni who indicates that only the work being performed must meet AAB regs.

MR. HOOPER – Interior work, of course must meet AAB regs.

MR. DETOMA – There are certain thresholds for interior work that you should check into. But relative to the site itself, given that it is a retail use and available to the public, I would be very surprised if the local disabilities group (Medway Disabilities Commission) wouldn't speak to this. There has to be about a 4-foot grade change from parking lot to the building and there is no handicap accessibility right now. I would be surprised if one of these (disability advocacy) groups doesn't balk.

MS. SPILLER-WALSH – Is that a concern of these applicants?

MR. DETOMA – This may be more of an issue for the owner. It may need to be addressed.

MR. HOOPER – We are a group concerned with safety, but if it has been deemed by the zoning enforcement officer to not require any of those things, then we just proceed.

MR. DETOMA - The only other caution is the use. Is there a zoning variance?

Susan Affleck-Childs – I have the ZBA decision from 1987 that grants a use variance for business uses at 133 Main Street.

Mark Louro – What was the use for the space where you are going? What was its prior use?

Dick Steinhoff – A professional engineering office.

Mark Louro – With the number of employees and expected patrons, I would have a question on whether there are enough parking spaces. Some parking analysis should be done to determine that.

MS. SPILLER-WALSH – They will only have one client at a time. There won't be a huge parking demand.

Mike Cannistraro – Our hours are a bit different too than Dr. Barry's. We will be open noon till 8 pm and noon till 9 on weekends. There will only be 5 hours of overlapped time with the dentist's office.

Mark Louro – You could just do a letter that would explain all that.

MR. DETOMA – I agree, but the parking allocation needs to be looked at.

MR. HOOPER – Thriving is good but we want to make sure the parking is well managed.

MR. HAYES – Is this in the Adaptive Use Overlay District?

Susan Affleck-Childs – Yes.

MS. SPILLER-WALSH – If they are allowed a sign, they should take it to the Design Review Committee for some help

Susan Affleck-Childs – I want some guidance on the drainage requirements.

Mark Louro – Are there any existing catch basins in the parking lot?

Dick Steinhoff – There are none on the site. But when the back half of the parking lot was added, they put in drainage down to the side so it drains out to the back. That was done in 1988, just by grading to the back of the site. On the drainage, when the town went in a fixed the intersection at Cottage and Main Streets, all the water problems went away. There were no problems after that. Once that was done, there haven't been any water problems

MR. HOOPER – Is this the next building to Rabbit Hill?

Dick Steinhoff – This is one building east of Rabbit Hill.

MR. HOOPER - Nothing is really being proposed here. It is going from what it was (office) to this business use.

MR. DETOMA – Unless something comes out of the parking review, if more parking spaces are needed, then we would need to look at drainage. If the AAB requires anything to be done on the site, then we may need to look at that.

MR. HOOPER – Is there anybody from the audience with any questions?

MR. HAYES – Is there a street light on Main Street around here?

Dick Steinhoff – There is a light installed on the side of 131 Main Street building that lights the whole area to protect Dr. Barry's patients and the residential tenants in his building. That parking lot is all lit up. It is on a timer. As far as traffic goes, we haven't had any accidents in 15 years that we have been there.

Mark Louro – Any curb cut issues? It is wide open to the street.

MR. DETOMA – How do you expect your customers to access your building? From the front? So I would question whether the lighting is adequate for your customers?

MR. HOOPER – There is an issue of curbing to control and delineate the access way for safety concerns. Any ramifications for Route 109 work?

Mark Louro – If everything is pitched toward Main Street, then water will be trapped if you put curbing along the front. How is it graded?

MR. HAYES – It is graded on the front toward route 109. .

MR. DETOMA – If you were to put curbing along the front, it would result in pooling on the northwest side of the parking lot.

MR. HAYES - There is a double catch basin on route 109 in front of 131 Main Street.

Dick Steinhoff – The low point is east of Cottage Street and then it goes downhill to the cemetery. There is a drainage ditch/stream that was used to take the flow from Route 109. Once they put in the expanded water pipe, there just haven't been water problems.

Mark Louro – With a small parking area, if you do limit the access, it can make it hard to get in and out.

MR. HOOPER – What I am talking about is adequate for in and out. My thought process is sort of swayed by Restaurant 45 (at 109/126) where the site is wide open to the street.

MR. DETOMA – This really isn't like that. There is a single entry and exit area. You pull in conventionally.

MR. HAYES – How wide is the opening?

MR. DETOMA – It's got to be 60 feet wide.

MR. HOOPER – Is there anything else? They will need to seek a number of waivers since there is no actual site work being proposed. I would like to see some sort of record of traffic flow, what time of day you will be operating, the number of cars for gallery and studio use, the number of employees and where you expect to park. Please look at the trash issue too.

MR. ALEXANDER – There is a dumpster at the very rear of the site.

Dick Steinhoff – BFI comes in once a week.

MR. HOOPER – If more parking spaces are consumed will that interfere?

Dick Steinhoff – It is in the middle of the back of the parking lot.

MR. ALEXANDER – It is visually exposed.

MS. SPILLER-WALSH – Are there any special rules on handling biohazard materials?

Mike Cannistraro – We will have contract with a company to pick up. They provide special containers and they come during business hours.

MR. DETOMA – I did happen to hear Mike Cannistraro at the Board of Health meeting last night. They have very well documented their safety procedures.

Susan Affleck-Childs – So there will not be an engineer or surveyor to prepare the plan.

MR. HOOPER - If you have any questions, see Susy. Thanks for coming in.

Public Hearing – Modification to Ishmael Coffee Estates Definitive Subdivision Plan

Paul Yorkis and Dan O'Driscoll present.

Paul Yorkis – I have a letter for you and a copy of the Town of Medway General Wetlands Protection Bylaw. Let me take the opportunity to thank you on behalf of George Papodopolous for opening and closing the public hearing at the last meeting and for scheduling the vote on the Certificate of Action for tonight. I want to request the board make some changes to the draft certificate of action that was emailed to me. My first request is for the board to consider changing the words “no disturbance zone” to “buffer zone.” There is no language in the town’s general wetlands protection bylaw for “no disturbance.”

NOTE – The letter is attached and made a part of these minutes.

Mark Louro – Does the CONCOM Order of Conditions use the “no disturbance zone” language?

Paul Yorkis – There is an approved subdivision and a CONCOM Order of Conditions on that. An abutter appealed the Order of conditions to the Mass DEP. The CONCOM has determined there is a vernal pool. The applicant (George Papodopolous) does not dispute that. The CONCOM has expressed their concern in a number of ways some we agreed to and some that we did not. When someone appeals an Order of Conditions to the DEP, they are appealing the Order of Conditions as it relates to the state Wetlands Protection Act and appealing the town bylaw as well. We did not appeal the CONCOM’s decision nor did the abutter appeal the decision under the bylaw. The CONCOM has asked the applicant to hire a biologist to

recommend a monitoring program as it relates to the biological aspect of the vernal pool. We did this and have presented to the CONCOM. As a result of that, the CONCOM asked the applicant to look at a hydro-geologist who made a report last week. Their recommendations were accepted. The CONCOM made some additional requests re: the monitoring program. I think it is a fair statement to say that there is agreement related to the vernal pool. We may disagree re: the jurisdiction of the CONCOM on the other land but we do agree on the CONCOM's ruling on the vernal pool. There are no wetlands crossing at Ishmael Coffee Estates. So back to my request.

Re: condition #3 in the DRAFT certificate of action. It assumes that any home built on the lot would require a change to the subdivision drainage system. That is not necessarily the case. We feel that any drainage changes that may be imposed by the CONCOM in the future could be addressed by the installation of drywells to serve only that dwelling unit. No one is trying to avoid doing this right. But we can isolate the drainage issues for this lot.

Mark Louro – Even for the driveway?

Paul Yorkis – We believe it is possible for that lot only. If we have to tie it into the subdivision's drainage system, we understand that there will have to be a plan modification.

Mark Louro – If the driveway pitches toward the road, then you will have to tie into it.

Paul Yorkis – But if the site is graded such that the drainage doesn't go into the system, we can do this without a plan modification. It isn't easy, but we think it can be done.

Paul Yorkis – In the original Certificate of Approval (item #22) you made reference to individual filings for CONCOM. So our view is that you have already regulated and are overseeing this all from the original certificate of approval.

Paul Yorkis – Under item #8 in the draft, you note possibly holding of lot releases for lot #4 and others. All these lots meet area and frontage requirements. But now you are imposing a hold back of lots and a bond posting as well. That is a hardship.

Mark Louro – In the past, the bond is put into place in pieces.

Susan Affleck-Childs – We are not doing that anymore. The bond has to all be in place for the first release.

Paul Yorkis – This action you propose is unprecedented. This is really creating a problem.

MR. HOOPER – Any comments from the board?

MS. SPILLER-WALSH – I don't know. I am gathering my thoughts. There are a lot of interesting angles to look at with this. Maybe I haven't really looked at this enough. In the town bylaw, the reference to the 100-foot buffer zone does seem to be a definition issue. But they seem to be referring to it as a no disturbance zone.

MR. DETOMA – I would swear that I heard the CONCOM use the words “100 foot no disturbance zone.”

MR. HOOPER – Regardless of their language, our concern here should be the 3 things related to the Planning Board purview – lot shape factor, area and frontage. We're good in all three. The drainage is a concern; but in so far as there is an action by the CONCOM that may affect this if there is a concern about the wetlands buffer zone, it is our job to be concerned but it may not be in our authority. If there is one and it is played out by the CONCOM and they cannot do some of the things they envisions, they will have to come back to us. We are getting a little further away from the basics than we should unless Mark Louro has something to add. The drainage, as it pertains to that lot, was not figured into the calcs. We do have the authority to take that into consideration. If you are going to come up with something that alleviates that concern, then we may find that that is all we can do.

Mark Louro – How is that going to be brought to the board's attention? There are CONCOM Orders of Conditions issued all the time on individual lots.

Paul Yorkis – I understand the board's concern about drainage. There is no way to argue that that is not appropriate. If the board wants to stipulate that the Notice of Intent filing for Lot #3 be reviewed by the consulting engineer and approved as it relates to drainage, I would have no problem with that. I am saying put it in the certificate of action.

Mark Louro – I don't know how it could be enforced.

MS. SPILLER-WALSH – That should apply to Lot #4 as well.

Paul Yorkis – You will have a bond in place. Put this in the certificate of approval. As Mark knows, the CONCOM is looking regularly to VHB for input.

Mark Louro – My point is, typically when you talk about individual house lots, there is no real drainage review.

Paul Yorkis – As it relates to lot #3 only, you could say that the Notice of Intent must be reviewed be reviewed by the Planning Board.

Mark Louro – We would have to rely on Paul to submit it to us before it is submitted to the CONCOM.

Paul Yorkis – The CONCOM will ask for your review.

Mark Louro – I don't think they will. We are talking about the entire drainage design. How will they know to have us review it?

Mark Louro – Why don't you want to include the calcs for lot #3 in the proposed plan modification?

Paul Yorkis – It was a decision that David Faist (engineer) made in figuring out how to best address the drainage as it relates to the vernal pool. Look, I don't know what is going to happen with lot #3. I don't know how CONCOM will review it. If I have heard them correctly, I believe they are opposed to issuing an Order of conditions for lot #3. But if the applicant can demonstrate that the vernal pool is valid, they may change. I do not speak for CONCOM.

MR. HOOPER – Is there any other way bond wise that we can look at this?

Mark Louro – The bond only applies to the road and drainage system.

MR. HOOPER – When it comes to bond reduction, there may be a mechanism there.

Mark Louro – My concern is that I won't remember that lot #3 wasn't designed (for drainage purposes.) It may slip thru the crack. Every other lot is included in the drainage design. I don't understand why they don't include it in the drainage calcs, etc.

Paul Yorkis – We don't want to alienate the CONCOM at this time. We are working with them very hard right now. There is no reason to create an adversarial situation. They have raised some serious questions and we have responded to every single concern. My hope is that that applicant is trying to address their concerns. Looking at lot #3 is in the distance. This isn't something that is going to happen tomorrow. The botanist and hydrologist have said it will be at least a year to monitor this until things have settled down. We aren't going to go forth with a Notice of Intent until this is resolved.

Mark Louro – The lot is higher than the road and there is lots of ledge. It doesn't make sense to put the house lower than the road. I can't see it being something that can be followed up on and dealt with.

Paul Yorkis – If it is in the certificate of action, the onus is on the applicant to comply.

Mark Louro – So maybe the only thing you can do is to require the applicant to submit the individual lot plan. We normally don't do that.

Paul Yorkis – This is an unusual situation. There is a vernal pool and we have to go backwards.

MR. HOOPER – Didn't I say this weeks ago? Couldn't CONCOM have identified this earlier?

Paul Yorkis – In defense of the CONCOM. We did a site walk a year ago and they confirmed all the wetlands delineations. Technically, they should have asked whether those areas were vernal pools or not.

MS. SPILLER-WALSH – There was that outstanding question that was never resolved during the application process.

Paul Yorkis – CONCOM issued the Order of Conditions for the road.

Mark Louro – Nobody is at fault.

MR. HOOPER – This leaves us with a bit of a technical hiccup. We need to make sure that the plan can be enforced.

MS. SPILLER-WALSH – We saw that separating out lot #3 was a way for us to allow you to move ahead with the rest of the subdivision. Now we have the hiccup on what to do on lot #3. Maybe we should have a wait and see. Let's hold your horses and wait and see about the whole dam thing.

Paul Yorkis – The CONCOM wants us to get things going to stabilize the area and do the monitoring.

MR. DETOMA – A point of clarification please. In looking at the plans, it depicts a vernal pool protection zone.

Paul Yorkis – What is critical is under the state Wetlands Protection Act, that vernal pool has no protection, but because we the applicant labeled it a "bordering wetland" it got protection. It is a smarter way to develop property. The same was true at Granite Estates.

MR. HOOPER – We need to come to some resolution here. Mark, I need your thoughts on how to word this. Anything you can suggest?

Mark Louro – Whatever is in there, the onus is on them.

Susan Affleck-Childs – It comes down to the lot release document

Paul Yorkis – This may all slip to the first Planning meeting after August 31 when you approve the lot releases and the bond amount. Certain lots will be conveyed to others and we will need those lot releases. Those closings may take place over 2-3 days. It is a very closely monitored process.

MR. DETOMA – Another point of clarification. I am looking at the Town's wetlands bylaw in section #2. It just seems as though it relates to lot #3.

Paul Yorkis – Nobody can get a building permit without a CONCOM Order of Conditions. I worked with Bob Speroni on that when I was chairman of CONCOM. The building permit has to be signed by the Conservation Agent.

MR. DETOMA – But it just begs the question.

Paul Yorkis – We can get a lot release for lot #3 and not do anything with it until we get the CONCOM Order of Conditions.

MR. DETOMA – It would seem that the applicant would not get an Order of Conditions on lot #3 to build.

MR. HOOPER – Because they are independent of each other, we do what we do and at that point it flows to the next step.

Paul Yorkis – The idea, which is offered, requires the applicant to come back to you.

MR. HOOPER – I am comfortable with that.

Mark Louro – So you will have the applicant submit the lot plan and the Notice of Intent, which includes the lot, plan to the Planning Board for review and approval before submission to the CONCOM.

MS. SPILLER-WALSH – What kind of approval?

Paul Yorkis – What you may want is to have Mark Louro review it as it relates to drainage.

Mark Louro – We can't guarantee that they will come to us.

MS. SPILLER-WALSH – I am not uncomfortable with the way it is currently written (in the draft certificate of action. What has been proposed is not better.

Mark Louro – I think you can strike item #8 included in the draft certificate. The drainage calcs for lots 4 and 5 are already included.

MR. HOOPER – The sequence of events is not built to make life easy. I would really like to see these applicants come in with all wetlands issues handled. This gets a little hairy. Who is holding things up? I look at land as though it is a blank palette. You carve individual home lots and a system of drainage and roads that comply. The first thing to me is to get the palette defined. That all needs to be resolved up front. The CONCOM can take a significant amount of time to determine those things. We probably shouldn't have gotten a plan if that palette had not been defined. From a Planning Board perspective, we have no authority to say it must be done this way. You have created a difficult situation for us.

Paul Yorkis – If you would like to propose a coordinated planning/permitting process involving the Planning Board, Board of Health, DPS, CONCOM, etc, I would welcome that.

Susan Affleck-Childs – Re: item #9 in the draft. I understand the trees are still there in the island area. Nothing has been affected by the construction.

Paul Yorkis – I went out and all the stuff is still in place.

MR. HOOPER – I can confirm that. When I have gone up there, the rock outcropping is in place.

MS. SPILLER-WALSH – I want to keep the reference to a “no disturbance zone.”

MR. HOOPER – It is CONCOM's call.

MR. HAYES – I am OK to change the words to buffer zone.

MR. ALEXANDER – OK by me as well.

MR. DETOMA – I look to the no protection language.

MS. SPILLER-WALSH – We have been using the word “buffer” to mean a screening mechanism.

MR. HOOPER – Susy, are you comfortable with us proceeding tonight to vote?

Susan Affleck-Childs – Yes.

MR. HOOPER – I would entertain a motion on the Certificate of Action.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the Draft August 5, 2004 Certificate of Action for the Ishmael Coffee Estates with the following changes:

- ***In the opening descriptive paragraph, change “no disturbance zone to buffer zone.”***
- ***Delete item #3 as written and replace with . . . “Before the Notice of Intent for lot #3 is submitted to CONCOM, it must come to the Planning Board for review and approval.”***
- ***Delete items 8 and 9.***

The motion passed unanimously.

NOTE – the Board took a brief break at 9:15 p.m.

Public Hearing - CVS Pharmacy/Medway Commons Site plan

A motion was made by Karyl Spiller-Walsh and seconded by Alan DeToma to waive reading the public hearing notice. The motion passed unanimously.

NOTE – The public hearing notice is attached and made a part of these minutes.

MR. HAYES. I will recuse myself from this discussion.

Karen Johnson, Charter Realty
Brad Mezquita, Appledore Engineering
Gabe Crocker – Gale Associates (Planning Board’s reviewing engineer)

Karen Johnson – This is a major modification of the Medway Commons site plan as determined by Bob Speroni. We understand the town’s consulting engineer for this project was just hired last

week and doesn't yet have a review report. We have been meeting with the DRC on the building design. They seem to be pretty comfortable with where we have come with it. We would like to go over the general site plan with you.

Brad Mezquita – We have made some changes since we came in for an informal discussion with you. We put a raised island in the middle of the parking area as you requested and have shown it as a sidewalk. In our discussions with the DRC, they have indicated that would recommend that area to be used as a landscaped green space. We have added some additional landscaping in the northwest corner of the site to better match the perimeter landscaping around the rest of the site. Beyond that, we have adjusted a few parking spaces. The remaining big changes have really dealt with the building architecture.

MR. HOOPER – Where is the main entrance to the store?

Brad Mezquita – Up on the north corner. The parking layout is very similar to what we showed you before.

MR. HOOPER – Do you have a big board of the building elevations?

MS. SPILLER-WALSH – There is a DRC recommendation for a green strip in the parking lot island.

MR. DETOMA – The front perspective is from Route 109.

MS. SPILLER-WALSH – There is a retaining wall that needs some plantings.

MR. DETOMA – Nice job DRC working on the building design.

Karen Johnson – We do not have an actual recommendation from the DRC. The last time I was there, we had submitted the changes and I thought we had covered everything. But there is a memo from Bob Greenebaum to Susy that outlines a few outstanding issues for them. What we had discussed with the DRC is that we are going to the CONCOM for an amendment to the Order of Conditions because we have an encroachment in the wetlands buffer zone. We said to the DRC that provided we don't lose any parking spaces as a result of the CONCOM's review, we would gladly give us some parking spaces in the center of the island for a landscaped area. We had suggested a conditional on that. We anticipate hearing from CONCOM in the next few weeks. The DRC also wanted to see landscaping in the middle of the island in the parking lot,. But, during the informal discussion, you asked for a sidewalk in that island. It really doesn't matter to us. Clearly, that is a decision you need to make. Gino Carlucci had some comments on pedestrian access. From our perspective, it seems like it would be good to keep the sidewalk in there along the island. The DRC has asked for the building elevations to show the correct signage. Chris Hollis from Stark Architects is preparing a signage detail to include. The other signs on the drive-thru windows are for directional purposes and they do comply with the new sign bylaw. The DRC says the new the landscape plan did not include the trellis planting. It is shown on the architectural plan here and was incorporated into a revised landscaping plan. Another point from Gino's letter refers to the width of the exit. Gino says it could be narrower

but he did not consider the truck turning movements. We have shown the absolute minimum width for the truck turning movements. CVS uses the largest wheel based truck for all of their deliveries, no matter the size of the store. Trucks are not allowed to exit out of the Medway Commons site onto Holliston Street. They will have to exit left out of CVS and go out the main entry at Main Street. Gino mentions a parking space concern as well.

Susan Affleck-Childs – Have you applied to CONCOM yet?

Karen Johnson – We will do that soon.

MR. DETOMA – Gino Carlucci suggests there is a surplus of 6 spaces on the CVS site. Why do you need to bother with CONCOM then?

Karen Johnson – Regardless of the number of parking spaces, there is some encroachment in the 100-foot area.

MR. DETOMA – Wouldn't it just be easier to remove those spaces?

Karen Johnson – The CONCOM has asked us for a wetlands enhancement plan. I hope they will look favorably on our application if we can offer mitigation elsewhere.

MS. SPILLER-WALSH – I believe there is a concern on the overall site that they are short some parking spaces.

MR. DETOMA – According to Gino, they are in surplus.

Karen Johnson – 585 are required and we are in surplus by 6. As requested by Speroni, we have gone thru and looked at all the uses and matched up the parking requirements to uses. So right now, we are 6 over, but we might be losing 3-5. It makes sense on this site to keep those spaces at the north of the site (near the wetlands), as they are closer to the front door. There is a comment in Gino's review about pavement surface. Our pavement surface is per our geotechnical plan. We can provide that but it is not a "shall" in your regs. A landscape architect did prepare the plan. We can give you a stamped drawing. So it really comes up to some direction unless you have some other questions.

MS. SPILLER-WALSH – There was a final concern from the DRC to do something with the sidewalk in front of the entrance. . some decorative pavers or such.

Karen Johnson – We can look at that.

MR. HOOPER - What is the deal with the crosswalks out there?

Karen Johnson – Those crosswalks are being changed. They are not finished. They are not correct.

Karen Johnson – The only issue sometimes with those pavers at the front door is with shopping carts. I will raise it with them

MS. SPILLER-WALSH – We would really like to see something decorative there.

Karen Johnson – Dying the concrete a different color from the rest of the sidewalk may be an option at a minimum .

MR. HOOPER – We have stamped and colored bituminous walkways.

Alan DeToma read a letter from Stephen Lawton, owner of property of 68, 76, 78 and 80 Holliston Street asking Charter to consider an egress thru his property. It is attached and made apart of the record. and make a part of these minutes.

MR. HOOPER – Karen, do you have any initial thoughts in response?

Karen Johnson – There are some serious grade issues between his property and ours. He is correct that the area appears unfinished, it is. Because of the internal traffic flow within the CVS site, we would not want to introduce an access to his parcel thru our site.

MR. HOOPER – We will need to think about that.

MR. HOOPER – I would like to respond to the issue about the pedestrian path/sidewalk running along the middle of the island in the parking lot. Yes, it was a comment I made. We can argue about the importance of green space vs. pedestrian access. But I am concerned about the length of the parking area and the distance to the building. It would be a safer option with a sidewalk for people to get from far end of the parking area to the store. I would love for both of those things to occur in the island – green space and sidewalk. It sounds like it can happen if some parking spaces are eliminated in the middle. Let's do some of both or a lot of both. That would be my take on it. We will try to get on the same page with the DRC. My hope is that the number of spaces gets reduced and the green space increases.

I have another question re: the portico for the drive-thru. From viewing the elevations, the portico looks rather diminutive as an architectural feature. I would think it might benefit from some proportional enhancement.

Karen Johnson – You are concerned about how it looks coming down route 109 (traveling east.)

MR. DETOMA – As you look at it as it projects from the building, it looks OK. But when you look at it head on, it seems out of scale. It could grow in width without impacting its overall function.

MR. HOOPER – I am very sensitive to the Dunkin donuts (126/109) and the undersized cupola. The cupolas at Medway Commons are very nice and proportional to the buildings.

MR. HOOPER – The width of this opening from CVS onto the driveway accessing Holliston Street still appears to be massive. Because it doesn't have to be used by pedestrians, as the sidewalk is on the other side, maybe this isn't as much of an issue.

Karen Johnson – It is only 46 feet curb to curb.

NOTE - Brad Mezquita passed out a drawing of the turning radius for trucks.

MR. HOOPER – I would suggest some landscaping in the southwest area of the CVS site.

MR. ALEXANDER – Re: the pedestrian strip in the middle of the parking lot. I would agree it should stay. I would also like to see it connect thru to the sidewalk on the west side of the drive/access way to Main Street

MR. DETOMA – I would agree with both your comments on this. From parking to parking, what is your dimension? Is it 24 feet?

Brad Mezquita – Yes

MR. DETOMA – You alluded earlier to having a crosswalk way down here in the southeast corner of the CVS site.

Brad Mezquita – You already have one there.

NOTE – Brad Mezquita showed a drawing illustrating of all the sidewalks on the site.

Brad Mezquita – The gap you (Eric) have identified is glaring and we will deal with that if we have the spaces. We want to have internal and off site connections. This shows that it is a certainly a pedestrian friendly site.

MR. HOOPER – I would like to introduce Gabe Crocker from Gale Associates. He made a comment to me re: truck access to the site. I would not want there to be any access to the CVS from the westerly curb cut. That should be an exit only.

MS. SPILLER-WALSH – Let's put the sidewalk issue to bed.

Brad Mezquita – So we will eliminate 4 parking spaces in the middle of the island plus 1 on the easterly line of parking.

MR. ALEXANDER – I might trade off the number of parking spaces for the pedestrian amenities

Susan Affleck-Childs – You can't waive that thru site plan approval. It is regulated per the zoning bylaw.

Karen Johnson – We are willing to look at options to look at landscaping.

MR. HOOPER – It is to the DRC's credit that this has come a long way.

MR. DETOMA – It is very complimentary to the rest of the shopping center.

Karen Johnson – Just one point of clarification regarding your point about the scale on the drive thru area.

MR. HOOPER – It is the width in particular that is my concern.

Karen Johnson – Just remember that we still need clearance. We risk a truck running into this. I will ask the architect to look at that.

MR. DETOMA – I would recommend going west on the drive-thru portico.

MS. SPILLER-WALSH – You will want to keep the roof angle.

MR. DETOMA – It is going to look very small.

Karen Johnson – You are looking at it from the front. This is a view that you will never actually see in practice. We can give you an elevation from the Holliston street side. The larger we make it, the more attention you bring to it.

MR. DETOMA – I would like to see some more landscaping at the corner.

Karen Johnson – That is a good idea to better screen the dumpsters and the drive-thru area.

MR. HOOPER – Going back to Karyl's thoughts, it could almost be a feature of the architecture.

MS. SPILLER-WALSH – As a means of how you direct yourself and how it sits on the site and build an idea around that.

MR. HOOPER – Any comments from the audience?

MR. HOOPER – Gabe, any comments? I know you are here to listen collect our concerns.

MS. SPILLER-WALSH – We want to see something along the retaining wall, some kind of a surface planting. Vining would be preferable.

Susan Affleck-Childs – What is the material of the retaining wall?

Brad Mezquita – The retaining wall would match the walls that we have out there already.

Karen Johnson – When might we have the formal review comments form Gale Associates?

Gabe Crocker – Within two weeks. We would shoot for the 24th.

NOTE – the public hearing on the CVS site plan was continued to August 31 at 8:30 p.m.

Evergreen Meadow Subdivision and OSRD Special Permit – Public Hearing Continuation

Applicant Taniel Bedrosian and Rob Truax Truax, ELM Engineering were present.

Rob Truax – I will bring you up to speed on where we are at since the last meeting. You had made some comments about the plan and we received comments from Mark Louro and Gino Carlucci. Since that time, we have made revisions and got one of them to Mark Louro last week. We also met with the DRC last week. We have had a couple of meetings with the CONCOM. We have filed an application for the Scenic Road Work Permit with Susy.

Regarding some of the changes on the plan, we listened to the concerns. One of the big issues is what it is going to look like and how to separate the houses from the open space. WE have come up with an alternate house layout on a few sites. I tried to explain to Karyl that these houses are just hypothetical boxes. But I did look at lots 9, 10 and 15 that will have the detention ponds and changed the house footprint. The former footprints looked like they would be right next to the detention basins. So the intent is to provide the open space around the property and to buffer it off from the house lots. We have designed a planting scheme along the backs of the lots on the western with pines and spruces and some pin oaks to provide a tree line that would eventually grow in and screen the open space. We also met with Jim Wieler on the trail system. This is the area where we would be putting in the trail. We would provide a gravel parking area up by Lovering Street. The trail would be 4-foot wide gravel stone dust or wood chip, whatever you want. It would go thru the field behind the first 5 houses. When you get down to the wetlands, there is an existing trail we would pick that up and revitalize that trail. Our plan is that there will be some type of buffer to separate the trail from the house lots.

The other thing we have done is eliminated the need for a waiver on the slope, but we have gained the need for two more waivers. Basically, we will still need a waiver for the dead end street. We feel you can justify this because of the open space if you provide that in your findings. The open space does provide and protect the natural aesthetics of the landscape. If written properly, this is not precedent setting. We will also need a waiver on the streetlights. We would prefer lamp posts (on each lot.)

Regarding the sidewalk requirement on Lovering Street. We would prefer not to do that. There is nothing out there to match it up to. It could be done but it would not connect to anything. So in lieu of constructing sidewalks, there is a statement in the regs that we could provide funding instead and we would be fine with that.

We recently walked the site with the CONCOM. They looked at the stream on the eastern boundary as you asked. We did provide information to them that it was an intermittent stream and they did conclude and agree with us.

Susan Affleck-Childs – I would like to see something in writing from them on that.

MR. DETOMA – What CONCOM defined is that the intermittent stream is to the east and the perennial stream is to the west. For a perennial stream, the first 100 feet is a no touch area. With an intermittent stream, it is treated like wetland and nothing is allowed within 25 feet.

Rob Truax – That will be included in the CONCOM's Order of Conditions.

MR. HOOPER – Has there been any discussion with the CONCOM re: the trail system? It is one thing for us and Jim to propose it. I don't want to get too excited if they are absolutely opposed to it.

Rob Truax – The trail is in the buffer zone. Out there right now, the isolated wetland is usually just hayed. Maybe, we could put a little footbridge over it. We can work out those details with them. When the trail meets up with the detention pond I would like it then to go below the pond and not on top of it. We will discuss that with them. There was a comment from Mark Louro re: parcel A. We show it as 8.26 acres. That is going to be additional open space. It is pretty much all wet.

MS. SPILLER-WALSH – We get it.

Rob Truax – Plus the primary open space parcel of 15.4 acres, so the total is 23.71 acres that will be donated. There had been a concern about the drainage easement being in the open space. That is 31 acres. I think you can leave the easement in the open space. I believe you have that discretion.

MS. SPILLER-WALSH – I would like you to naturalize the shape of the pond and make it rounder rather than squarer.

Rob Truax – I blended it into the natural land contours that are out there already.

MR. HOOPER – What about a landscaped island?

Rob Truax – We have one on there. I tried to put in something that will come back every year.

Mark Louro - I thought you were going to try to keep the existing vegetation.

Rob Truax – It will be easier to just take it all out during construction.

MS. SPILLER-WALSH – The scale of the plantings needs to fit the scale (of the cul-de-sac.) The initial plantings are so small. It needs to have more and larger trees, more of everything.

MR. HOOPER – I would actually suggest the island make them smaller to avoid trailer truck problems. At what diameter island can we do this?

Mark Louro – The real issue is getting the fire apparatus in there.

Rob Truax – We will do whatever you want.

Susan Affleck-Childs – You will need to go back to the DRC with the design of the island.

MR. HOOPER – The point isn't just massive landscaping. You need to make it pleasing in context. Work with the DRC to get it designed somehow.

MS. SPILLER-WALSH – Formulas correct problems but then they create problems by their roteness.

Mark Louro – The correct solution is a smaller island.

MR. DETOMA – I saw these repeatedly out of state. Aren't there some standards an engineer could go to?

MR. HOOPER – Roundabouts are being looked at for traffic control with a truck apron around it to accommodate trucks.

MR. DETOMA – I saw landscaped island with an extruded concrete curb with an apron (not a cape cod berm.)

Rob Truax – You see them down south all the time.

MR/ HOOPER – We should find something like that.

Mark Louro – I can look into this.

MR. ALEXANDER – You get around the roteness with the specific landscaping materials. I think you can strike a balance.

Rob Truax – Other towns put them in and it can work

MR. HOOPER – In terms of integrating this subdivision with Lovering Street, has there been any further thought to the whole post war kind of design of planting these houses in the cornfields. It will be such a strong visual image. Is there anything can be done to buffer that? Or grading or berming? The real concern is the visual off Lovering Street for 250-yard stretch.

MR. DETOMA – You are starting to hit on the seminar I went to on OSRD developments. The whole philosophy is a different thought process on designing a non-conventional subdivision.

MR. HOOPER – Let the land dictate the design. It is very tough though with a field. It is like having a blank slate.

Rob Truax – There will need to be a lot of landscaping.

MS. SPILLER-WALSH – All the architecture needs to be different.

Rob Truax – He (Taniel) is not going to row house this. You need to look at his work. I gave the DRC pictures of 6 different houses. If it is not landscaped well, it won't sell. Once he gets in and starts working on landscaping for the individual lots, you will be pleased with the end result.

MR. HOOPER – The trail system and the open space is perfect fit. The connectivity and it being part of the master plan is a tradeoff for the dead end length waiver, as long as the fire chief is Ok with it and the other mitigation measures have benefits to the Town of Medway. I think it is going in a great direction.

MR. DETOMA – Have we addressed yet, the difference between what was achievable with a conventional subdivision plan.

MS. SPILLER-WALSH – We did that already.

MR. HOOPER – Back in the winter, there was a waiverless plan presented to us first.

MR. DETOMA – I just want to make sure that we have done all that.

NOTE - Rob Truax showed the conventional plan from the initial preliminary subdivision plan.

MR. DETOMA – This will be significantly less of a scar on the property.

MS. SPILLER-WALSH – Are you two (Taniel and Rob) happy with the procedure?

Taniel Bedrosian – I am very happy.

Rob Truax – I think this is a win-win. He is building less road but he will work harder on each house lot.

MR. HAYES – Do you have any ideas on the land donation?

Rob Truax – The only thing we need to do is restrict it from being developed for ball fields. This will come under nitrogen loading restrictions so we will address that in the homeowners' restrictions on the deed. We have an issue on the smaller lots because of wells and septic. We have to show that the land is protected.

Mark Louro – The house footprints on the plan are shown as 40' by 100'.

Rob Truax – They will mostly be 80' by 35'.

Mark Louro – The lot shape factor needs to be addressed in the zoning bylaw for OSRDs.

Rob Truax – Yes, I agree. You want to give developer the flexibility to work the lots.

MS. SPILLER-WALSH – The design aesthetic could be improved with a more flexible lot shape factor.

A motion was made by Alan DeToma and seconded by Matt Hayes to extend the action deadline on Evergreen Meadow to October 15, 2004. The motion passed unanimously.

NOTE – The public hearing was continued to September 14 at 8 pm.

Susan Affleck-Childs – We will be having a scenic road public hearing on August 31st.

MR. HOOPER – We need to get comments from DPS and the fire and police departments.

MR. HOOPER - Thanks to Jim Wieler for his vision and work on the trail system.

Public Hearing Continuation - Pine Meadow Subdivision

NOTE – Matt Hayes read a review memo from DPS Director Dave D'Amico. It is attached and made a part of these minutes.

MR. HOOPER – The public hearing on this remains open. Is the 200 feet between manhole covers that Dave mentions typical?

MR. HAYES – Usually, it is 300 feet.

Mark Louro – Dave's concern is about an underground pipe on private property.

MR. HOOPER – Is there anything new from the applicant tonight?

Paul DeSimone – You voted down the waiver (on the dead end street length) at the last meeting. There is no opposition from abutters. If you want to close (the public hearing) tonight, that is fine. We are submitting revised plans dated August 5th. The major issue of the road length has not changed on the plans. We simply addressed some of Mark's concerns. We are already approved thru CONCOM.

Susan Affleck-Childs – I would recommend against closing the public hearing without a review letter from Mark Louro on this revised plan.

Mark Louro – Do you want to try to address the DPS comments?

MR. DETOMA – Just a point of clarification. The findings and the waiver decision were made at the last meeting.

Paul DeSimone – The road is the same length (as we originally proposed.)

MR. DETOMA – I don't see any harm in reviewing their plans.

MR. HAYES – Do you want to address and resubmit your plans based on DPS comments before we do another review?

Paul Yorkis – Yes, we can do that.

MR. HOOPER - So, we wont look at this submittal.

Susan Affleck-Childs – Do you want to mention what you have been doing for the landscaped islands?

Paul DeSimone – You should put a bigger property line ball in for the island. I heard the previous discussions. Everything else will go around there.

Mark Louro – The roundabouts I was talking about are usually 120 feet.

Paul DeSimone – We could consider that in the next one to make the ball bigger.

Mark Louro – You should check your handicap ramp access detail.

MR. HOOPER - What do you want to do? Do we want to provide for a truck apron on the island?

MR. HAYES – We need a bigger ball.

Mark Louro – What about a 25 foot landscaped island?

Paul DeSimone – You could make the pavement bigger and end the sidewalks at the ball.

MR. HOOPER – I would rather have the island be smaller with room for the trucks.

Mark Louro – Use a truck apron

Mark Louro – With a 22-foot island, you could have a 9-foot wide truck apron all around and 30 feet of roadway, all within the 100-foot pavement.

Paul DeSimone – Or use sloped concrete curbing.

Mark Louro – The truck apron would be pretty steep so a tractor-trailer could ride up on it but people wouldn't in their cars. Throw a truck apron on it and see what it needs to be. I could do a template.

Paul DeSimone – You want to use some type of curbing that won't get damaged.

MR. HOOPER – We want them to be maintenance and care free.

Paul DeSimone – We will put the landscaped islands in for a long dead end. That is absolutely not a problem.

NOTE – The public hearing was continued to September 14 at 9 pm

MR. DETOMA – Will we get these plans as revised to address DPS comments, with the landscaped islands?

Susan Affleck-Childs – You need to get these to VHB by August 31st. Please direct mail the revised plans to VHB.

A motion was made by Matt Hayes and seconded by Eric Alexander to continue the meeting until 12:15 pm. The motion passed by a vote of 4 to 1.

MR. HOOPER – We need to address an executive session. We have to have some time tonight to discuss some litigation. Also, we have other items - 123 main street 40B project and a few plan review estimates. Some other items can be moved to our special meeting on September 7th.

123 Main Street 40B project

MR. ALEXANDER – I have to apologize, I left the file at the office with the original and revised plans.

MR. HOOPER – The updated comments pretty much reiterate Jim's earlier review comments. As far as I can tell they are all excellent.

MR. HOOPER – re: the comments on landscaping. I would recommend adding text about trying to retain existing woodlands where possible.

Mark Louro – There are a lot of wetlands, they are using every square inch of uplands for the project.

MR. ALEXANDER – And some wetlands too. They are actually encroaching on the wetlands

Mark Louro – They are filling wetlands and the buffer.

MR. ALEXANDER – Regarding the parking, they elected to enlarge the parking area. As a result, they are introducing impervious surfaces into the wetlands.

MS. SPILLER-WALSH - How can they do that?

Mark Louro – The CONCOM can approve that as long as the applicant constructs a wetlands replication area.

MR. HOOPER – Does anybody have any comments related to Eric's draft?

MR. ALEXANDER – Let me just run thru some items for discussion. The driveway slope has been reduced significantly from 3% to almost 2%, so I think we can just remove it from our list.

MR. HOOPER – I would rather just keep it in. Let the ZBA say it is not far off.

MR. ALEXANDER – How do you feel about the section on parking?

Mark Louro – Leave the comment in.

MR. ALEXANDER – I took out the previous item on distance. They have remedied this somewhat.

MR. HOOPER – I would like Susy to work with Eric to finalize the letter.

Construction Observation – Mark Louro

Ishmael Coffee Estates – This are cranking along. They are bringing in gravel for their sub base. They still have a huge pile of rock in the cul-de-sac. They need to get some drainage in there. Paving by the end of August is a long shot. They started putting in water today without the approval of the plan modification. They went ahead and put in the drainage. They were aware it was at risk

Birch Hill – They tested the gravel today. They have a sub drain in a round the cul-de-sac and a swale halfway up the slope. It is still very soft. They are going to dig down 4 feet and put in gravel and rip rap. I had Jimmy Smith up there too. .

MS. SPILLER-WALSH – What is the longevity of this approach?

Mark Louro – The rip rap pats down pretty good. The fabric can work. He excavated today.

NOTE – Susy needs to prepare a Birch Hill Construction Observation invoice soon.

Grapevine Estates Construction Observation Estimate

Mark Louro – I was under the impression that we were going to bond the DPS street opening work for them.

Susan Affleck-Childs - I thought we weren't going to bond for that work, as it will be done before we set our bond.

Susan Affleck-Childs – There are two parts to this estimate. I recommend you approve \$ 7,880.25 now for basic construction observation services. The second part pertains to inspecting the street repaving after the sewer/water installation up Oakland Street. I need to talk with Dave D'Amico to determine if he wants Mark to do those inspections or not.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to approve VHB's construction observation fee of \$7,880.25. The motion passed. Matt Hayes recuse.

Susan Affleck-Childs – I will talk to Dave and Mark Louro and see if we need to add that in.

CVS Site Plan – Plan Review Estimate

A motion was made by Karyl Spiller-Walsh and seconded by Alan DeToma to approve \$7,200 as the plan review fee motion for Gale Associates. The motion was approved. Matt Hayes recuse.

Invoices

VHB - \$ 287.50 from general fund budget. Motion by Karyl Spiller-Walsh, seconded by Eric Alexander. Motion approved. Matt Hayes recuse.

VHB – \$ 9,323.26 for plan review services Motion by Alan DeToma, seconded by Karyl Spiller-Walsh. Motion approved. Matt Hayes recuse.

VHB – \$ 2,801.17 for construction observation services. Motion by Karyl Spiller-Walsh, seconded by Alan DeToma. Motion approved. Matt Hayes recuse.

NOTE – The Board signed all payment vouchers.

Correspondence

MR. HOOPER – I am passing out the request for a legal opinion on rezoning 2 Franklin Street, a letter from Representative Jim Vallee regarding Forest Edge/Field Road, and our letter to the BOS re: the 40B housing inventory. I am also handing out minutes from the July 27th meeting and a final breakdown of our FY 045 budget categories and amounts.

EXECUTIVE SESSION

A motion was made by Karyl Spiller-Walsh and seconded by Matt Hayes to go into executive session for the purpose of discussing strategy relative to pending legislation.

ROLL CALL

MS. SPILLER-WALSH – yes

MR. HOOPER – yes

MR. HAYES – yes

MR. DETOMA – yes

MR. ALEXANDER – yes

The motion passed.

MR. HOOPER – We will not return to the air. Good night Medway.

The board moved to executive session at 12:05 am.

The board reconvened from executive session at 12:41 am (8-11-04.)

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to adjourn. The motion passed unanimously.

The meeting was adjourned at 12:41 am. (8-11-04)

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

***PLANNING BOARD MEETING MINUTES
EXECUTIVE SESSION
Tuesday, August 10, 2004***

PRESENT: Dan Hooper, Matthew Hayes, Alan DeToma, Karyl Spiller-Walsh and Eric Alexander

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant and Kent Scott.

The Board convened in Executive Session at 12:05 am on 8-11-04.

REDACTED

ATTORNEY CLIENT PRIVILEGE

MR. DETOMA - The whole case goes before the federal court. The only issue is who pays the attorneys. Kesten will be involved in both the civil and the other. He will argue both. It is just a question of which the insurance pays for. The insurance company covers the civil rights part.

REDACTED

ATTORNEY CLIENT PRIVILEGE

MR. DETOMA – The Planning Board vote on mediation would have to exclude me, as I am an abutter,

MR. HAYES – If we work on the project again, Alan can't vote.

MR. HOOPER – We have to review the DRAFT Response to Interrogatories. I would like everybody to review this document and call me on Wednesday night with your feedback.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to conclude the executive session.

ROLL CALL

MS. SPILLER-WALSH – yes

MR. HOOPER – yes

MR. HAYES – yes

MR. DETOMA – yes

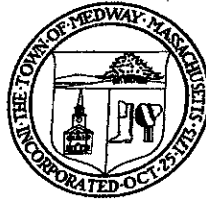
MR. ALEXANDER – yes

The motion passed.

The executive session concludes at 12:40 am. The Board returned to the regular meeting.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant



TOWN OF MEDWAY
Planning Board
155 Village Street
Medway, Massachusetts 02053

Daniel J. Hooper, Chairman
Matthew J. Hayes, Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander

Approved 10-7-04

SPECIAL PLANNING BOARD MEETING
EXECUTIVE SESSION
Tuesday, August 31, 2004

MEMBERS PRESENT: Dan Hooper, Matthew Hayes, Karyl Spiller-Walsh, and Eric Alexander
MEMBERS ABSENT: Alan DeToma
ALSO PRESENT: Mark Louro, VHB, Inc.; Susan Affleck-Childs, Planning Board Assistant;
and Kent Scott

The Executive Session was convened at 11:04 pm for purposes of discussing pending litigation
(CLAFCO vs. Town of Medway Planning Board)

REDACTED

ATTORNEY

CLIENT PRIVILEGE

REDACTED

ATTORNEY CLIENT PRIVILEGE

MS. SPILLER-WALSH – So how do you actually come up with the plan?

MR. ALEXANDER – There is no guarantee that it (the mediation process) won't break down.

MS. SPILLER-WALSH – Does it go back and forth between attorneys?

MR. HOOPER – I don't think that is an appropriate way for a planning board to come to a plan approval.

MS. SPILLER-WALSH – I recommend that we go over the plans and decide what is going to make it work.

Kent Scott – Their attorney will not play that game.

Mark Louro – We are a different board now too.

MS. SPILLER-WALSH – They have nothing right now.

MR. HOOPER – Mark, do you see some way for us as a group, to come up with some generalities?

Kent Scott – Do you have 1-2 general thoughts that are almost non-negotiable?

MS. SPILLER-WALSH – We do.

MR. HOOPER – I want to hear from everybody individually. I personally don't have a lot count magic number.

REDACTED

ATTORNEY CLIENT PRIVILEGE

MS. SPILLER-WALSH – This is about LOTS to them. It is all about profit margins.

Kent Scott – They have said it is all about LOTS.

MR. ALEXANDER – Do you want to mediate if they are the ones that have offered?

Kent Scott – Let them do the offering first.

REDACTED

ATTORNEY CLIENT PRIVILEGE

Kent Scott – There are really only 2 or 3 issues here.

MR. HOOPER – There are some broad generalities. Even with the 600-foot limit, if the majority of the Board said the 600-foot element is less of a concern, then that would be a major element of the mediation.

Mark Louro – I am thinking of Pine Meadow. They are keying that one up, primarily based on the dead end rule.

MS. SPILLER-WALSH – To me, it isn't just the dead end issue at Pine Meadow.

