

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

MINUTES OF MEETING

December 7, 2016

Present: Chairman David Cole; Clerk Carol Gould (arrived at 8:00 p.m.); Committee Members: Eric Arbeene, William Kennedy and Brian White; and Associate Member Rori Stumpf.

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

Tom Holder, Director, Medway Public Services

Chairman Cole called the meeting to order at 7:35 PM.

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

Approval of Minutes:

A motion was made to approve the minutes of October 19, 2016 by Mr. Arbeene, seconded by Mr. White, and approved unanimously (Carol Gould was not yet in attendance).

A motion was made to approve the minutes of November 2, 2016 by Mr. Arbeene, seconded by Mr. White, and approved unanimously (Carol Gould was not yet in attendance).

Public Hearings:

7:40 P.M. – The Applicant, Mike Marta, 10 Fairway Lane, seeks a Special Permit under Section 8.2 of the Zoning Bylaw to construct an in-law apartment attached to the western side of the current residence.

On behalf of the applicant, consultant Chris Bailow of Bailow Architects appeared before the Board to discuss the request for a special permit for the property located at 10 Fairway Lane.

Mr. Bailow explained that the family would like to have an accessory family dwelling unit so that the family may age in place. Mr. Bailow stated that his main focus was to maintain the residential character. The applicant is requesting one unit with one bedroom. The applicant is requesting to extend the size of the unit over 800 square feet. Mr. Bailow