MR. HOOPER – What is in the best interest of Medway? We need to set the bar very high with mitigation. That is how you set precedent.

MS. SPILLER-WALSH – Pine Meadow is just waiting for Hartney to be worked out.

MR. HOOPER – Am I sensing the board does not want to come up with a bullet point list of priorities?

Mark Louro – You can generalize – a shorter road, less lots, and a better drainage system that works.

Kent Scott – They already know what you are going to request.

MR. HOOPER – We have to set the bar very high. Their list of mitigation is where we start and add to that.

MR. ALEXANDER – This is basic negotiating.

MR. HOOPER – Susy and I talked about parcel A (open space parcel). Let's find a way to connect it to the street.

Mark Louro – With Parcel A, I told them to propose something and engineer it. But at that point, they were sick of Rick Merrikin. Rick does the drainage work with Paul DeSimone. They can propose whatever they wanted but I told them they had to have it engineered.

MS. SPILLER-WALSH – I don't believe we came to any final agreement on the wall. They still did not agree to do a stone face wall. They did not agree to do stone. They agreed to do a textured treatment. They said we can't specify a particular product. I said it has to be something that is made of stone or cast from rock, not textured concrete to look like stone.

Susy Affleck-Childs – I think they agreed to a cast from rock.

MS. SPILLER-WALSH – They never agreed to the type of fencing we wanted and they never agreed to do cast the wall from rock.

MR. HOOPER – It should be stone or cast from stone on reinforced concrete in place.

MS. SPILLER-WALSH – It is OK with me if it is not stained.

MR. HOOPER – I do care if it is stained. We don't want what happened in Millis.

MS. SPILLER-WALSH – She (the rep from the company) showed us slides of non-stained poured concrete. It was OK with me to not have it stained. Dave D'Amico had expressed concern that damage marks would really show up if the wall were stained.

Kent Scott – You guys are going to figure out what you want. I am with you all the way. Let me know. You guys work it out and keep me posted. Go at them.

Mark Louro – It is the current board that makes a decision on this??

MR. HOOPER – Yes.

MS. SPILLER-WALSH – I want a real field stone finish. I want naturalized shaped detention pond no closer to any house and driveway than 25 feet from the break of the top of the slope of the pond. I would prefer that they use a wrought iron or simulated aluminum - no chain link. How do I express this on the dead end length? I feel that the 600-foot dead end in this instance

was an appropriate limitation because of the difficulties with the water issues that were created by the proposed extension. Because this is a subdivision within subdivisions all around it, I feel that there should be offered more and deeper buffer zones between the subdivisions and a better offering of open space.

MR. HOOPER – So the 30-foot buffer (“no cut”) zone needs to be enhanced so there are no breaks?

MS. SPILLER-WALSH – Yes.

MR. HAYES – I want to see a more usable open space parcel. Parcel A didn’t work for me. I want to see what a 600-foot road plan would look like. I don’t think I would want to waive that. We should require another access thru parcel A.

MR. HOOPER - No that won’t work because it will have to go back to CONCOM.

Susan Affleck-Childs – Can the mediator rule on the CONCOM stuff?

MS. SPILLER-WALSH – 5 lots isn’t going to do it for them.

Mark Louro – I am thinking it is 8 lots.

MR. HAYES – I agree with all Karyl’s comments. I would like to see fewer lots as well but I don’t think we have to ask for less lots. That will just happen. And no flowage easements.

MR. HOOPER – I think we should say 4-5 lots and then let a judge help mediate it to 7.

MR. ALEXANDER – I cannot say emphatically enough – Ditto to all your comments!

Susan Affleck-Childs – What about having the detention pond on a separate lot? Any interest in that?

Mark Louro – Just make it go on a larger lot with a house. It was very tight.

MR. HAYES – We have to look at all the mitigation they did offer.

MR. HOOPER – They would still be looking for a waiver on the dead end. What are they going to give us for this waiver permission? We have to get the bar raised high for mitigation and then I will feel more comfortable on the dead end waiver.

Mark Louro – My concern is that if you say 8 to start, you won’t end up there.

MR. HOOPER – The first priority would be to present a plan that is waiverless in its entirety, a fully engineered plan.

Mark Louro – Is that reasonable? You have never done that before.

MR. HOOPER – We have never done it before because the waiver requests could be evaluated. We can’t judge this without a true waiverless plan to consider.

MS. SPILLER-WALSH – I disagree.

Mark Louro – They are proposing this because they don't want to have to go back and forth.

MR. HOOPER – If there were sufficient mitigation that would negate the lot count, it would have to be huge for me to agree to the waiver. What is sufficient mitigation? What would offset my angst about allowing this plan with a waiver on the dead end?? We need to set this bar high that will be helpful to future planning boards.

Mark Louro – I just think the judge will look at what they propose and then at what we propose.

MR. HOOPER – We need to say that we are serious about our rules and regs.

Mark Louro – What about \$100,000 worth of work as mitigation?

MR. HOOPER – What they have offered (so far) is a piss hole in the snow.

Mark Louro – I don't think the judge is going to let you go back and forth on this.

MR. HOOPER – We need to be clear that this parcel can be developed within our rules and regs.

Mark Louro – Do you want to require that the plan has to be reviewed and stamped by a professional engineer? The engineer (they used) was a huge part of the problem.

MS. SPILLER-WALSH - We have to have a bottom line that we won't back away from.

MR. HOOPER – I would rather see a 50-foot setback from detention pond. 25 feet is not enough

MS. SPILLER-WALSH – I really want to know how the mediation process works.

MR. HOOPER – Deborah said she wants to meet with us. Let's have her come to our meeting next week.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to adjourn the executive session.

ROLL CALL

Dan Hooper – Yes

Karyl Spiller-Walsh – Yes

Matthew Hayes – Yes

Eric Alexander – Yes.

The motion was approved.

The meeting was adjourned at 12:10 am Wednesday, 9-1-04.

Respectfully submitted,
Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

***Medway Planning Board
Tuesday, August 31, 2004 Meeting***

MEMBERS PRESENT: Dan Hooper, MS. SPILLER-WALSH Spiller-Walsh, Matthew Hayes and Eric Alexander

MEMBERS ABSENT: Alan DeToma

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant; Mark Louro, VHB, Inc.; Gino Carlucci, PGC Associates

Chairman Hooper called the meeting to order at 7:34 pm

CITIZEN COMMENTS

MR. HOOPER – Any comments from the audience during this period? Seeing none, we will proceed with our agenda.

Public Hearing Continuation – Site Plan for 2-4 Main Street

Robert Potheau, applicant/property owner

MR. HOOPER – As Rick Merrikin Merrikin (engineer) is not present, we will hold off until he arrives and do some other business.

OTHER BUSINESS – Construction Observation/Mark Louro

Birch Hill – They just repaved the cul-de sac yesterday. A couple of weeks ago, there was still water coming up thru the gravel. They removed some gravel, put in rip-rap and fabric on top of it. It seems to have worked. The gravel was more stable and we had a heavy rain. Within the roadway gravel of the cul-de-sac, there was one area that just never dried up. It seems to be helping. Let's pave it and watch it. Water is coming up from the bottom but the rip rap seems to help a lot. It certainly improved quite a bit.

Ishmael Coffee – They are getting a lot of gravel down. They are looking to pave in a couple of week. They have to put utilities in the back section probably next week and will be setting curb at Summer Street soon before Summer Street is repaved.

MR. HOOPER – They are up to 12 inches under the top of the road. What is the typical sub grade content going down from top coat?

Mark Louro – 12 inches gravel compacted, then a blend of larger stone from the site. They compact the subgrade quite a bit before the gravel was put in. It seems to be holding up well.

Ms. SPILER-WALSH – Can we go out to that site?

MR. HOOPER – Just give Paul a call and let him know.

NOTE – Dan Hooper handed out DRAFT minutes of August 3 and August 10 meetings.

NOTE – Dan Hooper handed out information on a workshop in Lowell on September 17th

NOTE - 7:45 pm. Rick Merrikin Merrikin had not yet arrived.

A motion was made by Matt Hayes and Eric Alexander to continue the public hearing for the 2-4 Main Street site plan to 8 p.m..

Informal Discussion – Possible Subdivision at 18 Franklin Street

Start at 7:45 p.m.

John Early & Tim Sheehan present.

MR. HOOPER – I will recuse myself from this discussion.

John Early – Our engineer isn't here yet

Tim Sheehan – We took some photos of a place in Millis similar to ours. It is Mike Curatola's property, Glenn Pines off of Orchard Street.

John Early – We have drawn this two ways with a conventional plan meeting the regs and a plan needing waivers with a smaller road.

MR. HAYES – At the last meeting we mentioned to you that we are looking at our subdivision rules and regs and coming up with a smaller subdivision option for a neighborhood street.

Susan Affleck-Childs – I checked that today and we are looking at a 20-foot paved width for this new neighborhood street.

Tim Sheehan – I was kind of hoping at this meeting that we could discuss whether there is a way to compromise with what we want, which may be extreme. We would like to speed things up. There is a money factor in here as investors.

John Early – What are you using for the prototype for this?

MR. HAYES – What other towns are doing.

Tim Sheehan – There are other smaller subs in town?

Mark Louro – Is this anticipated to be a private or public road?

John Early – We are waiting for your input.

Tim Sheehan – Two of you have seen the site. It lends itself to a private road. That was our initial idea. There is a nice line of trees. If the goal is to look at these situations both utilitarian and beautiful, there is a lot here that is beautiful.

MS. SPILLER-WALLSH – The existing width is what?

John Early – 14 feet.

MS. SPILLER-WALSH – And you are proposing what?

Mark Louro – It looks like 18 feet of bituminous thru the T design at the end.

MS. SPILLER-WALSH – If there is a piece of property that lends itself to a small scale, this is it. I can support a private way or a down sized public way. Your 18 foot is the maximum I would want to see. It is awesome. It seems to work with the whole roll of that piece of property. Let's save the trees for an arcade.

Mark Louro – Lot 1 has a lot of wetlands on it, but it looks like more than 50% is uplands. The existing house at 18 will be removed. There is no drainage system proposed on their preferred plan. They are showing a T hammerhead paved area within the cul-de-sac right of way. I would think the CONCOM would be interested in seeing some sort of drainage system near a wetland.

Tim Sheehan – Yes.

Mark Louro – Even though there is a drainage design shown on the waiverless plan, there is none shown on their preferred plan. The existing drive is along the north side of the property. They want to pave very close to that. I would want to see this a little further away from the property line for a better radius at the street entrance.

MR. HAYES – Has anyone gone to the fire department on a hammerhead?

Susan Affleck-Childs – Yes, the chief must have signed off on Wild Turkey Run (Morgan Heights).

Mark Louro – I think a hammerhead is an acceptable solution in this instance.

MR. HAYES – I think it may be fine, but I would want to know what the fire chief says.

MS. SPILLER-WALSH – Along that property line, any of those trees that remain would be nice. There are 2 very large catalpas that would be nice to leave.

Tim Sheehan – Yes, it is very wooded. Again, not understanding this stuff, just eyeballing it, it almost looks set up. Maybe we can find a compromise.

MS. SPILLER-WALSH – If you envision this as a sort of compound, it would hold its value.

Mark Louro – An important consideration is drainage. The high point of the site is the in the northeast corner and it drains westerly toward Franklin Street. A detention pond would need to go on lot #1. It may be difficult or maybe not even feasible to build on that lot. Because of where the wetlands are, you would have to squeeze it in very close to Franklin Street.

MS. SPILLER-WALSH – It may be a problem if the footprint of the house is close to the detention pond. We will frown on that. I am giving you a “heads up” on that one right now. If you have a house that is setting 10 feet from a detention pond, we don’t like to see that.

MR. HAYES – What about the reserve strip?

Mark Louro – They show a very thin strip between the stone wall and the roadway layout.

John Early – We approached the neighbors and they didn’t want to come in on this.

Mark Louro – Reserve strips are prohibited in our regulations. They show a 3-foot strip between the roadway and the property line. Certainly, it is something that could be considered to be waived.

MS. SPILLER-WALSH – A smaller roadway is appropriate for 3 houses.

John Early – This strip would prevent further development.

Mark Louro – The regs require a radius on the roadway layout, which cannot be provided here because the road is so close to the property line. The road comes to Franklin Street at a 90 degree angle. It is a 50 foot layout. You need to center the paved road on the 50 foot layout.

MS. SPILLER-WALSH – Having been at the site, the sight distance to the south is very bad.

MR. HAYES – So you need to look at the drainage and reconsider the spike strip.

Susan Affleck-Childs – How do you want to handle the public vs. private way issue? The concern about how the Planning Board can monitor private way construction. Our experience has not been good as you have no covenant or lot releases.

John Early – We have talked about 2 directions. The no waiver plan it is missing a detention pond. Any gut reaction?

Mark Louro – It needs a radius in the layout as well, not just in the paving. It is difficult when you don’t have control of the abutting parcel. It needs space for safe turning.

John Early – On the waived plan, we could move the pavement to perhaps 20 feet.

Mark Louro – The board has approved a 20-foot roadway in the past with Morgan Heights.

MR. HAYES - Susy, can you find where we left off on the smaller neighborhood standards?

Mark Louro – The next step would be to do a preliminary plan.

MS. SPILLER-WALSH – I appreciate this informal stage.

John Early – We don't want to go in the wrong direction. Thanks.

2-4 Main Street Site Plan –Public Hearing Continuation

8:10 p.m.

Rick Merrikin – I apologize for being late. I thought it was 7:55 pm.

Rick Merrikin – We were going thru Mark's list and getting down final details. The one item that seems to be hanging out there is the entrance to the site for the existing building to the west curb cut.

NOTE - Rick Merrikin handed out revised plans.

Rick Merrikin – Mark Louro was concerned about the wall.

Mark Louro – The wall prevented a vehicle from backing out. There would be conflicts that would result in traffic problems.

Rick Merrikin – Traffic on the site is very minimal. We are not changing any uses on the site. We are not adding any uses that are adding significant traffic. What I could do is eliminate some parking.

Bob Potheau – That would create a greater danger.

MR. HOOPER – You said you were trying to encourage some new leasing. You don't know what is gong to be there. That is the unknown that I am struggling with a little bit. To turn left and left again is difficult.

Mark Louro – Are you suggesting we can't widen that curb cut?

Rick Merrikin – Water/Sewer just sort of threw them in. It wouldn't take a lot to make it bigger. It is just a permit process through Mass Highway.

MR. HAYES – It (Route 109) is not a state highway in Medway.

Rick Merrikin – Water/Sewer said it would be difficult to get utilities in thru the state.

MR. HOOPER – It would involve a street opening permit (thru DPS.)

Bob Potheau – I would have a problem with this. We have reduced the parking and the addition on the building because of your concerns. I am at the point where I will have something that is not rentable.

Mark Louro – Where is the loss in parking?

Rick Merrikin – We had 2 rows before in the original plan, right up to the street.

Mark Louro – This is a 30 scale. Just because you drew it doesn't mean it would have been feasible.

Rick Merrikin – Is fire chief going to be concerned?

MR. HAYES – There is access to the back.

Bob Potheau – I believe it will create a greater danger. How wide?

Mark Louro – 24 feet.

Rick Merrikin – How about if we widen the other one?

Mark Louro – That would make it worse.

Bob Potheau – Can we go more than 24 feet just to make it safer?

MR. HAYES – That would result in one 2-way entrance.

Mark Louro - Would there be a way for employees to park in back. 6000 sq. feet needs 12 spaces which you have plus employee parking in the back.

MR. HOOPER – From another perspective, from this one ownership, there are 3 curb cuts. We are now seeing most single ownership lots with just one curb cut.

Bob Potheau – We have over 500 feet of frontage

Mark Louro – That would alleviate a lot of traffic circulation concerns.

Rick Merrikin – We can make the wall look much better.

Bob Potheau – We will see the Design Review Committee tomorrow night.

Rick Merrikin – Over on the other end (of the site), I moved the building to make some more space for ins and outs. It will have a regular 24-foot width.

MR. HOOPER – While we are on the subject of curb cut movement, is there a more opportune location for the curb cut on the east? Could you move it further east?

Rick Merrikin – There is a 30-foot opening.

Mark Louro – You have an 18 foot area at the southeast corner of the site.

MR. HOOPER - Would you consider moving the curb cut more easterly?

Malcom ?????– There are 4 light posts out there.

Mark Louro – You might be able to fit the curb cut between the 2 light posts.

Bob Potheau – The problem is also where the town sign is. People wouldn't see where the curb cut is.

Mark Louro – You could cut back the display area. I would like to see some turning radius info. I think you actually have less room than you are showing because of the slope there.

Rick Merrikin – I will take a look at that.

Mark Louro – Is it worthwhile considering removing that building?

Bob Potheau – It is all poured concrete with just some wood that is stapled on it. I am just one guy.

Rick Merrikin – We are going to do a new roof.

Bob Potheau – I would like to point out, if you make it difficult to turn in, that is not good business practice. You want to do it right to make it work for customers.

Mark Louro – You live in the house. Where do you park?

]Bob Potheau – Around back.

Bob Potheau and Rick Merrikin – We will make it look pretty.

Mark Louro – Try to make it work from a traffic circulation perspective.

MR. HOOPER – We can work on this again on September 28th. We can plan to close the hearing and then vote at first meeting in October. But the actual revised plans need to be submitted to Mark Louro by 9-14-04.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to extend the deadline for Planning Board recommendation to October 30, 2004. The motion passed unanimously.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to continue the public hearing to September 28, 2004 at 7:35 p.m. The motion passed unanimously.

Public Hearing – Evergreen Meadow Scenic Road Work Permit

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to waiver reading the public hearing notice. The motion passed unanimously.

Rob Truax, GLM Engineering and Taniel Bedrosian, present.

NOTE – Tree Warden Ron Dolloff joins the meeting.

NOTE – A corrected memo from Susy was distributed. The calculations for tree replacement were checked and revised. Also, a note from DPS Director Dave D’Amico was handed out. Matt Hayes read the memo from Dave D’Amico with the suggestion to move/relocate the stone wall out of right of way to the property line. A copy is attached and made a part of these minutes.

Rob Truax– The right of way is a county layout that is 60 feet wide. I assume there was a taking sometime in the past. The stone wall is well into the right of way. The Lovering Street pavement is not located in the middle of the right of way. The edge of pavement to the stone wall is about 18 feet

MR. HOOPER – Is that sufficient or should the wall be the property line indicator?

Ron Dolloff – The town owns behind the stone wall. If the stone wall was moved over to your own property, you could lose the rounded walls at the street entrance. I would hate to see you put in a nice stone wall now just to have to remove it later when the road is widened.

Rob Truax – They could decide they want to just widen it or actually center it.

Mark Louro – It would effect a lot of vegetation.

Rob Truax – Dave D’Amico is saying to bring the wall to the property line. That would lose a lot of trees in the process.

MS. SPILLER-WALSH – Is he anticipating that the road be widened?

MR. HOOPER – We don’t need to resolve this all tonight. I want to talk to Dave about this.

MS. SPILLER-WALSH – Let’s just leave the stone wall where it is and deal with it when/if this (road widening) ever happens.

MR. HOOPER – I would suggest you eliminate the radius on the stone walls. I would prefer to just end them and have them stop on straight line. Ask Dave Hoag. This is how most of the stone walls on Medway scenic roads go. Lose the rounded corner. It is very difficult to continue what has been in place for one hundred years in a rounded fashion. Rubble is brought in and it just doesn’t match up.

Ron Dolloff – A lot of the farmers took the stones out of the fields and put them on the property line. If you go up there on Lovering Street, there is a big curve there where school buses have to stop. Eventually, there will be an accident there and eventually the town will be responsible for straightening out the road and the stone wall will have to be taken out. Lovering Street is very heavily traveled. Let’s deal with it now and not have the town have to putt the stone wall back to the property line.

MR. HOOPER – We are going to need to talk to Dave some more about this before we come to a decision on this. Any other thoughts on the stone wall.

MS. SPILLER-WALSH – You should run it by Design Review Committee to see how they feel about how stone walls should look.

MR. HOOPER – Regarding tree loss, we have designed a formula to encourage the preservation of existing large caliper trees.

Rob Truax – I noticed that. We were a little surprised by those numbers.

MR. HOOPER – This is a formula that was developed to help keep the rural quality intact. This area where the 34 inch oak tree is located has ended up being the spot to locate the road. The board should consider all the shiftings and benefits to the town for the placement of the roadway where it is now and the resulting consequence to the oak and maple trees that are there. This is one particular spot where two key trees will have to be removed.

Rob Truax – If I were to move the roadway easterly to save the trees, lot 1 would get closer to the wetlands. Also, there are some neighbors here tonight that are going to tell you they have some concerns about the street location being right across from their driveway. If we are going to do some plantings as a replacement for the trees, maybe we could do something for the neighbors and plant on their property to serve as a screen for headlights. That is if they wanted it. We could add shrubs for them instead of trees or a payment. I understand this is the first time you have used the tree replacement formula.

MS. SPILLER-WALSH – I need to make a field trip and see where the stone wall could be moved to.

Rob Truax – The other suggestion in the memo is to add some stone wall further to the east to continue the walls and fill in.

Susan Affleck-Childs – The board would want the “new” stone wall to be old looking, not finished or formal.

MR. HOOPER – I would like to open this to the public for comments.

Teresa Wroten, 140 Lovering Street - We live across the street.

Christopher Wroten, 140 Lovering Street - The stone wall that is across the street from us is very difficult to see because of all the brush in front of it. To the left of our driveway, it is more prominent but it looks rustic and old.

Teresa Wroten – That is part of what we like. Not to be unreasonable here, we were very surprised when we got a notice about this public hearing and found there is only to be one opening for this subdivision rather than two that had first been discussed. This is the location that Boston Edison uses once every 8 years or so to get to the land in back. They damage our retaining wall every time they drive out. There is a ditch in front of our lot. The idea of moving the stone wall back to the property line and having a wider opening is more comfortable. And if the stone wall is pushed back, then the town wouldn't have to fill in the ditch in the future. I am

concerned with vehicles coming in and out and doing damage to our stone wall. I am less concerned about the headlights. I like the idea to push the stone wall back. I like Dave D'Amico's idea.

MS. SPILLER-WALSH – You understand that if the stone wall is moved back, it will look very different?

Rob Truax – I think there is a misunderstanding here. When we build the road, it will be 26 feet wide and it will have 40-foot radius. We will take the stone wall out about 50 feet for the road opening. The issue of getting in and out of the site will be taken care of. The question of what do we do with the stone wall is where do we put it?

Mark Louro – Even if the stone wall just stops and is not rounded, it will still be a very wide new road (to the subdivision).

MR. HOOPER – Any truck coming out (of the subdivision) will still have to go into the other lane of traffic to turn. But it will keep them away from your wall.

Christopher Wroten – The opening to the development is proposed right in front of our wall. When we have guests, they park in front of the stone wall in a 6 foot area of gravel. When cars are parked there, I am concerned that there might be accidents with cars coming out of Evergreen Meadow. How do we address this?

MR. HOOPER – That would be considered on street parking. It might not be an “oh well” to DPS.

Mark Louro – They will be putting in a 40-foot radius which can accommodate very large vehicles. A turning vehicle (truck) will definitely go into the second lane but I don't think you will have a problem with passenger vehicles.

MR. HOOPER – Comments from the board re: the trees. Any thoughts?

Taniel Bedrodian – We are planning to do a substantial amount of plantings at the back of the lots to buffer the trailways. I hope the board will consider that effort when you calculate the number of trees.

MR. HOOPER – Is this absolutely the spot where the road has to be?

Rob Truax – It just won't work either way.

Mark Louro – What about the 12 inch maple?

Rob Truax – That one could probably stay. We aren't digging anything deep – no water or sewer. There will be minimal impact on the tree. You could ask us to keep that.

MR. HOOPER – With respect to your comment about the buffering plan. These are two distinctly different issues. That work is independent of this discussion. This is all about trying to find a better place to cut through this subdivision. I don't want to see that intermixed with the open space matter.

MS. SPILLER-WALSH – The truth is sadly that when you have a scenic road, you can cut and plant but you can never replace the scenic value of mature trees. When they go they are gone.

Ron Dolloff – Some of those big oak trees in that area are starting to die. They only live so long. Everything has a lifetime to it. There are a lot of trees on Lovering and Partridge Streets that are going to have to come down. I would rather see a big oak tree taken out and have them put a nice row of trees inside the stone wall on his land. I don't care what they are as it will be on private property.

MR. HOOPER – Have you assessed the health of these two trees?

Ron Dolloff – The maple is part of a clump of 3. The oak is still alive but for how long I don't know. When they are dead, they are dangerous. I know you feel badly if you take one down but if you plant two, you are going to offset it.

Rob Truax – I don't think we have a problem with planting trees. We are already planting a lot for the buffer area to the trail. If you put in some requirements about planting replacement trees, maybe we could put some in along the property lines between the lots.

Christopher Wroten – The 34 inch oak is actually one of the more unattractive trees I have seen.

MR. HOOPER – We are going to need to continue this.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to continue the Evergreen Meadow Scenic Road Public Hearing to September 14 at 8 pm to be held in conjunction with the Evergreen Meadow OSRD subdivision public hearing. The motion passed unanimously.

Public Hearing Continuation – CVS Pharmacy Site Plan

Present - Karen Johnson of Charter Realty and Brad Mezquita of Appledore Engineering

NOTE – Matt Hayes recuse. Mark Louro sits out. Dale Harris of Gale Associates joins in the discussion.

Susan Affleck-Childs – We have a note from Gale Associates re: the traffic memorandum and a note from Gary Jacob of the Design Review Committee.

Karen Johnson – I have a response to Gino's comments and the recent comments from Gale and then a supplemental memo from MDM re: Gale's traffic review comments. Do you have any questions about Gale's letter or Gino's letter. We have 2 more requests for waivers. One was pointed out in Gino's letter – item #2 which discusses pavement setback of 15 feet. In one location we are proposing 9 feet. It is needed for truck movements. The other request for a waiver is one that we had not initially included. It is in regard to the reference on employee parking (item w on the Gale letter). We did not address any specific employee parking areas within the rest of Medway Commons. There are differences in the site plan rules and regs from our first time around and now. I don't think we really need to designate specific employee parking areas. We would rather have our property manager deal with this. The third item was

related to the light fixture height. The light fixtures out there exceed 20 feet in height and so we may have consistent light pole heights throughout the center, we request that we be able to maintain the higher height at CVS. Most of the other comments relate to Gale not being part of the earlier reviews. This is not a public way that the access to CVS is from. Re the drainage questions, there is an amendment to the drainage study that specifies no impact. We are providing two letters from Brad Mezquita as a PE stating that the drainage was constructed as designed. We thought that would be easier. There are a couple of other items. We will make some adjustments to the plan. We want to meet with you tonight to see if you are OK with the requested waivers. If so, we will revise the plans to include the complete waiver list and plan notations and get you a new set.

MR. HOOPER – Dale, do you want to highlight anything from your letter that based on Karen's comments you think we should consider?

Dale Harris – This is the first time I have seen their response letter. I think a lot of my comments were administrative in nature – engineer stamps, signature blocks; getting a landscape architect to sign off on the plans. It looks like we just need to get the info. Also, there were a couple of typos on the drainage sheets.

MR. HOOPER – I had a couple of comments

MS. SPILLER-WALSH – I have a concern. What happened to the culvert situation?

Karen Johnson – We have a meeting with CONCOM on Thursday. I don't see any reason they are not inclined to go with what we are asking.

MR. HOOPER – The with long island, we are looking to add in a landscaped area in the middle 4 parking spaces as long as the CONCOM is OK with parking up near the wetlands. We want to try to achieve both the green space and the sidewalk.

Karen Johnson – I spoke with Gary yesterday. They will do a possible extra DRC meeting on September 8th if CONCOM is OK with the parking.

MR. HOOPER – \How does the rest of the board feel about the sidewalk and the island?

MR. ALEXANDER – I am in favor.

MR. HAYES – Yes

MS. SPILLER-WALSH – Yes

Karen Johnson – I CONCOM is OK, then how do you want us to break it up? 2 on each side and one at the end of the crosswalk?

MR. ALEXANDER – I thought we had some discussion that the spaces at the east end could be reduced to 9 feet wide and then they wouldn't have to lose a parking space.

Karen Johnson – That would need a waiver.

MR. HOOPER – I think we can do that. That will give you some more room for landscaping somewhere else even.

MR. HOOPER – Any other concerns or comments? Gino?

Gino Carlucci – The only other thing is on the width of the westerly opening. Is there any way to create an island there?

Karen Johnson – The problem is the size of the CVS trucks. They use a WB62. That is the largest size tractor trailer around. It is a constant challenge for CVS designers to get that large a truck around the building.

MR. HOOPER – Could you please demonstrate how a truck would turn internally?

Dale Harris – There is also the fire access question.

MR. HOOPER – Something that struck me is the very low volume use of the drive thru pick up window. Why does CVS feel the need for a double lane drive thru? Is that purely based on the marketing research? Is that worth it to CVS or is there some compromise possible there where we could narrow things up?

Karen Johnson – We started that discussion with them. It is a non starter. We had it early on. We tried to push them on this issue. For competitive reasons with Walgreens right across the street, it is a non-negotiable issue with them.

Gino Carlucci – The further one out is for drop off only.

Brad Mezquita – One lane is a drop off and one is a pick up.

Gino Carlucci – I believe there is a law that a pick up has to be handled personally.

MR. HOOPER – The outer lane is for the drop off only.

Karen Johnson – When these businesses do become more competitive, they become more customer oriented.

MR. HOOPER – Anything else here?

MR. HOOPER – I have another comment. Up at the secondary access way at Holliston Street, I don't know if you have heard from Kathryn Taylor, but there is a serious light spill issue on her property. It is significant. It is unbelievable how bright the light shines there. It may have something to do with the grading but something needs to be done.

Karen Johnson – We will have Cooper Lighting take a look at it. At another location, we have seen lights installed without the shields in place. Some of it just has to do with the fact that there is a light source there and your eye is drawn to it. We will look at the spill and the bulb specs and we will look at the night lighting and maybe we can adjust that.

MR. HOOPER – I noticed it without comment from the property owner, but she did ask me to look at this at our last meeting.

Karen Johnson - We will address this. I don't even know how we would buffer that because of grade change.

Brad Mezquita – We will take a look at it on the way out tonight.

MR. HOOPER – So, how is the center is it working for you guys?

Karen Johnson – We are fully tenanted. STAR Market has continuously improved in sales.

MS. SPILLER-WALSH – The store itself has improved.

MR. HOOPER – The employees are customer friendly.

MS. SPILLER-WALSH – Who are the tenants in the front building?

Karen Johnson – Starbucks, Nextel, Cingular, and Sarne Cleaners.

MR. HOOPER - I would really like to emphasize the landscaping importance of this site.

MS. SPILLER-WALSH – It is very good.

Brad Mezquita – I have CONCOM. Based on that, I can ship out Friday night so you can have revised plans on September 7.

Dale Harris – That should be fine.

MR. HOOPER – Have we received comments from the fire and police departments?

Susan Affleck-Childs – No.

MR. HOOPER – I would like you to follow-up with the fire and police department please.

Dale Harris – I would want to see any letters from the fire department.

Karen Johnson – The issue is that what we have here is a modification. All of their concerns were addressed in the first plan.

MR. HOOPER – So a letter should be forthcoming fairly easily.

Karen Johnson – Typically if they have no issue it is hard to get comments from them.

MR. HOOPER – I will call Chief Vinton.

A motion was made by Eric Alexander and seconded by Karyl Spiller-Walsh to extend the deadline for the Planning Board's recommendation to the Board of Selectmen to September 30, 2004. The motion passed. Matt Hayes recuse.

A motion was made by Eric Alexander and seconded by Karyl Spiller-Walsh to continue the CVS site plan public hearing to September 14 at 9:30 pm. The motion passed. Matt Hayes recuse.

Grapevine Estates Definitive Subdivision Plan – Plan Endorsement

Mark Louro – We made one last minor fix to the original MYLAR on the paving depths. Tony agreed to it and I wrote it in.

Susan Affleck-Childs – You are OK to sign the covenant and endorse the plans. All documents are in.

NOTE – Attorney Paul Kenney was in attendance to notarize signatures on the Covenant.

NOTE – The Board signed the plans.

ANR Plan – 383 Village Street

Paul Yorkis – Todd Allen owns this parcel. The original idea had been to divide the parcel into two lots with an ANR plan. There were problems with the neighbors. Todd filed a 40B application instead and the neighbors were very unhappy. The neighbors contacted Todd to go back to a 2-lot approach which they could support, but one abutter on the Metcalf side has now reneged. So Todd is going to look at the Mayflower side to get the land he needs to make the parcel into two buildable lots. So he may be coming in with another ANR plan in the near future.

Gino Carlucci – I have a couple of comments. Metcalf Lane is a private way. Does Todd have rights to use Metcalf Lane?

Paul Yorkis – He wouldn't be using Metcalf as frontage.

Gino Carlucci – It may be a problem to use Metcalf to meet the frontage requirements. Even if his access is from Village Street, there isn't enough frontage on Metcalf.

Paul Yorkis – It is our understanding that if the property borders Metcalf, he has frontage even if he may not be able to use it as access.

Gino Carlucci – As I would interpret it, if you don't have the right to use the frontage, then it doesn't count as frontage and you can't use it for ANR purposes.

Mark Louro – Todd does not have rights to "use" Metcalf.

Paul Yorkis – I have been told that it will count.

Susan Affleck-Childs – Hypothetically, the owners of the private way could allow Todd to "use" the private way.

MS. SPILLER-WALSH – One other thing, there are utility easements on Metcalf. Does that negate the "frontage"?

Mark Louro – As long as a driveway could be built over, it would be OK.

Paul Yorkis – In theory, one of the owners in Metcalf, could, thru an easement agreement, grant easement rights. It just takes one of the multiple owners to grant an easement. The whole idea is to pursue just two houses. The neighbors, with one exception, would like to see a 2 lot plan approved. The neighbors will have to be present and sign the ANR

MR. HAYES – So this (40B project application) is on hold at the ZBA until the ANR is resolved.

Ishmael Coffee Estates Subdivision Plan Modification – Plan Endorsement

NOTE – Paul Yorkis presented the certificate of no appeal from the Town Clerk and a letter from the bank agreeing to the modification. The Board endorsed the original of the plans and 3 sets. Paul will arrange to make 11 copies for the Planning Board to distribute.

A motion was made by MR. HAYES Hayes and seconded by MS. SPILLER-WALSH Spiller-Walsh to go into executive session for purposes of discussing pending litigation.

ROLL CALL

Dan Hooper – Yes

Karyl Spiller-Walsh – Yes

Matt Hayes – Yes

Eric Alexander – Yes

The motion passed unanimously.

The board moved to executive session at 11:04 pm.

The board reconvened from executive session at 12:10 am on Wednesday, September 1, 2004.

NOTE – Susy distributed the recently submitted Wickett Way definitive subdivision plan. The board will determine next week whether it is a complete application or not.

A motion was made by Matt Hayes and seconded by Eric Alexander to adjourn. The motion passed unanimously.

The meeting was adjourned at 12:11 am on Wednesday, September 1, 2004.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-05

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

SPECIAL PLANNING BOARD MEETING Tuesday, September 7, 2004

PRESENT: Dan Hooper, Alan DeToma, Eric Alexander, Karyl Spiller-Walsh, and Matthew Hayes

ALSO PRESENT – Susy Affleck-Childs, Planning Board Assistant, and Gino Carlucci, PGC Associates.

The meeting called to order at 7:35 pm.

Citizens Comments – None

Lot Release – Lot 16 Liberty Estates

Kevin McLean – I am a real estate closing attorney out of Dedham, MA handling the sale of 15 Liberty. There is a Planning Board covenant for Liberty Estates but it does not look like there was ever a lot release recorded for this property.

Susan Affleck-Childs – This street has been accepted.

MR. HOOPER – Liberty is off of Clark and Jasmine, behind China Lotus. You may want to check on whether it is Liberty Drive or Liberty Road

NOTE – The Board signed the lot release. Kevin McLean notarized the signatures.

ANR Plan – 18 Oakland Street

John Rojee – This is to be recorded at the same time as the subdivision plan. The bank needed to see it.

Susan Affleck-Childs – Paul DeSimone Kenney told them that they needed to do this. It shows all the various land transfers among the parties. – Anthony, Rojee, Leland Custom Homes.

A motion was made by Karyl Spiller-Walsh and seconded by Alan DeToma to approve the ANR Plan of Land for Oakland Street prepared for Leland Custom Homes by Land Planning Inc, dated August 24, 2004. The motion passed unanimously.

NOTE – the Board signed the Mylar and Alan DeToma signed the copies, acting as Clerk.

Wickett Way Definitive Subdivision Plan – Discussion re: Plan Submittal

Henry Wickett and Paul DeSimone present.

Paul DeSimone – Henry bought 13 Ohlson Circle. He also owns a whole bunch of land behind. This may or may not be one of his entrances to that land.

Gino Carlucci – The existing lot has adequate legal frontage on Ohlson Circle. Cutting out the lot makes it not have enough frontage on Ohlson Circle and that makes for a problem.

Paul DeSimone – Every road you design or approve is a private road, whether or not it is constructed. The frontage is approved whenever you create the road. They are always private until they are accepted to the town. Why build a road and maintain it for no reason?

Gino Carlucci – It is not to be constructed. My position is if it is not constructed, it does not have frontage. A subdivision is defined in the Subdivision Control Law as a division of land into two or more lots. This is only one lot and that lot may be questionable because of its frontage. It can't be an ANR either.

Paul DeSimone – It is a division of land into a lot and a parcel.

Gino Carlucci – A lot, by definition, is an area of land where a building will be built.

Paul DeSimone – We can design the road and go thru the motions but he doesn't really want to do that. Our goal is to have the whole thing ready to go. You should seek legal counsel on this matter. It is definitely not an ANR because it is creating a road. If you approve a 10 lot subdivision and the guy doesn't ever build the roads, there is still legal frontage. To get to that lot, you have to improve the way in a manner that you would be satisfied with. This would create the way.

MR. HOOPER – The question is whether or not you can create this. I am not so sure that I am in concert with Gino's comment #1 but the fact that is that you are dividing a parcel to create something that is not a buildable lot.

Paul DeSimone – The lot with the house on it will be a legal lot.

Alan DeToma read the letter from Mark Louro dated 9-1-04. It is attached and made a part of these minutes.

NOTE – Matt Hayes arrived at 8:00 pm.

MR. HOOPER – To the concern raised by VHB re: the setbacks. It is 35 feet. It is not shown but that is what it is.

Paul DeSimone – The house has access on Ohlson Circle. This strip of land (being split off) does not conflict with access. I believe the existing lot shape factor does not conform to the

zoning bylaw. This new lot configuration will conform to the current lot shape factor rule. What we are trying to do is to create this road and then we would come back in the future to build it.

MR. HOOPER – The lot would probably conform. Why wouldn't you propose this road as part of your overall plan?

Paul DeSimone – If you tell us to design the road now, it would be piecemeal. We have many avenues and accesses but we are not sure if we will use this. He wants to sell the house and keep the right to use the road in the future.

Gino Carlucci – What if he decides to not ever build the road?

MR. HOOPER – My understanding is that paper roads approved by a planning board do create frontage. We need a land use attorney to take a look at this.

MR. ALEXANDER – Mark is telling us that yes, let's just agree that the paper road creates the frontage. But it creates a problem. Mark is saying it creates a nonconformity with the setback.

Paul DeSimone – It is compliant.

MR. ALEXANDER - I want to make sure about the other issues.

MR. HAYES – The setback is close to 40 feet.

MR. HOOPER – One of Mark's bullet points is the layout.

Paul DeSimone – We have to conform to the 40' radius for the pavement. But it doesn't need to conform for the roadway layout. We have the same situation at Broad Acres Farm Road.

MR. HAYES – How do you put in a sidewalk?

MR. HOOPER – We don't know what you are going to be doing back there. How can we approve something that we don't know what it is servicing?

Paul DeSimone – If we go with the rules and regs, we aren't ready for the back part yet.

MR. DETOMA – I come back to the 4th point of Mark's letter. Mark feels the lot will become nonconforming by this action. We can't render an opinion on this without that knowledge.

MS. SPILLER-WALSH - As planning entity, it is important for us to understand the entire intent of what this is all going to be and the possibility is that this could be a huge development emptying out onto a very small street. This is a catch 22.

Paul DeSimone – We are not ready to build the road yet. When we come back, we will have to follow your rules and regs.

MR. ALEXANDER – But we will have already approved it as a road.

Paul DeSimone – The legal lot itself is separate from the road construction.

MS. SPILLER-WALSH - The road cannot be designed and approved without a full understanding of what the whole project is going to be.

MR. HOOPER – What eventually will it serve? How can we best approve something if we don't know what it entails?

Paul DeSimone – We can show you the entire piece of land. We can show you a way in and off of Fairway, and a way in and off of Winthrop Street. This would be a third way.

Henry Wickett – The sewer line would need to come in through here.

MS. SPILLER-WALSH – It may just be used as an easement.

Paul DeSimone - We have so many different avenues. We just want to get rid of the house and keep the strip.

MS. SPILLER-WALSH – What is going on in the back there? We have heard from neighbors that you have machines out there.

Paul DeSimone – A brand new septic system has gone in there.

MR. DETOMA – Based on two opinions of Gino Carlucci and Mark Louro, I am in no position to question their advice.

MS. SPILLER-WALSH – I think we need some legal help.

Paul DeSimone – We can take this back and design the road.

MS. SPILLER-WALSH – When you come back with the whole thing, then I will look at it.

Paul DeSimone – Henry just wants to sell the house.

Henry Wickett – We will need access to the 100 acres and if we build a road to it, we will have to come back to you.

Paul DeSimone – We have the sewer designed and approved for 225 units through the state. The sewer will come in this way for sure. Whether we will use it as a means of egress, we don't know.

Gino Carlucci – Why couldn't you sell the house with easements for future road use/access and sewer so you will have it if you do need it for road access in the future.

Paul DeSimone – We don't want to deal with the people who will buy this house.

MR. HOOPER – What is the timetable on this?

Susan Affleck-Childs – We have 60 days from date of application to schedule a public hearing.

MS. SPILLER-WALSH – I would like to get some opinion from a land use attorney on this.

MR. HOOPER – The lot at 11 Ohlson Circle, what is its depth?

Paul DeSimone – 510 feet deep.

MR. HOOPER – We are going to have to take this back in and ask some questions. These are our experts and they have given us plenty to chew on.

Paul DeSimone – Just keep in mind that every subdivision that is approved is a private road until it is accepted. I disagree with the wording in these letters. They are saying that what you have in front of you cannot be done.

Henry Wickett – You ask why can't we just keep the house and build the road? We wouldn't be able to sell the house.

MR. HOOPER – It may be a matter of semantics here. I am not particularly comfortable with the way it is offered here because it doesn't lend us any information for how the road is to be used for the back lot.

MS. SPILLER-WALSH – I think you are doing this backwards. The purpose of this for Mr. Wickett is to unload the house.

Paul DeSimone – If we can get access to this land, the more locations we have for access, the better this will be overall.

Susy Affleck-Childs – You will need to decide what additional help we need to get to deal with this.

Paul DeSimone – We can bring the entire piece to you.

MR. HOOPER – If you can bring it all in, we would like this.

Paul DeSimone – If we go with a 40B or an over 55 community, we are outside the subdivision control law.

MR. HOOPER – If there is a 40B, you may not be able to pursue this as you wish. With an over 55, you need to deal with us.

Paul DeSimone – Henry is trying to eliminate having just a few access points.

EXECUTIVE SESSION

A motion was made by Matthew Hayes and seconded by Alan DeToma to go into executive session for purposes of discussing pending litigation.

ROLL CALL VOTE

Dan Hooper – Yes

Matthew Hayes – Yes

Alan DeToma – Yes

Karyl Spiller-Walsh – Yes

Eric Alexander – Yes

The motion was approved.

The Board went into executive session at 8:30 pm.

The Board reconvened from executive session at 9:21 pm

OTHER BUSINESS

MR. HOOPER – The Board of Selectmen will soon be considering whether to acquire 2B Oak Street by eminent domain. This is an important project that was approved by town meeting and is supported by the Community Preservation Committee. I want to do a letter of support from the PB to the BOS on this.

NOTE – Board concurred.

MR. DETOMA – I don't want to see development projects at our administrative meetings.

PGC Estimate – New Open Space Residential Bylaw

Gino Carlucci – I will use the MAPC model bylaw to start with.

MR. HOOPER – Hopkinton's approach is that they are almost all OSRDs now.

Gino Carlucci – Some towns make an OSRD by right. With the MAPC model, one of the best features is to identify the best natural site features and to protect them by designing around them. MR. HOOPER – I feel like this is what we missed with Evergreen Meadow. The concept is what may be the most appropriate land areas to be improved for development. In the MAPC model, how do they determine the conventional subdivision scenario?

MS. SPILLER-WALSH – Let me interject here. They jammed more in (at Evergreen) because they didn't actually do the 100 foot setbacks.

MR. HOOPER – But they proved before they could do it with 2 roadways in a conventional approach. That brings me to my question. How do you really find the lot count number? Isn't that really what it all comes down to? I am wrestling with how to compare.

Gino Carlucci – Usually it is two ways. You require a conventional plan. But the MAPC model provides a formula that can be tweaked based on total acreage and zoning. I think it involves how much open space you are proposing as well. You can use the formula as an alternative to bringing forth a conventional plan.

MS. SPILLER-WALSH – They find out the real number when they over demand on the number of lots.

MR. HOOPER – Where I struggle with all of these things, like with the ARCPUD number of units per parcel, until you see a plan all the way thru to the final process you really don't know the true final number of lots. I would rather have a formula that has some other flexibility. I would rather have the wetlands determination be perfectly and comprehensively completed before they can even proceed.

MS. SPILLER-WALSH – There needs to be a ratio including detention ponds that they become wetlands by their creation.

A motion was made by Alan DeToma and seconded by Matthew Hayes to authorize \$1120 for Gino Carlucci to work on a revised Open Space subdivision bylaw. The motion passed unanimously.

PGC Estimate for 133 Main Street Site Plan

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the \$350 fee estimate for PGC's plan review services for the 133 Main Street/Visions Tattoo site plan project. The motion passed unanimously.

Development/Permitting Guide

MR. HOOPER – We have an estimate of \$1610 for PGC to prepare a Development Guidebook.

MR. HAYES – What does this look like?

Gino Carlucci – I did one for Sherborn. Here is one that Susy has from Westborough but that it more involved than what I was thinking. I will get you a copy of Sherborn's.

MR. HOOPER – The Westborough ones looks very long. I envision a flow chart. That is the most important page.

MR. HAYES – I would like to see a flow chart also.

MR. HOOPER – It needs to have an overall description of each board as well and a list of permits that each gives.

Susan Affleck-Childs – What audience do you want to focus on?

Gino Carlucci – The way I did it in Sherborn, it could apply to a homeowner too as well as a business.

MR. HOOPER – I like the distinction between audiences. I am a business person - what do I need to get open? Maybe a separate flow chart for residential developers and commercial developers.

Gino Carlucci – I can email the one I did for Sherborn. I did separate flow charts for residential.

Susan Affleck-Childs – We should reach out to the Medway Business Council for ideas and input.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to authorize \$1610 for PGC Associates to prepare a development guidebook. The motion passed unanimously.

Plan Review Fee Estimate for The Haven Definitive Subdivision Plan

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to approve the estimate of \$385 by PGC Associates for plan review services for The Haven Definitive Subdivision Plan. The motion passed unanimously.

A motion was made by Eric Alexander and seconded by Alan DeToma to approve the estimate of \$3803 for VHB, Inc. for plan review services for The Haven Definitive Subdivision Plan. The motion passed. Matt Hayes recuse.

Discussion – Establishment of an Affordable Housing Study Group

MR. HOOPER – Susy and I have been talking and we want to recommend establishing an affordable housing study group to look at things the Planning Board can do through zoning and rules and regs to encourage affordable housing. The goal is not only meet or exceed the state 10% requirement but to make a good faith effort to satisfy the needs of a healthy community by having an affordable housing inventory. I would like to add in something in the mission statement for this group referring to the master plan.

MR. ALEXANDER – There are some very basic steps the town could take to put it on a better footing.

MR. HOOPER – The Town Administrator has told the CPC that the Town is not and should not be in the business of owning land and being a developer.

MR. ALEXANDER – I agree with that but there is much the town can do.

MR. HOOPER – That philosophy has short changed the town.

MR. ALEXANDER – I don't think the town should be an affordable housing developer but this committee could look at creating another group to facilitate development.

MR. HOOPER – Franklin is doing "payment in lieu of" for affordable housing with their ARCPUD bylaw.

MS. SPILLER-WALSH – The problem is that people consider it as a cancer because it can reduce home value. How do you develop its look and placement to suggest that low income and affordable housing can be done well? People consider it now as "not next to me."

MR. HOOPER – There is a perceptual roadblock as well. If you make them neat looking and attractive, then people over react that they are too nice.

Gino Carlucci – The flip side is that there are restrictions on resale and appreciation that limit what a homeowner can do. Those things are not transparent.

MR. HOOPER – We need to explore the rental element as well.

A motion was made by Alan DeToma and seconded by Matthew Hayes to establish an Affordable Housing Study Group. The motion passed unanimously.

Susan Affleck-Childs – I really look to Eric as being the lead person on this.

MR. ALEXANDER – And I accept. You make the case for affordable housing by telling people how this will bring in money for other development.

MR. DETOMA – By doing something, you have some more control about what happens and how it happens.

MR. ALEXANDER – If you are not at the 10% threshold but you increase by .5% for a year, you can block other 40B applications by showing what you are actively doing.

MR. HOOPER – We need to make a good faith effort to do this.

Master Plan Update Committee

MR. HOOPER – I talked to Jim Wieler about this to get his opinion on how to get this established. Jim feels like he wants to be a part of this. I told him to take whatever role he can absorb. Jim and Dave Kaeli need to get reenergized about this. I absolutely believe that a new questionnaire should go out but it can be done in a new way. Back in 1998, I saw this questionnaire in the mail and it got us talking. There was a 67% return on the survey. That level of return is way off the scale. To me the town is saying to keep asking us. That is an invaluable resource. Tell us what you want. I think it would be a great thing. Tabulating this could be done on an easier way without Jim and Dave having to spend thousands of hours. That is what I am trying to sell Jim on.

Gino Carlucci – Just on the housing & economic development sections I prepared for the EO 418 report, it reviewed the previous goals and objectives of the master plan, it had suggestions for new goals and activities. We also covered open space and recreation as well.

MR. HOOPER – I will follow up with Jim.

Susan Affleck-Childs - This is absolutely the Planning Board's job to initiate and provide leadership on this. When it was last done, it came to town meeting to get something going because the Planning Board was so busy with projects.

Revisions to Subdivision Rules and Regs

MR. HOOPER - This is our monster. What I want to do is really come up with a priority list so we can just knock off 2-4 topics for each of our administrative meetings. So tonight, this is more of a bit of a brainstorm on your priorities of what the top 10 list should be and the sequence.

MR. DETOMA – You are looking for the top 10 elements that need more work?

MR. HOOPER - We need to have a date certain that we finish and if we cannot complete it by that time, we should ask Gino Carlucci to be our mediator. We know that we are in trouble with the existing rules and regs. There are some problem areas. It is my goal to have it completed by the first meeting in January. If we can't do that, then by March 1 with Gino's assistance to get a document that the board can agree to.

MR. HOOPER – We have a lengthy memo Susy put together listing out all the items still needing discussion. Even after my 4 and ½ years here, I still feel that I only really know about 10-15% of these regs. I would really encourage you to get into this.

MS. SPILLER-WALSH – In 6 months to a year, there will be new awareness of what we need to do. There will need to be other things we have to deal with and change then.

MR. HOOPER – We are not providing a very good impression to applicants right now. Right or wrong, we need to come up with definitives so we can project to applicants a certainty of what we want them to do. It may be that it may need another revision. But at least it gives them some semblance of structure so that we can then have a discourse.

MS. SPILLER-WALSH – It is true that our changing and evolving may project that we are weak but we are developing new plans with new ideas and looks and the town will look much better in the long run.

Susan Affleck-Childs – This draft is truly a major reorganization of the rules and regs.

MR. HOOPER – If we carry on with this after January, then I would hope you would allow Susy, Gino and me to finalize this. This undertaking will pertain to the first of the month meetings. I would like to decide on our top 10 tonight.

MR. ALEXANDER – Can I email my list to you after I have read in on the train tomorrow?

MR. HOOPER – How do you want to proceed? Please read thru this now and let's try to pick the ones that are most pressing for us to work on.

MR. DETOMA – How about a flowage easement definition?

MS. SPILLER-WALSH - Flowage easements should not be allowed as part of drainage design but you may want to allow them for other purposes.

NOTE – The Board went through the 9-5-04 memo and voted on the following items to continue to work on: 2, 6, 14, 18, 23, 32, 39, 41, 45, 46, 51, 55, 57, and 60.

MR. HOOPER – There are 14 items. We will bring these to the surface during the next 3 meetings. You can bring other items to the meeting. We will do 4 a meeting and just do it. Karyl, you should probably recuse yourself from this discussion. You maybe should even check with the state ethics commission on your involvement with this (considering you are an applicant before the Planning Board.)

Susan Affleck-Childs – You should review Gino's research memo on detention basins in other towns.

Estimate for Design of Landscape Island Prototype

MR. HOOPER – Mark has given us an estimate. I will want him to meet with the DRC to discuss ideas.

A motion was made by Eric Alexander and seconded by Alan DeToma to authorize \$850 for VHB to develop a landscape island prototype. The motion passed. Matt Hayes recuse.

Bond Releases

Susy Affleck-Childs – Treasurer Barbara Walls asked if the board could release two small bonds that are on the books for Village Acres and Oak Hills. Both are private ways but these are the accounts that were set up when the subdivisions were approved.

A motion was made by Matthew Hayes and seconded by Karyl Spiller-Walsh to release the bonds for Village Acres and Oak Hills subdivisions. The motion passed unanimously.

Adaptive Use Overlay District (AUOD) Rules and Regs

Gino Carlucci – I have received some comments from Matt on the draft I prepared. How do you want to proceed?

MR. HOOPER – I want everybody to review this and get comments to Gino Carlucci by Sept 30 so he can incorporate your comments into another draft to work on at the October 7 administrative meeting. Please copy Matt on your comments.

Susan Affleck-Childs – I will email the first draft to everybody.

MR. HOOPER – I want Matt as the point person on this for the board

Fall Special Town meeting – Possible Warrant Articles

MR. HOOPER – Susy has prepared a list of possible warrant articles.

1. Prohibit trash trucks in residential zones – General consensus was to pursue this through a general bylaw instead of a zoning bylaw. Susy needs to get the information from the Board of Health re: the regs they recently approved.
2. Define and prohibit contractor's yard in the AR zones (requested by Joe Dzeiczak) – It was agreed to have Gino draft this for the board's review.
3. Sign Bylaw – Susy will draft amendments to include standards for the new C-V zone at 126/109.
4. ARCPUD – Include affordable housing. It was decided to have the Affordable Housing Study group look at this.
5. Groundwater Protection Overlay – Add the westerly district? Susy will talk to Mark Flaherty to see if the Sewer/Water board wants to pursue this.
6. Increase percentage of uplands required for residential building lots. Will hold on this to discuss with revisions to subdivision rules and regs.
7. Require special permit for all drive-thru facilities. NO decision reached on this.

8. Tree Fund – Yes, pursue.

9. Sidewalk Fund – Yes, pursue.

10. Street Acceptance – Camelots have received sign off from AAB.

MR. HOOPER – Susy, please put C-I development plan for Main Street on the agenda for our October 5 administrative meeting.

A motion was made by Karyl Spiller-Walsh and seconded by Matthew Hayes to adjourn. The motion passed unanimously.

The meeting was adjourned at 12 midnight.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Approved 10-7-04

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

Planning Board Meeting Minutes Tuesday, September 14, 2004

PRESENT: Karyl Spiller-Walsh, Alan DeToma, Matthew Hayes, Eric Alexander, and Dan Hooper

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant; Gino Carlucci, PGC Associates; Mark Louro, VHB, Inc.

Matt Hayes called the meeting to order at 7:32 p.m.

Citizen Comments – None

Public Hearing – 133 Main Street Site Plan

Alan DeToma read the public hearing notice. It is attached and made a part of these minutes.

Applicants Michael Cannistraro and Angela Falazarno present.

MR. HOOPER – Please highlight anything in your application or anything that is different from when we visited with you before in an informal discussion.

Mike Cannistraro – Nothing new that has come up since the last time we talked.

Gino Carlucci – I wasn't here when you discussed this project but I did review the minutes and visit the site. Since waivers are requested on most of the site plan requirements, I did more of an overview. One comment was regarding the parking and whether there was enough. I did a "back of the envelope" analysis on the parking. I saw that at least part of the spaces are residentially occupied (for apartments at 131 Main Street.) They show 31 lined spaces on the plan but there are no lines on the ground out there. If it were commercial space in the C-II zoning district it

would need 29 spaces plus some for employees. Given that part of the space is residentially occupied, the parking is certainly in the ballpark. I wasn't sure if the proposal was to add the lines as shown on the plan or not to do anything at all. Right now, the front of the whole parking lot is wide open (to the street). It may be beneficial to delineate this better with a central entrance with islands.

MR. HOOPER – Did you get a sense of the setback of the first parking space to the paved way?

Gino Carlucci – The first parking spaces are pretty close. They are certainly less than 50 feet back, that is for sure. That is an existing condition but people tend to go further in before parking. Also, there is a dumpster on site. It would improve the aesthetics if it were screened. Also there is a street light on a utility pole and there are some lights on the building. The biggest problem I think is that there is a big drop from the parking lot to the building. There are steps down toward the front door but there is no real paved path from the bottom of the steps to the front door. Also, I don't see how a person could get from the handicapped parking spaces to the front door. But I did see the note from Bob Speroni. I would also make a general note that some additional landscaping would be helpful.

MR. HOOPER – Any comments from board members? We are looking at this as an existing condition. However, in my view, when an opportunity comes up, we should try to address some safety issues. Have you have taken a good look at this and have a fair sense of what might be reasonable to request for safety in terms of traffic flow and lighting?

MR. DETOMA – While this site was given a variance to allow this use, it is being used commercially and it is an opportunity to try to remedy some things that Gino Carlucci has pointed out. I am not clear as to whether you are doing inside work. That becomes Bob Speroni's purview on handicap accessibility. I can't imagine that any business, especially one with night hours couldn't benefit from some improvements.

MS. SPILLER-WALSH – Is the parking lot being repaved?

Mike Cannistraro – No.

Dick Steinhoff (owner of 133 Main Street) – I would like to note a couple of things. There are lights in the back of 131 Main, which do light up the back half of the parking lot.

MR. HOOPER – Would that be shown on any plan we have?

Dick Steinhoff – I don't know. They are replacing a light that was put in by Dr. Barry about 2 years ago to light up the whole back half.

MR. DETOMA – Is that light on a timer? Could they be coordinated with these folks?

Dick Steinhoff – They are already on a timer. The parking lot is fully lit up at night unless here is a bulb out. There is no intention to repave that parking lot now. We just patched the front 20-30 feet and 2 areas that had a dip in them. So there are no plans to redo that lot at this point. The 3rd thing I wanted to point out is when we went commercial in that building, the building inspector at that point in time determined that there was no way to make the building accessible without demolishing the building. You just couldn't get in, so what could you do?

MR. HOOPER – Specific to this operation, are there lines for the pavement (in the parking lot)?

Dick Steinhoff – We gave up on that several years ago. It just didn't work. People park wherever they want to anyways. There is ample parking. Is rarely full even on Thursdays, Dr. Barry's busy night. We tried parking lines but it just didn't work. We even put in spots for handicap but it just didn't work. 131 Main doesn't have handicapped access. It is just too old of a building. You would have to knock it all down. When we had it changed to commercial, one of the criteria was that we couldn't change the building.

MR. HOOPER – That doesn't address one of the lighting concerns I have specific to this building in front. Ideally, we would like to see a lamp near the parking area near the incline from the parking to the building. It looked a little dark at that end of the building.

Dick Steinhoff – There is a light under the front doorway and a light on the telephone post (street light) and there are lights on the side of the 131 Main Street building that light up the whole parking light. You could put something on the building to light up the steps. As far as the concept of having a rustic entrance, that is what we have there. We didn't have an asphalt path. We have slate in the ground that was done on purpose that way. Slate slabs put into the ground that way to give it a rustic look.

MR. HOOPER – My concern with lights off of the side of the building is if there are residences here, it can cast into neighbor's windows. It is better to have it directed. It may not need to be up at the parking lot but maybe something that cast light off the house. Does 131 Main Street have tenants?

Dick Steinhoff – There are two residential tenants at 131 Main Street. There is no residential space at 133 Main.

MS. SPILLER-WALSH – Where is the grass area?

Dick Steinhoff – The back of 133 is all grass. On the west side of 133 Main Street, there is 1 parking spot. And there is grass in front. There is a steep hill between the parking lot and the building and that is mulched and flowered. We try to give it a rustic ambiance rather than 2004 ambiance.

MS. SPILLER-WALSH – I think the delineation as to where you go in and how to go out is kind of confusing.

Dick Steinhoff – We are in the process of putting in a new sign. It has to be modified. We went to the DRC on an informal basis to get some ideas. We are going to take the same square footage and make it 4 x 6 vertical with a new concept. We are getting quotes in before we can decide. The sign is in front of the 131 Main Street building (Dr. Barry's office.) We can only have one main sign for both lots.

Mike Cannistraro – We will want to put up a projecting sign under the new sign regs with spotlights with maybe a wrought iron bracket.

MS. SPILLER-WALSH – The DRC would be able to help you fine-tune the sign.

MR. HOOPER – Let's go over Gino's comments one by one. Line the parking lot – Does anybody have any issue with this being lined or not. What would you like to see?

MR. HOOPER – I am concerned about the spaces close to route 109. With this business being close to the front of the lot, there may be more interest in the front parking spaces. We don't want there to be a problem. We are not saying you have to add parking but I want there to be a buffer from route 109 into the parking lot that cannot be parked on.

MR. HAYES – That would help to close up the main entrance.

MR. HOOPER – I would also want you to show arrows in and out. Maybe go in about 15-25 feet.

MS. SPILLER-WALSH – That whole mouth to the parking lot doesn't work.

MR. HOOPER – Gino, do you have any suggestions on distance?

Gino Carlucci – I would say 2 spaces, about 20 feet.

MR. HAYES – You wouldn't want to have parking right in front of the stairs down to the building.

MR. HOOPER – Do you know where the right of way is on route 109?

Dick Steinhoff – I don't know.

MR. HOOPER – Let's say the stairs are 5 feet from the property line. How many feet are the stairs from the paved way?

Dick Steinhoff – I would guess 10-12 feet.

MR. HOOPER – Is it the Boards wish to see what we just described, a buffer on the east and west?

MR. DETOMA – I also want to make sure that we are sensitive to ADA/AAB issues.

MS. SPILLER-WALSH – It seems that they are grandfathered.

Gino Carlucci – If it is not clear, you could also make a condition that all handicap requirements are met, that documentation is provided prior to approval by the BOS.

Dick Steinhoff – If the building cannot support somebody with a wheelchair getting thru the place, what are you trying to do?

MR. HOOPER – There is some question as to whether we have some responsibility on this. It may just be the Zoning Enforcement Officer's ruling. But it puts us in some discomfort.

MR. DETOMA – With all due respect to the past building inspector, I guess I would have a different opinion that it could be made accessible with a ramp and increased door width. That may not be our purview but I am being sensitive to what is a federal law if we cover the access to the building.

MR. HOOPER – The entire issue of handicap access is under the purview of the zoning officer. It would behoove you to get some documentation from the current zoning enforcement officer that they are exempt.

MR. DETOMA – I would hate for you to open up and get slammed with a complaint.

MR. HOOPER – We are a recommending body to the BOS. We are trying to forewarn you of some issues that might come up.

Mike Cannistraro – Some documentation would be good.

MS. SPILLER-WALSH – Just to cover yourself. My concern is the areas in the middle in front of the parking lot.

MR. HOOPER – At the mouth I would like to see something more distinguished and some sort of buffering between the road and the first parking space there. It would also channel the parking. And line the parking lot.

NOTE – Matt, Eric and Alan all agreed.

MR. HOOPER – Any comments re: the dumpster and how it is situated and not screened? Access? Is it OK as it is - out of site, out of mind?? It is a dumpster in a parking lot.

MR. DETOMA – Have you ever gotten any complaints about the dumpster?

Dick Steinhoff – None.

MS. SPILLER-WALSH – That is low on the list.

NOTE – Agreed to not do anything to screen the dumpster. .

MR. HOOPER – Re: lighting, do they cast adequate spill on the emergency exit and up the path?

Dick Steinhoff – There are lights on the back deck.

Mike Cannistraro – The same on the front porch.

MR. HOOPER – Gino, did you go there during the day?

Gino Carlucci – Yes.

MR. HOOPER – I would like to ensure that the emergency exit has adequate lighting off the back. I would rather not increase lighting off of the 131 Main Street building to deal with lighting the yard at 133. I would rather see a light post or hooded lighting to deal just with the 133 Main Street site. It needs to have adequate illumination but I have concern for light cast on neighbors.

Dick Steinhoff – We have 100 feet of woods behind there.

MR. HAYES – I think it is important that the stairs themselves be well lit. The stairs are not in the best shape.

MR. HOOPER – They are made of railroad ties.

Dick Steinhoff – Yes, it was the intention to keep it rustic.

MS. SPILLER-WALSH - There is a term “rustic” that is being thrown around here when what you really mean is unfinished.

MR. HOOPER – There should be a lamppost where there is inadequate cast.

MS. SPILLER-WALSH – This is such a good location. It would really behoove you to hire a landscape designer and really go thru and clean it up and dress it up. It would make such a difference. I would suggest that you let a landscape architect lose and really do the walkways and the stone and clarify the levels. It would add to the value of the property and to its quality and niceness.

MR. HOOPER – How old is it?

Dick Steinhoff – I have some papers that say it is historic, like 125 years old.

MR. HOOPER – I am not sure I am following Gino’s comments on the stairs.

Gino Carlucci – Because there are stairs it is more important to have good lighting.

MR. ALEXANDER – On the front entrance, it is not extremely obvious about the walkway between the bottom of the stairs and the building. It is not clear that this is the way to go. You need to emphasize that this is the path, to delineate it more clearly.

Gino Carlucci – It may need to be cleaned out a bit.

MR. HOOPER – I agree.

MR. HOOPER – What is the purpose for the handicap spaces?

Dick Steinhoff – Those were put there back in 1984 when we first came in to change the use. In the 20 years I have been there, they have never been used and then the lines faded. No one follows the lines anyway. The doctor and I just agreed to just not do the lines.

MR. HOOPER – If somebody with the authority to designate this as grandfathered, we would like to see that.

MR. ALEXANDER – While you might be formally waived from providing universal access, it would be in your best interest to do something.

MR. HOOPER – The last comment re: landscaping – You need to distinguish the front entrance from the front walkway. Landscaping and lighting would go a long way to clear this up.

MS. SPILLER-WALSH – I am not sure where the applicant’s responsibility begins and ends.

MR. HOOPER – It is the applicant’s responsibility to talk to the owner. These are the concerns that we have for you and those who will be accessing your gallery and office. I don’t think anything spoken here tonight is unreasonable in light of the fact that this is pretty much a fully waived plan. We are just trying to make some minor steps. Perpetual nonconformance never gets better if every time something comes before you nothing is ever done.

MR. DETOMA – That would apply whatever the use is.

MS. SPILLER-WALSH – This site would never be granted the way it is now with these conditions (if it was new.)

MR. HOOPER – We support its use as a low impact commercial use.

MS. SPILLER-WALSH – I would urge you to visit with the DRC (on the sign).

MR. HOOPER – Let's do our own recommendation with a list of suggestions and tie into the Adaptive Use Overlay District mentality so the BOS understands where we are coming from on this.

MR. HOOPER – Any comments from the public relative to the site plan?

Andy Briggs – I am a good friend of Mike's. I am a landscaper and would be glad to work with him.

A motion was made by Matt Hayes and seconded by Eric Alexander to close the public hearing on the 133 Main Street site plan. The motion passed unanimously.

MR. HOOPER – Susy can contact the BOS office to schedule a tentative date for them after we file our recommendation.

Susan Affleck-Childs – I will draft the recommendation for you to act on at the September 28th meeting. We can file it with the BOS the next day.

MR. HOOPER - I wanted to hold a brief moment of silence in memory of Dick Coakley who passed away recently. He was "a big man on campus." He will be missed dearly. I wish to express my condolences to the Coakley who have lost both their mom and dad this year. Let us honor this man and his family with a brief moment of silence. Thank you.

Public Hearing Continuation - Evergreen Meadow Definitive Subdivision Plan, Open Space Residential Development Special Permit, and Evergreen Meadow/155 Lovering Street Scenic Road Work Permit

Rob Truax, GLM Engineering and Taniel Bedrosian, applicant present.

Rob Truax – I would like to bring you up to speed. At the last meeting was the scenic road public hearing on the trees and stone walls. I spoke with Mark Louro last week about trying to find away to save the big tree (34 inch oak tree) by putting an island around it. It poses problem if you are leaving the subdivision and taking a left turn. A large truck can't make that turn. For westbound traffic going into the subdivision, it would be a problem too. We have represented to the neighbors across the street that there will not be a problem. My second concern is about a 12-foot diameter rounding that will likely damage the roots. Trying to get the roads and curbing in around the tree without doing damage is tough. It will probably die in a few years, but from a safety standpoint we are not comfortable with this.

MR. HOOPER – The obvious initiation of this exploration was based on a site review we made of the trees that were there. Karyl and I both felt the health of this tree is sufficient for many

years to come. It is probably the only significant tree in the entire 500-foot stretch. I am agreeing with you on all counts relative to this layout. Are there no other options in terms of road access to this site? If that is definitely NO, then it appears this tree will have to go.

Rob Truax – With the wetlands, it is impossible to shift the road either east or west and keep the houses outside the wetlands. It is the only significant tree. It is unfortunate, but it just happened to fall smack in the middle of the road.

MR. HOOPER – It sounds like we are going to be sounding TAPS for this tree.

MR. HAYES – With this layout, what would be the purpose for removing the 12-inch maple?

Rob Truax – We could try to preserve it as best as possible. We will be cutting in for the road so chances are we will disturb the roots.

MR. HOOPER – It is multi trunk, it has some issues.

Rob Truax – If it is any consolation, the tree across the street is beautiful. Was there any determination on what to do on the stone wall?

Mark Louro – It would be some 30 feet from the roadway layout to put a new stone wall on the property line.

MR. HOOPER – It is not a particularly scenic stone wall to begin with. But it does create a bit of a berm/buffer zone. As far as the scenic road goes, I don't think the wall merits moving.

Mark Louro – I think Dave's only point in moving it beyond the layout is if Lovering Street is ever relocated.

MR. HOOPER – So what is the board's fancy on the stone wall? Do you want to see it moved or lengthened? It is in the right of way. They will need to disturb an area of the stone wall to provide an entrance to the subdivision. We are not, as of this moment, requiring a sidewalk to be installed along Lovering Street, which is in our purview to ask. Are there any other comments?

MR. HAYES – I say we should keep it where it is. The stones that you remove should be placed back into the wall. We are moving away from the curved stone walls at the roadway entrance.

MR. HOOPER – We would like to see a terminus at the end of the wall, a granite slab that has been used before. There are plenty of stone houses that could carry granite posts that would lend themselves nicely to an end post.

Susy Affleck-Childs – You would need to do it at the parking lot entrance too.

Rob Truax – That opening is only 14 foot wide.

MR. HOOPER – I would recommend a terminus at any end point of the stone wall. It cleans up the look and gives is some sort of finality.

MS. SPILLER-WALSH – I am not in favor of leaving the mess there. There isn't much there that is worth saving. There is nothing scenic about it. It would be my suggestion to create a

farmer's wall and move it back, not necessarily to the lot line and then replant trees along a new stone wall. You need to pull out the rubbish and clean it all out.

MR. HOOPER - My concern is that saving that area in any way still leaves a berming situation.

Rob Truax – We are going to plant behind that. The neighbors said that they would like to see the wall retained as it provided some screening.

MS. SPILLER-WALSH – Just because it exists doesn't mean it is good. If there is an opportunity to improve it, we should. I visited it 4-5 times and got out and looked at it.

MR. DETOMA – In looking at it from the neighbors' perspective, any screening would be a good thing. They are used to having some screen now. If we wipe it out now, have we done justice to them? If we do pursue that, we have to come up with a solution that will provide immediate relief.

Rob Truax – I would suggest that we leave it in and we will plant behind it. They will get the screening now and in 15 years the new trees we look better.

Ron Dolloff – My only comment is that they build it on their property, so that when the town comes along, they don't have to rebuild anything.

MR. HOOPER – Is there any way that the existing stones can be transplanted from there to a property line without obliterating the berm and the foliage?

Ms. SPILLER-WALSH - No.

Rob Truax – No, not unless we go out there on our own and do it by hand.

MR. HAYES – It doesn't make any sense to move the wall right now.

MR. HOOPER – Ron is suggesting that if they create something new.

MR. HOOPER – I think the buffer that is there now should be kept. I think Karyl is suggesting that a new "old looking" wall be built with trees behind it. What is the Board's feeling?

MR. HOOPER – I am inclined to think that the buffer zone as is provides enough visual buffering right now. If the Town is going to widen Lovering Street, and that will not happen for a very long time, at that point, if the Town feels it is important to replicate the stone wall it at that time, they will have to do it.

MS. SPILLER-WALSH – Then the Town will have to pay for it. Right now they would not. I say we should take advantage of the opportunity now.

MR. HAYES – I say leave it as it is. You want to do as little changing as possible. I think it should stay and provide the buffer.

MR. ALEXANDER – I think it should stay and put the replacement trees back on the property line out of the layout.

MR. DETOMA – I like the concept of leaving it in place and creating a buffer that will grow in.

MR. HOOPER – I will summarize. The stone wall and the berm in which it exists inclusive of foliage will remain in place. Where the street opening is and any offset distances, the wall will be removed and any berming and foliage that exists there will be removed. At the terminus of any end point of the wall, a post conducive to the age of the stone, granite in nature will be installed at both the street opening and at the parking lot area to the west. In lieu of the destruction of the two major trees, the full “payment in lieu of” process will apply with tree planting to be on private property. I would like to see a landscape architect come in with an overall design on how to do such plantings and consider consolidating clusterings, along property lines but it should really apply to the scenic road.

Rob Truax – We can buffer the street and put some throughout the subdivision between trees. 72 trees in the buffer area may be too crowded. We can give you a planting plan for your review and approval and make that a condition of the permit.

Ron Dolloff – Are wires going to be underground?

MR. DETOMA – Are we undermining the planting that is going along the trails?

Ron Dolloff – Will it be the builders responsibility to remove those trees?

MR. HOOPER – Yes. So it will be 72 trees or some money or some combination.

The above summary was moved by Matthew Hayes and seconded by Alan DeToma. The motion passed with Hayes, Hooper, Alexander, DeToma and Dolloff voting yes and Spiller-Walsh voting no. The motion carries.

A motion was made by Matt Hayes and seconded by Alan DeToma to close the scenic road public hearing. The motion passed unanimously.

MR. HOOPER – We will now move on to the subdivision and open space residential development permit public hearing.

Rob Truax - At the last hearing, Mark Louro had some comments. Based on those, I have revised plans with me tonight for him. The other thing that has come up is that I am going to ask for another waiver. You require NAVD of 1988 for the elevations. We used 1929 NVGD, which correlates better with the flood maps. To use what you require, we would be off by 3/4 of a foot.

Mark Louro – He is right. The flood datum is based on 1929 maps.

Rob Truax – So, we will need one more waiver for a total of 3. So with that, other than the Mark’s comments, we do have an Order of Conditions. CONCOM closed the hearing and will write their order. The only special condition is that we are going to go over the isolated wetlands with a footpath and they want to approve the footbridge.

MS. SPILLER-WALSH – Gary Jacob has an entire list of bridges and paths that work in wetlands.

Rob Truax – I will get that from him. We are looking at 18 feet across. We want to get something that will last. They were OK with the trail using stone dust in the field but the

existing trail in the back, they want to leave as dirt. They liked the tree planting and want gravel stone dust for the parking lot.

MR. HOOPER – Anything at the parking limits, curb stops?

Rob Truax – No, just gravel, very flat, nothing fancy.

MR. HOOPER – Have we discussed yet, the transfer of the open space?

Rob Truax – We are going to restrict it to passive recreation. There are septic systems and wells and so it is a nitrogen sensitive area. The open space cannot have playing fields or pavements. It must be passive. We will have a covenant with a deed restriction. As to when it would be deeded out, I am thinking probably when the first occupancy was applied for.

Taniel Bedrosian – We need time to build houses on that side before we turnover the open space.

Rob Truax – You would build the trail when you build the roads?

Taniel Bedrosian – I would rather get all the heavy work done before you go in with tree planting and the path. Also, I wouldn't want people to be walking thru while we are working. I would think we would want to plant trees in the fall of 2005.

Susy Affleck-Childs – You could wait until street acceptance to transfer the property. That is fairly common practice here. Have you spoken with the CONCOM about having this property?

Taniel Bedrosian – Yes, they want it.

MR. HOOPER – I am not convinced at this moment that CONCOM is the best option for owning the open space. Sometimes they are even more strict. They do no maintenance. Sometimes, you want the mechanism of a land trust being involved.

Rob Truax – You probably have a year or two to figure that out. You can leave that open.

Mark Louro – Have there been any comments from other departments?

MR. HOOPER – I think it is important that we push the boards for comments. The Planning Board's practice is for us to always respond to other boards inquiries. I would appreciate it if they would do so themselves even if there are no comments, especially from the safety officer and fire department. I would like to get some comments from them.

MR. HOOPER – We have a note re: the waivers. We will need to compile findings on the waiver requests. This letter serves in its entirety as your justification for these waivers.

Rob Truax – Yes.

MR. HOOPER – We then await Mark's next meeting. We will vote on the waiver requests at the next meeting.

Susy Affleck-Childs – I expect you can close the public hearing on 9-28-04.

A motion was made by Matt Hayes and seconded by Alan DeToma to continue the public hearing to September 28, 2004 at 9 pm. The motion passed unanimously.

Susy Affleck-Childs – It would then be our intent to vote on this at the October 12 meeting.

NOTE – The Board took a short break at 9:20 pm

Informal Discussion/Pre-Application Meeting – Marian Community ARCPUD

Richard Coppa, Marian Community – President & Director of Ongoing Development

John Spink – CONECO Engineering

Meredith West Gallagher – Riemer & Braunstein

John Spink - We are now at 66 units. We have gone back in and looked at the market and have reconfigured the layout a bit to includes singles, duplexes and quads. Basically, there is a single looping road with an emergency paved area going in to the back of the site, something like what the new high school did using pavers with grass growing up thru it so it looks like a meadow. There are 3 wetlands crossings that are already in existence. We are out of the river front buffers except for some small incursions. With the wetlands, we are pretty much out of MEPA. But we will ask the Secretary to allow us out for this project. We picked up another piece of property at the back in there from the developer of the subdivision on Kimberly. He just gave it to us. It is basically all wetlands. There is an “ancient road” back there that crosses thru. We are looking at a common septic system with a treatment plant. We have done preliminary perc tests out there and it is very good.

MR. HOOPER – The septic system will be in the pine grove? That is a very old grove of trees. Somebody on conservation mentioned that a while ago. What happened to the approach to the Water & Sewer Board?

John Spink – We seem to being stonewalled. We can’t get anybody there to respond.

MR. HAYES – Where is nearest sewer?

John Spink – The sewer is in Summer Street south of us. They do not allow any private pumped force mains in the Town’s right of way. All the sewer flow in town needs to be a gravity flow system. We are missing the depth for a gravity flow by 18 inches. We can’t get it down Summer Street by gravity, it needs to be pumped. We would love to do that. Your sewer system has capacity as far as we can tell. But the answer is it doesn’t seem to be workable.

MR. HAYES – Are the neighborhoods to the east all on septic?

John Spink – There is no sewer there. It has very good sand. We have heard that everything south of us is having septic problems.

MR. HOOPER – Are we correct in identifying as identifying this as an ARCPUD?

John Spink – Yes, we are pursuing this under your regulations for ARCPUD, at the moment.

MR. HOOPER – Your engineering has situated this septic area in the pine grove.

John Spink – We have 3 areas on the site that have the ability to have septic. One is up near the river. One is over near the fields. And the other is in the pine grove. If there are pine trees I can make it perc. I just can't physically get it to the sewer line and comply with the town's regs on no pumping.

MR. HOOPER – Can you key for me what the cross hatched orange areas are for?

John Spink – Up in the right corner, the bigger ones are the roadways of pavers with grass growing thru.

MR. HAYES – What about the green areas?

John Spink – The small one is part of a path system. There is an open field where the old pool was. They are going to put in a sculpture there and put in a park area. They want to have the ability to have cars to back there.

MR. HOOPER – When you say pavers, what are you talking about, a porous type of paver?

John Spink – Yes.

MR. HOOPER – This extension of Sims road as it goes into the cluster, it needs to be better aligned.

MR. HAYES – What is the total acreage?

John Spink – 115 acres.

MR. DETOMA – What is the intent with this new parcel you mentioned?

John Spink – Nothing, it is wet. There is a crossing there across the intermittent stream.

Susy Affleck-Childs – How many parking spaces are you looking at there?

John Spink – 40 spaces

MS. SPILLER-WALSH – What is attracting it?

John Spink – They will have a statue.

MS. SPILLER-WALSH – Are there events that will happen there?

Rich Coppa – Yes, it is a shrine.

MS. SPILLER-WALSH – So for certain holidays, what will happen?

Rich Coppa – There might be religious services, yes.

MR. HOOPER – The mix is interesting.

Rich Coppa – We took a survey of the potential market and it broke down this way.

MR. HOOPER - I would be curious what towns folks will think about the gated emergency access off of Kimberly.

Rich Coppa – You will remember when we met before, that was a suggestion you made.

John Spink – I am not even sure how we would do that.

MR. HOOPER – I believe the driveway out of the cul de sac belongs to the town.

MS. SPILLER-WALSH - Why the pavers?

John Spink – The whole concept is to avoid a thru way from Winthrop Street to Summer Street. Somebody was saying that they didn't want to have a gated stop but they wanted to stop the thru-flow. So we tried to make it look different, not like a road.

MR. HOOPER – What about the issue of plowing that?

John Spink – It is plowable.

MR. HOOPER – That suggestion that came from the PB certainly lent itself to the Marian Community's desire to keep this an enclosed community.

MS. SPILLER-WALSH – Who will purchase these condos? Will it be open to the public or just to your members?

Rich Coppa – Just to members of the Marian community.

John Spink – We have a religious community that is being created here.

MS. SPILLER-WALSH – This will be very self contained. Are they looking to participate in the community? Will they impact the senior center programs?

John Spink – Not so much.

Mr. HOOPER – And they will be taxpayers?

John Spink - Yes, they are a lay group just oriented toward this religious outlook.

MR. HOOPER - What road width are you looking at?

John Spink – 24 feet.

MS. SPILLER-WALSH – Is that discrimination, limiting it to your own members?

John Spink –The Supreme Court says this is OK.

Meredith Gallagher – It is based on the right of association.

MR. HOOPER – Any comments from the audience?

Jerry Moody – I am an attorney from Milford representing James Carr, an abutter. May I have a copy of that plan so he can better understand what you are looking to do?

Dave Hoag – I am an abutter representing the Upper Charles Conservation Land Trust. The first thing they are concerned about is how close the houses are to our boundary line (Wenakeening Woods)?

John Spink – About 50-60 feet.

Dave Hoag – We are concerned about interaction between those houses and our land.

John Spink – The connecting interface between the Marian property and the Upper Charles land is about 600 feet.

Dave Hoag – We expect there will be a trail to connect Wenakeening Woods and Idlebrook. Could you point that out?

John Spink – I have left that out. Yes, we understand the wish to go from there to there and yes we want to do that. The bottom line is that it has to go near the houses and that is an open question on where it would be routed.

MR. HOOPER – Ideally, what is being asked, is to have consideration for a corridor, not just a path.

John Spink – We have a security problem. We are not real fond of open uncontrolled paths thru a subdivision. We would want to put on the breaks and look at some sort of license for passage instead of having an owned corridor or easement corridor where we do not have any say in its operation. We would want to maintain some control. A dedicated corridor with a dedicated easement causes us a security problem.

Dave Hoag – We would like to see something that goes along the brook and not thru your houses. These are people who like nature.

MS. SPILLER-WALSH – Where the pathway is going to be an important element and whether there is a safety concern, there might be a design for a trail, which allows passage but keeps public from your property with berming or fencing.

John Spink – The question is how do you do that?

MS. SPILLER-WALSH – The last thing we want to do is create a difficult, unsafe situation. At the same time maybe you can create the access by channeling it.

MR. HOOPER – But distinguish or buffer the trail from your area.

John Spink – Are you having much problem up there with bikes and ATVs?

Nancy Maxwell, Kimberly Drive – They are out there all the time on the Marian land.

Dave Hoag – They come up thru Wenakeening and go up to the railroad tracks. Are you aware of an old house foundation on your land, a really ancient house foundation? I could show it to

you. The Massachusetts Historical Society was told of it. It is just a foundation in the ground. There are 2 similar up in Wenakeening

John Spink – I don't recognize that at all.

Mark Louro – The pavers being used on the small cul de sac, would they be used for recharge?

John Spink - Yes

Nancy Maxwell – Just a clarification re: the emergency access. Are you talking about gating it?

John Spink – We would prefer to know that it is gated.

Nancy Maxwell – We would too.

John Spink – The original thrust is that the fire and police thought there might be problems with emergency access.

Meredith Gallagher – We use crash gates in other instances, strong enough to dissuade but weak enough to go thru when needed.

Paul DeSimone – Did you try to tie into the private sewer system across the street?

MS. SPILLER-WALSH – Are there other models for communities like this we could look at?

Meredith Gallagher – I was speaking only of crash gates in other residential communities.

John Spink – There are 2 segments of the Marian Community – one here and one in Venezuela.

MR. HOOPER – Do you have questions for us?

Meredith Gallagher – We appreciate your feedback and your initial thoughts on the trail.

John Spink – Is there any way to discuss this with the Sewer Commission?

MR. HOOPER – I don't know why the Planning Board would be a conduit for that. Are you asking us to assist in liaisons to that group?

John Spink – Yes.

MR. HOOPER – Sure, we will try to get a mutually agreeable time. In light of the septic being on a key vista area and an old tree growth. Yes, it can't hurt to try.

Susy Affleck-Childs – Have you had any conversations with Board of Health re: the septic design?

John Spink - Up to now we have been outside of their purview because of flow over 10,000 gallons. But now that we are down to 66 units, we will need to work with the Board of Health. But we have to get Secretary of Environmental Affairs to agree to that.

MR. HOOPER – Gino, any comments?

Gino Carlucci – Any thoughts on having any of the units affordable?

John Spink – That is not pertinent in this case because it is a closed market.

MS. SPILLER-WALSH - Could they be counted for the town?

MR. ALEXANDER – No because they are not open to the public.

Meredith Gallagher – But the 66 units will not be counted as housing units toward the new base number until the 2010 census.

Susy Affleck-Childs – Are you looking at owner occupied or rental?

Rich Coppa – There may be some rental, probably less than 10% rental. We want everybody in the community to be able to live there.

Public Hearing Continuation - Pine Meadow Definitive Subdivision Plan

Matt Barnett, applicant and Paul DeSimone, present.

Paul DeSimone – We haven't revised the plans yet because our engineer (Barbara Thissell) has been sick. So we need to extend and go home.

Susy Affleck-Childs – The current deadline for Planning Board action is September 24th.

Paul DeSimone – We have lost this fall's construction season. I don't think there were major issues.

MR. ALEXANDER – Just a point of clarification. We have already voted to deny the waiver on the dead end length. Moving forward, what are we going to get? Is this all a moot point?

MS. SPILLER-WALSH – I was hoping to see what would come back.

Paul DeSimone – Our engineer has been sick and she needs to answer Dave D'Amico's comments. We would like to answer them.

MR. HOOPER – But to answer Eric's question. . we have gone thru findings on the waiver request. You have heard us vote in opposition to that. I think it is reasonable to expect that the waiver decision will result in a negative vote with respect to the waiver and that will impact the certificate of action vote.

Paul DeSimone – We want to clean up the plans so that when it comes to a vote, everything is in order.

MR. HOOPER – As far as my understanding goes, the detention ponds may also be a bit of a concern in terms of the proximity to the house footprints.

Paul DeSimone – I am talking about the Rules and Regs. We want to get caught up with Mark Louro and Dave D'Amico and Gino Carlucci's lists.

A motion was made by Matt Hayes and seconded by Alan DeToma to approve the applicant's request to extend the deadline for Planning Board action on the Pine Meadow subdivision to November 30, 2004. The motion was approved unanimously.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to continue the public hearing to October 26, 2004 at 7:35 pm. The motion passed unanimously.

Public Hearing Continuation - CVS Pharmacy Site Plan

Karen Johnson, Charter Realty and Brad Mezquita, Appledore Engineering present.

Karen Johnson - I did hear from Jeff Watson but there is no written response. We did receive a sign plan but I don't believe it is in compliance with your new sign zoning. That will just need to be left out. Gale Associates suggested that the sign come back to the Planning Board but now that the DRC reviews signs, I think that may not be necessary. I understand the DRC has given a positive review; I met with them last week. I know you have all received revised plan sets. We did meet with CONCOM since we last met. They had had no problem so we added the landscaped island as we have been discussing.

Brad Mezquita – Yes, we put the landscaped island in and reduced the parking by 5 spaces. We did some minor drainage changes in that area. Most other items were administrative in nature. We did receive a letter back from Gale Associates specifying that we had met the requirements of their last review.

MR. HOOPER - Does the board have any comments relative to the latest Gale letter?

MR. DETOMA – Did we talk about a cross walk at the end?

Brad Mezquita – Yes, it is on the site plan, but not on the landscaping plan.

MS. SPILLER-WALSH – The DRC talked about doing some cobbling at the entrance. Where did that go?

Karen Johnson – I talked about that with CVS. They have a major problem with changing the surface at the storefront. As a pharmacy, they have more handicapped customers than most businesses. That surface is difficult and hard to maintain. Then we talked about some coloring options to add some variety. My personal view is that it looks like an afterthought. It wouldn't be consistent with the rest of the entrances to the other Medway Commons businesses. The DRC was OK with not doing that.

MR. HOOPER – Gino, any comments? Dale?

Dale Harris - Gale Associates is comfortable with the technical information that they have provided us. The drainage plan is fine. They have redone the truck routing plan and revised the traffic plan and done a queuing layout plan for the drive-thru.

MR. HOOPER – I want to go to my question that I asked at the last meeting re: lighting impact up on Holliston Street on the neighbor.

Karen Johnson – Brad and I went over there right after the last meeting and there is a problem. Jim Strain, the construction manager, is working with the site electrician on the night lighting

plan. My suggestion to him is to turn off that light that is closest to that house. It is definitely a problem and we need to get to its root. We may try to turn it off but if not, we will look at additional shielding. We are working on it. We are in complete 100% agreement that there is a problem that needs to be addressed.

MR. HOOPER – When that did come up we did talk about that being an elevation change.

Karen Johnson – It is more than just a little bit. We want to get this resolved before the leaves fall from the trees.

MS. SPILLER-WALSH – What is with the yellow bases to the lights?

Karen Johnson – It is a safety measure.

MS. SPILLER-WALSH – It is awful. Is that mandated?

Brad Mezquita – It is a Shaw's standards. The ones that are not protected by curb should be painted but not the other ones.

MS. SPILLER-WALSH – They have painted every one of them.

Dale Harris – Just in terms of the rest of the development, what is the approved depth for paving? Is this the same?

Karen Johnson – There is heavy duty paving for the roadways and for the parking lot

Brad Mezquita - On the main plaza there are two different options.

Dale Harris - My other question pertains to the stormwater management plan for the rest of the site. Does it call for deep sump pumps?

Brad Mezquita – They are in the rest of the site.

MR. HOOPER – The field stone walls, they are not really field stone. That is a flat stone. I wonder how it got from rounded, native field stone to the current situation? I am a little disappointed there. On plans it said it would be field stone. How did it happen?

MS. SPILLER-WALSH – Didn't we reiterate that over and over? These flat stones are not indigenous to this area.

MR. HAYES – Shouldn't the centerlines in the drive routes be yellow?

Brad Mezquita – The main one is yellow. We don't have yellow centerlines anywhere else.

Karen Johnson – I don't like the stone wall either. .

MR. DETOMA – I know when I put up a brick wall in a building, I make sure I see the actual stone before construction.

MR. HOOPER – We did see lots of samples.

MS. SPILLER-WALSH – It was in the colored elevations and it did look like field stone.

Susy Affleck-Childs – I think you can close the public hearing.

A motion was made by Eric Alexander and seconded by Alan DeToma to close the public hearing for the CVS pharmacy site plan. The motion passed. Matthew Hayes recuse.

Karen Johnson – Can I see the certificate of recommendation before the next meeting so I don't have to attend?

MR. HOOPER – We will do our best. Thank you, Dale.

ANR Plan – 127/129 Main Street

A review letter from Gino Carlucci was distributed.

MR. HOOPER – This is pretty straightforward.

Gino Carlucci – All the technical requirements of what is supposed to be on there are met. They are just conveying a one foot strip from one lot to the other. Both lots retain the required frontage and area.

Ted Reardon – There is a natural stone wall that is buried in the woods there. We want to fix up the wall. It will give us a little more wiggle room and it gives us the 30,000 sq. feet (needed for a 2 family house). The Sandersons didn't realize what size lot they had and the survey showed them more.

MR. HOOPER -What is next door? It used to be a quilt shop? I think it is vacant. There has been a lot of change going in along there.

Ted Reardon – That has a lot to do with the new Adaptive Use Overlay District. It makes best sense to use it as a limited commercial site.

MR. HOOPER – So in creating a 2 family, will you be using the overlay option?

Ted Reardon – I have the insurance agency on Village Street. It has been in town since 1919.

A motion was made by Alan DeToma and seconded by Matthew Hayes to approve the ANR plan for 127/129 Main Street as presented. The motion passed unanimously.

NOTE – The Board signed the plan and the A-1 form.

Construction Observation Update – Mark Louro

Birch Hill – The water bleeding is out of the pavement. The owners have not been out to see this.

MS. SPILLER-WALSH –So what do we do?

Mark Louro – They have to rip out the binder and go down 2 feet and put in a rip rap layer so that any water will go to the sub drain. I have told him they will have to rip it out and he agreed.

They will need 2 feet of rip-rap, fabric and a foot of gravel. Our pavement guys have done that before where there is high water.

MR. HAYES – Is a subdrain tied into the drainage system in the road?

Mark Louro – Yes.

MR. HOOPER – You really have got to go out there and see this.

Country View Estates - At Stable Way, the curb they put is horrible. The radiuses don't match. This is the only thing they have done. They used new and old curb. I haven't talked to them yet. I will tell them to look at what Canessi does (Ishmael Coffee contractor).

Ishmael Coffee - They did their last section of drainage within the limits of the road.

Mark Louro – I am meeting with the DRC tomorrow to start discussions on the landscaped island prototype. This design will work with the biggest truck unit with no parked cars.

MR. HOOPER – Could you extend this to the degree to offer 3 or 4 options on materials of a reasonable nature out of thought for cost and maintenance. Tony Leland said stamped concrete is exorbitant. Also give us some square footage costs on these different options.

Mark Louro – I can just list out the type of options.

MR. HAYES – I mentioned this once before to have depressed islands so that drainage could go into it. It would reduce the need for granite curbing and would be good for recharge.

MS. SPILLER-WALSH – How about that as an option?

Mark Louro – I don't know if there is any real benefit. You are really only providing a summary recharge. I think you want to have some vertical edging to prevent damage to the vegetation.

MS. SPILLER-WALSH – Also road salt could get into it without a curbing.

MR. HOOPER – what about vertical curb on the inside? It looks too urban for me.

MS. SPILLER-WALSH – I like that.

MR. ALEXANDER – To me it is a pedestrian safety issue.

Mark Louro – A hard edge curb is to prevent cars from jumping the curb. Berm is there for drainage.

MR. HOOPER – Granite is a stronger mechanism for reducing damage by snowplows.

Mark Louro – Most people don't install sloped granite curb correctly.

MR. HOOPER – look at Speroni Acres for sloped granite edging.

Invoices

VHB Construction Observation - \$1,559.56. *Motion by Eric Alexander, seconded by Alan DeToma. Approved.* Matt Hayes recuse.

VHB/Construction Observation - \$633.82. *Motion by Karyl Spiller-Walsh, seconded by Eric Alexander. Approved.* Matt Hayes recuse.

PGC Associates/Consulting Services – \$1,092.00. *Motion by Matt Hayes, seconded by Alan DeToma. Approved unanimously.*

PGC Associates/Plan Review Services - \$997.50. *Motion by Eric Alexander, seconded by Alan DeToma. Approved unanimously.*

VHB/Plan Review Services - \$ 3,131.47. *Motion by Alan DeToma, seconded by Karyl Spiller-Walsh. Motion approved.* Matt Hayes recuse.

Mass Federation of Planning and Appeals Boards/Dues - \$80. *Motion by Matt Hayes, seconded by Alan DeToma. Approved unanimously.*

HANDOUTS – Corrected sign bylaw, Sherborn permitting guide, list of future PB agendas; list of PB deadlines.

A motion was made by Matt Hayes and seconded by Alan DeToma to adjourn. The motion was unanimously approved.

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

MINUTES

Planning Board Meeting

Tuesday, September 28, 2004

PRESENT: Dan Hooper, Alan DeToma, Karyl Spiller-Walsh, Eric Alexander & Matthew Hayes

ALSO PRESENT: Susan Affleck-Childs Affleck-Childs, Gino Carlucci Carlucci, Mark Louro

Dan Hooper called the meeting to order at 7:34 pm

CITIZENS COMMENTS

MS. SPILLER-WALSH – I just would like to say how exuberant I felt after last night's BOS meeting (with the vote to acquire 2B Oak Street by eminent domain.) This shows a new attitude about acquiring land. I will say however that we need to move toward better skills at negotiation on all boards.

MR. HOOPER - I agree with the results of last night's meeting. I didn't envy the BOS those moments where they had to make a very difficult decision. This was one of the best efforts to open up to the public

MS. SPILLER-WALSH - The knitting together of all their different philosophies and feelings and coming to their realization was a great effort and I appreciate it.

PUBLIC HEARING CONTINUATION – 2-4 Main Street Site Plan

Present - Rick Merrikin, engineer and Bob Potheau, applicant

Rick Merrikin – There are some changes we have made since the last meeting a couple of weeks ago when we gave Mark revised plans. Then there are some changes Bob asked me to make in the last couple of days that I will go over with you. Also, Bob has some drawings of the fronts and sides of the buildings to show you. At the last meeting, we decided to separate the two driveways and then added the western driveway so that has been shown. We have a retaining wall which goes along the street low about 2 feet and then goes up and along the front of the building. The lower level is accessible from the rear and the sides. The change that Bob asked me recently to make is a walkway along the front of the second floor elevation of the building.

There will be a retaining wall stepping down to the parking lot from the higher level with stairs and a handicap ramp. Mark Louro said we should have 2 handicap spaces with a ramp to satisfy the AAB requirements with one van accessible space. We did some regrading in here to satisfy the 2% slope for 25 feet standards. What we end up with is a flat area and then a steep area that is only 15 feet long. We believe that will be acceptable. The building to the east has been moved very slightly, which gave us some better room at the eastern access. We have shortened the display area by one car. I bumped the display area out to 20 feet to fit cars better. It ended up providing a curb stop, which allows us a 32-foot aisle. We have shown proposed dumpster locations. The only ones there now are movable. There would be permanent locations for dumpsters to be serviced by companies. There is a total of 39 parking spaces (32 required). I updated the chart. Mark Louro said that no employee spaces were identified so I have done so for the spaces along the back. The rest of the things he wanted were fairly minor. We did include the location of the water and sewer lines to the property. Since then I have put in the overhead services as well which come from poles across the street. We also put in stairs and a cross walk. We don't feel that crosswalks are necessary in the back. We will use crushed stones or pavers that would provide a pedestrian location that is identified and protected. That is basically it.

Bob Potheau – I have a view of what the large existing building will look like. By raising the grade, it will look better. The second drawing shows the roof to be put on the existing flat white building (the one with the wooden façade fallen off). If we can get site plan approval, we will go ahead with making some changes to it now, as we will have the revenues from the new building. It would be a hip style roof with dormers. We will just go in for a building permit for a roof for that building. The third drawing is a view of the driveway. The DRC asked us to look at something for the retaining wall. We will look at some form of stone so that when you go west on Route 109, you will see something other than a concrete wall. What we would be doing is as we are putting up the new building, we would also begin to work immediately on the middle building.

MR. HOOPER – On the west building, there is a wall?

Bob Potheau – We will do stone for the wall. You will see a fence and we will do that to screen the back of the parcel.

Rick Merrikin – To move along quickly, we need to do a list of waivers. We would like to not have to provide a landscaper's plan. Regarding circulation access, the problem is that vehicles are anything from a car to triple trailers. What vehicle do you need me to show access for? My client is happy with access to date. Trucks are generally limited to a UPS truck or a wrecker, nothing too big. That is what we would like to show unless there is some other reason to show something else.

MR. ALEXANDER – We want to make sure fire equipment can get in there.

Mark Louro – I think it is up to the owner. He knows what vehicles will access the site. As long as you can show that they can maneuver in and out of the site, that is what I need to see. But also the fire department must be comfortable that they can get access around the new building.

MR. DETOMA – Can you get from the most western to the most eastern part of the parking lot? It appears as though they can get in front of every building.

Mark Louro – Another issue from an emergency access issue is the house. There is a very narrow distance between house and the new building.

Rick Merrikin – There is another section (in the regs) that requires that we can do offsite improvements. I have suggested that this site is not really changing that much. I have asked that we not be required to do that. Our rationale is that all of this work is really beautifying the entry point to Medway.

MR. HOOPER – You need to state that verbally in writing.

Rick Merrikin – I have.

Mark Louro – You keep saying you are not changing the use. But the building on the left is really used for storage and you say it will be used for new business.

Rick Merrikin – All of this is multi-tenant uses. That is what is here now. He is trying to better utilize this building. He may be making it more attractive for people to use. That is why I say we are not changing uses.

Mark Louro – What is the use of that building?

Bob Potheau – It was built in 1981 and used for retail and wholesale auto parts. We used it for storing parts. We all know that is not going to become a warehouse for parts. I could rent all these properties tomorrow. They have been empty for about 4 years and I have had dozens of inquiries that would have continued the uses that were there. But I decided to forego rent for junkyards because I live there. I have reached the end of my capacities of what I can do. It is hard for me to answer what will be there.

MR. DETOMA – I am not as bothered by what it is being used for now. The real issue is what is allowed in that zoning district.

MR. HOOPER – I am also looking at the impact going from a building that has been empty for many years to now potentially being in full use.

MR. DETOMA – It would be our responsibility to understand what it is allowed per zoning.

Mark Louro – Assuming it is used for storage today, then you might get one truck a week. By leasing out the building, there may be incremental traffic. A traffic engineer should make an assumption on how it will be used, what that use will generate and look at standards for traffic impacts. Maybe when he does get a tenant, he should come back to the PB to evaluate the traffic impact at that time.

Bob Potheau – We are going off on a path that has nothing to do with what happened there. We had 90 trucks a day when it was a retail and wholesale sales facility and we had 17-18 people working there. This was never just a storage facility. We were retail and wholesale. I now believe there is a better use. If we are going to go on I will lose my anchor tenant. Our best wish would be to have an American Discount Auto Parts. We are not going to have a McDonalds or a drive-thru Dunkin Donuts. The reason I am going to go out and borrow money at my age is that I believe this road is valuable enough to attract some folks.

MR. HOOPER – We need you to prepare a letter of some sort of that verifies the traffic impact. It doesn't need to be from an engineer. Let's look at something that would trigger another review by the BOS should the traffic actually exceed expectations.

Rick Merrikin – Sort of the top limit of expected use?

Mark Louro – There are standards traffic generation numbers for various uses.

MR. DETOMA – Let's simplify this. The applicant's engineer needs to look at allowed uses for the site per zoning. Then go to the traffic generation tables you are referring to and identify what could and couldn't be supported.

Gino Carlucci – I am looking at the uses in that district. Retail and restaurant are not allowed.

MR. DETOMA – Look at what is allowed and what is feasible and then do some sort of traffic impact review.

Rick Merrikin – I can do that

Bob Potheau – What we have always done there is to retail auto parts. I believe there will be some sort of retail location but it will not be one that generates excessive traffic. There are other types of businesses such as manufacturer's reps who need a store front.

MR. DETOMA – Do you have a vision for the lower level?

Bob Potheau – The same - small multiuse, industrial bays. I will try to avoid automotive uses;

MR. HOOPER – Are there any other waiver requests?

Rick Merrikin – That is probably it. I would suggest that Mark and I sit down and we can wrap up the list. We can do it in half an hour.

MR. HOOPER - To me this project is almost death by a 1000 pen jabs. There are so many things that were not addressed. I am hoping that you will address all items (in Mark's review letter.) Any other board comments?

MS. SPILLER-WALSH – Re: landscaping. I personally thought we could grant that the waiver but make sure to include a landscaping plan.

MR. HOOPER – I want to demonstrate landscaping on the plan but it is OK to not have a landscape architect prepare the plan.

Mark Louro – It sounds like Rick Merrikin will now analyze the traffic access based on what type of trucks will actually use the space and figure it for the largest vehicles and fire apparatus.

Rick Merrikin – We can do that. I will do it for a non-articulated fire truck.

MS. SPILLER-WALSH – I am comfortable with that.

MR. HOOPER – On the deeper size of parked cars?

Mark Louro – I think I can address some of the details in a meeting with Rick.

Rick Merrikin – If Mark and I can work this out, we would like to be on in 2 weeks.

Mark Louro – One other question pertains to is pedestrian circulation on site. You have a crosswalk. Could you put that onto the sidewalk, get the stairs down to the sidewalk and then let them cross?

Rick Merrikin – Yes, I can do that. Do you mind if we draw a crosswalk on your new sidewalk?

Mark Louro – Just let the steps come out to the sidewalk.

Mark Louro – Section 204-5 D 1 is a non-issue.

MR. HOOPER – What about DRC?

Bob – I am ready to come back to them

Susan Affleck-Childs – We can put you on the agenda for the DRC meeting for October 6.

MR. HAYES – What are you doing with lighting?

Rick Merrikin – He is adding 3 additional fixtures.

MR. HOOPER – We want to see hooded lights with no spill up and no spill across property lines.

Rick Merrikin – We will put that on the plan.

MR. HOOPER – The height (of the fixtures) should be the same as what is there now.

MR. HAYES – Is there any lighting proposed for building to the west?

MR. HOOPER – There are currently flood lights so that should be adequate.

NOTE – The public hearing was continued to 8:30 p.m. on October 12. The goal is to wrap this up and close the public hearing that night. The next step will be to write the recommendation to vote on at the 10-26-04 meeting.

Malcom ??? – Where does the CONCOM come in?

Rick Merrikin – We will be filing with the CONCOM soon and then meet with them mid October.

Malcom ??? – So, when we go before the BOS in 5 weeks, we should have things wrapped up.

MR. HOOPER – Any comments from the audience on this application?

Paul DeSimone (elder) – Whatever they do there is going to be a better situation than it was in 1981. We had many problems down there. This guy is trying to do his best. That is why I am here to speak in favor of this.

Public Hearing – The Haven Definitive Subdivision Plan

MR. HOOPER – This is a public hearing on a definitive subdivision plan for a project known as The Haven. It is not a preliminary plan.

NOTE – Matt Hayes read the public hearing notice. It is attached and made a part of these minutes.

Rick Merrikin, engineer, as official representative for Louis Cheschi, applicant.

Rick Merrikin – I want to start off by indicating that this plan was prepared by DeSimone and associate and for whatever reason, I have been asked to this over. I was involved on the drainage but not on the overall schematic layout. That was developed prior to my involvement. This is basically at 13 Fisher Street, a 2.4 acre parcel. The proposal is to put in a new street 350 feet long and create 3 new lots. There is an existing house at 13 Fisher Street that will be removed and a new house built. This is mainly a field with some wooded area in the back. There is a wetland on the back northwest corner that has been identified by CONCOM. There is no order of conditions yet but the CONCOM has approved the boundary. This property is generally flat until you get to the back where it drops off. What we are proposing to do here is to put in a street all the way to the back property line and put in a temporary cul de sac in the location where you see dashed lines and to ask for waivers to allow this area to become a driveway/private way with a 26 foot wide paved surface with a hammerhead instead of a cul de sac at the end. We have put in a detention basin for drainage with a 1% slope and a water quality swale in the back of the turn around area. The reason we put it there is because the likelihood of the road continuing is not that great. We felt the detention facility could go there. We will be seeking waivers but I don't know what your usual practice is. We envisioned this as no sidewalks, with or without curbing, a private way. I also wasn't familiar with whether you had seen this plan before and Susan Affleck-Childs said you had not.

MR. HOOPER – We haven't seen this before nor anything like this.

Rick Merrikin – The unusual factor is the location of the detention basin. The factor of having a reduced width roadway you have done before.

MR. HOOPER – If it is just to serve 2-3 lots, that is a reasonable request. A private way is something we are not particularly comfortable with for various reasons. Also, the drainage system at the end of this roadway essentially serving as frontage for two of these lots is unusual as well.

Rick Merrikin – There is the term frontage. You have to create frontage for the new lots. Frontage means a road. Frontage is not necessarily what is actually built. I realize in the comments there are concerns but not all the frontage has to be built. You have to have suitable access but that does not necessarily mean that you have to have pavement all the way to the end. Having 26 feet of pavement and a hammerhead at the end that provides driveway access complies with zoning, That is our position. Even if the detention pond isn't installed there, we would still have the hammerhead where it is shown.

MR. HOOPER – The hammerhead as it exists paved from what I can see it actually extends into the lots. It isn't in the right of way? Is that correct?

Rick Merrikin – It is in the same easement area as the cul de sac would be. There is really no difference between a normal temporary dead end street.

MR. HOOPER – But you are extending pavement into the easement area.

Rick Merrikin – Yes. We can adjust that as you would want.

Mark Louro – With a temporary cul de sac, what is the duration?

Rick Merrikin – A temporary cul de sac on a roadway could be forever.

Mark Louro – In effect, you have private property owners owning the right of way.

Rick Merrikin – Usually the Town would take an easement over that area if it is a public street.

Mark Louro – It wasn't clear from the submission that this was to be a private way.

Rick Merrikin – When we do this in other towns, there is a provision that it will always be a private way.

MR. HOOPER – In those towns, how do they secure the construction?

Rick Merrikin – The same way. Norwood for instance, never accepts a new street. You do the same thing with a bond that you would normally do. You bond it, and they can't get a building permit until the bond is in place and the road has to be finished to get it back. The process is the same.

MR. DETOMA – It just seems to fuzzy to me. You've got a temporary cul de sac that transforms into a hammerhead after which we put in a water quality swale such that the temporary cul de sac can never be built.

Rick Merrikin – We can relocate the swale. That is just where Paul (DeSimone) told me to put it. I did work on Fisher Lane on the other side. That was a private road to be kept private forever. We did it the same way with an 18-foot road without a turnaround for 7-8 homes.

MR. HOOPER – 26 foot paved way is what you propose.

Rick Merrikin – We would hope to eliminate the curb and the sidewalk.

MR. HOOPER – There has been some talk to establish a new neighborhood road category (as a public street). Bonding is more straightforward with a public way.

Rick Merrikin – There is no difference. Medfield does it. Check around and see how they do it.

MR. HOOPER – It has proved to be more difficult for us with private ways. Let us review our consultants' letters.

Gino Carlucci – On the zoning issue, I am not comfortable with providing frontage on a way that has no intention of being extended. The zoning bylaw requires frontage to be on a street. There were a few technical issues - details to be added and no street trees are shown. The hammerhead will need a waiver. There is no provision in the rules and regs for a temporary easement so that will need waiver too. There are no curb cuts are shown on the plan.

Mark Louro – Rick, can you show me what property lines are being created?

Rick Merrikin – There is the road plus 3 lots.

Mark Louro – You have indicated that you didn't really design this plan. With your engineer's stamp you are responsible for it.

Rick Merrikin – I just wanted to let you know that this plan preceded me in this process.

Mark Louro – I am concerned about the whole temporary cul de sac issue. We have had other situations in town (where this has been difficult.) If this is to be a private road, that is less of a concern. One of the things we have faced with private roads is that attorneys have explained to us that once the property goes go construction, the applicant doesn't have to post a bond because there will not be a public road. We have had to deal with this matter in two subdivisions. (Oak Hills and Morgan Heights.)

Rick Merrikin – It is not a unique situation. Has your Town Counsel opined on that?

Mark Louro – Our question is whether they will ever follow the design?

MS. SPILLER-WALSH – Whether it is private or public, the scale of this project does lend itself to a downsized road and approach. The real issue for me is the water. It seems to be indicated that there is a stream going thru here. Is there?

Rick Merrikin – I would strongly suspect that since CONCOM has already identified the wetlands, that it is an intermittent stream. I will talk to them about that.

MR. HOOPER – This is a fair warning. I wouldn't assume anything.

MS. SPILLER-WALSH – It was bold, if not creative, to assume that you could eliminate the cul de sac circle and put in a hammerhead. Then it is a new one to put the detention pond in there. Maybe that is a creative take but the real problem starts as I see it with amount of uplands that remain once the detention basin goes in there.

Rick Merrikin – We have 26,000 sq. ft of uplands.

MS. SPILLER-WALSH - After the detention pond?? It may be the thought of this board that the detention pond cannot be in the roadway. We want to see house footprints. It is bothersome that this is a definitive plan at this stage (with so many questions.)

Rick Merrikin – We are winding thru it at this stage.

MS. SPILLER-WALSH – I think if it all works out with the water, I would advocate that the hammerhead would work fine and I would advocate for a narrower roadway.

Rick Merrikin – In Medfield, they like to make them too small, so that the future owners can't come back to town meeting to ask them to accept the street. They make it smaller on purpose.

MR. HOOPER - One point I would like to make to the engineers and other entities that come before us regularly on a repetitive basis. A lot of the things that are listed in Gino's and Mark's comments and the DPS letter are repeated time and time again. The same issues reoccur every time an application comes in here – the same omissions, the same ignoring of regulations that are in place and available to the public to understand. It is all the more aggravating to me that this is happening with those folks that come before us regularly. They need to be taken care of before. This is sloppiness and laziness involved. It is occurring all the time and it gets to the point where the board is not operating well. We are spending hours wondering why the same questions are asked and then you come back weeks later and they still are not addressed. It is really getting to the point that I am going to have a hard time spending time on these applications. There is a break point for this board.

Rick Merrikin – I understand.

MR. HOOPER – It is intolerable.

Rick Merrikin – Given the list, do you want to think about the issues – temporary road, hammerhead and have another meeting before I get way into changing the plans?

MR. HOOPER – Given the frontage issue, drainage, private road, width of road, let's start with public vs. private way. Until we are comfortable with a system to secure the construction of private ways, we would encourage applications and proposals for public ways only.

MR. HAYES – Public ways with waivers even for size of width.

MR. HOOPER – I am not saying that private ways shouldn't be a part of this system.

MS. SPILLER-WALSH – I think a hammerhead works fine for this scale of project.

MR. HOOPER – We have approved of it before and the fire chief has agreed to them.

Mark Louro – I think related to that is the location of the infiltration swale. That limits the size of the hammerhead and makes access the issue.

Rick Merrikin – I will have a conversation with the building inspector about the frontage.

MS. SPILLER-WALSH – Does the cul de sac provide the frontage here?

Rick Merrikin – No. Your regs require you to put in a cul de sac. We could make the right of way include the hammerhead.

MS. SPILLER-WALSH – You have to show us that you can do a conforming cul de sac and then we can waive its construction.

Mark Louro – Do you think it would be better to have the circle be the layout?

Gino Carlucci – Yes, if it is to be a public way.

Mark Louro – That stops the road from being extended.

MR. HOOPER – What kind of pavement width are we talking about?

Susan Affleck-Childs – For our evolving “neighborhood street” model, we were looking at a 20’ paved width, no sidewalk with cape cod berm.

MR. ALEXANDER – I might advocate for an in lieu of payment for sidewalks.

MR. HOOPER – We would also want that for the Fisher Street frontage.

MR. HOOPER – We would use our regular construction standards for the road.

MS. SPILLER-WALSH – Please find out a definitive response on the stream from CONCOM.

Rick Merrikin – I will get it to you if there is one. We will meet with them in 2-3 weeks.

MS. SPILLER-WALSH – I have a real question on the amount of uplands. We want to see house footprints.

MR. HOOPER – With the drainage calcs, you want to depict something in the maximum.

Rick Merrikin – We will use roof infiltration system in the houses.

MS. SPILLER-WALSH – Is the board willing to consider putting the detention pond in the cul de sac?

Rick Merrikin – It may even be that we can get away with something else. It doesn’t have to be a big basin.

Mark Louro – You can be more creative with an infiltration system like they are doing at Grapevine Estates.

MR. HOOPER – Any comments from abutters?

Bruce Long (11 Fisher Street) - I am one of the abutters to this property. If that road could ever be continued on, that would be a serious problem for me. I don’t see how that would work. It is pretty much all wet back there. It feeds to the Charles River back there. I think there is even a spring where that little streams goes thru. The lower part of my back yard fills up with water. That is bit of concern that water would come over to our side.

MS. SPILLER-WALSH – What kind of stream do you see?

Bruce Long – It dries up. My concern is that runoff would be forced down to our yard.

MS. SPILLER-WALSH – Where is your frontage?

Bruce Long – Right on Fisher Street. I have 190 feet of frontage.

MR. DETOMA – It appears that your land wraps around this?

Bruce Long – No, I think it is Boston Edison.

Bill Masterson (13 Fisher Street) – There is a brook in the back. One goes under the road. It goes down and curves. It is wet about 90% of the year.

MR. HOOPER – The flagging of the wetlands is the purview of the CONCOM. You will be meeting with them the third week of October? We like to see that demonstrated on the plan but it is not within our realm.

Paul DeSimone (younger) – The brook next to Mr. Masterson's land is an intermittent stream and it has been flagged by the CONCOM.

Bob Cudmore (71 Milford Street) – We just last year got approved for an addition to our home and they decided it was an intermittent stream, but it has been pretty wet.

NOTE – Alan DeToma read the letter from DPS Director Dave D'Amico. It is attached and made a part of these minutes.

MR. HOOPER – Dave's concern is anything less than a 2% grade will puddle.

Paul DeSimone (elder) – I want to address the private way issue. The reason why it was emphasized back in the early 70s and late 60s is the minute you have a public way, it causes more services for the town – plow, drainage, and future maintenance. That is the reason the BOS went to the Planning Board to encourage it to go to private ways. We have the same number of highway workers now as we did in 1975. This board should certainly look into continuing private ways. There is one off of Holliston Street – Shamrock Lane. The right of way is 33 feet. There is another private way called Eva Lane, a 3 lot subdivision off of Holliston Street. Just take a look at these streets. Private roads will save the town the money and services.

MR. HOOPER – But we must also protect the town and the residents from uncompleted roadways and drainage systems.

Paul DeSimone – The leverage there is that the building inspector doesn't give an occupancy permit if it isn't built to plan.

Mark Louro – We understand his jurisdiction is limited only to the house.

Paul DeSimone – You should address the issue on the merits of the plan and not have a standardized approach.

MR. HOOPER – As long as we have the mechanisms in place to ensure that the infrastructure will be built to plan I think we could be OK with private ways. We haven't yet resolved to put it in our Rules and Regs. If our legal counsel and inspecting officer cannot within their own opinion work with how we envision road completion to be, we won't go with private ways. It needs to be a package deal. We need to have a system in place. I am not opposed to private ways but there are other issues.

NOTE – The public hearing on The Haven was continued to 8:45 pm on October 26th.

NOTE – A revised plan needs to be submitted to Mark Louro in 2 weeks by October 12th.

Public Hearing Continuation - Evergreen Meadow OSRD Special Permit and Definitive Subdivision Plan

Rob Truax, GLM Engineering
Taniel Bedrosian, applicant

Mark Louro – They are pretty much there.

Rob Truax – With what Mark Louro has listed as remaining to be done, if you could just incorporate those into your decision and we will revise for the plan endorsement. We hope you will close the hearing tonight and vote in 2 weeks.

MR. HOOPER – Any board member comments relating to Mark's most recent review letter?

MS. SPILLER-WALSH – None.

MR. ALEXANDER – None.

MR. DETOMA - I am good.

MR. HOOPER – I was stopped by the Chairman of the CONCOM, Dave Travalini. He proposed using a liberty elm tree.

Rob Truax – We are amendable to whatever you want

MR. HOOPER – I don't have a problem with pin oaks and red maples.

Mark Louro – The path trail is not on the plan and they will have to go to CONCOM in the future to finalize that.

Rob Truax – The idea was to research different bridges over the wetlands.

Mark Louro – But even the trail itself. How much stone dust? It is not clear on the plans.

Rob Truax –The trail is being built from the parking area to the field. We are going to stone dust the trail. I would assume we would need to put down 4 inches of stone dust with a gravel base.

Mark Louro – The bridge is up to the CONCOM.

MS. SPILLER-WALSH – The DRC had some ideas on the bridge and path.

Rob Truax – Anyone can review the design.

Mark Louro – Will the building inspector have to approve the footbridge?

Rob Truax – I hope not

MR. DETOMA – What about what we talked about for River Run?

Rob Truax – You can put that on as a condition for the parking lot and trail.

MR. HOOPER – We will also include the scenic road work permit requirements.

MR. HOOPER – Our intention is to close the public hearing tonight. So after that, there will be no more opportunity for public commentary.

Rob Truax – Have you had any more discussion about who the open space is going to go to? The CONCOM wants it. We are going to restrict it. .

MR. HOOPER – I have some concerns about CONCOM keeping up the trail but I am encouraged by CONCOM's openness to your concepts and I have fewer reservations than before.

A motion was made by Alan DeToma and seconded by Eric Alexander to close the public hearing for the Open Space Residential Development Special Permit for Evergreen Meadow. The motion passed unanimously.

A motion was made by Matt Hayes and seconded by Eric Alexander to close the public hearing on the Evergreen Meadow Definitive Subdivision Plan. The motion passed unanimously.

Ishmael Coffee Estates – Set Bond and Approve Lot Releases

Paul Yorkis – I have the lot releases, approved by Dick Maciolek.

Mark Louro – I have a few revisions from the 9-23-04 bond estimate. I can state that the drainage system is functioning and the roadway binder is in its entirety. The sidewalk binder is in for 800 feet and the street signs are in. I have as-built plans for each of the detention ponds. 3 of them are just under the volume size. The applicant's contractor will be working to resolve those issues but that is not too much. There are 2 catch basins at the corner of Summer Street that need to be raised. Those will be done first thing tomorrow morning. The stop signs are in. There are additional signs that are being carried on the bond. All of the items that are not complete are in the bond.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to set the bond for Ishmael Coffee Estates at \$264,426. The motion passed unanimously.

Mark Louro – There is some work that needs to be done before the lot releases should be issued. It will be done in the next couple of days. Canessi does the work and the engineer matches the volumes so the board has some protection.

A motion was made by Karyl Spiller-Walsh and seconded by Matt Hayes to approve releases for lots 1-18 at Ishmael Coffee Estates. The motion passed unanimously.

NOTE – The Board signed the lot releases for lots 1-18 at Ishmael Coffee Estates.

Paul Yorkis – It is my hope is that Canessi (the general contractor) will be out there tomorrow to repair the 3 detention ponds and catch basins. Dan O'Driscoll will go out to do the survey work and get that to engineer David Faist. The work should be done by Tuesday-Wednesday next week at the latest, depending on weather.

Susan Affleck-Childs – I will hold onto the lot releases until we get the final sign off from Mark Louro. Then I will turn them over to Town Counsel Dick Maciolek. I want to be clear that the whole bond will be paid within a 5-day period once the releases are provided.

133 Main Street Site Plan - Certificate of Recommendation

DRAFT document – September 22, 2004

Mike Cannistraro and Angela Falzarano, applicants
Dick Steinhoff, property owner

Dick Steinhoff – Mike Cannistraro dropped off a copy of the draft certificate. I have some concerns about this buffer area. 20 feet seemed very onerous. I diligently sat down and came up with recommendations for a changed paragraph and drawings. I took them over to see Dr. Barry who is the other trustee. From December thru March, if you know route 109 going westerly, you know it is like a ski slope. When you get there in the morning, Route 109 is like a sheet of ice in that location. According to Dr. Barry, there is only one accident that has happened there. As I was talking with Dr. Barry, some of the staff overheard and we got into quite a discussion. Dr. Barry put together a letter and asked me to give it to the Board. He and the nursing staff are very concerned about the traffic and they are concerned about anything that might block views coming in and out of the parking lot, especially with snow built up 3-4 feet high. They felt that having anything else that would block the entrance and would cause them trouble getting in and out of the site would be dangerous. He has asked that this paragraph be reconsidered. Then I sat down and have drafted alternative language. The parking lot is only 53 feet wide – 3 cars wide – when cars are parked on both sides. We move the snow from the front to the back so that it gets pushed off to the bank. If we put in a barrier as suggested in Paragraph B2, we break up that flow. We can't get the plow in off of Main Street to just clear straight. The snow will end up being stored in this buffer area on top of what the town already plows. I am here to tell you that you have to be very careful about 7-8 feet of snowdrifts on both sides. This would turn it into a very dangerous situation. If you put in a barrier there even with a drain, the plows will plug it up. I think what is going to happen in the January and spring thaw is that there will be very icy conditions that will be dangerous for cars and people. Why create a problem that isn't there now? I understand what you are trying to do with this green strip but you are imposing a dangerous condition on the lot and I think you ought to really give it some thought. The nurses are very upset about it. I thought 10 foot would be sufficient and I wanted a width of 32 feet for the opening.

MR. HOOPER – The water flow is exactly as you say. It moves northwesterly from Dr. Barry's entrance to the corner and down the hill.

Dick Steinhoff – I don't want a condition imposed on the lot that I would consider to be dangerous.

MR. HOOPER – Why don't we solicit comments based on the new information? What do Mark Louro and Gino Carlucci think of this?

Mark Louro – I have to disagree from a safety standpoint. If you are concerned about icing conditions, leaving a 53-foot opening is very dangerous. By restricting it somewhat, a vertical curb will direct traffic.

Dick Steinhoff – There is no curbing at all on that side of Main Street. I know what it means to deal with this site, chopping ice to create a channel. If you build a snow pile on the 133 side or the 131 side and there is already a 4-5 ft. drift there from the town plows, getting in will be impossible. You want to have as much room as possible to get in. It has been like this for 30 years. All I can see is this causing problems.

Mark Louro – It is your responsibility to move the snow. I really don't think the islands will create a problem. I understand when you plow you are limited in space. Maybe you need a different snow plower.

Dick Steinhoff – This is a small business that has worked well for 30 years.

Gino Carlucci – I am trying to picture the snow. I imagine the town pushes the snow into the right of way. The island should be on your property.

MR. HOOPER – Are we referring to the peninsulas when you speak about the islands? I would venture to say that there probably have been accidents in this area.

Dick Steinhoff – Can't I just go in there and paint this on and say no parking?

MR. HOOPER – You yourself stated last time that the painting does not work.

MR. DETOMA - I just drew a little diagram looking at a plowing pattern. It seems to me that from a plowing standpoint, it is doable. Is it a pain compared to what they do now? Probably. Gino's point is a good one that the peninsula is on their property. The snow doesn't need to wind up on this buffer. You do potentially create some puddling in the parking lot with the grade unless you do a break out and let the water drain. What is the Board's real intent with this buffer? You have to have some practicality after all these years. The goal is to restrict the flow of traffic in and out. Going west on 109 downhill, whether it is icy or not, I don't believe the turning lane goes that far. Perhaps the width of the opening could be greater than what we are thinking of.

MR. HOOPER – If we can't achieve that intent, we shouldn't ask for it.

Mark Louro – I think what you are saying is that if a car is out of control, you are just going to give them more room to be dangerous.

Dick Steinhoff – Go fast with a 40 foot trailer right behind. I am here to tell you that when you get an opening on route 109, you just take it. Otherwise, you will be sitting there for 3-4 minutes. That is dangerous by anybody's definition.

MR. HOOPER – Let's try to weigh the danger.

Mark Louro – That is not the argument you want to go with.

Mr. HOOPER – This is a standard type of opening for vehicular access.

Dick Steinhoff – I would like you to consider redoing this paragraph. Option #2 is the way I would prefer to go. I would like to reduce the peninsula in size to 10 feet. 20 feet just size seems onerous.

MR. DETOMA – What was the point of 20 feet?

MR. HOOPER - I think it was for sufficient space so a car is not backing up right at the edge of the pavement.

Dick Steinhoff – I have to have so many parking spots. You are fighting me on that too.

MR. HOOPER – Let's get back to the questions at hand re: the size of the opening. I am in favor of a somewhat shorter buffer. I think I can support option #2 but I would recommend some sort of marked area on the pavement.

Mark Louro – What if you allowed a cut thru for water?

Dick Steinhoff – I still have the plowing issue.

MR. DETOMA – I see option #2 as more problematic.

Dick Steinhoff – If I can figure out how to keep the drain open . . .

MR. HAYES – It is an opening in the island itself.

NOTE – The board identified other design options including the use of bollards and having a landscaped peninsula on the east side only.

MR. HOOPER – I am concerned about the convenience of plowing but it just doesn't seem unique to this site.

Dick Steinhoff – With the opening 3 cars wide, it is perfectly doable right now.

MR. HOOPER – What does the board wish or prefer, related to this concern?

Dick Steinhoff – Both Dr. Barry and I would like to see the paragraph completely removed. Recognizing that you probably won't like that is why I brought this option with me. I am trying to find a way to remove the snow, let the water drain off and not have ice ponds develop.

MR. HOOPER – You could do something for the westerly island, some sort of scoring that would allow for plowing and drainage.

MR. DETOMA – We are talking about a 53-foot wide space, assuming we do a peninsula on either side with a 26-foot wide opening. Cars parked on either side will extend out into the central access lane.

MR. HOOPER – Perhaps we do it on both sides.

MS. SPILLER-WALSH – No, I would like to see green on at least one side.

MR. ALEXANDER – 10 foot wide x 13.5 foot landscaped island on the 131 Main Street side with a 26-foot wide opening and 13.5’ scored or stamped concrete in some sort of pattern (on the 133 Main Street side).

MR. HAYES – I want something that can be seen.

Susan Affleck-Childs – You have to understand that there is no additional enforcement mechanism to ensure that the work is done (without linking it to the occupancy permit.)

A motion was made by Alan DeToma and seconded by Eric Alexander to approve the Certificate of Recommendation as drafted, with the amendments made tonight (10 ft x 13.5 foot landscaped island on the 131 Main Street side, 26-foot opening and an 13.5’ scored or stamped concrete area on the 133 Main Street side.) The motion passed unanimously.

Dick Steinhoff – I would like to get a copy of the final recommendation. Please fax it to me at 508-533-4936 FAX.

CVS Pharmacy Site Plan Certificate of Recommendation

The Board reviewed the 9-21-04 draft Certificate of Recommendation. A few minor changes were made.

A motion was made by Eric Alexander and seconded by Karyl Spiller-Walsh to recommend that the Board of Selectmen approve, with conditions and waivers, the CVS Pharmacy site plan as outlined in the 9-21-04 draft Certificate of Recommendation with changes made. The motion passed. Matt Hayes recuse.

Discussion re: Wickett Way Subdivision Application

Paul DeSimone (younger) – At our last conversation, it appeared that your consultants both agree that to make it a legal lot, you need pavement. We contend that it is not true.

MR. HOOPER – Gino, can you share with us any additional research?

Gino Carlucci – I did consult with land use attorney Mark Bobrowski. I received this communication from him today, basically agreeing with our position. A way shown on a plan must be either built to specification or have security posted with it.

Paul DeSimone – With a performance bond. To make that a legal lot, you don’t have to pave. You can waive anything in your rules and regs except zoning. I believe that house will have adequate access to Ohlson Circle.

Mark Louro – I think you are creating a nonconforming lot.

Paul DeSimone – There is 39.92’ setback from the new road.

MR. HOOPER – Gino, could you illustrate a possible approach to an easement mechanism that might accommodate all of this?

Gino Carlucci – I think I raised it last time we discussed this issue. One approach could be to sell the property the way it is but retain the area designated for the future roadway as an easement and make it a condition of your purchase and sale agreement that you can buy it back at any time. Then that lot would create its frontage at that point.

MR. HOOPER – Then we aren't getting into the whole issue of roads not being constructed.

Paul DeSimone – We are concerned about a new owner coming in and that could be a problem in the future.

MR. HOOPER – We are trying to do things technically correct. I am wondering about even some of the other waiver concerns. This needs waivers on other things.

Mark Louro – You don't have the 40' layout radius on Ohlson Circle. Also, why do you have that little strip in parcel C?

Paul DeSimone – We would just deed Parcel C to the abutter.

MS. SPILLER-WALSH – There is no incentive for the town to go backwards in its rules and regs. You are asking us to create nonconformity with no benefit to the town. It is only creating difficulties and contradictions. There is no advantage to the town.

Mark Louro – The purpose of a subdivision road is to create access to other lots.

Paul DeSimone – We have about 100 acres in the back. He bought this house for an access point or not. We have access up here off of Fairway Lane and we have it off of Winthrop street and also with Narducci's land. We are also talking with Mrs. Schultz about purchasing the property at the end of Woodland Road. So that is a total of possibly 5 means of egress. We know we have to use this site for sewer access. We designed it to come up from Lovering Street.

Henry Wickett – We have 918 bedrooms approved for the sewer.

Mark Louro – The board should grant waivers for what benefits are provided to the town.

Paul DeSimone – We want to have options for the egress, to move the traffic around.

Mark Louro – But Ohlson Circle is a small road.

Paul DeSimone – We don't want to bring all the traffic thru there.

MR. HOOPER – But the opening has to be waiverless because of the unknown beyond it. It has to be completely compliant because we don't know how it will be used. It may service 300 homes.

Paul DeSimone – We aren't looking to build the road now. We have to lose the opening.

Ms. SPILLER-WALSH - It is the philosophy of the board at hand.

Mark Louro – That is completely abusing the subdivision control law.

Susan Affleck-Childs – Let's go back to Mark Bobrowski's letter. He says either build the road or bond for the future building of it.

Mark Louro – That would be 490 feet for a bond amount.

Gino Carlucci – Also, typically there is a time limit for constructing a way.

MR. HOOPER – So, if it is never built?

Gino Carlucci – There would have to be an agreement that the property would revert back.

MS. SPILLER-WALSH – We want to have this easement for the sewer.

MR. ALEXANDER – We are trying to work thru this. We don't want to put the board in a position such that down the road we have boxed ourselves in. We are trying to do right by you.

MR. HOOPER – A final thought here on the performance guarantee. We would be approving a road to be built that can comply with the regs. We would need to accept a waiver on the radius.

MS. SPILLER-WALSH - You would be looking for a time period.

Mark Louro – You would need a road design to base the bond on. The 28 feet of radius for the layout would need a waiver from section 4.2.4.4.

Paul DeSimone – I agree.

Susan Affleck-Childs – This will need to go through the public hearing process.

Paul DeSimone – I would like to have some more time to talk about this with Henry to decide how we will proceed.

NOTE - No decision was made on how to proceed. They will get back to the Planning Board.

Construction Observation

MR. HOOPER – I want to take a brief moment to relay what Mark Louro had to go thru today. He had to shut down the paving at Ishmael Coffee Estates. He had to stop it based on the weather conditions. I want to note our gratitude to him for sticking his neck out in construction situations where construction has momentum but it needs to stop in best interest of Medway. In this case the conditions and temperatures were not adequate to protect the roadways for future years. It is not an easy situation and I appreciate him.

Wingate Farm Subdivision Modification and Site Plan - Plan Review Estimate

Estimate from VHB of \$5,603 and from Gino Carlucci/PGC Associates for \$420.

MR. HOOPER – For the record we need to make this clear that the applicant is Karyl Spiller-Walsh and her husband. We will exercise our procedures on the same basis knowing that Karyl will step aside for these deliberations.

A motion was made by Alan DeToma and seconded by Eric Alexander to accept the VHB estimate of \$5,603. The motion was approved. Matt Hayes and Karyl Spiller-Walsh recuse.

A motion was made by Matt Hayes and seconded by Alan DeToma to accept the PGC Associates fee estimate of \$420. The motion was approved. Karyl Spiller-Walsh recuse.

Invoices

A motion was made by Alan DeToma and seconded by Matt Hayes to approve \$100 to reimburse David D'Amico (CPS Director) for partial cost (1/3) toward a color printer. The motion passed unanimously.

A motion was made by Matt Hayes and seconded by Alan DeToma to approve \$103.90 for WB Mason for office supplies. The motion passed unanimously.

A motion was made by Karyl Spiller-Walsh and seconded by Eric Alexander to approve \$3,645 to Gale Associates (plan review expenses for CVS Pharmacy). The motion passed. Matt Hayes recuse.

Committee Liaison Reports

MR. HOOPER – The BOS voted 5-0 to take 2B Oak Street by eminent domain. There is an all boards meeting on October 4th to start the FY 06 budget process. I think it would be good to get boards together for a cohesive discussion. I think it would be a tremendous asset to discuss the top 3-5 key issues. I would expect the BOS could solicit ideas and we could have a moderator to discuss issues. It would be good just to air them out. Town meeting is not the right place. We have no other mechanism for communication. There is great value in all being in the same room to hear the same things. It would also be open to citizens to participate or listen.

Susan Affleck-Childs – If we pursue a master plan update, we could hold a town forum as part of that update process.

MR. ALEXANDER – You are talking about more of an executive body. You need both I think.

MR. HAYES – On October 19, the CPC is sponsoring a presentation by the Trust for Public Land on land preservation techniques. The Planning Board and other boards are invited.

A motion was made by Matt Hayes and seconded by Alan DeToma to adjourn. The motion passed unanimously.

The meeting was adjourned at 12:15 am (Wednesday, September 29th.)

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*Daniel J. Hooper, Chairman
Matthew J. Hayes, Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

DRAFT – October 25, 2004

**October 7, 2004
Planning Board - Administrative Meeting
Medway Senior Center**

PRESENT - Alan DeToma, Dan Hooper, Matt Hayes, Karyl Spiller-Walsh, and Eric Alexander

ALSO PRESENT – Susan Affleck-Childs, Planning Board Assistant; Mark Louro, VHB, Inc.

The meeting was called to order at 7:34 pm.

CITIZEN COMMENTS

MATT HAYES – I went to the meeting with Greg Balukonis, Dave D’Amico, Jonathan Bruce and the neighbors regarding Forest Edge/Field Road. Jonathan wants his bond money back after he does the work. He doesn’t feel he should have to wait until street acceptance. The neighbors have an access easement over the Redgate I Streets. Jonathan would be willing to extend the easement to the Town so it can use the Redgate I streets.

DAN HOOPER – There is no incentive for Jonathan to pursue the lawsuit.

MATT HAYES – The other issue Jonathan has is that once he paves the road, he wants a bond reduction below the \$35,000. Dave D’Amico and Greg were very supportive of going below the \$35,000. Our key issue was making sure all work is done.

Mark Louro – The reason for the \$35,000 minimum is that when it gets down to \$10,000 there is no more incentive to finish up.

DAN HOOPER – I want to thank Matt for going to the meeting last night. Do we want to get it down below \$35,000?

Susy Affleck-Childs – The original issue was to be able to accept Field Road/Forest Edge without having to accept the Redgate I streets (as they are still in litigation.) Now, Jonathan wants that and more.

Mark Louro – By reducing the bond on Forest Edge, there is no incentive for him to resolve the Redgate I lawsuit.

DAN HOOPER – He says he is willing to do the work on Forest Edge. Redgate I is old stuff.

ALAN DETOMA – Am I hearing that the bond is one half but the problem is on the other subdivision?

Mark Louro – One subdivision is essentially done (but there is a lawsuit.) Then the PB (in the late 90's) approved the Forest Edge subdivision when it knew there was a lawsuit on the Redgate I streets, which provide the only access.

KARYL SPILLER-WALSH– Maybe we should just take the bond and get the work done.

MATT HAYES – Jonathan Bruce wants to be on our agenda as soon as possible.

KARYL SPILLER-WALSH - We want to make this move.

ERIC ALEXANDER – I support the concept of getting an easement over the Redgate I street to access Forest Edge.

ALAN DETOMA – We have to get Dick Maciolek to accept the easement idea.

After further discussion, there was a general consensus that if the easement idea is determined to be acceptable to Town Counsel, the PB will be willing to recommend street acceptance once Jonathan Bruce completes the work. The PB will stay with the \$35,000 bond minimum.

Subdivision Rules and Regs

DAN HOOPER – We are going to spend the next one hour and 20 minutes working on this. We will work from our list of the top 14 sections to work on. Reference memo dated 9-30-04.

1.5 Waivers – Let's pass this to Gino for further research.

5.45 Definitive Plan Submittals – Same. Let's pass to Gino.

5.18.2 – Performance Guarantee - CONCOM work to be bonded?

ERIC ALEXANDER – Does the CONCOM have its own bonding authority? Do we really want to assume that?

DAN HOOPER – We should encourage the CONCOM to bond if they can and to use that authority.

Mark Louro – The CONCOM can require whatever they want. Maybe it isn't an issue anymore as the CONCOM is asking VHB to do letters for them that the stormwater drainage stuff is OK.

DAN HOOPER – Let's do a letter to Dave Travalini in terms of how to invoice for VHB services. We should chat with Greg about establishing revolving funds for ZBA and CONCOM to charge for consultant services.

KARYL SPILLER-WALSH – I really would like to see CONCOM make better use of VHB services.

6.6 Adjustment of Performance Guarantee

DAN HOOPER – Let's take the amount in the bonds that is specified roadway maintenance and split it out to also show maintenance of stormwater facilities.

It was agreed to keep the bond contingency at 20%.

NOTE – Karyl recused herself from this part of the discussion.

6.9.3 – Bond Release

The idea here is to retain a portion of the bond after street acceptance for stormwater management maintenance.

It was agreed that the PB was not comfortable with that. This text shall be eliminated.

DAN HOOPER – There are recharge issues that Mark Flaherty has brought up. He suggests we should require large “no cut” zones in our subdivision regs.

7.7.2.o) p) q) r) Stormwater Management

KARYL SPILLER-WALSH – The area taken up by the detention pond should be offset by an equal amount of uplands over and above the minimum.

Mark Louro – That would mean you would count the pond as wetland

MATT HAYES – I think we should require a detention pond to be on a separate parcel. We should also require that they be dry ponds.

Susy Affleck-Childs – Could you set a maximum size for detention ponds?

DAN HOOPER – I like the dry pond idea, and I like the idea to set a maximum size. There should be no man made open wet ponds.

KARYL SPILLER-WALSH – We should explore in the South Kingstown, RI design book. They have some very good stuff.

Mark Louro – The detention pond at the end of Broad Acres Farm Road is ¼ acre.

DAN HOOPER – Let's go with 7,500 sq. ft. as the maximum size for detention ponds.

Mark Louro – You could require dry ponds and allow a waiver for wet ponds. The benefit for the waiver is to have landscaping, etc. If you go with a separate parcel for detention ponds, make it whatever size it needs to be and require access easements over adjacent lots. You should go with 15' setbacks from property line to the outer edge of the top of the berm

KARYL SPILLER-WALSH - Even if detention ponds are to be dry, there should be way to better describe how they are to be naturalized.

Mark Louro – You could require that the pond be part of a landscape design by a landscape architect.

NOTE - Susy and Mark Louro are to work on this section.

7.9 Streets and Roadways – Text to not allow private ways at all.

DAN HOOPER – With what we are facing with Forest Edge, we should require that no private way may be allowed to be used as access to other lands.

NOTE – Susy passed out a chart of subdivision road options showing the different road categories and construction specs. This prompted extensive discussion. Susy reported on her research on how other towns handle private ways. She contacted Medfield, Franklin & Walpole. All allow private ways but first the applicant has to show it can be done per the regs. All bond and do a covenant.

It was agreed that private ways could be allowed in limited circumstances. There should be guidelines but those should not be included within the Rules and Regs, but as a separate document. 2-3 lots; 50' right of way; traveled width of 18'; paved or gravel; hammerhead at end OK; cape cod berm curbing depending on drainage needs; no sidewalks

For the new neighborhood street category - 2-5 lots; 50' right of way; 20' paved width; 100' cul-de-sac; sloped granite curbing, concrete sidewalks on 1 side.

For minor streets - 6 lots and up; 50' right of way; 26' paved width; 100' cul de sac; sloped granite curbing; concrete sidewalks on 1 side.

For secondary streets – 50 foot right of way; 29' paved width, vertical granite curbing throughout; concrete sidewalks on 2 sides of street.

For major streets – 50 foot right of way; 32' paved width; vertical granite curbing throughout; concrete sidewalks on 2 sides of street.

7.9.6 a) b) c) & d) Dead End Streets

DAN HOOPER – For the next administrative meeting, please read over the dead end streets section. We need to get very clear about this.

7.13.3 Sidewalks – Payment in lieu of sidewalks.

It was agreed that this should be incorporated into the regs.

7.19.1 – re retention of woodland growth.

ERIC ALEXANDER –The side and rear zoning setbacks should be “no cut” zones, except in cases of access for easements

7.19.8 – Landscaping

DAN HOOPER – Let's ask Gino to look at this. Can the tree warrantee be passed on to the town? If so, landscaping warrantees must be transferred to the town upon street acceptance.

7.19.10 – Landscaping cul de sacs

Mark Louro – I need to write this up. I met with the DRC re landscaped island design. They want sloped granite all around. They want a granite band between the asphalt and brick/or concrete paver. They suggest avoiding cobblestones for the apron. Use a Hanover concrete paver instead. I will finalize this drawing. My next step is to meet with DPS. Do you want to suggest any recommend planting materials? You could say mixed varieties, low maintenance, salt tolerant, drought resistant and then require a landscape architect to do the design.

7.22 – Walkways and Bikeways

DAN HOOPER – I want Gino to look at this.

DAN HOOPER – There is another topic I have added tour list and that is how to coordinate phasing of development. Perhaps we could go to the nearest lot line to 1000 feet at time. Developers shouldn't start another phase until the earlier phases are done. Complete that and get is accepted. Or, we won't release lots on later phases until the earlier phases are accepted.

We need to set a maximum phase distance. If they are going to phase it, then the first phase must be done before a second phase is done.

For all subdivisions with more than 10 lots, construction has to be phased and one phase must be accepted before another is begun. Phase shall not exceed 1,000 feet of roadway plus related infrastructure. I want to ask Gino to look at this.

Minutes

Motion by Matt Hayes and seconded by Dan Hooper to approve the May 4, 18, 25, 27, June 8, 15, 21 as amended with corrections/edits provided directly to Susy by various board members. Motion approved. Eric Alexander abstained.

Motion by Matt Hayes and seconded by Karyl Spiller-Walsh to approve minutes of July 13, 27 regular and executive, August 3 executive, August 10 regular and executive, August 31 regular and executive; September 7 regular and executive and September 14, as amended with corrections/edits provided directly to Susy by various board members. Motion approved unanimously.

Rezoning of 2 Franklin Street

DAN HOOPER – We have received an opinion from town counsel indicating that he feels this would be spot zoning.

The Board reviewed Mr. Maciolek's letter.

MATT HAYES – I am not in favor of the rezoning.

ERIC ALEXANDER – I am not in favor.

KARYL SPILLER-WALSH – Nor I.

DAN HOOPER – I am not uncomfortable with this approach. But there was talk of being able to write something in the zoning bylaw to make it a bit easier for him. Does anybody remember what that was?

DAN HOOPER – We need to write a letter to Jonathan Currier and give him the status of mindset of the PB on this matter and invite him to come back for a brief visit if he would like. We need to relay to him that we feel the current set up is a fair and reasonable protection for the residential neighbors.

ADAPTIVE USE OVERLAY DISTRICT RULES & REGS

Susy Affleck-Childs – I think we need to incorporate some basic elements of the site plan rules and regs as construction standards. You don't want to automatically refer to all of them but we need something.

DAN HOOPER – Let's refer this to Gino to incorporate some of the site plan stuff.

Commercial 1 Development Plan Timetable

DAN HOOPER – We have a handout with a draft of next steps and ideas (9-28-04). I think we need to ask Jim (Wieler) to come in to chat with us about this and see if he will work on this.

Master Plan Update Process

DAN HOOPER – We will need to hold this over for discussion. We need to figure out who can work on this.

Revisions to Planning Board Fee and Bond Schedule

DAN HOOPER – Susy has given us a draft of revised fees (dated 9-27-04). Let's look this over and discuss at our next administrative meeting

Fall Town Meeting Ideas

DAN HOOPER – Susy has prepared an outline of possible articles.

Trash Trucks in Residential Neighborhoods

ALAN DETOMA – I need to get in and edit the BOH rules and regs on this.

It was agreed that the best way to go with this is to make it a general bylaw. It can be enforced by the police department.

Contractor's Yards in AR Zones

DAN HOOPER – We need to ask Gino to work on this. This was requested by Joe Dziczek.

Sign Bylaw

Susy Affleck-Childs – I have drafted a new table to deal with the new Commercial V zoning district that was approved at the 2004 ATM.

ARCPUD – Adjust density bonus and/or add affordable housing

DAN HOOPER – I would like to ask the new affordable housing study group to look at this.

Groundwater Protection Overlay – Add the western area

Susy Affleck-Childs – I spoke to Mark Flaherty about this and he said to just let it go.

Increase percentage of uplands on residential building lots

Susy Affleck-Childs – You had talked about this. You can add text that increases the percentage of uplands and/or specify that the uplands do not include detention ponds or wetlands replication areas.

Special Permit for Drive-Thru Facilities

Alan DeToma – We need to do this so there is some discretion on these.

Re-establish Tree Fund/Establish Sidewalk Fund

Susy Affleck-Childs – We need to get these taken care of. I think we can enlist Dave D’Amico’s support for the sidewalk fund.

Susy Affleck-Childs – Before you go, I just want to hand out this description of the Southborough Development Council. This is town hall staff that is available to meet monthly with developers to review plans and give guidance about the permitting process. Something like this would be very good for Medway. It would need the leadership of the Town Administrator.

A motion was made by Alan DeToma and seconded by Eric Alexander to adjourn. The motion passed unanimously.

The meeting was adjourned at 12:15 am on Thursday, 10-8-04.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
MR. DETOMA DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

DRAFT – October 20, 2004

Planning Board Meeting Minutes Tuesday, October 12, 2004

BOARD MEMBERS PRESENT: Karyl Spiller-Walsh, Alan DeToma, Dan Hooper, and Matt Hayes & Eric Alexander

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant; Mark Louro, VHB, Inc., and Gino Carlucci, PGC Associates.

The meeting was called to order at 7:32 p.m.

Citizen Comments – None

Public Hearing – Wingate Farm Site Plan and Modification to Definitive Subdivision Plan

MR. HOOPER – We will now begin the public hearing

MS. SPILLER-WALSH – I will recuse myself. (7:35 pm)

NOTE – Karyl Spiller-Walsh sat in the back of the room.

NOTE - Matt Hayes read the public hearing notice. It is attached and made a part of these minutes.

Susan Affleck-Childs – I would like to correct an error in the public hearing notice. The notice mistakenly identified the project address as 166 Holliston Street. The correct address is 168 Holliston.

Steve Poole Poole, Consolidated Design Group
Gene Walsh and Rachel Walsh, applicants

NOTE – The applicant distributed copies of the building elevations and a project description dated 10-11-04

Steve Poole – Today, we received faxed comments from VHB and Gino Carlucci. One of the important comments to make is that this is a previously approved subdivision. We had met with the board last spring and had discussed altering the right of way to add more land to lots. But we decided to keep the ROW intact. The subdivision original was filed when the zoning by-law did not include a lot shape factor requirement. We are coming to you is to discuss modifying the roadway and the overall use of the plan. They want to create a farm type compound - maintain existing house and paddock and then use lots 2 and 3 to keep the paddock and to build an indoor riding arena as an accessory use to the original farm. The 4th lot would be for future residential purposes.

Rachel Walsh – I am interested in investing in that lot.

Steve Poole – We are asking for waivers on the roads in lieu of town standards. Instead, we would do a private road to service the single-family house lot and the riding arena. We are asking to reduce the roadway paving to 18 feet. The road bends to save some mature trees. We also modified the detention area for 2 purposes – to allow us to construct a riding arena and in consultation with the CONCOM; we made a proposal to do a wet vegetated detention basin within the 25 foot buffer strip. We don't have approval yet but we did get some positive feedback. That would increase and enhance the wetlands. At the request of the client, we have done some landscaping along the edges of the detention area.

Rachel Walsh – Another main reason for changing the detention area is that the original design was very invasive and would have taken out many trees. We want to keep it wooded as much as possible.

Steve Poole – We have also changed the grade of the roadway. There was a retaining wall along the southern boundary of the roadway. Several feet over the property line of the abutting neighbor is a driveway to their house. This brings our roadway down at the same level of the neighbors, going with the natural grades in the area. We have gone thru the review letters (from VHB and Gino Carlucci). There is no real point in addressing each item point by point. We would like to go back and take a look at it some more but we would like to get your general feedback tonight so we can make some modifications to the plan. We understand we do need to address the items from the letters.

Rachel Walsh – We really want to maintain it as a farm with agricultural zoning for our family. We aren't really looking to do the original subdivision, which involved 3 big houses, lots of land clearance, and a huge cul de sac.

Steve Poole – I know there are concerns about it being a private way. We would like to certainly establish some standards.

MR. HOOPER – We have 3 different review letters - 2 from VHB (subdivision and site plan) and one from Gino Carlucci. Does the board have any comments? Please take a minute to review quickly.

MR. HOOPER – I am forgetting. Is the driveway for your neighbor to the south very close? Is it a paper street?

Steve Poole – Yes and yes.

MR. HOOPER – I am glad this overall plan is packaged now as one but eventually it will need to be separated into two separate plans – one for the subdivision and the second for the site plan.

MR. HOOPER – The offset of ways between the two streets does not meet our standards.

Gino Carlucci – I did not mention it, but it probably should be addressed and listed as a waiver.

MR. HOOPER – The actual road layout as it meets with Holliston Street has not changed. It is just the paving that has changed.

Gene Walsh – We want to keep it small and farmey as a private way.

MR. HOOPER – Was there ever discussions when this was first approved about the road being combined with the neighbor's?

Gene Walsh – That was something discussed but the neighbor didn't want to do that. But we did ask them. In the 28 years we have been there, there have been no problems. We have hired someone to cut out some of the trees to thin it out and improve sight lines.

MR. ALEXANDER – Are there formal classes and borders?

Gene Walsh – It is private now with no boarders.

Rachel Walsh – We will have 8 stalls, not like some of the other ones in Medway with 50 stalls that didn't have to go through site plan review. The arena is a dirt floor facility.

MR. HOOPER – Any increase in noise or odor?

Gene Walsh - We don't presently haul manure away. No neighbors have ever complained to us.

Rachel Walsh – There have been no issues with that.

MR. HOOPER – With a plan for a gravel road, do you have any dust concerns?

Rachel Walsh – Trailers will not be an everyday thing.

MR. ALEXANDER – Do you envision classes?

Gene Walsh – Private, no shows, not like Saddle Row and Rising Star. Neither one of those had to have a site plan.

MR. DETOMA – Why is a site plan needed?

Susan Affleck-Childs – Bob Speroni makes the decision. It is required because of change in use to add the riding arena as a commercial operation.

MR. DETOMA – Why did you do the subdivision in the first place?

Rachel Walsh – For equity purposes. We can use lot #2 to borrow against.

MR. DETOMA – The logic seems to me to keep it all.

Rachel Walsh – We hope to keep lot #2 open.

MR. HOOPER – Why is the paddock shown?

Rachel Walsh – It is a fenced off area. It is there today.

MR. HOOPER – Gino, any highlights from your review?

Gino Carlucci – My subdivision comments are more technical things that need to be shown on the plan.

Steve Poole – There was an original subdivision that was provided to show it could have been done without any waivers.

Susan Affleck-Childs – The rules and regs that applied to this originally were the ones from 1976/77.

Mark Louro – They don't have room for the layout radius.

MR. HAYES – That could be a problem for trailers.

Mark Louro – Yes, it could be.

Rachel Walsh – It is something we do now regularly. We have approached all the delivery companies re: the proposed layout and they have said that the private way size would be OK.

Gino Carlucci – A lot of the site plan comments are re: info not provided – lighting, there is a minimal landscaping plan, there is nothing on utilities, there are no details on the plan about the building. One thing that is a problem is the driveway that surrounds the riding area. It is less than 15 feet from the lot line and it actually extends over the lot lines onto lots 2 and 4.

Steve Poole – That is a good point. The intent here is for the access loop to be in front. The area behind the arena is more for the horses to walk around the building. It is not intended for trailers to be driving around back. It is not meant for traffic. But could be used for access in an emergency. In the overall everyday use, that area is for the horses. We should show an access easement on lots 2 and 4 for where the driveway crosses.

Gene Walsh – We see lighting as being very minimal - one big one over the entrance to the barn.

Rachel Walsh – We will retain the natural landscaping.

MR. HOOPER – What size parking space?

Steve Poole – 9' by 20' I think.

Rachel Walsh – We think there is plenty of parking, more than adequate for the 8 boarders that would be using this space.

Mark Louro – So there would need to be a waiver on site plan for the parking space size.

Gino Carlucci – There will need to be a list of waivers for the site plan.

Steve Poole – When we break this out, we will give you a more defined site plan for just that lot.

MR. HOOPER – Mark, any highlights from your review?

Mark Louro – I am concerned about the proposed drainage system. It is similar to what they did at Wild Turkey Run (Morgan Heights), which has a riprap trench on each side of the roadway. But there are catch basins here. I think that will get clogged very quickly so their conveyance to the pond will be tampered. The operation and maintenance plan calls for it to be cleaned out 3 times a year. But there is nothing to help the catch basins catch the run off. I don't think the runoff will get to the grate. Without any curbing it will run off to the abutting property to the south. There is no way for it to get to the drainage system and then to the pond. At Wild Turkey Run, they didn't want to build the approved system. With a private way, it becomes difficult.

MR. HAYES – What is the purpose for the stone?

Mark Louro – Conveyance.

Steve Poole – It gives a couple more feet on either side, a little more elbow room. The swales are supposed to be there.

Mark Louro – Is the riprap trench is at the bottom of the swale?

Steve Poole – I can change the grade to make it go down. I understand clogging is a problem with a gravel road.

Mark Louro -I think with a 4% road, the gravel would disintegrate quickly.

Steve Poole – The intent was per the cross section and not per my lousy drawing. I will have to figure out how to draw it better.

Mark Louro – But if you go with riprap, it will not be effective over the long term. The maintenance plan is not reasonable. There is a lot of grading along the property line. They are putting a swale up against the property lines and changing the grades up against others. It could affect those properties. There were no contours shown beyond the property, not enough to determine whether runoff from the site would go to the pond. They may have to deal with runoff from the abutting land. I agree with Gino that it is not clear that the road around the arena is for horses. You might want to show bollards to be clear that it is not for vehicles.

MR. HOOPER – Signage might do it.

Steve Poole – I would hate to do bollards.

MR. DETOMA – They would be a hazard to the horses.

Mark Louro – A paved road might help the drainage function (instead of gravel). I also thought with paving, the catch basins would work better with less maintenance.

MR. DETOMA – Would that have an effect on the drainage and the amount of vegetated wetlands?

Mark Louro – Yes, but right now they are too high on rate and volume. They are close.

Mark Louro – Do you have any soil information?

Steve Poole – I can get you that info. I did not take any infiltration into account.

Gene Walsh – We have this enormous paddock that has been there for 20 years and has worked very effectively for many years. The water goes right down thru it.

Steve Poole – We did figure some short-term detention for that area and then the overflow goes to the detention basin.

Mark Louro – A lot of the technical issues can be addressed between Steve and me.

MR. HOOPER – Are there any comments from the audience, and if so, please state your name.

Fred Benjamin (28 Broken Tree Road) – I am just curious to see how this backs up to my property.

MR. HOOPER – Sight lines are a concern for me on Holliston Street. If you are going to introduce a facility with trailers, etc, you have to be more concerned about that whether it is a subdivision or not.

Mark Louro – The previously approved plan had a sight easement. Will you keep that?

Steve Poole – That would still be a part of the plan, yes.

Mark Louro – I would like you to define that more clearly.

Rachel Walsh – We have hired a private tree service to clear some trees.

Steve Poole – That was an issue during the initial approval with Mike Perrault (PMP Engineering). There was an easement put on to get it clear. A lot of effort went into resolving that sight distance issue.

MR. HAYES – For a private way, the easement would go with the property owners, so it would need to be clear.

MR. HOOPER – What about raising that elevation off of Holliston Street?

Mark Louro – There is not a lot more that can be raised. The grades and curves need to be shown.

MR. DETOMA – As a general comment, I think this is a very attractive design, far more so than a cul de sac and a big fat road. It appears to be a very nice farm environment. I think you should be commended for that. Clearly, there are a lot of technical issues you can get through. It appears to me that the applicant intends to keep this in the family for many years to come. But, if for some unforeseen reason, these people no longer own this parcel, and a future owner comes in and wants to put in 4 full houses, what is the impact of that?

Rachel Walsh – I have an interest and hope to purchase lot #4 and eventually maintain the rest of the property.

Mark Louro – If this were approved as a 4-lot subdivision, it would meet fewer standards.

Gino Carlucci – They could tear down the riding arena and build a house at some point in the future.

MR. HAYES – I have some concerns with the drainage as it is now proposed. Gravel swales on the side of the road are going to detract from this aesthetically and functionally. We have seen problems with this type of drainage system.

MR. DETOMA – I have a technical question. If the applicant were to pave the road, could the parking lot remain gravel?

Mark Louro – The problem with that is they would increase runoff.

MR. DETOMA – If by future meetings, it is decided that this road becomes paved, could they not maintain the pathway around the arena as gravel? For that matter, lot 4 could have their driveway gravel, right?

Mark Louro – I was concerned that the parking lot may catch some water that would need to be conveyed to the pond. It would need to be pitched correctly. Putting the riprap in the bottom of the swale is certainly better.

MR. HAYES – Are you proposing any infiltration for the roof?

Steve Poole – We were not. We may have to look at that.

Mark Louro – It is a very big surface.

Steve Poole – The pond is designed to be wet.

Gene Walsh – It was dry this season.

MR. DETOMA – The design of the detention pond is very nice.

Rachel Walsh – We want it to be naturalistic.

MR. HOOPER – I would like to commend the effort to retain the vegetation by reducing the pavement width. I am not opposed to that. I like to think that can be fine in cases where there are small subdivisions. But the drainage has to work. I am not opposed to pavement either (instead of gravel). If it works better and suits the site, then that needs to be considered. I like too the fact that we are reducing house lots and doing something that fits the zone. These are all good things. And then the aesthetic enhancements are wonderful.

Mark Louro – You really need to prep a list of waivers for the site plan part of this.

Steve Poole – I would like to come back for a brief discussion before we start changing the plans.

MR. HOOPER – How does board feel about paving vs. gravel?

MR. DETOMA – I like the concept of but I don't want to do it at the expense of making somebody else's property wet. I think is an appropriate application only if it doesn't cause a problem for abutters.

MR. ALEXANDER – I feel the same way.

Mark Louro – Maintenance is a big issue.

MR. HOOPER – Also sight line issues. Does anybody have any concerns? Any engineering suggestions that might be considered by the applicant?

MR. HAYES – What is more the issue? The crest of the road or growth in traffic?

MR. DETOMA – Is there a reason why road throat is so narrow?

Steve Poole – We will open that up a bit to make a better turn in and out.

MR. DETOMA – I think there is some modification at the entryway that could be made to this.

The public hearing was continued to October 26 at 8:15 pm.

NOTE – Karyl Spiller-Walsh returned to the table at 8:42 pm

Public Hearing Continuation – 2-4 Main Street Site Plan

Susan Affleck-Childs – Revised plans and a list of waiver requests were delivered today by Mr. Potheau's engineer, Rick Merrikin.

Mark Louro – I met with Rick on Friday. He handed me the revised plan and he reviewed the changes with me but I have not done a formal review for you.

MR. HOOPER – We are here but without significant input from the engineer to formally review. We will have to move this on to the next meeting to have that input but we act.

Bob Potheau – I thought that we had just a few little details to tie up. Perhaps I misunderstood.

Mark Louro – There were a lot of details that needed to be addressed.

Bob Potheau – I have reached a point where if I cannot get this approved, then I may have to withdraw. I thought I clearly heard that we needed some waivers.

Mark Louro – Rick and I were supposed to immediately meet after the last meeting. But we met just 4 days ago so I can't issue a letter to the board to tell them whether the revised calcs have been met.

MR. HOOPER – In addition to the calcs, were we getting more comfortable on access and safety issues?

Mark Louro – That is what he is showing here. He has shown it is feasible.

MR. HOOPER – With the elevations, this is a better solution.

MR. DETOMA – Perhaps we should clarify for the applicant the fact that Mark Louro hasn't reviewed doesn't necessarily mean there is more work for him to do.

MR. HOOPER – Are there any other technical issues out there?

MR. HAYES – Have they met with the DRC?

Susan Affleck-Childs – The DRC has made some suggestions but they haven't issued a letter of recommendation yet.

Bob Potheau – I am glad to take their input. The problem we are faced with is that if this is not approved soon, I have spent half of what I was to spend on the building on the permitting process.

MR. HOOPER – We are trying to move this as quickly as you are. Your engineer was not able to coordinate with our engineer.

Bob Potheau – We are all on the same page. The problem is my engineer.

MR. HOOPER – We are not prepared to make a final determination tonight. We have to move it to the next available time slot when we have our engineer's review. I am willing to work offline with you to help. But please understand that if the questions are answered but they are not the answers we need or want, those may need to be addressed again. We want the next meeting to get comfortable. If we are left hanging on a thread waiting for our engineer to give us technical go ahead, that is a time line problem.

Bob Potheau – I do not believe this board is the problem, I believe the problem is coming from my side of the fence. Mark did not get the info in a timely fashion for him to review.

MR. HOOPER – Let's go thru the list of waiver requests from Rick Merrikin. We will go thru each one and see if anybody wants to discuss.

1-7 are fine

#8 – OK, much better than it was.

#9 – OK, only in 1 spot. Mark, what if you eliminated the (parking) spot?

Bob Potheau – We should really try to keep that spot for what is remaining

#10 – Mark Louro – The regs say you need curbing at the end of all paved areas. They want a waiver from curbing on the east and west ends of the parking lot.

Bob – That is the way it is now.

OK.

#11 – OK

MR. HOOPER – It would be helpful to have commentary from fire and police departments.

Mark Louro – I think Rick was going to meet with them to discuss emergency vehicle access to the site.

Malcom ???? – What does Mark Louro have to review? Drainage calcs?

Mark Louro – Yes. I need to review the assumptions made regarding the soils. You cannot increase runoff from the site so you have to have a system to infiltrate that. We didn't agree with the way the engineer designed it.

Bob Potheau – I have another item I would like to put in the record.

NOTE – Bob Potheau read a statement. It is attached and made a part of these minutes.

Susan Affleck-Childs – We are going to need a deadline extension.

A motion was made by Alan DeToma and seconded by Eric Alexander to approve the applicant's request to extend the deadline for Planning Board recommendation to the Board of Selectmen to November 30, 2004.

NOTE – The public hearing was continued to November 9 at 7:35 pm.

Discussion - Forest Edge/Field Road

MR. HOOPER – We will hold off on this, as we have not received the opinion we sought from Town Counsel.

Evergreen Meadow – OSRD Special Permit

MR. HOOPER – We need to approve the findings. Gino, how should we do that?

Gino Carlucci – I think you can do the numbered findings

After discussion and some changes to the proposed findings, the Medway Planning Board hereby makes the following findings regarding this application in accordance with Section V-S:

FINDING #1 - The Board finds that this OSRD development will be in harmony with the general purpose and intent of the Bylaw since it is located within the AR-I district and meets all six of the specific purposes of the Open Space Residential Development section of the Zoning Bylaw as noted more specifically below.

- a. It preserves a total of 23.71 acres of open space.
- b. It provides a key component of an open space/greenway corridor between Wenakeening Woods in Holliston and Choate Park in Medway.
- c. It provides a design superior to a conventional subdivision plan.
- d. It promotes harmonious use of the land's natural features by preserving many of them.
- e. It minimizes environmental disruption and provides a shorter network of streets and utilities.
- f. It was demonstrated that a conventional subdivision could have been developed on the site.

A motion was made by Eric Alexander and seconded by Alan DeToma to approve Finding #1. The motion passed unanimously.

Finding #2 - Subject to the conditions as outlined in the OSRD Special Permit, the OSRD development complies with the General Requirements of Section V-S.2 of the Medway Zoning By-Law. These requirements include, but are not limited to, the following:

- a. The tract exceeds 10 acres in area.
- b. This special permit has been granted by the Planning Board in conjunction with a Certificate of Planning Board Action for a definitive subdivision.
- c. The number of lots approved is equal to those shown on a conventional subdivision plan.
- d. All lots comply with the dimensional requirements of Section 5. Houses and septic systems are located outside areas protected by Zone II regulations for public drinking water supply.
- e. Detached single-family dwellings will be constructed, and the uses within the open space area are in compliance with the bylaw (trails and passive recreation).

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to approve Finding #2. The motion passed unanimously.

Finding #3 - Subject to the conditions as outlined in the OSRD Special Permit, the OSRD development complies with the Dimensional and Design Requirements of Section V-S.5 of the Medway Zoning By-Law. These requirements include, but are not limited to, the following:

- a. All lots comply with the dimensional requirements of Table S-1. All structures shall also comply.
- b. No lots are located on an existing street so this requirement is not applicable.
- c. The development preserves many of the natural features of the site and minimizes disturbance to the landscape and surrounding property.
- d. The conditions below, as well as a Scenic Road Work Permit dated September 22, 2004, ensure that adequate screening and buffering is provided between existing abutting residences and new lots within the OSRD.

- e. Condition #3 below requires that no accessory structures be located within buffer strips between new lots and existing residences.
- f. 6 – Condition #3 below requires that swimming pools may not be located within thirty (30') of a property line of an existing dwelling abutting the OSRD nor shall it be located within the designated buffer strips.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to approve Finding #3. The motion passed unanimously.

Finding #4 - Subject to the conditions as outlined in the OSRD Special Permit, the OSRD development complies with the Dedicated Open Space requirement of Section V-S.6 of the Zoning By-Law. These requirements include, but are not limited to, the following:

- a. The dedicated open space to be conveyed to the Town exceeds the 45% minimum requirement. The width of the open space parcel is a minimum of 25 feet. The buffer between the existing Lovering Street and the new lots has been approved at 30 feet, rather than 100 feet due to the topographical constraints of the parcel. Similarly, a small detention basin and drain line has been approved to be located within this 30-foot buffer due to topographical constraints.
- b. A minimum of 70% of the required dedicated open space is upland. The required open space is 11.74 acres. The upland requirement is 70% of that, or 8.21 acres. The development provides 15.45 acres, of which 8.81 acres is upland.
- c. Only buried piping and minor berming with a maximum slope of 3:1 blended into the landscape, and riprap at pipe outflows are located within the open space.
- d. As noted above, the open space area provided represents a key component of an open space/greenway corridor between Wenakeening Woods in Holliston and Choate Park in Medway. The open space area is a large, contiguous area and is proposed to be maintained in its natural state except that a trail is proposed to be improved and parking for the trail is to be provided within the Lovering Street right-of-way. Easy access is provided both for future residents of the development as well as the general public. Less than 20% of the open space will be covered with man-made impervious surfaces, and its use will be for passive recreation.

A motion was made by Eric Alexander and seconded by Alan DeToma to approve Finding #4. The motion passed unanimously.

MR. HOOPER – Now we move on to the actual special permit decision drafted by Gino Carlucci. I would like to review the recommended conditions of approval.

RECOMMENDED CONDITIONS OF APPROVAL

- 1. This special permit is subject to compliance with all conditions of the Certificate of Planning Board Action approving the definitive subdivision plan.

2. Prior to endorsement of the definitive plan, a revised drainage plan shall be submitted to the Planning Board for review and approval illustrating how drainage basins within the open space area will blend into the natural landscape.
3. Prior to endorsement of the definitive plan, the plan shall be revised to indicate that buffer strip easements be located on Lots 11, 12 and 13 for those portions of those lots that are within 50 feet of the abutting property line of David and Sandra Iarussi. The applicant shall also provide to the Planning Board for review and approval draft deeds for those lots indicating the easements and specifying that no accessory structures or swimming pools may be located within the easement areas.
4. Details for the proposed wetland crossing and trail improvements shall be submitted for review and approval by the Board prior to endorsement of the definitive plan. The details shall specify the proposed materials, and either provide a rail for pedestrian safety or documentation as why no rail is necessary.
5. Prior to endorsement, a revised Landscape Plan shall be submitted for review and approval. The Landscape Plan shall indicate the locations that trees that are to be planted along (but outside) the Lovering Street right-of-way, within the open space area, around the parking lot, detention pond plantings, and locations for trees to be planted as required by the Scenic Road Work Permit.

Rob Truax – With condition #2, what are you really looking for? I thought it was taken care of.

MS. SPILLER-WALSH – I recollect that buffering with vegetation would be adequate.

MR. ALEXANDER – My recollection corresponds with Karyl's.

It was agreed to remove condition # 2 as originally drafted.

Rob Truax – Condition #3 is OK. That will be planted anyway.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the OSRD Special Permit for Evergreen Meadow with changes to the conditions as noted. The motion passed unanimously.

Evergreen Meadow Definitive Subdivision Plan – Certificate of Action

MR. HOOPER – We will take one waiver request at a time.

Section 3.3.2 re: Plan Contents. This requirement provides that all elevations shall refer to the North American Vertical Datum of 1988 (NAVD88). The applicant wishes to use 1029 NVGD maps, which correlate better with flood maps.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to approve a waiver from Section 3.3.2. The motion passed unanimously.

Section 3.3.2.25 re: Street Lights – This requirement provides that street lighting shall be shown on the definitive subdivision plan. The Applicant has agreed to install a private lamppost on each individual house lot near the proposed street in lieu of street lighting.

MR. DETOMA – I don't agree that individual lampposts are adequate to light the neighborhood.

MR. HAYES – I don't believe any lighting is necessary.

A motion was made by Eric Alexander and seconded by Karyl Spiller-Walsh to approve a waiver from Section 3.3.2.25. The motion was passed unanimously.

Section 4.2.5.1 re: length of dead end streets – This requirement provides that non-through streets and their extensions, if any, shall not be longer than six hundred feet (600').

MR. HOOPER – I want to read mitigating actions #1 and #2 as justification for granting this waiver.

#1 – Donating 23 acres (the Open Space Parcel and Parcel A), constructing a trail and small parking area, and installing a substantial four-season landscape buffer in the open space parcel to buffer the house lots from the trail. This will preserve and protect the natural features of the land, which will be beneficial to the Town of Medway. This open space is an integral component of an open space/greenway corridor between Wenakeening woods in Holliston and Choate Park in Medway. A plan compliant with the 600' dead end street length standards would not provide the community with this much needed, permanent open space resource.

#2 – Making only one curb cut from Lovering Street, a narrow scenic road, into the subdivision (*instead of 2 curb cuts under a conventional subdivision plan without a dead-end street length waiver.*) Having only one curb cut will result in safer traffic conditions and improved sight distances.

MR. HOOPER – It has been demonstrated that the same number of lots can be achieved with a conventional layout with two curb cuts onto Lovering.

MS. SPILLER-WALSH – But was it?

MR. HOOPER – I believe there was a boulevard approach to the streets.

Rob Truax – There was a plan that did not require a waiver. It could be constructed. It was an isolated wetland not protected under the Wetlands Protection Act. The CONCOM supported the open space alternative plan.

MR. HOOPER – What is the road length?

Susan Affleck-Childs – 958 feet

A motion was made by Matt Hayes and seconded by Eric Alexander to approve a waiver from Section 4.2.5.1. The motion passed unanimously.

Section 4.2.9.1 re Sidewalk Construction – This requirement provides that sidewalks shall be provided along any Town street for the entire length of street frontage owned by the applicant.

Rob Truax – Mark, how much is this going for?

Mark Louro – It is 663 feet, not 768 as first drafted.

MR. HOOPER – It is our policy to look at what is appropriate for the street should a sidewalk be constructed there.

Mark Louro – I think Grapevine included curbing.

Rob Truax – We could build the sidewalk on the inside of the stone wall as there is plenty of room in the right of way. We don't think it is right to ask us to pave for curbing when it would never be built there.

Mark Louro – The cost without any curbing at all is \$19,698. That would be an asphalt sidewalk.

MR. ALEXANDER – I find that somewhat convincing.

MR. HAYES – Do we want him build the sidewalk or do a pavement in lieu of?

MR. HOOPER – There is no reason to actually build it, as there are no other sidewalks to connect to, so this is reasonable mitigation.

MR. DETOMA – I have a question. With the new high school, when route 126 gets its new sidewalks, are people in this subdivision going to be beyond the distance for walkers? If they are going to be walkers then there should be sidewalks.

MR. HOOPER – We can look to the sidewalk fund instead.

Taniel Bedrosian – \$20,000 for sidewalks seems like a lot.

MR. DETOMA – This is payment in lieu of actual construction.

MR. HOOPER – If a sidewalk was installed behind the stone wall, it is still in the right of way.

A motion was made by Eric Alexander and seconded by Matt Hayes to approve a waiver from Section 4.2.9.1 with a payment to the sidewalk fund of \$19,698. The motion passed unanimously.

MR. HOOPER – Let’s review the conditions in the draft certificate of action.

MR. DETOMA – On waiver #3 on page 3, we should strike the word “appropriate”. I don’t agree that light posts are an appropriate lighting alternative for street lights in a residential neighborhood.

Condition # 4 – Landscaped Island – The board agreed that there would be a 10’ apron around the island with 20 foot roadway all around. The apron would be comprised of brick, cobblestone or comparable product.

Condition 6A - It was agreed that this could be removed.

A motion was made by Matthew Hayes and seconded by Karyl Spiller to approve the Evergreen Meadow certificate of action as presented with the edits and corrections so noted. The motion passed unanimously.

ANR Plan – Krista Frost for 8 Alder Street

David Frost, husband of applicant was present.

MR. HOOPER – Gino, what do you have for us?

Gino Carlucci – There are a couple of technical details. Blue Ribbon Road is not shown. There is no reference to wetlands or septic systems. But the plan meets requirements for an ANR.

MS. SPILLER-WALSH – What is happening here?

Susan Affleck-Childs – The lot is being split. Krista and her husband will build a house on lot 3.

MR. DETOMA – Is there any problem about septic systems and wells not being shown?

MR. HOOPER – The plan does comply with state requirements. We request additional information. Sometimes we get it, sometimes, we don’t.

Gino Carlucci – Those things do not affect the ability to record an ANR plan. That info is more for description purposes.

MR. DETOMA – Any wetlands?

Ron Wilson – None in the area.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the ANR plan for 8 Alder street presented by Krista Frost. The motion passed unanimously.

NOTE – The Board signed the ANR plan and ANR Form A-1.

Bond Reduction for Ishmael Coffee Estates

Mark Louro – They are paving sidewalk binder tomorrow but that will remain on the list. Sidewalk gravel is completely installed.

A motion was made by Alan DeToma and seconded by Eric Alexander to reduce the bond for Ishmael Coffee Estates to \$179,814. The motion passed unanimously.

127 Main Street Adaptive Use Special Permit - Plan review estimate from VHB

Susan Affleck-Childs – We can't really use the full site plan rules and regs for this project. We need to draw guidance from AUOD bylaw. We have to give Gino Carlucci and Mark Louro some discretion.

MR. HAYES – We can also look to our draft AUOD rules and regs.

Gino Carlucci – This is not a development by right. It is a special permit, which is discretionary.

MR. HOOPER – The scale has to play a part but we must consider the Route 109 location.

A motion was made by Alan DeToma and seconded by Eric Alexander to approve the VHB estimate of \$4,975 for plan review expenses for 127 Main Street Adaptive Use Special Permit project. The motion passed. Karyl Spiller-Walsh and Matt Hayes recuse.

MR. HAYES – Just a reminder that the CPC is holding a presentation by the Trust for Public Lands on October 19th at the new high school.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to adjourn. The motion passed unanimously.

The meeting was adjourned at 10:15 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

Draft – November 1, 2004

***Planning Board Meeting Minutes
Tuesday, October 26, 2004***

PRESENT: Karyl Spiller-Walsh, Alan DeToma, Dan Hooper, Eric Alexander, Matt Hayes

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant

Chairman Hooper called the meeting called to order at 7:05 pm

A motion was made by Karyl Spiller-Walsh and seconded by Alan DeToma to go into Executive Session for purposes of discussing pending litigation.

Roll Call Vote

Karyl Spiller-Walsh - yes
Alan DETOMA - yes
Eric Alexander - yes
Dan Hooper – yes
Matt Hayes – yes

The motion passed unanimously.

The Planning Board went into Executive Session. It concluded at 7:21 p.m.

ASSOCIATE PLANNING BOARD MEMBER

NOTE - The Planning Board was joined by members of the Board of Selectmen – Jim Galligan, Joe Dziczek, Raphaella Rozanski and Kent Scott to interview and appoint the Planning Board Associate Member.

DAN HOOPER – Good evening. Thanks for coming tonight to handle a joint appointment of an associate member to the Planning Board. I am hoping you were able to receive a resume we sent up to you. We have the resume of Cranston (Chan) Rogers. I would ask Chan to introduce himself and tell us why you would like to serve on the Planning Board.

A motion was made by Raphaella Rozanski and seconded by Kent Scott to convene the Board of Selectmen in session to meet jointly with the Planning Board. The motion passed unanimously.

Chan Rogers – I worked until I was 77 and I want to keep on going as long as the good Lord is willing. I really wasn't happy not doing anything. I previously served in town government. I was on 5 committees in Hingham. Recently the issue came up with seniors working for the town and I didn't want to sit at the dump to count stickers. I felt I should volunteer where I could help. Many years ago, I rewrote the subdivision rules and regs for towns on the south shore. They were considered restrictive e then.

NOTE – Gino Carlucci and Mark Louro arrive at 7:25 pm.

DAN HOOPER – I appreciate your interest and have heard good things about you. Both Matt Hayes and Mark Louro worked at Chan at the Maguire Group.

Raphaella Rozanski – I am happy to recommend Chan to the board. I have seen him at many regional meetings and he has brought his expertise to those activities.

MATT HAYES – I met Chan 12 years ago. He was an incredible engineer, a great boss, and a super manager.

DAN HOOPER – I am blown away that we have this talent in our town.

Kent Scott – He has an impressive record of infrastructure management.

ERIC ALEXANDER – You have my admiration for having served in World War II.

A motion was made by Raphaella Rozanski and seconded by Joe Dzikczek to appoint Cranston (Chan) Rogers as Planning Board Associate Member. The motion passed unanimously by both boards.

DAN HOOPER – Congratulations. Town Clerk Maryjane White has kindly agreed to stop by to swear in Mr. Rogers. We need him for a special permit public hearing later tonight.

A motion was made by Raphaella Rozanski and seconded by Kent Scott to adjourn the Board of Selectmen's meeting. The motion passed unanimously.

The meeting was adjourned at 7:30 p.m. The Selectmen departed.

CITIZEN COMMENTS

DAN HOOPER – We opened early tonight but we entertain citizen comments before we begin our more formal agenda. Is there anybody here who would like to comment? Seeing none, we will continue with our agenda.

Pine Meadow Definitive Subdivision Plan – Public Hearing Continuation

Paul DeSimone - We are going to ask for another extension. The engineer, Barbara Thissel, has been sick so the plans have not been revised yet.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the applicant's request to extend the deadline for Planning Board action on the Pine Meadows subdivision to January 16, 2005. The motion passed unanimously.

NOTE – The public hearing was continued to November 23, 2004 at 9 pm.

Irene Streifer and Mark Streifer/37 Broad Acres Farm Road

Irene Streifer – We are here for same reason as we were in August 2002. There are a lot of things left undone and there are some other things that have come up. I don't know where you want to start.

Reference letter from Irene and Mark Streifer dated _____.

DAN HOOPER – Please get us and me up to speed. I wasn't privy to everything that you discussed with Mark Louro.

Irene Streifer – Mark Louro went over a lot of stuff with me today. My neighbor, Paul DeSimone is here as well. In looking at the plan and seeing where our house sits, our well is in the easement area. Our deck is less than 2 inches from the easement and our roof overhangs the easement. That is all new information I learned today and we would like to bring it to the Board's attention. This house was already built when we purchased it with a sprinkler and trees. We have 6.27 acres. When the building inspector looks at the plans, all he looks at is whether the lot has 44,000 feet. He doesn't care about easements. I haven't been able to find anybody in this building (town hall) who cares whether the Town allowed the house and well to be built where they are. I also want to draw to your attention that our deed only refers to the subdivision, it does not reference the easement.

DAN HOOPER – For the record, Greg Whelan is the developer and Ken Whelan was the house builder.

Mark Louro – We are discussing Lot 34/37 Broad Acres Farm Road in the Country View Estates subdivision. They are located at the end of the cul de sac, just before the circle on the left. The property is 6.7 acres and includes the Streifer's house and a sizeable drainage easement and detention pond. Irene has done a lot of research to determine what is the easement, where it is, what part of the pond is complete and what needs to be done. There have been several conversations with the Board. Greg Whelan, Dan Hooper and I have met out there. The biggest issue is what is going to be done and when. There are several reports from VHB that include a punch list and bond estimates.

NOTE – A map of the lot was distributed.

Mark Louro - What is highlighted in orange is the drainage easement. The green line is the wetlands boundary. What we had them do is to stake in the field where the easement is. I was out there today and truly, their house is within inches of the easement line. I have some photos. It drops off dramatically to the detention pond. According to the approved plan, it needs to slope at 3:1. That is NOT what is out there. There is not enough volume in the pond. The volume as shown on the plan is not what is occurring. I am not sure when the actual pond was constructed vs. the house.

Mark Streifer – The house and pond were there when we first saw the house.

Irene Streifer – We had more of a lawn before as we could drive a truck across the area between the pond and the forebay.

Mark Louro – The easterly corner of the forebay was reinforced with rip-rap since it was first constructed to be much steeper than it was designed/proposed to be

Irene Streifer – According to our deed, it mentions the plan and the plan mentions the covenant. We have asked about maintenance. Who is supposed to do that? When were these ponds supposed to be completed? According to the application for the plan, it says 2 years from the date hereof. The application was signed by Greg on 12-4-98. My question to you is where does it say what the time frame is for the construction of these ponds? If in fact, the detention pond should have been finished according to the application, it should have been completed before our house was even built.

KARYL SPILLER-WALSH – Let me ask you a question. Try to envision from before when you looked at this property and there was a house on it. What kind of a plan did you see?

Irene Streifer – There was a forebay and a detention pond when we looked at it.

KARYL SPILLER-WALSH – What was said to you or what did you ask or what were you made aware of about this property?

Irene Streifer – We were told that this was it and there was a 250 foot easement around the pond. That was told to us by the builder, the developer, and the realtor. They said that to us more than once.

KARYL SPILLER-WALSH - What did your attorney that represented you say to you ?

Irene Streifer – The attorney said we were buying a house, yard, sprinkler system and the ponds.

Susan Affleck-Childs – So you were repeatedly told that there was a 250 foot area around the detention pond that was the easement area?

Irene Streifer – There was a road all the way around it. There was room for a truck.

KARYL SPILLER-WALSH – Did you have a sense that you would be able to use the wetland area at the back?

Mark Streifer – We knew it was a wetlands. We wanted to be able to access around the pond and get around to the back and have the mosquito people come in.

KARYL SPILLER-WALSH – When you moved in, the ponds held water?

Irene Streifer – 6 feet of standing water. That was more water than what we were told. Water rushed out the whole center. The drain was not working properly and they fixed it and then they put in boulders (rip-rap).

ALAN DETOMA – One point of clarification, did you ever see this land without the forebay and pond?

Irene/Mark Streifer – We had 3 days when we visited from out of town to buy a house. The ponds were there.

Irene Streifer – Construction observations were made by the engineer prior to us moving in.

Susan Affleck-Childs – In preparing the chronology for you, this project was going thru review during the transition between engineering firms. Also, Greg started construction work before the plan was ever approved.

ALAN DETOMA – It sounds like to me that it was represented to you that there was a 250-foot easement area around the ponds, but the structures were in place.

Irene Streifer – We were told the ponds were not approved and that they had 7 years to complete the work and they will still tell you that today. They were just holes in the ground.

DAN HOOPER – With the headwall and drainage pipe system, it was a work in progress.

ALAN DETOMA – At what point did these things creep within your home?

Mark Louro – The easement line is within inches of their homes. Fortunately for the Streifers, the detention pond was actually constructed further away than is shown on the plan.

ALAN DETOMA - The approved plan calls for it to be much closer to the house than it was built

DAN HOOPER – Just to finish the thought, the change in location also has ramifications on the operation of how it works.

ERIC ALEXANDER – It changes the volume.

ALAN DETOMA – If we push Greg to build as the plan shows, the pond would be even closer to the house than it is now.

DAN HOOPER – I want to set up a time certain to take care of this. We have lots of opinions, etc. and lots of misunderstandings. We are obliged to do is to have them build it to plan. However, I don't think that is the right way to do it.

Irene Streifer – Our well and shed would have to be moved.

KARYL SPILLER-WALSH – What we need is some kind of plan that will achieve the volume control and correct the problems and be redesigned that will allow you to keep your yard.

Irene Streifer – Paul DeSimone owns about 1/8 corner of this pond.

Paul DeSimone – On the lot itself, the area for building the house is very tiny. We went thru a dozen house plans to find one to put on that lot. The house was designed to fit the lot. They dug the detention basins and had the slopes right and then Ken Whelan built the house. He had some dirt and then when the yard started to lose, then they put rocks in the slope. It was graded right to begin with.

DAN HOOPER – Somebody decided for the marketability of that home to fill in a bit of the planned area of the forebay.

Paul DeSimone - He just wanted room. In this town, the well can be in easement area. In Medway, even a house can be put in the easement.

Mark Louro – The plan that goes to the building inspector has the easements shown.

Paul DeSimone – All he cares about is the zoning setbacks.

KARYL SPILLER-WALSH – I would say that today, with this Planning Board, this plan wouldn't fly with dynamite. We don't do this. You hopefully are a problem of the past.

Irene Streifer – Let's get it resolved.

DAN HOOPER – I have got to tell you that it was hard to read your letter. I think we have been fairly receptive to your concerns. You feel otherwise. I think in earnest we are trying to come up with solutions that make sense. That needs to be recognized.

Irene Streifer – Yes, we do.

DAN HOOPER – The timeline is of concern and whether or not there is a legal obligation by the developer. There are various documents that I have seen but I can't say which one we are more legally bound to. I have seen it in our rules and regs beyond 6 years. Over and above what is in the document trail here, we need to come up with a date certain that accommodates what you are looking for and what we need which is that the design of that system, specific to that area, accommodates the flows as approved in 1998/99. In addition I would like you to offer your thoughts on how you would like that accomplished so we can try to achieve that for you. I have asked Greg to sit with us again. If you have suggestions beforehand, now that you know where things are staked, we need to hear that from you. I don't see solutions in your letter. I just see complaints.

Irene Streifer – We can't provide a solution.

DAN HOOPER – One solution is to construct it to the plan. I can tell you that you won't like that. Where is it that you would like go?

Irene Streifer – I think we need to know legally where we all stand.

DAN HOOPER – Gino, what did you find out about the time limits?

Gino Carlucci – There is nothing in state law. It is left to the local rules and regs.

DAN HOOPER – I will pursue this further with Town Counsel. If there are no deadlines, we will make a time line. Perpetual motion serves no purpose.

Mark Streifer – We are concerned about future resale if this isn't taken care of.

Irene Streifer – Where is the end to all this?

KARYL SPILLER-WALSH - This has been a terrific learning curve. That is why this won't happen again. There are creative solutions without backing you into a corner. We won't be backed into a corner. You might want to have some discussions with your attorney and builder. Our engineer had some real thoughts how this could be morphed and everybody gets what they need. Mark Louro has some very real suggestions that don't require a whole lot.

Irene Streifer – We want to get somebody responsible for ongoing maintenance.

KARYL SPILLER-WALSH – If you press the wrong buttons here, this plan as approved is your worst nightmare.

Mark Louro – Greg needs to have somebody do calcs to determine the shortfall in volume for both ponds. They are looking into what volume is required under the definitive plan and comparing that to what they actually have in the field. If the decision is to provide that volume elsewhere to minimize impacts to the Streifers, then it could be designed. That would probably take you into a plan modification process which I expect the developer would not want to pursue. We need to know where that stands right now.

ALAN DETOMA – Would we be in a comfortable position with the developer discussing the possible remedies if they wanted to build it as drawn, what could the Planning Board do?

Mark Louro – I think they have to be allowed to build it to plan if they want to but we could look at other options.

KARYL SPILLER-WALSH – The construction cost of doing the latter vs. the former should be about the same. If I was you, I would move toward a more creative solution.

Mark Louro – I think it would be more cost effective to change the design than to build it as drawn.

ERIC ALEXANDER – He will be at lesser risk if he isn't so close to the house.

DAN HOOPER – Relative to our discussions on subdivision rules and regs, we are considering at least 25 feet distance from the edge of house to the top of a detention pond and wetlands.

Irene Streifer – I would think also, besides Greg Whelan, the town has to be able to get around the pond. We are not the only people who use that. People come from all around to play in it. It would still most likely be on our property. Very little would have to be on Paul DeSimone's.

Mark Louro – I would think one side access would be acceptable for the town.

Irene Streifer – For mosquitoes, when it was first built, there was a flat area between the two and the mosquito truck drove there. You will still want to be able to do that.

Mark Streifer – What is the next step and what is the timeline?

DAN HOOPER – I would like to hear from Town Counsel if there are any deadlines that can be referred to. If there are none, I want to know if we can institute one and concurrent with a plan modification because of what we see on the ground being so different.

Irene Streifer – There was a question. Have those ponds been analyzed? Why are they so large? That hasn't been answered yet.

DAN HOOPER – They do appear to be functioning.

Mark Streifer - They need maintenance.

Irene Streifer – Where are we at right now?

Mark Louro – As far as process and Planning Board rules and regs, the existing ponds were adequate to meet the initial drainage calculations, but we weren't involved in that review. I have asked Greg to ask the original engineer how that was supposed to work. Whatever happens, it is still a plan modification.

DAN HOOPER – Your concern is that what exists today may exceed the capacity of what is needed.

Irene Streifer – We were here in 2002. It was brought up why are they so large? It was brought up a year ago. We have asked for this to be done.

Mark Louro – The as built plan has been prepared. However, we questioned whether it really depicts what has actually been built. The as-built plan has been done and I have commented on its discrepancies. So, now we are at this point.

Irene Streifer – It sounded like you said today that the larger pond is where it should be.

Mark Louro – Yes.

Irene Streifer – The forebay is what in question, the depth and width of the side slopes because of erosion. What about the center of it? Will that be changed to be taller or wider? As the drainage is going to have to be maintained by the town so that thing in the center (berm between forebay and the pond) needs to work. The contours show a much pointier slope.

KARYL SPILLER-WALSH – You might want to consider, looking at new concepts and awareness, that if in fact you are changing this a bit, you might want to consider it to not be so rectangular. You might want to naturalize the shape to make it look better in your yard so it isn't such a scar. Maybe it could be a water enhancement. If it was in my yard, I would want it that way.

DAN HOOPER – That may be beyond the scope of complexity for where we are now. The shape is less of an issue for me than making sure it works.

ALAN DETOMA - There isn't a lot of room.

KARYL SPILLER-WALSH – There is some room in the roadway layout that might go into water features.

Irene Streifer – What would CONCOM have to say to allow moving the forebay closer to Paul DeSimone's. What is that going to effect what we decide here?

Paul DeSimone - Greg is still working on the original Order of Conditions. As long as it is away from the wetlands is what matters.

DAN HOOPER – I think between Susy and I and Mark, off line, I want to confer with counsel regarding the various documents and timelines. Then we can move toward a new timeline. To do work now would be a mistake and would worsen the situation. I am thinking of mid spring. We would have him rebuild it to reflect a modified plan. I would also like to have the ponds staked where they should be.

DAN HOOPER – We will absolutely have to have as-built plans to reflect the actual, not hoped for construction.

Susan Affleck-Childs – I would urge you to require construction oversight for the drainage revisions.

Irene Streifer – I would want you to add a maintenance plan too.

Mark Louro – If it is maintained as it should be, it should operate well. During construction, you end up with a lot more stuff in the system. The catch basins were just cleaned.

Irene Streifer – There are leaves in the pond.

Mark Louro – That needs regular inspection.

Mark Streifer – How long will it take?

DAN HOOPER – By 2 weeks from tonight, I hope we will have info from town counsel. I want to keep the momentum going. Let's take a breath here. We want to find a resolution here. We do feel a responsibility to make sure that approved plans are built. We are beholden to the actions of boards that we weren't part of and by prior engineers. Since 1999, engineering practices have change (for stormwater management).

Irene Streifer – We just want there to be a resolution.

KARYL SPILLER-WALSH – We need to look that at this as an opportunity.

DAN HOOPER – We are looking for clarifications that aren't clear, especially the issue of timeline. This is not just about street acceptance. It is also about stormwater facilities. We need a punch list of items would have to be done.

Paul DeSimone – One last thing, when you are looking up timelines you aren't going to find anything about how long he has. It is how long the Planning Board has before you can rescind (your approval of the plan).

NOTE – the Board took a short break at 8:38 pm.

Public Hearing Continuation – Wingate Farm Site Plan and Definitive Subdivision Plan Modification

KARYL SPILLER-WALSH – I recuse myself. (8:40 pm)

Rachel and Gene Walsh, applicants.

Mark Louro – There were comments made from a technical standpoint that will be addressed over the next few weeks with their engineer. They are here to discuss waiver requests and to answer questions.

Rachel Walsh – Tonight, what we want to talk about is a request to revise the road layout at the mouth of the opening onto Holliston Street. The reason is because we have a proposed addition (accessory apartment) that is too close to the curb rounding as opposed to the 35 foot setback. We thought it wouldn't be a problem (with the ZBA) but that is not the case.

Mark Louro - The ruling is that the creation of the road creates a condition of non-compliance that is of their own making. So the current proposed layout doesn't work for them. What needs to happen is to narrow the proposed roadway layout so they can get an adequate setback for the addition.

Rachel Walsh – Currently the roadway layout is 56 feet. We are proposing it go to 45 feet.

DAN HOOPER – If I am understanding this correctly, you would be narrowing the layout, not the pavement.

Mark Louro – The approved plan showed a 56 foot layout. They are already over that, so they are looking to go less.

ERIC ALEXANDER – I went out to look at the site. The 56 foot layout in my opinion is excessive. I think there is plenty of room to reduce that.

DAN HOOPER – Without detriment to the town.

ERIC ALEXANDER – Yes. I am not intimate with the history of this development. I understand that larger width was for improving sight lines. It would seem to me that having the paved way located further south addresses that issue.

Mark Louro – What about the sight line easement?

DAN HOOPER – That more than suffices given the topographic conditions.

Mark Louro – How close does the proposed structure?

Rachel Walsh – The proposed addition is within the 56 right of way, about 20 feet.

Mark Louro – Will the structure itself create a sight distance issue?

DAN HOOPER – Just along the lines with sight distance, that is an issue for me. Has any of the safety officers in town looked at this. I know you went thru all this back when. Was there any commentary from them at that time?

Gene Walsh – They thought the road being further south was a safer condition. After living there for 28 years, you get a feeling that the further south you are, the better. You have more time to react.

DAN HOOPER – Did they suggest anything else, signage, blinking lights?

Gene Walsh – A horse crossing sign?

DAN HOOPER – Or other possibilities here. Something to serve as fair warning for those approaching. This is the only place to put the roadway to access the land. Then we need to figure out the safest possible solution. I am not sure that I have heard enough from the safety officials. Given that you will be bringing in horse trailers, we need their ideas on where to put signs, etc. I know there has been nothing proposed on Holliston Street.

Mark Louro – Was there a traffic study done?

Rachel Walsh – Yes there was.

Mark Louro – I think that was how the sight easement was determined.

Susan Affleck-Childs – It sounds like another visit with the safety officer would be in order.

DAN HOOPER – Yes, I really want you to address this fully. Make sure everybody who would have professional commentary to make has looked at this to make it as safe as possible. I think the southerly access is the best way. Where your driveway is right now, how far is that offset? The new paved roadway will actually be northerly 20-30 ft from where it is now.

Mark Louro – Would you be willing to have a restriction to only be able to turn left with trailers coming out?

DAN HOOPER – How about coming in?

Gene Walsh – We could encourage people to only enter from the north.

Rachel Walsh – In the condition where there is trailer it would be long and high enough with lights to be visible.

DAN HOOPER – What else do we have?

Gene Walsh – We are trying to build this addition to take care of some old people (Karyl's parents). We can't do it the way it was drawn. We want to move the road layout southerly so we can have room to do the addition. So we will modify the architecture of the addition a bit as well.

ERIC ALEXANDER – Just a generic editorial comment. I consulted with my in house planning advisor (Kristin Alexander, assistant town planner in Acton). In Acton, they have a minimum roadway layout of 20 feet and a paved width of 12 for this type and size of subdivision. That is significantly smaller than what we are considering.

DAN HOOPER – So your next step is to revise the plan. We typically look for reasons why we should grant a waiver, so give us something to work with. It seems logical and reasonable to allow for a reasonable addition to a home and still accommodate safety concerns that may occur relative to entering onto a public way.

NOTE – The public hearing was continued to November 23 at 8:15 pm.

NOTE – Karyl Spiller-Walsh returned to the meeting at 9:05 p.m.

Public Hearing Continuation - The Haven Definitive Subdivision Plan

DAN HOOPER – We have a letter from Rick Merrikin requesting a continuation on this project.

NOTE – Alan DeToma read the letter. It is attached and made a part of these minutes.

The public hearing was continued to December 14, 2004 at 7:35 pm.

Discussion – Forest Edge/Field Road

DAN HOOPER – I decided to hold over Forest Edge to our meeting next week. We need to decide later tonight on what date we will meet.

Discussion – Status of Wickett Way Definitive Subdivision Plan application.

DAN HOOPER – We have a letter from Henry Wickett/Paul F. DeSimone withdrawing their application for a definitive subdivision plan dated July 20, 2004. They will resubmit at a later date.

Construction Observation Fee for Evergreen Meadow

A motion was made by Alan DeToma and seconded by Eric Alexander to approve VHB's Construction Observation Fee estimate of \$10,368.75 for Evergreen Meadow. The motion was approved. Matt Hayes recuse.

Plan Review Fees for 127 Main Street Adaptive Use Special Permit

A motion was made by Alan DeToma and seconded by Matt Hayes to approve PCG Associates' Plan Review Fee estimate of \$910 for the 127 Main Street adaptive use special permit application. The motion passed unanimously.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to rescind previous approval of VHB's Plan Review Fee estimate of \$4,975 for this project. The motion passed. Matt Hayes recuse.

A motion was made by Alan DeToma and seconded by Karyl Spiller-Walsh to approve VHB's revised Plan Review Fee estimate of \$3,775 for the 127 Main Street adaptive use special permit application. The motion passed. Matt Hayes recuse.

Approval of Certificate of Release of Covenant – for Lot 47 (old) Country View Estates – 1977.

As requested by attorneys Roche & Murphy of Franklin, the Board signed this lot release

Discussion – Ridge Street Subdivision/Jack O'Malley

DAN HOOPER - Jack O'Malley called re: his property on Ridge Street. He needs to sell the lot and he wants to go ahead and actually complete the subdivision by constructing an extension and upgrade of Ridge Street, the private way. Right now, Ridge Street is meant to serve only one home for the Richardson. Jack has moved to Martha's Vineyard for a job and although they had hoped to retain that lot, they need to sell it to be able to buy something there. When we dealt with this before, what became the primary issue is whether the way was ever constructed and is it adequate for its uses. We came to a very interesting compromise. And so we need to readdress this.

Public Hearing - 127 Main Street Adaptive Use Special Permit

NOTE – Karyl Spiller-Walsh recused herself. (The engineer for this applicant is also Karyl's engineer for her project.)

Chan Rogers, associate member sits in.

Matt Hayes read the public hearing notice. It is attached and made a part of this record.

Ted Reardon, applicant

DAN HOOPER – I did speak with Ted late this afternoon and asked for his brevity tonight and in his accommodating way, he has agreed to give us a summary of his project.

Ted Reardon – This is an existing home. To put an addition onto this house, you cannot go east or toward the front and it doesn't work to go to the rear. So we need to go west. We are putting a small connector between the house and a new garage and then a connecting room addition between the garage and the new office building. There are actually 2 curb cuts now. Our engineer thought it would be safer to move the curb cut west. I had gone to the ZBA last year to do this as an accessory building project, but with the AUOD option this has morphed into this project. We want to keep it as pretty as possible. In the back are lots of woods we want to keep undisturbed. We will have nice plantings and low intensity lighting. I am an amateur astronomer and the lights will be shielded. The office building will have my insurance agency and a craft shop. Both are listed as accepted under the ADOD bylaw. The house will become a 2 –family. There are 11 spaces plus one space in the garage.

DAN HOOPER – Gino, are there any highlights for us to think about?

Gino Carlucci – My main comments are actually design oriented and pertain to waiting for the DRC's comments. One example is that the driveway entrance is more commercial like than residential. What provisions are being made by pedestrian and bicycles? There may be some screening issues on the 129 Main Street side. And the bylaw asks for provisions for linked parking which may be easements to future links to abutting property.

DAN HOOPER – Is that a requirement or a suggested element in the AUOD bylaw? I don't recall that discussion.

Gino Carlucci – An easement would leave the option open in the future to link up parking.

Susan Affleck-Childs – Ted attended the DRC last week and there has been a very supportive response to his overall approach.

Mark Louro – There is some technical info that needs to be provided. One of the concerns I have is that they regraded and I think there is a swale right at the property line. I have asked them to look at that to grade it differently or put in some sort of drainage structure. The other stuff is really technical that I can discuss with Steve Poole.

ERIC ALEXANDER – I think Gino has addressed some good points. I was a bit concerned about the look/width of a single curb cut. I might want to suggest two separate curb cuts.

Mark Louro – I do agree from an access standpoint that two 12 foot driveways would be better.

Harold Bemis - I have a discrepancy on the square footage for the lot.

Joanne Greene (resident at the end of Elm) – There is a big drainage problem there. With the construction that this man is going to do there are going to be continuous drainage problems that will end up on that street. It is a high point to the area. The road has been raised. Elm Street off of Main Street is very busy. I walk there every day. It is a terrible spot coming up to Elm and Main. There are no lights and we have lots of traffic cutting through. I am worried about cut thru traffic. Where is the other building going to be?

DAN HOOPER – It will be attached to the existing house.

Ted Reardon – With our insurance agency we have 1 ½ employees. Most of our business is done by internet or phone. (10/15 minutes/customer). With the craft shop, we are looking at something almost like a Cape Cod crafters with painted decorative items.

ALAN DETOMA – So this would be in and out on Main Street only.

DAN HOOPER – He is proposing to consolidate access to just one. There are no accesses out to Elm Street.

Ted Reardon – I told our engineer to do whatever he has to do to make it work and not have stormwater effects on our neighbors.

DAN HOOPER – You cannot allow any additional volume or any increase in rate of flow off of this property. If there is an existing problem, he cannot make the problem worse. That is why we have a professional engineer review the plans.

ALAN DETOMA – We should point out to the abutters that we do have a professional engineering review.

DAN HOOPER – They will not increase the rate or flow of water off of this property.

Joanne Greene – What about traffic volume?

DAN HOOPER – What is the existing use?

Ted Reardon – One resident lives in the house.

Jane Sanderson (129 Main) – I think you (Joanne) are getting confused about where this is. This is not really going to even effect your area.

Scott Sanderson (129 Main) – With the land and the slope of the land, it actually slopes into our property. If there is any runoff from this property it goes over to us and we are fine with that because it is all woods back there.

DAN HOOPER – Is there anything else?

Mr. Bemis – I want to give you some info. Elm Street is a scenic road. They never put the curb back in when they redid the road. They dug a pipe under the road and that was supposed to be a temporary thing. This was land grant #9 that went from Wrentham to Lake Winthrop. There is a land taking mistake in front of his property as well.

DAN HOOPER – We are at a point where we can continue to a future meeting.

Ted Reardon – Can you give me a list of what you need?

Mr. Bemis – His water problem is coming from Elm Street down my driveway over onto his land. If the curb was put back where it was, that would eliminate a problem

Susan Affleck-Childs – There is a note from Bob Speroni re: the addition.

NOTE – Bob Speroni’s note is attached and made a part of these minutes.

Mr. Bemis – I am trying to tell you and him ahead of time that there will be problems.

DAN HOOPER – Your concern is beyond our scope. What I can do with the minutes is forward them to DPS Director Dave D’Amico.

Mr. Bemis – I was on this board for years and on the ZBA and you are telling me that you don’t want to have anything to do with this.

DAN HOOPER – The info you have is relevant but I want to know from somebody that is more familiar what the impact is of what you are saying. If you want to talk separately about Elm Street we will go to meet with Dave D’Amico and try to solve that.

DAN HOOPER – We have a meeting scheduled for next Tuesday night, but that is election day and we cannot hold public hearings. So we are looking for an alternative date for you. We can accommodate you 2 weeks from tonight and that may give you some time to revise the plans.

Ted Reardon – My only concern is that I want to get building.

DAN HOOPER – For your accommodation regarding our time tonight, we will be very expeditious.

Mark Louro - He has some comments from Gino and from us. Might it be better to give him a month to revise accordingly?

DAN HOOPER – To address the issues that are before you in the letters, the revisions would need to be resubmitted to us in 2 weeks.

It was decided to continue the public hearing to November 9 at 8:30 pm.

DAN HOOPER – We will hold off on all other business.

A motion to adjourn was made by Matt Hayes and seconded by Eric Alexander. The motion passed unanimously.

The meeting was adjourned at 10:15 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

***Tuesday, November 2, 2004
Planning Board Administrative Meeting
Minutes***

PRESENT: Dan Hooper, Matthew Hayes, Eric Alexander, Alan DeToma, and Karyl Spiller-Walsh

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant
Mark Louro, VHB, Inc.
Gino Carlucci, PGC Associates

The meeting was called to order at 7:30 p.m.

CITIZEN COMMENTS - none

ANR Plan – Medway Commons

Karen Johnson Johnson/Charter Realty –We are converting to permanent financing at the end of this month. I met with the Assessors last night. We want to create individual tax lots for McDonalds and CVS.

KARYL SPILLER-WALSH – Is there anything that matters to us by you doing this?

Karen Johnson – As you know, there is a reciprocal easement agreement. Every parcel has to comply with that. It is very commonly used in commercial developments. It provides for cross access easements and common areas for all of the improvements. The parking lot is all part of CAM (common area maintenance), which everybody contributes to. The fact that this is being broken up doesn't take anything away from this.

KARYL SPILLER-WALSH – What about the cadmium yellow bases to all the light poles?

Karen Johnson – That is a Shaw's standard.

KARYL SPILLER-WALSH – I haven't seen that at any other Shaw's, certainly not in Easton. It is awful, it is hideous. The wetland area looks great.

Karen Johnson – I am very pleased with how it has all worked out. In one growing season it looks great.

DAN HOOPER – Has Ms. Taylor been accommodated concerning the lighting impact on her property (on Holliston Street)?

Karen Johnson – External shields have been ordered but not installed. The shields will hang down off of the post and that will prevent the light spray from going onto her yard.

MATT HAYES – When will CVS start?

Karen Johnson – Next spring.

KARYL SPILLER-WALSH – Should we send this to Mark Bobrowski?

Susy Affleck-Childs – This doesn't need that.

DAN HOOPER – This is what Gino is for. He has done his review.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the ANR Plan of Land for Medway Commons, prepared by Daylor Consulting Group, dated November 1, 2004. The motion was approved unanimously.

NOTE – The Board signed the Mylar and 5 prints of the Medway Commons ANR plan and Form A-1.

Forest Edge/Field Road Discussion

Mike Biliouris, 32 Field Road
Chris LeSeige, 36 Field Road

DAN HOOPER – Let me try to summarize what I know. The last sort of gathering of the minds was a meeting that Matt attended on our behalf (with Greg Balukonis, Dave D'Amico, Jonathan Bruce and the neighbors.) Everybody except the Planning Board feels that the Planning Board should be doing more with respect to what is going on there and that we should sidestep our policy of not releasing bonds until after street acceptance. After a lot of thought and discussion with Susy, we will throw out an idea for you to see what you think. In terms of how the Planning Board typically operates in terms of roadway acceptance and bond release, there is some \$38,000 in this bond account. It is our typical practice to not release the last \$35,000 until street acceptance. These circumstances create a real challenge to that policy. We have received commentary from Town Counsel regarding this issue responding to an idea by Susy to have the Redgate I owners give the town an easement over those streets. That cannot work, according to Dick Maciolek. So, essentially what we want is a compilation of a punch list in its entirety of

everything that should be accomplished before release of any bond. There has been some history with Mr. Bruce and his ability to complete roadways and I feel personally that we have been somewhat hijacked by him. But we still need to move on. Essentially, once that punch list is accommodated and approved by our consulting engineer as complete and by DPS and Disabilities Commission, we would then have a vote to release the bond (without street acceptance). Dick Maciolek's letter states that essentially we cannot accept the street without public access to it.

Chris Biliouris – At our meeting a couple of weeks ago with Jonathan, he stated he that he is more than willing to do the work as long as he has the understanding that the Board would release the bond upon satisfactory completion.

DAN HOOPER – As long as everybody understands that this is sidestepping street acceptance as a criteria. This would be a break in our practice but we hope that this would never have to happen again.

KARYL SPILLER-WALSH – It is a break in the stalemate.

MATT HAYES – Dan, were you saying that all the work is to be done before bond release?

DAN HOOPER – I don't think that this Planning Board would have executed this subdivision plan in the same fashion as it was approved by a previous Planning Board. I would have wanted to see something with more resolution on the Redgate I lawsuit. But at some point, you have to move on and pointing blame does not solve anything. Some have said that if we do this, we lose all leverage with Jonathan on how to handle Redgate I. But it has been 12 years on Redgate I. We are simply trying to make something better for the Forest Edge neighbors.

Chris LeSeige – One of the things that my wife Kara had suggested is to try to contact Mr. Carem and see if he would agree to some sort of contingency for the town's benefit that if the town is willing to accept Field Road then he would exempt the town from any liability in any resolution on Redgate I.

DAN HOOPER – Without going into any extensive response, I do think it is a good idea but I am not sure how I want to invest my time in getting there. We have other concerns and nobody has really pressed our Town Counsel. He has no interest in pursuing this, as the town is not a litigant. How much investment do we want to put in to solve something that is beyond our purview? I won't ignore or dismiss anything you would like to do to pursue that on your own. That would be great for us.

Chris LeSeige – We have been in close contact with Mr. Carem.

DAN HOOPER – I would suggest that you do a letter to the Board of Selectmen on this idea.

Mike Biliouris – This is all about street acceptance vs. bonding and getting work done.

MATT HAYES – How has the Town been handling the Redgate I streets?

Susy Affleck-Childs – The Town has been picking it up the snowplowing.

DAN HOOPER – Dick Maciolek says there is some kind of document between the Redgate I people and the Town to maintain those streets. That is nothing I have ever seen

NOTE – Matt Hayes read Dick's letter.

Chris LeSeige – Jonathan Bruce says there is an easement to allow the public to pass. He states that at the time of the plan acceptance there was an easement.

Susy Affleck-Childs - That would be interesting to see. Dick says the easement we have seen doesn't go that far.

Chris LeSeige – So this punch list would be sent to Jonathan.

KARYL SPILLER-WALSH – Maybe we should put a time on this also so it is a real scenario.

DAN HOOPER – Yes, we should, absolutely.

Chris Biliouris – How is this different from what you normally do?

MATT HAYES – It is not except that we have a minimum bond we retain until street acceptance.

Chris Biliouris – At the meeting, the selectmen said that at the time the Planning Board approved the plan there was not any regulation for a minimum bond amount.

DAN HOOPER – That is right, but we have found that holding with the \$35,000 minimum is a real incentive to the developer to get things done. I am not sure we really have legal standing to hold the bond if the work is really done. If things are really done, they have achieved what they are required to do and they have effectively made the bond mute. The purpose of the security is to hold them to the contract. We need to look at this policy in conjunction with street acceptance. It has worked when there are some items left lingering like Disability Commission issues. It got developers to complete the work according to AAB/ADA standards. That \$35,000 minimum held them to completion. That is a sufficient amount of incentive for them to finish.

MATT HAYES – So the next step is to put together a punch list with us, DPS, VHB and then we would state that they have to do all that work.

Chris Biliouris – There is some landscaping required. What if he says he won't do anything until he sees some money?

DAN HOOPER – That is not an alternative I will entertain.

KARYL SPILLER-WALSH – Maybe he is saying go ahead and take the bond.

MATT HAYES – I don't think so. At the meeting he was worried it was all going to be held until street acceptance.

Mike Biliouris – So he can't really do anything now before Nov 15 (paving deadline). There are exposed/raised manhole covers; spaces between road and sidewalk; the retaining pond has no protective barrier/vegetation around it; the edges of a lot of driveways have a significant drop.

DAN HOOPER – For purpose of safety for manhole covers, is there any tactic for a band-aid approach this winter?

Mike Biliouris – They tried to do something last year.

MATT HAYES – how did they plow?

Chris LeSeige – When they snowplow, they lift it up when they get to a manhole. When the town comes up to the edge of the cul de sac, they raise up the plow about 2 inches.

Mike Biliouris – One of our concerns is anticipating how to handle things if he does not get the street done. Who do we call?

Mark Louro – It is Jonathan's responsibility right now. But the town may come in and do it in an emergency.

Chris Biliouris - You made a comment at the beginning with respect to how the neighborhood feels toward the Planning Board and the Board of Selectmen. We are a little put off that the builder brought us into this process. We have been pretty aggressive and we haven't had any help from our developer. Residents shouldn't have to do this. Developers should be held accountable.

DAN HOOPER – It is really a matter of law as it relates to bond extraction. It certainly favors developers if it is their practice to procrastinate, to do other than what they agreed to for their own benefit. In my 4 and ½ years on this board, I haven't figured out how to make this all work better. I am not sure that the \$35,000 minimum bond is quite right, but in the absence of anything else, we will stay with it. The hard fact is that Jonathan was allowed to do this. A previous Planning Board approved this plan.

Mark Louro – That goes back to the approved plan. It needed to be stopped and it wasn't.

Chris LeSeige – You could theorize this could happen again if the Wilson land becomes available again. Jonathan will go after that land.

DAN HOOPER – The next step for us is to draft a letter to Jonathan outlining our proposal. I wish we had gotten to this in a more timely fashion so that it could have been paved by November 15. That previous meeting a few weeks ago was more of a pig pile on Matt and I feel badly about that.

Susy Affleck-Childs – There is one last item on the list of what needs to be done before bond release. Is there anything we want Jonathan to do re: the Redgate I lawsuit?

DAN HOOPER – There is nothing we can do.

Susy Affleck-Childs – Kara LeSeige has told me that Mr. Carem said he just wanted to recoup his expenses.

Mike Biliouris – We think that may be about \$10,000.

Mark Louro – The only issue with Jonathan is that he will resolve this when he wants to develop the rest of the Wilson land.

Chris Biliouris – So you will get a letter to Jonathan Bruce.

DAN HOOPER – Why wouldn't he be at the ready with a guy to do the topcoat, which is your major concern?

Mark Louro – The bond estimate is \$10,000 is for the topcoat.

KARYL SPILLER-WALSH – Is it possible that the Town can seize property by eminent domain?

Mark Louro – It is not connected to a private way.

DAN HOOPER – The board doesn't sense that there is any connection with Redgate.

KARYL SPILLER-WALSH – Somebody should sit down with George Carem and find out what he needs. Pay him and stop the nonsense.

Chris Biliouris – We thought about asking him to dinner and asking him what the bottom line is.

MATT HAYES – Does he understand your perspective?

Mike LeSeige – We will have some more dialogue with George Carem now.

DAN HOOPER – This lawsuit is affecting many families and houses in town. I want to see a total punch list and he has to show total compliance before we release the bond.

Jim Galligan (Selectmen) – I remember hearing that our snowplows were damaged last year plowing out there.

Discussion - Jack O'Malley/Ridge Street extension subdivision

DAN HOOPER – Jack was in 6 months ago. He owned 14 Legion Avenue and split his land into 2 lots via the ANR process, using Ridge Street as frontage for the new lot. He has sold his house and retains ownership of the "new" lot. There is a 12-foot gravel paved way that the Richardsons constructed to their new house. Knowing that this "way" will now service 2 homes and knowing how we approached the first one (with the Richardsons), it needs to go under our

scrutiny again. We need to give him some guidance on how we would like to see this second lot developed and what type of roadway design in terms of drainage and roadway itself.

MATT HAYES – When we first did this with the Richardsons, we had them build a driveway in the paper street known as Ridge Street. Why don't we just allow them to do another driveway next to the Richardson's?

KARYL SPILLER-WALSH – When they did the ANR, was the roadway included?

MATT HAYES – Did we determine that they own the road or just have rights to it?

LAN DETOMA - We could use the roadway standards (for private roads) as discussed at our last meeting or go with Matt's idea of just another driveway.

Gino Carlucci – There is still a 40-foot right of way for Ridge Street.

KARYL SPILLER-WALSH – It needs to be fully engineered.

It was agreed that the road with/traveled way should be 18 feet wide.

Mark Louro - Have them do the engineering with a full drainage design. Maybe they can use a small recharge unit or a small detention pond. They are required to mitigate the change in runoff. If they are removing woods (for the road and house), there will be some impact.

MATT HAYES – Let's make him conform to the requirements.

DAN HOOPER – So we want a paved private way.

MATT HAYES – It is up to him to show us how it works.

Gino Carlucci – Your decision on the Richardsons was limited to just the one house lot.

Mark Louro – By creating that gravel road for the Richardsons, that has created more runoff. They have to mitigate from existing condition, but the trees are gone now. Is there a way to go back? Additional runoff needs to be addressed.

KARYL SPILLER-WALSH – I would want to see the footprint of the house on the lot.

DAN HOOPER – Why would we not ask for pavement?

ERIC ALEXANDER – I think we need to initially,

DAN HOOPER – then we can consider a waiver request from them –

Gino – they own to the centerline but they all have rights to it – we never would have approved Richardsons for more than 2

ERIC ALEXANDER – Let's start with pavement.

MATT HAYES – Let's not give away the farm.

It was agreed to require a full drainage design based on an 18 foot paved way with cape cod berm.

DAN HOOPER – What do we do for a road end turnaround?

Mark Louro – He may need to provide an easement on this lot for some sort of turn-around for emergency vehicles.

Country View Estates Lot 34/37 Broad Acres Farm Road

DAN HOOPER – I have asked Gino to look into the residual but important issue of easements as they relate to definitive subdivision plans. I would like to go armed with that next week when we have the Streifers back at our meeting. What is the real story with the easement that the Town would ultimately need to assume at street acceptance? And second, what are the timelines we can impose to get things completed?

KARYL SPILLER-WALSH – Do you know if there is a new design in progress?

Mark Louro – There is supposed to be a new design being developed by Greg.

DAN HOOPER – What is the timeline for them to do that? We need some leverage. We must be able to set some dates.

KARYL SPILLER-WALSH – It has been such a time consuming problem. I think he was hoping that nobody would notice, that he could just “band aid” it and it would go away. He was afraid the PB would find out it is a mess. He was avoiding that at all costs. Greg needs to make this happen, he can redesign it.

Mark Louro – He won't be happy because it will have to be a plan modification, assuming he does not build it to the original subdivision plan.

DAN HOOPER – What can we make easier for him thru the plan modification process?

Mark Louro – If his option is build it to plan vs. plan modification, he is going to go with the original plan. Greg won't go thru the plan modification process.

Susy Affleck-Childs – The Planning Board can initiate its own action to modify the plan.

MATT HAYES – Here is another case where these small time developers are tucking it to these people.

Mark Louro – The Streifer's deed does not specify the easement.

Susy Affleck-Childs – We are caught here. Dick Maciolek's letter says that it is sufficient that the deed references the plan and the plan shows the easement. Other advisors have told us the easement needs to be called out in the deed.

KARYL SPILLER-WALSH – Greg will be XXXXX if he has to go thru a plan modification.

Mark Louro – Greg will say take me to court.

DAN HOOPER – When can we say it should be done? What is the year count? Do we have any instruments or documents? There is a document-application form; that says it will be 2 years for the subdivision work to be completed.

KARYL SPILLER-WALSH – And there is no Rule or Reg in place that says the detention pond right up against that cellar is illegal, so he could say take me to court.

ALAN DETOMA – Would it be prudent to try to work with this guy in a cooperative manner? We would like this to be finished but in a positive way. So they make nice nice. Let's go back to the Planning Board. The only obstacle is money, time, engineering. The only benefit for us to yield on any of our requirements is to help a citizen.

DAN HOOPER – If we want to be a blind group to get a resolution, we say stick to the contract and finish it as originally approved. Does that make sense? I don't think that is a good practice.

Mark Louro – The break in slope is about 10 feet from the house foundation but 5 feet from the easement.

DAN HOOPER – It is the opinion of folks at VHB, Gino Carlucci, and an attorney who represents several other towns that that referring to the easement on the plan is not enough.

Mark Louro – If you go to a plan modification, do you do it with new rules & regs or the old ones?

Gino Carlucci – Maybe to make it easier for him, you go with the old regs and waive any application fees.

DAN HOOPER – They have to do the engineering anyway.

Mark Louro – You are probably going to have to waive the current regs.

MATT HAYES – If they go to Option B (plan modification) then they still need full engineering.

Mark Louro – We have asked them to do a volume calculation and then a plan to reflect that.

KARYL SPILLER-WALSH – And I would be agreeable to waive all other aspects of a plan modification, including fees if they landscape it to our more current standards.

Mark Louro – It would be cheaper for him to build it the way it is.

MATT HAYES – Waive the fees. Make it approachable and get a resolution that is amendable.

DAN HOOPER – Let's tackle the date for a plan modification. What do we expect from him? We have to walk hand in hand with him on this. If we don't do this reaching out, it won't get done. We need to get some clarification on this easement issue. I spoke with Joe Dziczek today and told him about the possible conflict of interest on this matter with Kenney and Maciolek. (Paul Kenny was the closing attorney on this real estate transaction; he represented the mortgage company.) I told Joe we were going to get outside counsel on this. Joe also has concerns about how Dick is performing his duties.

DAN HOOPER – Step 2 is a date for Greg to come in with a plan modification submittal.

Mark Louro – I would recommend submittal of the plan modification by end of the year and then construction to be completed by when??

Susy Affleck-Childs – Is there anything else that needs to be included in the plan modification while it is on the table?

ALAN DETOMA – How do we communicate our cooperative spirit?

DAN HOOPER – Let me summarize? The Board has informally agreed upon the following: waive application/filing fee; he still pays plan review fee; we will do this as a plan modification to be submitted by 12-31 with a redesign of the forebay and pond on lot 34 to satisfy the capacity and volume of the original design. We suggest an informal meeting beforehand. We are looking for a mid spring construction completion with a date specific completion date to be included in the plan approval. This will include a public hearing and abutter notice and legal advertising with all expenses borne by the applicant.

ALAN DETOMA – Irene Streifer will need to do something. We need her to give us the easement.

Mark – You are saying that you don't want him to build it to the original plan and that you do want it to be modified.

DAN HOOPER – He has to do the engineering.

Gino Carlucci – He really can't build it to plan.

ALAN DETOMA – How are we going to find out about the easement issue?

DAN HOOPER – Gino is seeking some input legal input for us.

Revisions to Subdivision Rules and Regulations – Continued Discussion

DAN HOOPER – Gino, did I make a formal request that you and I finally get verbiage to work this out. I want to get language that will be understood

Section 7.9.6 Dead End Streets

NOTE – There was a brief discussion with Jim Galligan on the mechanics of fire fighting on a dead end street

ALAN DETOMA – What motivates the 900 feet change?

Gino Carlucci – You could solve the water pressure problem by requiring a hydrant or by having a private water well in the development.

ALAN DETOMA – What is benefit to the town to allow more houses?

Mark Louro – What if they say they will put a tank and water supply in?

ERIC ALEXANDER – What if you just don't allow dead ends at all?!

DAN HOOPER – Fire Chief Vinton says to just get rid of them!

KARYL SPILLER-WALSH – Hopkinton doesn't allow them.

Mark Louro – The 600 foot limit has become popular. If you go to 900 feet, you are going in the wrong direction if you want to discourage development.

KARYL SPILLER-WALSH – We were talking about separate parcels for detention ponds. Also, in most other towns, the measurement of street length is to the beginning of the circle, not the end.

ALAN DETOMA – The sole purpose of this is to create lots.

KARYL SPILLER-WALSH – I think cul de sacs make for safer, more private neighborhoods.

DAN HOOPER – However, the accumulation of many cul de sacs off of one thru street bears a large burden. There are a lot of elements to dead end streets.

Gino Carlucci – You could not allow dead ends unless there is no other way to develop the land, similar in idea to the waiverless plan concept. In those cases where it is the only way, then the maximum would be 600 feet.

ERIC ALEXANDER – Another direction is that in situations where the opportunity for connectivity or multiple entrances was a possibility, you require that the plan submitted show that.

DAN HOOPER – Let's take Evergreen Meadow. It was possible to have a U shaped conventional subdivision plan (with 2 access/egress points on Lovering Street.)

DAN HOOPER – Maybe a dead end is permitted only with an OSRD plan.

Mark Louro – I think that is a great solution.

KARYL SPILLER-WALSH – Longer streets create higher speeds.

Mark Louro – You could use the amount of upland acres to determine # of units.

ALAN DETOMA – What if we keep 600 feet and really uphold it. What is to say it has to be 10 acres for OSRD? Could we go as low as 5 acres?

DAN HOOPER – So we are at what point? I would like to stick with 600 feet. I like the OSRD to go to a minimum of 5 acres. Would we allow for a 600-foot cul de sac on less than 5 acres?

Gino Carlucci – If there is no minimum, it won't make sense.

DAN HOOPER – What we are going to do tonight, because we are fading, is take this back and work it some more at December's administrative meeting. Let's give this the 7:35p.m. time slot.

Mark Louro – I think we should remove the requirement for berm/curbing as a condition for lot releases. If there is an issue pertaining to drainage, I will have them put in hay bales. I think a separate parcel for detention ponds is a good thing. The landscaped island is not well received by DPS. They don't like the cobblestone treatment; it creates plowing problems. plowing problems

Mark Louro – RE: phasing, it is up to them to phase construction any way they want but they cannot go on to a second phase until the first phase is "accepted". We should require temporary easement to be on the plan -

Mark Louro – How about the bonding issue?

DAN HOOPER – Do we stay with the \$35,000 minimum. Susy would like it higher.

KARYL SPILLER-WALSH – I think we should go with it for a while.

Special Town Meeting Articles

DAN HOOPER - In other towns, when a board presents something for a warrant, it is automatic. We need a bylaw on how articles are placed on the warrant.

NOTE – Dan explained the history of the sign bylaw and how the BOS did not allow it on the warrant.

Jim Galligan – There is Sal LaRiccio's proposed article to allow something to go to a ballot question without BOS support.

DAN HOOPER – When I spoke about this with Joe Musmanno last spring, he said that getting 100 signatures is a good thing to do. I think that is like asking a board to work double to prepare an article and do all that work and then go out and get signatures.

KARYL SPILLER-WALSH – It is very demoralizing.

DAN HOOPER – That is very counterproductive to volunteer involvement.

Jim Galligan – It shouldn't be up to 5 people to decide what goes on the warrant.

C-1 Development Plan Update

DAN HOOPER – I will talk to Jim Wieler about it on Saturday. I am helping with the stone wall at the high school/Adams Street side. I want Jim to drive this thing.

Sign Bylaw Enforcement

Susy Affleck-Childs – I am concerned that there are a lot of violations out there that aren't being dealt with. I spoke with Bob Speroni and his workload is way too demanding to also handle this in terms of on-going enforcement.

Jim Galligan – We have talked about this at the Selectmen's meeting too and asked Greg to speak with Bob about it. We talked about using the Constable to deliver citations.

DAN HOOPER – I want us to do a letter to the BOS outlining our concerns.

DAN HOOPER – It is late. We will hold over the other items.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to adjourn. The motion passed unanimously.

The meeting was adjourned at 11:40 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

***Planning Board Meeting Minutes
Tuesday, November 9, 2004
Sanford Hall – Town Hall – 155 Village Street***

BOARD MEMBERS PRESENT: Karyl Spiller-Walsh, Eric Alexander, Alan DeToma, Matthew Hayes and Dan Hooper

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant; Mark Louro, VHB, Inc., Gino Carlucci, PGC Associates

The meeting was called to order at 7:40 p.m.

CITIZEN COMMENTS – None

PUBLIC HEARING CONTINUATION – 2-4 MAIN STREET SITE PLAN

Bob Poteau, applicant
Rick Merrikin, engineer

Rick Merrikin – Based on my last conversation with Mark Louro, there were 2 outstanding issues. We had produced borings from a test well and he was concerned about water table issues with the original design. We had the bottom of the pipes at the same elevation as the floor of the building. What I have done is raise everything up absolutely as high as we can. We are limited Reardon by the catch basin. I have changed the design to a 12-inch pipe so that now the infiltration system is at 142. So there is a slope between the street and the building here on top of the ground and that does correlate pretty well with the water tables. I used an adjustment that Bill Domi (???) uses in his towns. To satisfy Mark's concern that we are too close to the water table, we are now going to assume that none will infiltrate. We ran the numbers and we now comply with the no volume and no rate requirements.

Item #2 – We have little trench drains here. They are 6 inches wide. Mark was concerned that even if they go straight down there might not be enough capacity. You can also buy with these things some catch basins units that are deeper. Each of those sits down 2 feet. I made some notes

here and arranged for the appropriate number of catch basin units so we will have 36” pipes going into the discharge. I have that in the revised calcs.

I think those were the only two outstanding issues that were left. We changed the details of the basin structure and the trench drain units and I made all the appropriate change sin the drainage calcs. So, what I am going to do is give those to you tonight with 3 copies of the revised plans. What I would like to ask, so that we can move the project along, is if you would consider voting this subject to Mark’s review. We want to keep this moving along so that Bob (Potheau, the applicant) can get to the BOS and CONCOM. From an engineering perspective we will do whatever is needed.

Mark Louro – What about the permeability rate?

Rick Merrikin – I used the new one. I did a new one and it came out a bit slower.

DAN HOOPER – Please give us a bit of education on permeability.

Rick Merrikin – Perc tests measure water going down. Permeability measures water going out and about. There is no correlation between perc and permeability. Drainage formulas don’t use permeability as a factor.

Mark Louro – Can you discuss the vehicle turning on the plan?

Rick Merrikin – I had put on a single unit truck and ran in and out as we discussed using AASHTO standards. We showed the swings in and out so we could show the vehicle in and out. We’ve got a note from fire Chief. Bob Poteau and his tenant are satisfied with this size of vehicle. There is also the ability to traverse the site through.

DAN HOOPER – What size is the parcel?

Bob Poteau – 4 acres.

Mark Louro – What has happened to the retaining wall?

Bob Poteau – There will be something. I will work with them on some sort of a stone façade. It will not just be a bare concrete retaining wall. It will not be something that is cut concrete block.

Mark Louro – Right now the plans just show a cast in place wall.

Rick Merrikin – Yes, it just shows a poured concrete wall.

Mark Louro – Just put in a note that it would have a stone finish to be determined at a later date.

Rick Merrikin – I can do that.

KARYL SPILLER-WALSH – What has happened with the planter wall?

Bob Poteau – Whatever is visible from the sidewalk is something that will be stone faced.

KARYL SPILLER-WALSH – We haven't seen finished elevations for the middle building.

Mark Louro – They aren't part of the plan set.

Rick Merrikin – You have plans for the new building.

DAN HOOPER – It would be nice to have in the plan set an elevation of the totality in some way or a collection of the designs of the individual buildings.

Rick Merrikin – We do have those pieces and we could include them. Do you want them in the plan you recommend to the selectmen? We can do this if that is the way you want to go.

DAN HOOPER – We want to see it as a package deal so that the Planning Board, the DRC and the BOS can see it all. Quite frankly hear we have sat here for some many months. The BOS will sit for an hour or so to consider this. We want to make it easy for them.

Rick Merrikin – We can include that.

KARYL SPILLER-WALSH – Was there a final recommendation from the DRC?

DAN HOOPER – It is what we are going to be asking for from them regarding the stone-faced walls & final elevations. Please present that one more time to the DRC. We are going to be waiting for their feedback.

Bob Poteau – I think they have been very helpful.

DAN HOOPER – They are a great group of people.

DAN HOOPER – What we would like is to have their letter of recommendation come to us so that we have that in hand when we write our recommendation to the BOS.

Bob Poteau – I think what you are saying is that if you are going to wrap this up for the selectmen, you want the details and a recommendation from the DRC. What we need to get to the DRC are the elevations and a statement about the concrete that will be visible from the street.

DAN HOOPER – Karyl, can you shed some light on all this from the DRC's perspective?

KARYL SPILLER-WALSH – I missed a meeting when they were there.

Bob Poteau – The last time I was there, there was a sense of satisfaction. They were concerned about what the retaining wall would look like. They had a lot of input on the middle building. I brought them a design with a hip roof to hide what is in back.

Rick Merrikin – Do you have a picture of that?

Bob Poteau – I can have my construction manager go into the DRC meeting on 11-17.

DAN HOOPER – Their mission is to be accommodating to your schedule.

Bob Poteau – It has been a pleasant process.

DAN HOOPER – Gino, any thoughts remaining on this? Anything you think may need further discussion?

Gino Carlucci – None.

ALAN DETOMA – Do we need to have discussion on the 12 waiver requests?

DAN HOOPER – We did that at the last meeting.

Matt Hayes read notes from DRC Chairman Gary Jacob and Fire Chief Wayne Vinton. They are attached and made a part of these minutes.

The public hearing was continued to Tuesday, November 23 at 9:30 pm

CONSIDERATION OF INVOICES

\$925 for PGC Associates – Consulting services for AUOD rules and regs, Forest Edge legal research and subdivision rules and regs revisions. Motion by Matt Hayes, seconded by Alan DeToma. Unanimously approved.

\$1400 for PGC Associates – Plan review services. Motion by Matt Hayes, seconded by Alan DeToma. Approved. Karyl Spiller-Walsh recused.

\$576.50 for VHB, Inc. – Contracted services for landscaped island design. Motion by Eric Alexander, seconded by Karyl Spiller-Walsh. Approved. Matt Hayes recused.

\$4391.67 for VHB, Inc. – Plan review services. Motion by Alan DeToma, seconded by Eric Alexander. Approved. Karyl Spiller-Walsh and Matt Hayes recused.

\$4884.49 for VHB, Inc. – Construction Observation services – Motion by Alan DeToma, seconded by Eric Alexander. Approved. Matt Hayes recused.

\$25.80 for Home Depot; \$44.34 for Menlo; and 63.69 for McMaster Supply – materials to frame and install aerial photograph. Motion by Matt Hayes, seconded by Alan DeToma. Motion passed unanimously

DAN HOOPER – This all comes from our mapping budget. Jonathan Power (DPS employee) framed and encased it for us. Thanks to him.

\$300 for DesLauriers – FY 04 Encumbered Funds to produce the overlay of streets and lot lines. Motion by Matt Hayes, seconded by Eric Alexander. Approved unanimously.

\$2,029.53 for VHB Inc. – For Construction Observation services. Motion by Alan DeToma, seconded by Eric Alexander. Approved. Matt Hayes recused.

\$3,004.78 for VHB, Inc. – For Plan Review services. Motion by Alan DeToma, seconded by Eric Alexander. Approved. Matt Hayes recused.

\$227.50 for PGC Associates – For Plan Review services. Motion by Karyl Spiller-Walsh, seconded by Matt Hayes. Approved unanimously.

\$1,242.50 for PGC Associates – For Plan Review services. Motion by Alan DeToma, seconded by Matt Hayes. Approved unanimously.

\$175 for PGC Associates – For Consulting Services. Motion by Matt Hayes, seconded by Karyl Spiller-Walsh. Approved unanimously.

\$3,725.72 for Gale Associates – For Plan Review services (CVS site plan). Motion by Alan DeToma, seconded by Karyl Spiller-Walsh. Approved. Matt Hayes recused.

\$294.45 for VHB, Inc. – For Construction Observation services. Motion by Alan DeToma, seconded by Karyl Spiller-Walsh. Approved. Matt Hayes recused.

\$72.90 to Susan Affleck-Childs – To reimburse for supplies for notary public services (stamp, seal, journal, guidebook). Motion by Alan DeToma, seconded by Eric Alexander. Approved unanimously.

Construction Observation – Grapevine Estates

Mark Louro - They have prepped the trench in Oakland Street for paving on Wednesday afternoon or Friday. They will do it now and then do a saw cut in the spring with an overlay. So, they are up against the November 15 paving deadline. Nothing has been planted. The sewer and water lines are in.

Construction Observation – Daniels Wood

Mark Louro – They were scheduled to pave today at noon. The contractor showed up at 2:30 pm but it was below 40 degrees so I didn't let them pave. Hopefully, they will get back there on Thursday.

Construction Observation – Ishmael Coffee Estates

Mark Louro – They are pretty much done for now for the season.

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DAN HOOPER – We are waiting for our new associate member, Chan Rogers, to arrive before we begin the public hearing for 127 Main Street Adaptive Use Special Permit. We need the associate because one of our regular members is not able to vote on this. With a special permit, an affirmative vote requires 4 of 5 members to vote yes. We will wait until he arrives before we begin.

Ted Reardon – That's OK. My engineer has not arrived yet

COUNTRY VIEW ESTATES – Discussions

DAN HOOPER – When do we anticipate a response from Mark Bobrowski?

Gino Carlucci – I haven't heard from him yet.

DAN HOOPER – On the Country View Estates subdivision, it shows a drainage easement on lot 37. But subsequent documents, such as the deed for lot 34/37 Broad Acres Farm Road does not have any specific language re: the easement. It only references the recorded plan. The question is whether that deed language is adequate enough to protect the town's interest in the future at street acceptance time. Town Counsel has indicated that it was adequate. Both Gino Carlucci and Mark Louro have indicated a difference of opinion that the deed needs to be specific. We suspect that as well. We are seeking another attorney's opinion on that matter through Gino Carlucci's research. We don't have that now. We do have a list in front of us of other easements in Country View Estates. If this easement is not sufficiently defined, that leads me to suspect that there may be some other concerns in that subdivision as well. If it proves by more sources than not that this lack of a direct references is a problem, we may have concerns far greater than just the Streifer property.

PUBLIC HEARING CONTINUATION – 127 MAIN STREET ADAPTIVE USE SPECIAL PERMIT

KARYL SPILLER-WALSH – I recuse myself.

NOTE – Associate Member Chan Rogers joins board to sit in on this public hearing.

Ted Reardon, applicant
Steve Poole, engineer

NOTE - Steve Poole distributed a revised site plan.

Steve Poole – We have a revised plan for you tonight that is based on previous board and consultant comments, our meeting with the Design Review Committee and the Building Inspector. What we have done is that we still have 2 separate structures – the existing house to be converted to a 2 family and the separate, new commercial/office structure. We have gotten rid of 2 one-way driveways with a single road opening. Now we have moved the new building a bit east and show just one driveway. We have done a little more landscaping and screening. We have added a stone dust walkway across the front. We have also provided bike racks. We maintained existing parking and provided easement areas to tie into adjacent lots in the future. We have increased the size of infiltration system to make sure we can handle storm events. We have a set of revised drainage calculations. We can contain the flow. I think we have a bit of surcharge in 100-year storm. We created a bit of a swale at the back southwest corner. Those are the major plan changes. We did to flatten out the slope to the west. It is now a 5:1 slope. I think overall we have addressed comments by VHB and Mr. Carlucci. To update the landscaping plan, we have included some additional landscaping. We have added a leach pit detail. We are primarily getting rid of the two one-way driveways.

DAN HOOPER – And removal of the connecting piece between the two buildings. It looks like there is a bit of an offset between the existing house and the new building.

Steve Poole – The backs of the building are lined up. There are a couple of feet offset in the front. We also took one parking space from the back and put it in the front close to the front door. That seemed better for handicap access. Also, we did provide a turnaround in the parking lot.

Mark Louro – Is parking for residential uses still there?

Steve Poole – Yes. It is all set.

DAN HOOPER – Any comments? There are a couple of things that do come to mind to me. One is the straightness of the driveway. The width appears to be a bit more industrialized than I think I was imagining for these types of adaptive use applications. Given the fact that it is a one way in and out off of route 109, I think widening it over and above 12 feet is an obvious advantage.

Steve Poole – This shows a full 24 feet across.

DAN HOOPER – One of the other byproducts of the shift easterly is that you get less slope to the west. But, now the parking is more visible from the street. The guising of the parking lot was a real bonus before. Also, I wanted to ask what is considered for that area between the two structures? What we are really talking about with the AUOD is something that enhances the existing structures. We need to see an uptick in the look of the existing structure. Those are my questions.

Steve Poole – I would have no problem shrinking down the driveway.

Chan Rogers – I second that. The proposed 24 feet is only 2 feet less than 26-foot streets.

MATT HAYES – But we are also looking at smaller private roads.

ALAN DETOMA – It also kills 2 birds (with one stone) if we take it from the easterly side and shift it to the westerly side of the site.

Steve Poole – We could create more of a planting area on the west side of the new structure.

ALAN DETOMA – One of the visuals I am concerned about is the illustration that was provided. I think the distance between the two buildings is going to feel like an alley.

Steve Poole – There is 12 feet between the buildings.

ALAN DETOMA – With the reduction of the driveway, I might rather see more space between the two buildings vs. more space on the west of the new structure

DAN HOOPER – I think the tightness of that coupled with only a 2 foot offset from the front does give me some concern as well.

ERIC ALEXANDER – But to me, so much hinges on the architectural design of the new structure. I think it could significantly mitigate your concerns or it could exacerbate them. I would like to see something a bit more definitive on the façade elevations than what has been provided so far.

ALAN DETOMA – The shed roof of the new building is contrasted off the dormer of the existing building.

Mark Louro – The existing building has a shed dormer too.

ERIC ALEXANDER – I am not proposing that we make a specific recommendation, but I would like to see something a little more definitive.

DAN HOOPER – I attended the last DRC meeting when they reviewed this project. There was a big discussion on the arched window on the second floor. That design is very much post 80s. I think the DRC needs to do their thing and give us their recommendation. We too are concerned.

ERIC ALEXANDER – I am really looking for the DRC's input on this one.

DAN HOOPER – Is there any integration between the two structures usage wise?

Steve Poole – Not that I am aware of.

Chan Rogers – From the beginning, the two structures are totally separate. I think there is good reason to narrow the driveway and separate the two structures a little bit more.

Mark Louro – What about putting the driveway down the middle of the two structures? That would make it look more like a street.

KARYL SPILLER-WALSH (Acting as a member of the DRC) – One thought with the architecture and having the buildings separate, you want them to look like they were built together, so the second building should take on an accessory look. Or consider them as two completely separate structures on a street that becomes the driveway. So it is either like in concept they go together, or they are two different buildings so they are not look contrived.

DAN HOOPER – Gino, any thoughts on the separation? I think I would rather see these together. I think if these as more integrated. Alternatively, another option is to turn the building 90 degrees and reorient it differently and buffer it. If not, I would rather have them separated a bit more here but look like they belong together, sort of like a compound.

Steve Poole – One option is to take the building and turn it 90 degrees and push it west and put the driveway in the middle.

DAN HOOPER – There are 2 curb cuts now. This really is one of the most nondescript lots on Route 109.

Chan Rogers – Isn't the DRC going to get into some of the things with him? Aren't we mixing things up a bit by telling him to do this?

DAN HOOPER – These are just some things we are thinking of to give the DRC some food for thought as they look at the plans.

Chan Rogers - I think the driveway should be narrowed to 18 feet but the houses might be separated. I would like to look at it some more after the DRC.

DAN HOOPER – I would want the DRC to look at buffering the parking lot and then some treatment landscaping to link the buildings. The walkways change in material from a bituminous walkway to stone dust. Any thoughts on stone dust as it traverses? It is private.

Mark Louro – Handicap ramps are all bituminous.

ALAN DETOMA – So why does it go all the way to the property line?

ERIC ALEXANDER – We are looking for connectivity between the lots.

Mark Louro – Maybe there should be something closer to the roadway for walkways in the public right of way.

DAN HOOPER – From a drainage standpoint, have the calcs and rates been figured?

Steve Poole – They have all been changed. We are well below pre-development data.

Susy Affleck-Childs – What is the status of improvements to the existing house? A key provision of the AUOD bylaw is investment in the existing structure.

DAN HOOPER – Karyl, please relay to the DRC that a goal of the AUOD is to take the existing structure to a different level.

Gino Carlucci – Just an additional note that the issues I raised in my memo have already been discussed. They have added pedestrian accessibility and dealt with the width of the driveway. All the issues I raised have been covered tonight.

NOTE – Matt Hayes read an 11-9-04 note from Fire Chief into the record. It is attached and made a part of these minutes.

DAN HOOPER – On the issue of this sidewalk, I am not sure about the use of stone dust for a walk parallel to route 109. If it were to be walkway in the right of way, it would have to comply with ADA/AAB requirements which would mean a whole different type of structure than stone dust with ramps, etc.

Steve Poole – Yes, that is right.

DAN HOOPER – I there curbing there now?

Steve Poole – No. But we have proposed putting vertical granite on the roundings for the driveway.

DAN HOOPER – Thank you. So, I am throwing this back out at the board here. We have to really decide what we want to do relative to sidewalks with the adaptive use special permit. Do we want to see sidewalks constructed to the regulatory codes/etc. or do we want to consider a payment in lieu of sidewalk construction? Or, are there other options/considerations? It really does play to the whole intent of the adaptive use bylaw and how much we want to put at the feet of the applicant.

ALAN DETOMA – I look at this a little differently. Either build it the way it should be or handle it as a payment in lieu of construction.

ERIC ALEXANDER – This is a situation where I might lean toward a requirement for the sidewalk to be built in the hopes that there will be a stretch of properties that will take advantage of the AUOD bylaw. I would defer to Mark Louro on what type of sidewalk is appropriate given that it is a major road.

DAN HOOPER – The right of way to the edge of curb we believe is about 8 feet. The typical sidewalk is 5 ½ feet. You would want as much buffer as possible (2 ½ feet of grass strip.)

Chan Rogers – Is there sidewalk on the other side of the street? If so, I think all you need is something for pedestrian circulation within the lot. If you do, then you should revisit stone dust and use some other material instead.

MATT HAYES - There is also a utility pole to deal with.

DAN HOOPER – I am not understanding your comments.

Chan Rogers – Unless you intend to have a sidewalk on the south side of Main Street for all adaptive use projects, it doesn't make any sense to just make him do it. If you decide to have a sidewalk, then do something other than stone dust.

Steve Poole – Are there any plans for redoing route 109?

DAN HOOPER – Not that we are aware of.

Mark Louro – None that I am aware of.

DAN HOOPER – Is there any other discussion on this? We have heard quite a bit and some good comments on sidewalks. There is already one on the north side. Do we want to have one on the south side too? I personally feel there should be sidewalks on both sides of Main Street. I think the pedestrian has been forgotten over the past 50 years. However, I am not sure how practical it would be.

MATT HAYES – This seems to be a good location for a payment in lieu of sidewalk construction.

ALAN DETOMA – With that money, you might be able to repair the sidewalk on the north side.

ERIC ALEXANDER – I am tending to lean toward the payment in lieu of construction. But I would like to see some plan for sidewalks on route 109. It really needs to be addressed.

DAN HOOPER – I think it is not outside our purview.

Chan Rogers – This is the appropriate district to start doing this with.

DAN HOOPER – Is that a fair burden? When we take that step we need to know what we are doing.

ALAN DETOMA – Let's take a global perspective. Let's project out and assume we get another AUOD project and let's say over time we have 6-9 payments in lieu of sidewalks from subdivisions. What is to say that we couldn't take that money to do a sidewalk along here?

Tina Ghiz (134 Main Street - 2 houses down from Cumberland Farms) – For the house that is adjacent to this property, if you put a sidewalk in front of them, you would go right into their front steps. I can't see how a sidewalk could go there. Just visually, it would go very close. It doesn't look like there is space to put a sidewalk.

MATT HAYES – That house is 18 feet behind the right of way

Tina Ghiz – We do live directly across the street. The reason you never noticed the house (at 127 Main Street) is because there were trees, etc. in front. I am not familiar with the town process. Is this a done deal just contingent on design? I guess I don't completely understand. Is this something new? As I understood the AR-II zoning, you could have a business in your home if you lived there.

DAN HOOPER – The underlying zoning will always exist. Recently, the Adaptive Use Overlay District (AUOD) passed at town meeting to allow these parcels with at least 50 feet of frontage and a structure to propose an adaptive use for that property which may include a mixed residential and commercial or just commercial uses. We wrote this bylaw in response to the recent reuse projects at 155 and 159 Main Street (which had to secure use variances and site plan approval).

Tina Ghiz – So this is new.

DAN HOOPER – Yes. The Planning Board has to issue a special permit. We have full discretion on. This has to have 4 votes to be approved.

Tina Ghiz – For us, we live across the street and we have been thru this over the years with people coming up for variances. Certainly in the past, the ZBA and PB were considerate. Your plan sounds lovely and prettier than what it has been. But for us, it is not just about aesthetics. It is about the busy-ness of the street. I can't turn out of my driveway now. It will make my life harder by having more cars turn in and out. I am not happy about having a business that we will look at right from my daughter's bedroom. This was always residential. It sounds like the plan doubles the building structure space. Who is to say in the future what else would go in there

with this type of zoning? What type of business could go in? Those new business may be perfectly lovely, but who is to say in the future? You don't control what businesses are rented

there. I think it could affect our property value substantially. This law is not good for us. It seems to me that this is just a matter of them passing muster with design and then it is a done deal.

DAN HOOPER – You raise some very good points. The intensity of the use of each of the lots is a concern to me. The intensity is also an element that should be conducive to a residential intensity. Just to go back to the south side vs. north side issue you raised. We were finding that businesses were getting use variances from the ZBA after going thru a fairly laborious process with good scrutiny. The town's master plan approved in 1999 was very strong in its support that we should expand our commercial tax base to offset our residential tax base. This AUOD was one small way to do that. We were finding on this stretch of properties that a number of these buildings were becoming in some disrepair. This was a mechanism to try to make these properties more attractive to investors to get concern and care that is demanded in the adaptive use bylaw. We want to introduce small, low impact businesses, which are defined in the bylaw as to what they could be. If a use were to change, then we would be involved again. Ted Reardon is doing an insurance agency with 3-4 people, very low intensity and not a nighttime use.

Tina Ghiz – I am concerned about businesses coming and going. But again, what happens in the future, if that business changes. What is going on with the car limo sign there?

Ted Reardon – Van I address this? We had an individual that is renting the house. Without my permission he put up this banner up. Bob Speroni called to make him take down the banner. He and I had a discussion and I told him not to do that again. That banner was up for about 2 hours. I went up and took it down. As far as the use of the new building, I have an insurance agency down on Village Street that we will relocate here. It is a very Internet based organization. We have 1½ employees and myself.

Tina Ghiz – Is this a one business structure? Is that all it would ever be?

Ted Reardon – We would also have an arts and crafts studio for my wife, another very low intensity use with maybe 2-3 people taking classes. My insurance agency has been around since 1917. We're the 4th generation for this business. We are putting in a tremendous amount of money. I have no intention of moving again. To us, putting up this structure is a huge investment. I fully intend to retire there and have one of my kids take this over. If you ask around to our neighbors on Village Street, they would tell you we are quiet, not open late, not open Saturdays. We have a timer on the light on our sign. We are there to stay. We want to be a good neighbor.

Tina Ghiz – My last issue is the signage for a business in a residential area.

DAN HOOPER – Signage is addressed in the adaptive use bylaw. It must be externally lit. I refer you to the 155 Main Street project. They would have been an ideal candidate for this, a CPA office with a very low intensity business.

Ted Reardon – I would also like to address the issue of the trees being taken down. When I got there after we bought the structure, there was a need for some real TLC. There were trees on the roof and some very old shrubbery. We have put a lot of money into the house inside and out.

We have improved the look of it. There used to be a temporary car structure in the back and that is now gone.

Gino Carlucci – The types of uses that are allowed under the AUOD are limited to office and small craft studios and the special permit can be limited to the use that is applied for. So, if a new tenant/owner were to take over, they would have to come back. Signage would have to comply with the new sign bylaw.

Chan Rogers - I would like Mr. Carlucci to generalize on the variance route for potential business use for this section of Route 109 v. this kind of AUOD process.

Gino Carlucci – In the past, there have been business uses allowed by a use variance (issued by the ZBA.) There is a standard that has to be met to get a variance, but that is a permanent allowance. With a special permit there can be more conditions.

Richard Ghiz – I think what I am hearing is that on the south side of the street in this section, the whole area is able to have business use.

Gino Carlucci – The AUOD is not just on the south side of the street. It is also on the north side. It goes between Mechanic and Winthrop.

Richard Ghiz – It sends a message that this is the direction the town wants to take to allow new businesses in the Main Street setting. Our next step might be to get it all adaptive use. That is clear that this is the direction the town wants to take with it. We shouldn't fight it. We should just make the switch.

KARYL SPILLER-WALSH – This is a double-edged sword. A lot of thought went into this but one thing that we learned is that there is not much economic incentive to invest in these houses as residential structures. This will maintain the quality and feel and continue the look that everybody likes.

DAN HOOPER – I do believe that Main Street is a mixed-use type of area.

Tina Ghiz – This is a very busy road. This will not be a village feel. We are now an island of residences. This will affect our property value. What does this do to residential values? What about the tattoo parlor?

DAN HOOPER – That was not an AUOD project. He is a Medway resident. I have to say they were model applicants in front of us and were very accommodating to what we were requesting. The property owner was a different story.

ALAN DETOMA – The important distinction is the two different processes. Once is how easy it is to happen. There was an old use variance where the tattoo parlor occurred. While the AUOD process is new, it is also a careful process where you can guide how development happens.

Chan Rogers – That is exactly what I was trying to point out earlier. The town didn't include you in the AUOD because they wanted to protect you as a residential section.

DAN HOOPER – When that stretch of houses was built, that was a bit confusing.

ALAN DETOMA – As a service to the residents, it is within your power to seek a change to what is allowed within the AUOD. That could be done thru a zoning bylaw change.

Tina Ghiz – Thank you and Mr. Reardon.

DAN HOOPER – We will try to keep a vigilant eye on the intensity issues. Let's try to wrap this up tonight and send the applicant away with some direction. Regarding sidewalks, what do we want to see happen there?

ERIC ALEXANDER - I would advocate for payment in lieu of but I would also say it should be based on a pretty high standard.

Chan Rogers – What do you mean?

ERIC ALEXANDER – I could agree to a payment in lieu of instead of them building the sidewalk but I would want it to be to a high standard of construction.

ALAN DETOMA – I would echo that. We should look at what is required on that street as a standard and make it fit. What is the stipulated requirement for that street?

DAN HOOPER - I would agree there. We do have discretion on how we have this written up. It is a degree of fairness to decide. They may not want to do that but then we get to decide if it is still a worthy application. We need an estimate.

Chan Rogers – How does that work?

DAN HOOPER – We take the length of frontage along route 109 and multiply it by a given rate of sidewalk construction. Then those funds would be deposited to a sidewalk fund for the town to use for construction elsewhere.

MATT HAYES – We don't have the fund yet.

DAN HOOPER – What about the issue of the design of the proposed office building?

ALAN DETOMA – I think the architecture and its review by the DRC are needed.

ERIC ALEXANDER – I would emphasize that the driveway width is an important consideration. I feel the width can be reduced to 18 feet. That will give you and the DRC more flexibility in design.

DAN HOOPER – We don't want to effect the mouth a turning radiuses off of route 109.

Steve Poole – So how about an 18 foot driveway with 20 foot radiuses?

DAN HOOPER – What about buffering? That is something I would like to see the DRC address. If the design were to remain the way it has been shown this evening, I would want to see a significant increase in the 4 season landscaping between the back parking area for screening purposes.

ALAN DETOMA –I thought I saw some commentary on that.

Ted Reardon – As far as the separation of the new and old buildings, I did talk to Bob Speroni and he said they didn't have to be linked.

DAN HOOPER – We think the DRC will have more to say about that.

Steve Poole – They are talking about putting the driveway in the middle and possibly even reorienting the new building.

Ted Reardon – Is it OK to have the 2 buildings separate?

DAN HOOPER – Yes, but having them connected is neat too. I strongly urge you to find a common ground with the DRC before they send a recommendation to us.

Susy Affleck-Childs – They are on the PB agenda for the 11-23 meeting. We booked two meetings for them last time.

KARYL SPILLER-WALSH – While this is a hot topic, this raises an issue to the forefront that may come up with other AUOD projects. How many buildings do we want to see on one property? We need to discuss this amongst ourselves before we get another applicant.

DAN HOOPER – The AUOD bylaw is clear that they must be integrated as well.

Ted Reardon – This is unique. This house sits to the side of the lot. If you look down the street, the buildings are pretty much centered. I think it is unlikely that you will see anything more like this.

The public hearing was continued to November 23, 2004 at 7:35 pm

NOTE – 10:10 p.m. – Chan Rogers departs. Karyl Spiller-Walsh rejoins the meeting.

NOTE – The Board took a break from 10:10 to 10:20 p.m.

COUNTRY VIEW ESTATES – Discussion on Next Steps for 37 Broad Acres Farm Road

Gino Carlucci – I sent a question out on our Mass Planners listserv. I asked whether a subdivision plan showing an easement is sufficient or if it had to be in the deeds. We had a response from attorney Judith Cutler at Koppelman/Paige in which she cited a court case that was very clear that the deed needed to be specific as to any easements.

DAN HOOPER – So with that info in hand, I still want us to pursue a legal opinion thru Gino Carlucci. Please make sure that Mr. Maciolek's letter is reviewed. This is obviously of deep concern when you look at Country View Estates. This could be the tip of the iceberg perhaps. This could have ramifications that are extensive.

Mark Louro – I don't think Town Counsel referenced any court cases in his letter. He just stated his opinion.

Gino Carlucci – WE received another response from Irene DelBono – she cites several court cases as well.

Mark Louro – This probably happens a lot more than we would like to think.

KARYL SPILLER-WALSH – Why don't we pull the bond and give the neighbors the money to fix it?

Mark Louro – I think the Streifers would grant the town an easement.

ERIC ALEXANDER – Who should pay for that? We shouldn't. The Streifers shouldn't. Greg Whelan should.

INFORMAL DISCUSSION – John Early and Tim Sheehan for 18 Franklin Street

DAN HOOPER – They asked to reschedule this to a future date.

PLAN ENDORSEMENT – EVERGREEN MEADOW DEFINITIVE/OPEN SPACE SUBDIVISION PLAN

Susy Affleck-Childs – They have produced everything on checklist we asked for.

A motion was made by Matt Hayes and seconded by Alan DeToma to endorse the Evergreen Meadow Definitive Subdivision Plan, dated October 28, 2004. The motion passed unanimously.

NOTE – The Board signed the plans.

OTHER BUSINESS – Revisions to Planning Board Fees

DAN HOOPER – Susy has proposed some revisions. I would support her recommendations.

Susy Affleck-Childs – I suggest reducing the ANR fees and increasing the amount of plan review advance that is paid at the time the application is submitted.

A motion was made by Matt Hayes and seconded by Alan DeToma to adopt the revised Planning Board Fee and Bond Schedule. The motion was approved. Karyl Spiller-Walsh recused.

NOTE – A copy of the revised fee and bond structure is attached to these minutes.

Other Business

DAN HOOPER – We have received an invitation to a Holiday Open House at Ryan and Werlich at 155 Main Street on December 3, 2004 from 1 – 7 pm. We have also received an invitation to McDonald's Open House on Monday, November 29 from 5 – 7 pm. There is also the SWAP Legislative Breakfast on November 18 from 8 to 10 am.

MINUTES

DAN HOOPER – Let's hold minutes until our December administrative meeting.

A motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to adjourn. The motion passed unanimously.

The meeting adjourned at 11:15 PM

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

**PLANNING BOARD MEETING – EXECUTIVE SESSION
Tuesday, November 23, 2004
Sanford Hall – Town Hall – 155 Village Street**

PRESENT: Dan Hooper; Alan DeToma, Karyl Spiller-Walsh; Matthew Hayes; Eric Anderson

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant
Mark Louro, VHB, Inc.
Gino Carlucci, PGC Associates

The executive session convened at 12:10 am on Wednesday, November 24, 2004

NOTE – The proposed revised plan for the Hartney Acres subdivision, as provided by John Claffey and his development team during the November 16, 2004 mediation session in Springfield, was viewed and discussed.

DAN HOOPER – They are now proposing an 8 lot subdivision with vastly improved drainage system design. It does include a dead end exceeding our dead end limitation. It was presented by Dave Faist and Dan O'Driscoll. It seemed to accommodate many of the concerns the Board had. There will be a public hearing on December 14, 2004 on this revised plan.

Susy Affleck-Childs – Here is the draft settlement agreement as prepared by our attorney Deborah Ecker.

NOTE – Eric Alexander read the document into the record. It is attached and made a part of these minutes.

Mark Louro – It looks so much better.

DAN HOOPER – It does. They added another (third) detention pond.

MATT HAYES – And they are leaving all the wooded area.

ERIC ALEXANDER – They call it a selective cutting zone.

ALAN DETOMA – I need a little assistance from Deborah on how I deal with this. I think I need to recuse myself from the public hearing on this. But I need to be part of the settlement.

Mark Louro – I have to believe the drainage will work fine.

DAN HOOPER – Competent engineering makes all the difference.

DAN HOOPER – In terms of mitigation, they will provide \$20,000 for construction/repairs toward Blueberry Hill Road. We also had lengthy discussion re: the stone wall. It was difficult. We will get it into the language in the certificate of action.

Susy Affleck-Childs – So we will advertise the public hearing and send a butter notice.

A motion was made by Matt Hayes, seconded by Alan DeToma to adjourn the executive session.

ROLL CALL

Hooper – Yes
Hayes – Yes
DeToma – Yes
Spiller-Walsh – Yes
Alexander – Yes

The motion was approved unanimously.

The Executive Session was adjourned at 12:35 am.

The Board returned to the regular meeting.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Dec-06-2004 12:32pm From-
ROM : CLAFU
Nov-19-2004 9:13pm From-

T-844 P.002/004 F-209

T-761 P.002/004 F-123

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04CV-11538-PBS

CLAFCO BUILDERS CORPORATION,

Plaintiff

v.

THE TOWN OF MEDWAY,
MASSACHUSETTS, and DANIEL J.
HOOPER, MATHEW J. HAYES, ALAN
DETOMA, KARYL SPILLER-WALSH and
KENT SCOTT, Individually and in their
Official Capacities as Members of the
TOWN OF MEDWAY PLANNING
BOARD

Defendants

SETTLEMENT AGREEMENT

The parties to the above-referenced matter hereby agree to the following settlement terms.

The Defendants agree that contingent on: 1) a review by an engineer retained by the Town of Medway Planning Board; and 2) a standard public hearing process to be held on December 14, 2004 with a second Planning Board meeting to be held on December 16, 2004 the three Planning Board members present at the mediation on November 16, 2004, Karyl Spiller-Walsh, Daniel Hooper, and Eric Alexander will recommend favorable action on the Subdivision Plan by Faust Engineering dated October 25, 2004 contingent on the following mitigating actions to support the approval of the Plaintiff's waiver requests:

1. to minimize destruction of mature trees on site;
2. to construct a drainage system that will not contribute to the pre-existing drainage issue for the property on 9 Broad Acres Farm Road;

3. to establish "Selective Cutting Zones" for each lot;
4. to donate \$20,000.00 to the Town of Medway for the benefit of Blueberry Hill Road;
5. to donate Parcel A to the Town with linkage with pedestrian access easement;
6. to plant shrubs around the detention ponds;
7. to plant shrubs behind the "cut" section of the retaining wall at the subdivision entrance;
8. to repair the catch basin at the end of Parcel A; and
9. to construct the retaining walls using one of two face designs (adjustable random field stone or New England dry stack), simulating stone.

The parties agree to the settlement terms in order to settle the claims made on Count I of the Plaintiff's Complaint (Docket No. 04CV-11538-PBS). The Plaintiffs agree to dismiss all claims brought pursuant to 42 U.S.C. §1983 contained in Count II of the Complaint with prejudice.

The Plaintiffs agree to execute a Stipulation of Dismissal as to all claims contained in the Complaint with prejudice and to release all named Defendants in their official and individual capacities from any and all claims arising from the subject matter of the Complaint. The Stipulation of Dismissal will be filed at the time the Certificate of Action in favor of the Subdivision Plan is issued by the Planning Board.


Dec-06-2004 12:33pm From-

T-844 P.004/004 F-209

Nov-19-2004 01:33pm From-

T-781 P.004/004 F-129

IN WITNESS WHEREOF, I _____, have hereunto set
my hand and seal this _____ day of _____, 2004


Clapp Builders Corporation

Town of Medway

DATED: _____

Daniel J. Hooper, Medway Planning Board

DATED: _____

Matthew J. Hayes, Medway Planning Board

DATED: _____

Alan DeToma, Medway Planning Board

DATED: _____

Karyl Spiller-Walsh, Medway Planning Board

DATED: _____

Kent Scott, Medway Planning Board

DATED: _____

*James G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved February 10, 2004

**MINUTES - Special Planning Board Meeting
9:00 a.m. – Saturday, January 24, 2004
Hartney Acres Definitive Subdivision Plan Site Walk**

PRESENT: Jim Wieler, Dan Hooper, Karyl Spiller-Walsh, Matt Hayes, Kent Scott

Others in attendance included Gary Jacobs, chairman, DRC; Alan De Toma, DRC; Paul Yorkis, applicant's official representative; John Claffey, applicant; Paul DeSimone, surveyor; CONCOM members Dave Travalini, Tony Biocchi, and Brian Snow; and 7+ other citizens/neighbors.

The walk began at the end of the Blueberry Hill Road cul-de-sac. The discussion began with Mr. Yorkis explaining some of the proposed actions related to the lands running along the narrow appendage of land leading from the "bulk" area of the parcel easterly out to the Summer Street access (sewer connection, swale and water redirection work). The walk then proceeded westerly on the applicant's land through the bulk of the wooded parcel, across the wetlands crossing and out to the Nobscot Road access. Discussion there included the wetlands disturbance concerns and the grading and retention concerns for the proposed roadway at and beyond the Nobscott Road entrance into the parcel.

A motion was made by Dan Hooper and seconded by Matt Hayes to adjourn the meeting. The motion passed unanimously.

The meeting adjourned at approximately 10:15 a.m.

Respectfully submitted,

Daniel J. Hooper

*James G. Wieler, Chairman
Daniel J. Hooper, Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
Kent Scott*

Approved as Amended – February 10, 2004

***MINUTES
January 20, 2004 Special Planning Board Meeting
Medway Senior Center***

PRESENT: Jim Wieler, Dan Hooper, Matthew Hayes, Karyl Spiller-Walsh, Kent Scott

ALSO PRESENT: Gino Carlucci Carlucci, PGC Associates; Susan Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:36 pm

NOTE – It was decided to hold off on reviewing two ANR plans until the regular meeting on January 27, 2004.

Discussion - Proposal to Rezone Area Around 126/109 Intersection

Ann Sherry was present representing the Medway Business Council.

MR. WIELER – On January 13th, we received a request from the business/property owners at the intersection (Robert Parella/Paramount Industries; Andrew Avellino/Medway Gardens; Mark Smith/Restaurant 45; and Louise Placido (Dunkin Donuts) to rezone the area from its present Agricultural/Residential I and II category to a business zone. We have a 1/20/04 memo from Gino Carlucci Carlucci, our planning consultant, outlining some options. The most expedient thing to do is to rezone the area to a straight commercial zone. It would be nice for those businesses to get away from having to secure variances. It would be my preference to rezone to a new commercial V district.

Gino Carlucci – One key question is whether we know whether they are doing any manufacturing on-site at Paramount Industries. Or does he do assembly? We need to know that to define what businesses are by right in this zone..

Ann Sherry – He does embroidery work on site. But the space is mostly warehousing. The actual manufacturing is done from EPCO in the industrial park.

MR. SCOTT – So it is assembly and packaging.

MR. WIELER – I expect it is similar to what they do at Tri Valley Sports in the Commercial I zoning district.

Gino Carlucci – Another option is to rezone the area as its own special village zone.

Ann Sherry – One of my concerns as I read this option (that Gino just mentioned) is that it is portrayed it as a more pedestrian oriented area. It certainly isn't that now.

MR. WIELER – Given all the other initiatives we have on our plate, I think it would be better to change this to a commercial district. But I would also include the greenhouse to the south of Medway Gardens on Summer Street and the fire station and adjacent land at the northwest corner. Would there be a problem with buffers and setbacks?

MR. HOOPER – I would put it into a pre-existing zone that we already have.

MR. HAYES – I think we should give this area its own district. It is not C3 and C4 (Village districts).

Ann Sherry – Could we make it commercial I?

MR. WIELER – Does anyone have any problem with making a change?

MR. HOOPER - No

MS. SPILLER-WALSH – No

MR. WIELER – We need to know from Mr. Parella whether he does any actual manufacturing on site.

MS. SPILLER-WALSH – We want to project future uses and yet keep some consistency to what we are looking for.

MR. WIELER – How do C3 and C4 differ?

Gino Carlucci – I don't see how they differ at all.

MR. WIELER – We need to ask Bob Parella if he would fit in the definitions of the Commercial 4 district. If not, then we would go with a new commercial 5 district.

MR. HOOPER – In terms of a village approach to this area, it just doesn't work for this area.

MR. WIELER – It certainly will not be a quaint district. I would like to ask Ann Sherry if she could speak with Mr. Parella about his facility to determine whether there is any manufacturing going on there.

Limited Business District Overlay Proposal

MR. WIELER – With this, any time we would want to add an area to this, we would have to amend the bylaw.

MR. SCOTT – You could call it a village overlay district instead of “Limited Business.”

Gino Carlucci – The only down side to calling this a village district overlay is if you are moving to actually moving toward revising the C3 and C4 districts to become a full village zoning district.

MS. SPILLER-WALSH – Both would be mixed use. The only real difference would be scale. Village means smaller and houses vs. buildings and larger.

MR. WIELER – This is distinct from anything that we would now do in the Commercial I zone. We could still turn the Commercial III district into a more village-oriented district by right.

Susy Affleck-Childs – The difference is “by right” in a new village zone vs. by special permit in the limited business district overlay zone.

MS. SPILLER-WALSH – Anything that is to be new, we want it to look like it will fit it with the old. This should invite that.

MR. WIELER – Mark Cerel (Medway resident and town counsel in Medfield) said in Medfield they have an historic district overlay that allows for any use as a way to preserve an older building/main structure.

MR. HOOPER – I don’t know if it passed in Medfield. They are doing a nice job there.

MR. WIELER – I am not certain if historic structures are really under threat in Medway.

MR. WIELER – OK, let’s change the title to Village Business Overlay District.

MS. SPILLER-WALSH – OK

MR. HAYES – OK

MR. HOOPER – I see the 109 stretch as it is now as not really a village district. The speed of traffic and lack of pedestrian connections do not say village to me. It is a stretch of historic homes on the main road.

MS. SPILLER-WALSH – Don't you think as businesses come in we can work toward that?

MR. HOOPER– I just don't think you can capture a village feel that way. "Village" implies density and walking.

MR. WIELER – So "village" may not really be appropriate for the name of this overlay district.

MS. SPILLER-WALSH – When I think of village, I think of Dedham.

MR. HOOPER – This area has a linear nature, it is not a village.

Gino Carlucci – How about "community character overlay district"? Or, if you don't plan to apply it anywhere else then call it the Chicken Brook Overlay District.

MS. SPILLER-WALSH – I hate that name.

MR. WIELER – Ann needs to get going. Thank you for being here. You understand where we are going with this?

Ann Sherry – I think everyone is in agreement in the intent of where you are going with the overlay district.

MR. WIELER – Before town meeting, we would welcome a letter of support from the Medway Business Council for these two zoning proposals.

MR. WIELER – Another name is the Evergreen Overlay District.

NOTE – After continued discussion, the Board finally decided to retain the name - Limited Business Overlay District. All tentatively agreed for the sake of moving to the next issue.

MR. WIELER – How do we want to handle multiple residences? Do we need to specify a maximum number of residential units that would be allowed?

NOTE – The Board agreed to eliminate a limit on the maximum number of residential units.

MR. WIELER - Let's eliminate a reference to a maximum number of restaurant seats. We may need to add something about parking.

Gino Carlucci – You could say 1 space per 300 unless the Planning Board finds that a lesser quantity is suitable to the situation. That gives you a standard but some flexibility.

MR. HAYES - Do we want to allow for multiple housing units or just mixed use with commercial and residential uses in the same building?

MR. HOOPER– I think we are OK to keep multiple residences.

MR. WIELER - I think we are OK with these uses.

NOTE – The Board discussed the number of seats in a restaurant. It was decided to eliminate any limitations.

Site Plan Review and Approval

Susy Affleck-Childs – I have prepared a draft that provides for limited site plan review for minor projects and complete site plan approval for major projects. It also consolidates the review and approval authority with the Planning Board.

MR. HOOPER- We need numbers on how many other towns utilize the Planning Board as the site plan review and approval authority.

Gino Carlucci – I can tell you that very few towns have selectmen do site plan review. Sudbury is one example. One option is to have the appeal process be to the BOS vs. the ZBA.

MR. WIELER – We want this to happen but my only fear is trying to get too much through in any given town meeting, particularly one where it would look like we are trying to get too much power. I don't want to put our other zoning initiatives at risk, especially the sign bylaw.

MR. HOOPER– I don't think we put them at risk at all. My concern is whether we feel we can really get behind this and to absorb it and to understand how it would work.

MR. SCOTT – We would need to identify what the questions are and role play those answers.

MR. HOOPER– You know that Joe Musmanno will come up with some questions and some very smart comments on why site plan approval should remain with the BOS. Raphaella Rozanski will likely just oppose it outright. They have both indicated a preference for it to remain under BOS authority.

MS. SPILLER-WALSH – If we wanted to be very serious, we could list out all the things that they have done. We may need to do that.

MR. SCOTT – You have to build a case. It cannot be thrown in front of them. It needs to be done in a way that is not personalized. We have to focus on this as a process issue and how to relieve them from the process and make it simpler for developers.

MR. HOOPER– I agree with Kent. We have to define that this is a process problem vs. a personality problem.

MR. SCOTT – That plays into the hand of justifying it.

MR. WIELER – It should be done, but it is the question of how we can handle this. I am concerned about trying to do too much at any given meeting.

MR. SCOTT- I agree with you. The sign bylaw took some time and that got pretty well settled. This is almost a no brainer now.

MR. HOOPER– And they (the business community) got a win out of a battle.

MR. WIELER – But it hasn't passed yet.

MR. HOOPER - But it is going to.

MR. WIELER - But if we come up with 3 more bylaws that are 8 pages long, that may be viewed as just too much. We could wait until the June special town meeting.

MR. SCOTT – This one wants to be so well fine-tuned and prepared. Is there really enough time to do the research and make the case?

MS. SPILLER-WALSH – Diane (Borgatti) could help with this. This is the time right now. We are close to the failings that happened there.

MR. SCOTT – My concern is that we are overly prepared to communicate this. It can't be just one person.

MS. SPILLER-WALSH – It can't be about Diane and Raphaella. It is about a procedural problem.

MR. HOOPER– The only way to capture some of the populace is to have examples from other towns. I don't think we will ever convince the BOS of this cause. They will see it as extremely personal. What is the problem if we wait some time on this? I think the BOS will put the squash on putting this on the warrant;

MR. SCOTT – What is the tone if it comes from the residents?

MR. HOOPER– What would be the down side or concern to put the entire process in the hands of the BOS? Why is it the general practice for towns to use the Planning Board to do site plan review? I have come to a better place. I think we can do this.

MS. SPILLER-WALSH – We need to focus on this while it is fresh.

MR. WIELER – I can say it is broken.

MS. SPILLER-WALSH – It needs to be a passionate appeal to the public.

MR. HOOPER– We would need to site some of the problems of where the process has failed.

MS. SPILLER-WALSH – They just don't have the time or the focus for these projects.

MR. WIELER – I want this to happen as much as you do, but I want the sign bylaw to pass. I don't want to risk that.

MR. WIELER – I maintain we are muddying the water by putting this in.

MS. SPILLER-WALSH – I think the representation of the sign bylaw would aid and abet this.

MR. HAYES - Does this really put the other proposals in jeopardy?

MR. HOOPER– If we can each individually draw 10 voters to the meeting, we can do this.

MS. SPILLER-WALSH – We should never allow major planning board business to be put off to the second night. Shame on us that we caved last year on the sign bylaw.

MR. HOOPER– Besides the school board, we are the next group to bring things forth for consideration at town meeting.

MR. SCOTT – The BOS just wont let you do this.

MR. WIELER – Is there any hope of working with somebody on the BOS on this?

Gino Carlucci – You could package it as part of a series of business friendly proposals.

Gino Carlucci – I believe the Business Council is having a lunch meeting on January 29th .

MR. HOOPER– Are you doing any IDC work right now?

MR. WIELER – Could you meet with the MBC board?

Susy Affleck-Childs – For the record, it should be stated that Gino Carlucci serves on the board of the Medway Business Council.

Gino Carlucci – The first Monday of the month is the board meeting.

MR. WIELER – Gino Carlucci, would you feel like you have the rapport with the MBC to speak with them about the possibility of this site plan proposal?

Gino Carlucci – I could.

MR. WIELER – Who else is on the MBC board?

Gino Carlucci - Ann Sherry, Bob Parella, Jody (Shear Magic), Kevin from Long Distance Tire; Paul Kenney.

MR. WIELER – What we first have to do is convince the MBC that the PB is business friendly.

MR. HOOPER– We need to talk this over with some of the selectmen. How about if I talk to Joe Dziczek and Jim talks to Joe Musmanno?

NOTE - The Board concurred. It was decided that Gino is not to brief the MBC at this point. Susy will contact the AG's office to see if they would review the proposed site plan bylaw.

ARCPUD Zoning

MR. WIELER – We need to decide whether we want to adjust the density bonus. Given the numbers that Dave Hoag gave to us recently, even with the high density, the net positive no cost to the town is so appealing.

MR. HOOPER– The justification for changing is that we may have been misleading on the high side. It may be better to go lower and not make developers feel like they are giving up something.

MR. WIELER – So we will leave it off.

Sheds

Susy Affleck-Childs – Bob Speroni has requested a zoning change re: the location of sheds and swimming pools. He says the bylaw needs to be clearer. He recommends that sheds and pools be allowed within the required rear and side yards provided that no shed or pool may be allowed closer to the property line than one-half of the required setback.

NOTE – Dan Hooper will speak with Bob Speroni to get a better handle on this.

Master Zoning Ideas List

The Board reviewed the master list and set some target dates as follows:

Fall 2004 Special town Meeting	Rework Commercial III and IV to strengthen “village” characteristics, encourage preservation, and allow for mixed uses.
	Rework Open Space Residential (Gino Carlucci)
	Revise language in all commercial districts re: buffer areas adjacent to residential zones
2005 Annual Town Meeting	Special permits for drive-thru facilities
	Combine Commercial 1 and 2 into one district.
	New Office zone on south side of 109 east of Medway Commons

Other projects – no timetable

Historic Overlay District (similar to Medfield)
Scenic Road Overlay District
Affordable Housing initiatives

Incorporate into next amendments to
Site Plan Rules & Regs

Lighting
Parking space size

MR. WIELER – I want to have Gino start to look at the overall C1 area to come up with a development plan for both sides of Holliston Street. Let's get a scope of work on this from him soon. This was one of the things I told the FINCOM we would work when we made the case for additional funds for a planning consultant.

Susy Affleck-Childs – As we think about affordable housing, couldn't we look at adding a density bonus for affordable with the ARCPUD?

NOTE – The board discussed this further. Gino Carlucci will study and develop several options for the board's consideration next week.

Other Business

MR. WIELER – We have a letter from Dave D'Amico (DPS Director) re: Mike Narducci's refusal to plow, sand or maintain Clover Lane and Ash Lane in the Redgate 2 subdivision. Dave asks whether the board could do a partial seizure of the bond to pay for DPS' time? We need to prepare a note to the BOS asking for Town Counsel to determine whether part of a bond may be seized.

A motion was made by Dan Hooper and seconded by Kent Scott to adjourn. The motion passed unanimously.

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

*Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander*

**PLANNING BOARD MEETING
Tuesday, November 23, 2004
Sanford Hall – Town Hall – 155 Village Street**

PRESENT: Dan Hooper; Alan DeToma, Karyl Spiller-Walsh; Matthew Hayes; Eric Anderson

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant
Mark Louro, VHB, Inc.
Gino Carlucci, PGC Associates

The meeting was called to order at 7:31 pm

CITIZEN COMMENTS

DAN HOOPER – Good evening. This is citizen comment time. Seeing none, are there any comments from the board first? I have a personal comment. I have gotten some feedback that our meetings are running a bit long. There are some ideas to expedite our appointments/hearings. I am all ears on how to pick things up. We have been doing better lately, but constructive criticism is always welcome.

PUBLIC HEARING CONTINUATION – 127 Main Street Adaptive Use Special Permit

Ted Reardon, Applicant
Steve Poole, Consolidated Design Engineering
John Fernandes, attorney

KARYL SPILLER-WALSH – I will recuse myself due to a conflict of interest.

NOTE - Chan Rogers, Associate member sits in for Karyl for this development.

Ted Reardon – I have a handout of the existing house and new building that the DRC reviewed last week. They want to remove the Palladian window on the second floor. The outside staircase, they want closer to the building,

DAN HOOPER – Also inset the front doors about 1 foot to match the existing house.

KARYL SPILLER-WALSH – I understand the flying staircase may need to be closed in. I heard from an architect that it needed to be enclosed per code. I would look into that with the building inspector.

John Fernandes – I have never heard of that.

ERIC ALEXANDER – I don't believe that is the case.

DAN HOOPER – From the DRC's perspective, the feedback was to not make the staircase such an obvious appendage

Steve Poole – We submitted 5 different sketch plans to take to the DRC. They selected option B-1. We narrowed down the driveway as you recommended. The new building faces Main Street. We moved the new building further west to allow room for some more landscaping. The back parking lot has not changed in substance. The drainage should pretty much be the same. We need to update all the pieces and parts and get it back to you for final review. But first, I want to get the Board's feedback on what the DRC gave us for direction. Here is a plan to look at.

DAN HOOPER – I like it a lot. I think it is designed and in the spirit of the adaptive use overlay district. I am curious about the jog here in the driveway. It seems a bit strained on its way in. I like it but I wonder from a vehicular standpoint, whether it is best. I would agree with Gino Carlucci's comment that the handicap space should be in the back vs. the front. Otherwise, I would want to see a bit of screening there across the front to hide the space.

Steve Poole – The handicap space was placed there to minimize the distance to the building entry. We could put a space in the back in the corner, but then a handicapped person is going to have to go way across the parking lot to get to the building.

DAN HOOPER – That makes sense.

ALAN DETOMA – I like the entry drive, it feels good. My only question is whether the arc is appropriate for the length of road. Are we creating any potential hazard for pulling in?

Mark Louro – It is 18 feet wide for 2 way traffic with a reverse curve. You may want to soften it a bit.

Steve Poole – We can open it up a bit. The 20 foot radius will be granite curbing. There is no curbing there at all right now. It goes down to 0 reveal.

DAN HOOPER – The existing driveway is asphalt?

Ted Reardon – There are 2 curb cuts now.

Mark Louro – How do you feel about the handicap space being so close to the street?

Steve Poole – Low usage is expected. It really doesn't concern me.

Mark Louro – With the limited volume, it may not be an issue. What is the distance set back?

Steve Poole – About 30 feet from the property line.

MATT HAYES – It looks like 45 feet from the roadway.

Steve Poole – We can move the sign over a bit to the west and flatten out the curb a bit.

DAN HOOPER – So what is the Board's preference on the handicap space? In front or rear?

Chan Rogers – Putting it in the rear somewhat defeats the purpose.

ALAN DETOMA – Are all your entrances to the building accessible?

Ted Reardon – Yes.

ALAN DETOMA – Therefore a handicap person can access the building as easily from anywhere. My preference would be not to have parking in the front.

Mark Louro – Where are you on the number of parking spaces?

Steve Poole – We need all 10, including the handicap space. To remove the handicap space in front would mean we would need to expand it a bit in the back. We might end up losing a tree in the back to do that.

MATT HAYES – I would like to see it in the back. It is better to reduce the parking in the front as long as there is room in the back.

ALAN DETOMA – Do you have any room to move the new building any closer to the street. It might make for more room in the back for that space, sort of swap.

Steve Poole – We might need to push the building forward a bit to make room for ramping at the back.

DAN HOOPER – One of the things that is nice is having the new building a bit offset.

KARYL SPILLER-WALSH – There is a nice design element going on. You have both of the buildings almost flush, parallel with each other. It makes sense at the elbow to fit in the handicap space. It looks well designed there and very close and provides a very nice opportunity to plant and buffer the space toward the front.

DAN HOOPER – I agree, once you straighten out the road a bit and knowing there will be some evergreen plantings in the front. It may look a bit strange on the plan but on the ground, I think it will work. I don't think it is an affront to the adaptive use concept. I would leave it as is with the space in front.

MATT HAYES – I would still like to see it in back for safety and site issues.

ALAN DETOMA – If you screen it, it becomes less visible.

Steve Poole – You would need to push out the parking lot area about 10 more feet to the west. You will encroach on that 20 inch maple at that point.

ALAN DETOMA – From the rear of the parking space to an obstruction is supposed to be 25 feet. You could shift the building slightly toward the street.

Mark Louro – When you put a handicap space in the corner, it can be hard for a van.

DAN HOOPER – I am going to skip on to Gino's comments. Could you give us your highlights from your last review letter.

Gino Carlucci – I had raised the issue of the handicap space and screening. My only other comment is the pedestrian access. It is much improved from the original and I know you had a long discussion on sidewalk across the front or doing a payment in lieu of construction. Perhaps you could just expand the sidewalk from the building out to the street to hook up with something in the future.

DAN HOOPER – Any other Board comments? I agree with extending the front walkway out to the street. I recollect from our last discussion that we spoke about a payment in lieu of constructing sidewalks @ \$4,500.

Mark Louro – The discussion was about whether it needs to be on site or in the public right of way.

DAN HOOPER – It doesn't make sense to build a sidewalk given that currently there are no other sidewalks. In the future, I would have it in the public right of way.

DAN HOOPER – So, back to the front walkway, should it be extended to the right of way?

ERIC ALEXANDER – I am not sure it is going to serve any useful purpose to stub it out to the right of way. In the future, when the Town builds a sidewalk, it would behoove the applicant to connect at that time.

MATT HAYES – Isn't there a fairly common feature to do this?

ERIC ALEXANDER – I would keep it as it is shown now, unless the parking changes.

Mark Louro – Then have it go to the driveway?

ERIC ALEXANDER – It would continue around.

Chan Rogers – What about the occupants of the house? What do they use?

Steve Poole – They will use the sidewalks from the back.

Chan Rogers – In this configuration, the pedestrian access is thru the driveway.

Mark Louro – Normally, with a site plan, you would want to avoid that. Typically, you don't want to use a driveway as a pedestrian access.

ERIC ALEXANDER – I am willing to be convinced or outvoted.

DAN HOOPER – I don't see much other option. If it leads to the driveway at this point, it is hard surface to hard surface.

Mark Louro – AAB regs would not allow for such. They would not want a driveway to be used as handicap access.

Chan Rogers – Another advantage of having a parking space in front is deliveries – mail, UPS, etc.

ALAN DETOMA – How is the mail handled?

Ted Reardon – There is a box at the street for postal truck delivery.

Steve Poole – The mailman accesses the mailbox from the truck.

Chan Rogers – As there is no sidewalk, until there is a sidewalk, just use the driveway.

Ted Reardon – If it is OK with you. we will put the sidewalk all the way out to the street. That is not a problem.

DAN HOOPER – Great. I would also like it connected to the house and the driveway.

Steve Poole – You are talking about a walkway from the house down to the street using stone dust?

MATT HAYES – I wouldn't ask for it, but if they want to do it, that's fine.

Mark Louro – So you would have bituminous everywhere else but stone dust out to the street?

Ted Reardon – We could do stone dust and pavers.

Steve Poole – We will look into something like that . . a paver block..

DAN HOOPER – So, back to the parking spot. Mark, I am going to lean on you on this and put aside aesthetics for a moment. Would it be doable and/or preferable to have the handicap spot in the back, given that handicap access and ramp are already in place?

Mark Louro – What it really comes down to is the proximity of the space off of Main Street. It is 45 feet or so and the standard we use for a site plan is 50'. From a safety perspective it would be better in back, but I am not saying it has to be the case. It will be very light traffic.

Ted Reardon – It is fine with us to put it in the back.

Mark Louro – If you do that, the wall gets bigger and the parking lot gets closer to the property line.

DAN HOOPER – The comment is that it is no more difficult from the back vs. the front. I would say that the back would be preferred. So we will go with a less serpentine entrance and the handicap spot in the back

Mark Louro – Could you move the dumpster a bit and that might make for more room for parking? Also, you should provide a detail for the retaining wall.

Steve Poole – We will use ray rock, very big and stable.

DAN HOOPER – What kind of height are you expecting?

Steve Poole – It is 2-3 feet now, but it will need to go to 4-5 feet high and will require a fence on top - this is all the ramifications of moving the handicap spot to the back.

KARYL SPILLER-WALSH – I am sure the DRC would want a voice on the wall design. We haven't talked about the wall at all.

ALAN DETOMA – A handicap space is not really something that is heavily used. This is not a question of seeing a car parked there all the time vs. seeing plain asphalt. Given the implications we have just discussed about putting the handicap space in the back, I might prefer to see it in front

DAN HOOPER – So are we back to the front? As to the proposed wall?

Mark Louro – Concrete block?

DAN HOOPER – That has me concerned. That does take away from the spirit of the AUOD bylaw.

Steve Poole – You know the ready rock material?

DAN HOOPER – Do you have a detail?

Steve Poole – It is naturalized looking. This is more of a large rock faced wall. It looks like a boulder type of wall. It has a facing to it.

ALAN DETOMA – A cut sheet would be helpful.

Steve Poole – If a wall is 4 feet high, then code requires a fence on top.

Ted Reardon – It would also need a guardrail, which our neighbor might not appreciate.

DAN HOOPER – Nor do we.

Scott Sanderson (129 Main Street) – I would rather see a 3-foot wall vs. a 5-6 ft wall.

DAN HOOPER – I think we should go with the handicap space in front.

Steve Poole – So we are going to maintain the handicap space in front.

DAN HOOPER – I saw a lot of screening on the option as presented.

John Fernandes – I have been working with Ted Reardon for a couple of months on this. As I understand it there may be one more outstanding issue and that is the sidewalk matter that I would like some clarity on. Also signage.

DAN HOOPER – I think Susy has indicated the signage issue to the board in our agenda tonight. Right now, there is no accommodation/provisions in the sign bylaw for adaptive use overlay district projects. We did speak of this when we were designing it and everybody was in agreement that the signage here should correspond to the signage allocation allowed in the “village” zoning districts. That allocation is 40 sq. ft total for a 2 sided free-standing sign.

KARYL SPILLER-WALSH – What did Ryan and Werlich do for that sign (at 155 Main Street)? It was just a small shingle sign as I remember.

Steve Poole – I think 20 sq. feet per side is probably more than what we need.

Ted Reardon – There will be 2 businesses in there.

Chan Rogers – Are you saying that 40 sq. ft is allowed here?

DAN HOOPER – No, I am not.

Chan Rogers – That size is larger than necessary. I think that is too much sign, just for openers. I think the sign should only identify that it is building “A” but not advertise the insurance agency with lots of details.

Gino Carlucci – Maybe the zoning enforcement officer needs to be consulted re: whether a signage allocation can be included within the AUUD special permit.

Susy – I know the ZBA has established a signage allocation when they have done use variances.

ERIC ALEXANDER – I would suggest doubling what is allowed (in the underlying AR-II zone) to go to 24 sq. feet total for a 2 sided sign.

DAN HOOPER – Let's go with that in preparation for a discussion with the zoning enforcement officer.

Ted Reardon – 24 feet is great for us. I need to say that if you want the AUOD to fly, you need to allow for more signage.

Chan Rogers – That is always going to be a dilemma in a mixed use area.

KARYL SPILLER-WALSH – 40 sq. feet is too big.

MATT HAYES – I like 24 and it has to be 2 sided, perpendicular to the street.

Steve Poole – Would that be for one or two signs?

DAN HOOPER – There is only 1 freestanding sign allowed per lot.

John Fernandes – The only other question I was going to ask is if you would like me to take a shot at writing the decision?

DAN HOOPER – I am comfortable with you taking a start.

John Fernandes – I will provide you with a template of the legal language.

DAN HOOPER – Are there any other comments?

NOTE – Matt Hayes read the DRC's recommendation. It is attached and made a part of these minutes.

Susy Affleck-Childs – So they will revise the plan based on feedback from tonight, update the drainage calcs, and resubmit for one final hearing. So we cannot close this hearing tonight.

The public hearing was continued to December 14 at 9 pm.

Susy Affleck-Childs – For Mark and Gino to have time to review, the revised plans and drainage calcs need to be submitted by next Tuesday which is November 30, 2004. I will contact Bob Speroni re: the signage question.

DAN HOOPER – With the walkways, did we give you clear direction?

Steve Poole – Yes. We are taking the walkways to the right of way lines and will use pavers.

NOTE – Chan Rogers leaves.

PUBLIC HEARING CONTINUATION – Wingate Farm Site Plan and Subdivision Modification

Rachel & Gene Walsh, applicants

Steve Poole, engineer

NOTE – Karyl Spiller-Walsh recused herself from this agenda item.

Handouts – Letter from Steve Poole – 11/22/04

Letter from Walsh family - 11/22/04

NOTE – Rachel Walsh read their letter into the record. It is attached and made a part of these minutes.

Steve Poole – My letter is backup justification on the waiver requests. So one of the things we are looking for is to change the right of way slightly and do a normal rounding and flare the opening at the roadway throat (at Holliston Street). It will be a private road with a reduced width and gravel with 4-foot swales on both sides. We have changed those swales so they will be grass swales. The road and swales will be maintained by the Walsh family and the house associated with lot 4 through some kind of homeowners association. From a maintenance perspective, we are looking at a grader. There are other gravel roads in the area – Causeway Street in Medfield and Noon Hill street from South Street to Causeway.

DAN HOOPER – What is the sloping of those roads compared to this road?

Steve Poole – They are flat thru the wetlands and step sections as well. In Medfield, it is a public road, maintained by the town with no drainage structures or detention basins. It was constructed in late 80's. We are maintaining the same sight distances. We are asking for an as-built plan instead of a street acceptance plan so that the town can have a record plan for the files. During construction, there is nothing that prevents the town from doing construction inspections. That could be part of the conditions. The big thing we are asking for is to waive construction standards – reduce roadway width to 18 feet with two 4 foot grass swales. The volume of use will involve one new house and the riding arena. There could be some traffic but generally, people meander in during the day when they are training. The area is suitable to a gravel private way vs. a paved town road. It maintains a farm character. We want to have a gravel surface in lieu of bituminous pavement as we would like to take the horses to walk on the road and pavement is not suitable for that. We want to make it more of a farm road type of character. With the gravel road and grass swales, we don't need curbing or curb cuts.

DAN HOOPER – Is this plan you are working with here tonight, do we have this yet?

Steve Poole – No, not yet. We have eliminated the roadway around the riding arena building. We really don't have any access needs. There is still 15 feet around the arena.

ALAN DETOMA – Wasn't there a comment that the fire department said they didn't need to gain access from the rear?

Steve Poole – I believe there may have been a note from the Fire Chief that it would be OK. With a gravel roadway, we don't see any need for sidewalks or street lights. There will be some lights on the building. So those are the waivers we are looking for. We did get comments from VHB on Monday. So we need to go through all those comments and incorporate.

MATT HAYES – Is there an easement provided?

Steve Poole – Yes.

Mark Louro – What about an easement to and around the pond?

Steve Poole – The association would specify that there is to be access to the pond for maintenance. I will adjust the plan for access. So this plan is slightly varied from what you have seen before. We did pull the wall over a bit. So we need to go thru and prepare a final submittal and address the final comments. But we wanted to get the Board's feelings regarding the waivers and road surface. We need to resolve where the property line is going to be.

Mark Louro – One of the issues for the gravel road from a maintenance standpoint and 4% grade is erosion during heavy storms and I believe that will result in heavy maintenance. The proposed roadway and drainage design seems to require a heavy maintenance obligation – cleaning out/raking out swales. Certainly with grass swales as compared to riprap, it is better because you can mow them. But cleaning out the storm drain system with a gravel road will need much more attention than what the town would do. The increased level of necessary maintenance may result in the system not functioning as well as it should if it is not adequately maintained.

DAN HOOPER – Are there catch basins in the swales?

Steve Poole – There is a series of 3 catch basins on each side with 4 foot sumps with a hooded outlet for a total of 6 catch basins.

Rachel Walsh – Our current driveway is gravel and we haven't had to regrade it. Next to this proposed road there is a 500 foot driveway that is paved and there hasn't been any water issues with that at all. It is going thru the same topography and they have no storm drainage.

Mark Louro – I am concerned that the use of a stormceptor is usually done with a paved road. It is not a device that is used to be being cleaned more readily.

ALAN DETOMA – What would the alternative be?

Steve Poole – We could use a larger sediment tank with a couple of baffles. That would give us more capacity. When you build a gravel road, there will be maintenance for the first several years.

Rachel Walsh – If it is a problem that is more than we can maintain, we may have to have somebody come in to do it or modify the plan and have it paved.

Mark Louro – If the system fails, then your drainage will go to the south.

Steve Poole – No, I disagree. The swale will catch it. I think we can direct the flows so the swales can handle it.

ALAN DETOMA – It seems that the application is appropriate for the use. What is left is to find the proper drainage design.

DAN HOOPER – I would add to that is that we need to find a design with reasonable maintenance expectations. Having to clean it out every couple of months is not reasonable.

Rachel Walsh – I feel that in a strictly residential subdivision, that would be a concern. But this is an agricultural. We are a working farm where you are doing maintenance every month on everything. That type of things is already ongoing. A schedule that happens more than twice a year would not be out of the ordinary.

Steve Poole – The grass swales will make for a much improved approach.

ALAN DETOMA – I think the CONCOM likes those.

DAN HOOPER – I was in Nashville, Tennessee this weekend and I saw grass swales everywhere – no curbs, no drainage structures on the roads, no sidewalks.

Mark Louro – I guess the concern is if the system does not work because it is blocked by the silt, where will the water go?

Steve Poole – We will revise the plans to make it specific that we will make the turn and go to the detention basin.

Mark Louro – Will the pond be above the high water table?

Steve Poole – Yes.

Mark Louro – Did you get the volumes to work?

Steve Poole – We added some leach pits to the front. Now we need to add some type of pipe connection overflow.

Mark Louro – There is some information we need to complete the drainage review. We haven't been able to feel comfortable with the drainage system as there is more info to be provided.

Mark Louro – You have a couple of walls to be retaining, what are you looking at for these?

Steve Poole – There are two wall locations.

ALAN DETOMA – How far away from stable?

Steve Poole – 15-18 feet. We are looking at some type of artificial rock – READY ROCK. The walls go 12 inches below grade.

ALAN DETOMA – You have to have a structural engineer look at the compaction of the walls.

Susy Affleck-Childs – The final plans will need to have a detail on the material for the stone wall.

Steve Poole – There will also be an access and utility easement on lot 4 for lot 3.

DAN HOOPER – Gino, do you have anything to add?

Gino Carlucci – There is certain information that needs to be on the plans. Did you have comments on justification for the waivers for the site plan requirements as well?

Steve Poole – We have some new information with regards to site plan for agricultural uses.

Rachel Walsh – We are holding off on the site plan tonight. We have come across some information in the Massachusetts Agricultural Protection Act that Bob Speroni is now reviewing. We have found info that the keeping of horses does not need any form of site plan review. We have memos from the Mass Department of Farms and Agriculture to the AG's office. The zoning law (chapter 40A) does not allow regulation of agriculture. And the Agricultural Protection Act indicates that riding stables are considered agricultural. So, Bob Speroni is going over this now. It seems that we may not need the site plan review after all.

DAN HOOPER – But that does not eliminate the subdivision modification.

Steve Poole – We will basically have the same information on it as was on the site plan.

DAN HOOPER – So the focus of what we are dealing with today is just the subdivision.

Steve Poole – So we are just at the point of going thru another set of plans.

ALAN DETOMA – There has been a lot of technical discussion. The plan is nicely done. This is a nice use of the parcel. Maintaining the integrity of the agricultural setting should be commended. We just need to get over some hurdles.

Mark Louro – The parking will be used by trailers?

Gene Walsh – The way its works is that they bring the horse in once to drop them off. The horse trailers are not there for a long period of time.

DAN HOOPER – I would like to briefly discuss the waiver requests. So, we can do a more formal vote on this next time.

Mark Louro – I haven't compared their list of waivers against my notes/review.

DAN HOOPER – You need to give us a justification for each waiver request. This is a whole new plan to supercede the previously approved subdivision.

4.1.1 – To allow for a modification of the standard roadway cross-section and to allow for a private way designation

ALAN DETOMA – We are not looking at a multiple home subdivision. The scale of the roadway is appropriate for the use. I don't see it as a negative for the Town of Medway.

Mark Louro – This is for the roadway layout width of 45 feet. That is what was previously approved.

MATT HAYES – The private way designation is still an issue for me but I certainly wouldn't want this to be a public way.

DAN HOOPER – The issues are still bonding, security. It is going to be something we will look for.

Steve Poole – I understand. The Town needs that security.

Susy Affleck-Childs – They will have to do a covenant.

4.1.8 – Allow for an a-built plan vs. a street acceptance plan.

MATT HAYES – I have the same comment as before.

DAN HOOPER – This just makes sense to get an as-built.

Susy Affleck-Childs – There will also need to be a homeowners covenant to establish responsibility for maintenance and all deed will reference that.

4.2 – Waive construction standards for roadway

4.2.6.7 -Reduce to 18 feet from 26 feet

DAN HOOPER – I am still concerned about the 4% grade. We have been pretty steadfast in wanting to see pavement because of the known execution of water and how it reacts. There would be a minimum of silting with a paved way vs. a gravel road. Is there a piecemeal approach to this using paving for some portion and gravel for the rest?

Steve Poole – Maybe we can talk about some other type of surface treatment.

Mark Louro – Something more stabilized.

DAN HOOPER – I am still concerned about reasonableness of maintenance of catch basins. Once Mark Louro takes a look at the new plan and proposal, that may shed some light (with grass swales).

4.2.6.8 – Gravel vs. paved road

4.2.7 – eliminate ??

DAN HOOPER – It certainly appears to be more suitable to this application but it will have more frequent traffic than just two house lots would have. Do we have any traffic data on that?

Rachel Walsh – We will have 8 stalls. A lot of times, people will have more than one horse and not everybody comes in the same day. Usually it is 3 times a week. It is not like there would be traffic all day long, in and out all day.

Steve Poole – If you have 8 stalls, what would be the worst case scenario?

MATT HAYES – A single-family house is expected to have 10 trips per day.

DAN HOOPER – I would like to see that documented in terms of how many trips per day. Please include a maximum of what the daily roadway trip count could be. I am also concerned about dust control with respect to neighbors. You are increasing 2 house lots plus a commercial use plus your own house. Dust is a concern.

Rachel Walsh – The riding facility is indoors so dust will be kept indoors.

4.2.8 – Eliminate curb cut requirements

DAN HOOPER – This all ties into the private way

4.2.9 – sidewalks –

DAN HOOPER – there are no sidewalks on Holliston street near this location, not until Ellis Street and going south.

MATT HAYES – Are you thinking a payment in lieu of for frontage on Holliston Street? What is the frontage on Holliston Street for the whole property?

Gene Walsh – 325 feet

DAN HOOPER – We need to think about payment in lieu of sidewalk construction.

4.9 – No street lighting

DAN HOOPER – I am in agreement with this. But with other small projects, we have asked for residential lighting be written into the covenant with driveway post lights.

Steve Poole – I need to go through Mark's letter to respond to those details. I cant do this to get to him

Susy Affleck-Childs – A deadline extension is needed.

A motion was made by Eric Alexander and seconded by Alan DeToma to extend the deadline for Planning Board action on the Wingate Farm subdivision modification and site plan to January 14, 2005. The motion passed.

DAN HOOPER – We move as quickly as the engineering comes in.

NOTE – The board took a break at 9:42 p.m.

Paul J. DeSimone (elder) – You remember several weeks ago you made some comments about Richard Merrikin and the delays in getting information to you. The VHB contract with the Town requires the engineer to get a review letter to the applicants 96 hours before the meeting. Some folks are not getting stuff until the day before the meeting. That is a violation of the contract. Here is a copy of the 1999 contract. You can have it.

DAN HOOPER – Well, if I am not mistaken, it is our requirement that the review materials are to be submitted 2 weeks prior to our scheduled meeting to provide sufficient time. So, this is all determined by how soon the applicant provides the plans revisions and information.

Paul DeSimone – I have heard cases where the information is into VHB in plenty of time but the applicants are not receiving VHB comments until the day before. You ought to get your review letters to them as soon as possible. That is not the case in a lot of situations. It is not fair for them to have to address stuff without adequate time.

Mark Louro – I didn't even know that was in the Town's contract.

Paul DeSimone – See, he didn't even know it.

PUBLIC HEARING CONTINUATION – Pine Meadow Definitive Subdivision Plan

Matt Barnett, applicant

Paul F. DeSimone, consultant

Paul DeSimone – I am delivering a professional study on a long dead end waiver. We are going to try to appeal to your nature as human beings tonight. What I want to show you is where the houses would be on the lots. I took the 60' by 40' boxes and showed the spacing of the homes. We would like the same consideration as you gave to Ishmael Coffee Estates (ICE). There are 7 undesirable lots. That plan should have required 2 dead end waivers. Also, they didn't have to plant trees. We just want the same consideration.

ALAN DETOMA – I don't see the relevance of looking at a prior case as it compares to theirs. I am interested in looking at the case at hand.

DAN HOOPER – I tend to agree. It is a totally different board reviewing a very different plan.

Paul DeSimone – You are a majority.

DAN HOOPER – But the vote on it (the Ishmael Coffee decision) wasn't unanimous.

Paul DeSimone – My client just wants the same consideration. ICE was required to have open space, because of its size. This one is not as it is smaller (lesser lots). This plan is clean and spacious. We are looking for approximately 107 more feet of roadway.

DAN HOOPER – The board at that time, considered their waiver requests and voted to approve that plan.

Paul DeSimone – You should have given them 2 waivers.

DAN HOOPER – This is one single access way opening to a thru road.

Mark Louro – With ICE, existing trees were retained with no cut zones. And there is no regulation requiring tree planting.

DAN HOOPER – So what is this document (you have provided tonight)?

Paul DeSimone – We are submitting a professional report for the justification of the waiver request (for the longer dead end road).

Mark Louro – The vote was already made and there was no info provided at that time.

DAN HOOPER – So now you are providing a document that might provide justification?

Paul DeSimone – There is nothing that I can tell you to justify this. That is a joke. But, I am giving you a report.

ALAN DETOMA – Could we go back to the meeting minutes? Didn't the applicant say at the time that they were not going to provide such a report?

Paul DeSimone – We aren't going to request reconsideration of the waiver.

KARYL SPILLER-WALSH – I think we thought negotiations were dead in the water because the plan hasn't changed.

DAN HOOPER – One of the ramifications we think about is where drainage basins are and where house footprints are. This length of roadway might be providing a lot there at the end that is not reasonable in the location of the house in juxtaposition to the drainage basin location. It isn't reasonable to have a house located so close.

Paul DeSimone – It is about 20 feet.

Mark Louro – The easement would be up against the house foundation. That is the only location on that lot where that house could go.

KARYL SPILLER-WALSH – What about the possibility of pulling a lot at the end?

Paul DeSimone – The lot at the end is the one Matt wants to live on. The pond is at the end.

DAN HOOPER – I think that unless there is something revealing in this document, we may be beyond it. I will take a stab at reading it. We haven't heard anything from you about a waiverless plan.

Paul DeSimone – One of our options is to bring this road back out to Fisher Street or he could go to Bay State Gas Company and buy some land and bring it out to Route 109.

Susy Affleck-Childs – What parcel would you bring it back out onto Fisher Street.

Matt Barnett - I own 12 Fisher Street (my mother).

ALAN DETOMA – Isn't the process for requesting this waiver to have a waiverless plan?

Paul DeSimone – We have a plan option that does comply with a second road connection to Fisher Street.

DAN HOOPER – I would like to get beyond the 600 foot dead end discussion to see if there are other concerns.

Mark Louro – My latest review showed the drainage system works. There are a few details that need to be shown including lot grading.

Paul DeSimone – I can't show lot grading. The Board of Health (BOH) has to review for septic designs.

Mark Louro - We want to make sure the grading is going to work.

KARYL SPILLER-WALSH – Those detention ponds have to be taken into consideration.

Paul DeSimone – That will be done with the BOH.

Mark Louro – But you have to agree that this requirement is in the subdivision regs. There are a couple of places in the regs where driveways and house gradings are required to be shown on the plans.

MATT HAYES – Section 3.3.2.17 – Grading shall be shown in 2 foot contour intervals.

Mark Louro – There is another reg that says house and driveways need to be shown.

Paul DeSimone - It is the BOH's purview to deal with that.

KARYL SPILLER-WALSH – We have a Catch 22 here. On lots that look like they are not problematical, it looks like a slam dunk. But when you have two houses that are so tight to a detention system and you add septic systems and driveways, you haven't proved to me that there is going to be a true lot.

DAN HOOPER – Gino, any comments?

Gino Carlucci – When a BOH comments on a subdivision plan, it is very general.

Paul DeSimone – All the lots perked and tested.

Mark Louro – Why don't you want to show driveways to the houses?

Paul DeSimone – The driveway openings/curb cuts are on the plans but we don't know what they are going to put up there for houses.

Mark Louro – We want to see that house locations will not result in water runoff impacts on adjacent lots.

Paul DeSimone – Each lot has to be done separately by the BOH.

Susy Affleck-Childs – Perhaps we could write this up contingent on BOH feedback relative to each individual lot grading (like CONCOM). relative to individual lot grading (like CONCOM)

KARYL SPILLER-WALSH – There is so much area for drainage.

Paul DeSimone – In the drainage calcs, she (our engineer) made a 25% impervious surface assumption.

Mark Louro – Near that pond, you add a driveway and that could impact the overall drainage design.

Paul DeSimone – I can do that. This site is very well drained. The soil is very good material. The perk rates were 7-8.

KARYL SPILLER-WALSH – I would be comfortable if I knew that the house footprints and driveways did not require larger detention ponds. We want to see at least 25 feet between edge of house and the top berm of a detention pond.

Paul DeSimone – I can do that.

Susy Affleck-Childs – What about landscaped islands in the cul de sacs?

Paul DeSimone – We don't want to request any more waivers.

Mark Louro – They were able to get the drainage pretty much to work. For the most part, they are there. As you come in the road, there is strip of land. What is that about?

MATT HAYES – We will deed that over to the neighbor, Nick Torre at 8 Fisher Street.

Mark Louro – You didn't show the wall on the plans.

Mark Louro – How wooded is the site? Is there potential to keep some of that?

DAN HOOPER – We will take the report and study it.

Paul DeSimone – I will put the houses on the plan but you have to know that this may change with BOH. I will do a septic design for lot #3.

DAN HOOPER – Could you provide the BOH commentary on each lot? Is there any way you can provide those approvals?

Mark Louro – I would like to see a concept of driveways and houses. That may change when each lot goes to the BOH. You can get a copy of the BOH plans.

Paul DeSimone – I can draw one for lot #3 now.

ALAN DETOMA – I would like to see a plan that complies with zoning.

NOTE – Eric gave his copy of VHB's recent review letter to Paul DeSimone.

The public hearing was continued to Tuesday, January 11 at 8:30 p.m.

PUBLIC HEARING CONTINUATION – 2-4 Main Street Site Plan

Rick Merrikin Merrikin, engineer
Malcom Porter, West Side Auto

Henry Marcel, construction manager for Bob Potheau

Rick Merrikin – The last time we were here, you asked to have everything compiled. We have done so. Here are 3 sets of combined plans with architectural elevations provided.

Mark Louro – What about wall details/description? Right now the outstanding issues are including the architectural plans and wall details. The drainage system seems fine.

Henry Marcel – Bob and I talked about putting in a poured concrete wall and then finish it off with stone. Also in the planting area. The wall going down to the building would be faced with stone.

Rick Merrikin – I don't think we decided on a stone type. It would be stone face veneer. There is a variety of stonelike products that could be used.

Henry Marcel – That part of the project could be one to two years off. We need to get the new building up now and that will generate money to finish the rest of the area. Once we start working on the other designs, we will go the DRC with more detailed plans. We know the walls have to go in looking nicer but we haven't researched that all yet.

Mark Louro – It is the detail that has to be provided on the plan.

Rick Merrikin – We can note stone face without specifying a product.

DAN HOOPER – It has to be more specific as to products. The question was asked of you a long time ago whether you wanted to separate this out into multiple site plan projects. You decided to keep it comprehensive package. You need to get it correct right now. You can always come back if there is a modification. We are doing this as a comprehensive site plan for the entire parcel.

Malcom Porter – I need to take exception to that.

Henry Marcel – We simply can't provide the details at this time.

Malcom Porter – We really need to move ahead. I am writing checks on this. I am stuck with this site. I am at the end of my rope.

ERIC ALEXANDER – It would seem to me that the quickest way to resolve this is to include language that makes approval required by the DRC at the time this is done.

Susy Affleck-Childs – An approved site plan is good for 1 year. Extensions are needed after that time.

Mark Louro – I expect you won't see them again on this at all after this. This is it!!

DAN HOOPER – Bob made the “sale” to us on this as a comprehensive package. That was my recollection. It certainly would in the town’s best interest to have this improvement at the eastern gateway to town.

Rick Merrikin – I will put the detail for the stone wall on the plan.

DAN HOOPER – The plans need to show the façade elevations.

Rick Merrikin – We have done so.

Susy Affleck-Childs – Do those plans show materials?

Rick Merrikin – No.

Henry Marcel – We really don’t know what we will be doing.

KARYL SPILLER-WALSH – After all the months with the DRC, that is a shame.

Malcom Porter – There are no tenants so Bob is not going to design the building renovation without their input.

Henry Marcel – I believe the DRC made 2 suggestions for an eyebrow and some plantings.

DAN HOOPER – So the new building has an elevation?

Rick Merrikin – Yes. The revised plans I gave you tonight does include that.

Rick Merrikin – The DRC wanted the front windows on the new building to be double hung windows.

Malcom Porter – It has to be recognizable as a store with big windows. You look across the street at the fish store and it looks terrible with the small windows.

ALAN DETOMA – I am struggling with making a warehouse building look like a residence.

KARYL SPILLER-WALSH – The DRC wasn’t to try to make it look like a house.

Malcom Porter – We have some brick facing on the lower level and some landscaping.

KARYL SPILLER-WALSH – The DRC was trying to suggest some things that would soften the look.

DAN HOOPER – What is the roof color for the new building?

Henry Marcel – Dark blue.

KARYL SPILLER-WALSH – Can you make it shingles?

Henry Marcel – It is a metal roof. If shingled, it is a whole different method of construction.

DAN HOOPER – I would like you to go with gray or a copper color. Blue is no unnatural. An earth color is preferred. In lieu of a DRC recommendation as you have not been able to work out something with them, can the Board make some suggestions based on what we need to see.

Rick Merrikin – Do you know what the options are?

Malcom Porter – I think the roof could be changed. I don't think it would be a deal breaker. It's in a building somewhere.

DAN HOOPER – You should go with a typical earth color – copper, greys, browns in the natural range of colors.

ALAN DETOMA – Your comment, I think I heard you say that the building is already done.

Malcom Porter – It is a stock building.

MATT HAYES – What is the color of the sides?

Henry Marcel – I am not sure.

KARYL SPILLER-WALSH – The DRC repeatedly asked them to do elevations of all 3 buildings and they have refused to do so.

Henry Marcel – We haven't refused to. We just don't know what we are going to do – trusses or a flat roof? But that is part of the design we have to start looking at after the new building is done.

DAN HOOPER – It would be a great benefit to the town if you could design the whole thing. We are considering the complex as a whole.

Rick Merrikin – We have to go to Conservation with this as well. We have to show drainage improvements beyond the new building. It really doesn't make sense to do just this. The problem comes in where you want to talk about building color, architecture, type of doors, etc. WE have presented the information on the new building for the board.

DAN HOOPER – We need colors for the siding and roof color. Earthtone colors. We would prefer architectural shingles for the roof. So, we need an elevation that demonstrates the materials and colors.

Rick Merrikin – This is the way it is done for industrial buildings. These are not architecturally designed. These are stock items.

KARYL SPILLER-WALSH – Being a person who is doing an industrial building for a riding arena, I completely disagree. The company has a design force. I have looked at Morton buildings. They can give you whatever you want depending on what your budget is. They do have “in-house” architects. I have been there, done that.

Rick Merrikin – We can call out some basic colors and finish materials.

Mark Louro – They have showed the vehicle turning in and out.

Malcom Porter – Bob Speroni has determined that this needs to go to the ZBA for a special permit.

Susy Affleck-Childs – I started to work on the Certificate of Recommendation. Rick and I can talk on the phone to fine tune the waivers. I would appreciate it if Gino could prepare the Findings. We need a deadline extension on this.

A motion was made by Karyl Spiller-Walsh and seconded by Matthew Hayes to approve the applicant's request to extend the deadline for the Planning Board's recommendation to January 14, 2005. The motion passed unanimously.

The public hearing was continued to 10 pm on December 14, 2004.

OTHER BUSINESS – Informal Site Plan Discussion for 45 Milford Street

Paul Yorkis, Patriot Real Estate
Mark Smith, Restaurant 45
Jay Melick, Designer

Paul Yorkis – The concept plan is to construct a “pad” site for a future retail building and an addition to the current restaurant. For site work, we want to establish a specific entrance and exit lanes with curbing and an organized parking layout. We are not proposing a location for a free-standing sign for this new building. We are trying to get feedback to figure out how to move forward.

KARYL SPILLER-WALSH - Do you have any idea what kind of retail?

Paul Yorkis – The parking could conform if this new building were retail.

DAN HOOPER – One lot only?

Paul Yorkis – Yes. We would not intend to subdivide the lot.

DAN HOOPER – So that would mean only one free-standing sign for the entire development.

MATT HAYES – Is there existing egress on Rustic Road?

Paul Yorkis – Yes.

DAN HOOPER – So we have a proposal for a new pad and a proposal for an addition to Restaurant 45.

Mark Louro – How close are you on the parking requirements? Can you get rid of those parking spaces that back out onto the driveway? How wide is that driveway?

Jay Melick – We show 107 spaces. The driveway is 24 feet. Cars backing out onto the main roadway is a real concern.

DAN HOOPER – What about trash locations?

Mark Louro – How exposed will those houses be on the adjacent lot?

Paul Yorkis – We plan a 30 inch high berm on western edge of site with Little Tree Road.

ALAN DETOMA – Does your parking count take into account the addition of the restaurant with seating?

Jay Melick – The restaurant addition is mostly dedicated to the lounge.

Paul Yorkis – Let me try to summarize your comments. You are concerned about parking in this traffic area.

Mark Louro – It looks like you are trying to squeeze a lot on the site. But this would provide a dramatic improvement with specific curb cuts on Milford Street.

Paul Yorkis – We are trying to get some direction and decide whether the concept is workable?

Mark Louro – With the berm on the west, how much width is needed to really build it up?

Jay Melick – 15 feet.

Mark Louro – What if you went with landscaping instead of berm so you get more screening? The parking in the northwest corner, the last space will back right out into the intersection.

KARYL SPILLER-WALSH – The parking lot as it exists now is completely full.

Mark Smith – We are not expanding restaurant seating capacity but I want a more comfortable lounge.

Mark Louro – What is the percentage increase in seating?

Mark Smith – 6-8 seats.

Mark Louro – How wide is the landscaped strip?

Jay Melick – 15 feet with a sidewalk.

Susy Affleck-Childs – You will want to look at a very significant landscape buffer at the southwest corner of the site to buffer the neighbors.

Mark Louro – Will you put in a sidewalk along the whole frontage?

Paul Yorkis – No. I think the landscaping will be more beneficial.

Mark Louro – I think the Summer Street reconstruction will include sidewalks.

Mark Louro – What is the sq footage on the pad?

Jay Melick – 3,120 sq. feet.

Mark Louro – Could that be reduced a bit to reduce parking demands?

DAN HOOPER – The parking in the middle area is a massive concern of mine . . . also some of the spaces at the northwest corner of the site. I am also concern about headlights facing the neighbors. You will need some additional landscaping in addition to the berm itself.

Mark Smith – I have no problem with that.

ALAN DETOMA – As I see this plan, it is problematic on the site. At first blush, my reaction re: the new parcel is that I would suggest putting the parking in the back.

Paul Yorkis – Can you share a sense of how you feel about adding the pad site? How do you feel about the concept of having another building there?

ERIC ALEXANDER – From my standpoint, it seems like that is the direction that this intersection is going.

Mark Smith – I would want anything new to be aesthetically pleasing. This spot is a real gateway to Medway. I really want to beautify the property all together. What we have now is a parking lot. Anything we do we have to try to maximize our parking. Anything we do is going to be a drastic improvement.

MATT HAYES – Have you considered making the egress on route 109 be exit only?

ERIC ALEXANDER – There are concerns we have about the parking and traffic flow but there are some good things going on here too.

Susy Affleck-Childs – Are you looking at one or more tenants for the new building?

Mark Smith – Probably one or two. There is lots of interest in that site.

DAN HOOPER – Just as a general comment that the curb appeal element and the traffic accommodation is vastly improved with this and it will present a better introduction to Medway. I would think this additional pad, in terms of challenges might be better suited to a smaller square footprint. Maybe it could be a 2 story building in that the parking is an almost impossible challenge.

ALAN DETOMA – I think the parking is resolvable.

Mark Smith – Retail is more viable.

Paul Yorkis – With a 2 story building, the user has to be the same for the first and second floor. Otherwise, you have to have an elevator.

Mark Smith – We can decide what type of tenant would be better for us. The vast majority of our business is at night. We would prefer that the retail pad be a daytime operation.

Mark Louro – If you went with a smaller footprint, the tenant could have their storage upstairs.

ALAN DETOMA – I think the nature of making the site plan work is going to drive the shape.

Mark Smith – If the footprint shrinks too far, it may not be viable to us. The pad income will help me to reinvest in the restaurant.

Paul Yorkis – We will come back after we have a chance to noodle this.

Susy Affleck-Childs – This is not a good site for any sort of drive thru facility.

Other Business - Bond Reduction for Ishmael Coffee Estates

Mark Louro – Since the last bond reduction, they finished the sidewalk binder and installed 2/3 of the vertical granite curb. I am only giving them credit for half. I met out there with Paul this afternoon. I recommend you adjust the bond to \$155,334. I will send out the details tomorrow.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to reduce the Ishmael Coffee Estates bond to \$155,334. The motion was approved unanimously.

Other Business - Plan Review Fee Estimate for Revised Hartney Acres Plan

Mark Louro – I didn't have time to write this all out. I expect this to be a pretty quick process. One complete review, board meeting and rereview - \$4,605.

A motion was made by Alan DeToma, seconded by Karyl Spiller-Walsh to set the plan review fee for the REVISED Hartney Acres plan at \$4,605. The motion passed. Matt Hayes, recuse.

CONSTRUCTION OBSERVATION

Grapevine Estates

Mark Louro - They are looking for bond and lot releases for the next meeting.

Daniels Wood

Mark Louro –The paved binder and patched binder and top on two driveway. They made it by November 15th.

Birch Hill/Hunter Lane

DAN HOOPER – We have a memo from Dave D’Amico.

Mark Louro – There is water coming thru the binder in the cul de sac.

MATT HAYES – They built a cul de sac on a spring.

Mark Louro – They went into the groundwater table. The plan next spring is to rip out the binder and put in a leaching basin to connect it to the drainage system. They jetted the system twice this year and it still isn’t working well.

OTHER BUSINESS - Ariel Development/Forest Edge – Field Road

DAN HOOPER - Jonathan Bruce response letter dated Nov 8th. We had said we would forego street acceptance and refund bond upon **completion** of work. Now he is claiming that he wants the bond reduced piecemeal. He always said in this series of letters that he would finish the work in its entirety. He states that he wants to sign over the bond to the town. I talked to Chris LeSeige (neighbor) about all this as well. In our response letter to Jonathan, I do ask him to reconsider assigning the bond and completing the work.

NOTE – email the draft letter to everybody.

OTHER BUSINESS

Susy Affleck-Childs – I have a question on bond reductions. It seems that especially with a long-standing subdivision, a bond reduction should reflect any update/increase in the cost of doing things. Certainly reduce the bond to remove completed work but increase the cost estimates, if appropriate, for work remaining.

Susy Affleck-Childs – We have received a request from Ann Richardson (Ridge Street Subdivision) for documentation re: VHB billings. I have reviewed their account and there is a balance, with interest of \$92.58.

A motion was made by Karyl Spiller-Walsh, seconded by Alan DeToma, to refund \$92.58 from the plan review fund to Ann Richardson for the Ridge Street Subdivision. The motion passed unanimously.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to go into executive session to discuss pending litigation.

Roll Call

Hooper – Yes

Hayes – Yes

DeToma – Yes

Spiller-Walsh – Yes

Alexander – Yes

The motion was approved unanimously.

DAN HOOPER – This will end our meeting. We will not return to the air.

The Board went into executive session at 12:10 am.

The Board reconvened from executive session at 12:35 am.

A motion was made by Matt Hayes, seconded by Alan DeToma, to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 12:36 am

Respectfully submitted

Susan E. Affleck-Childs
Planning Board Assistant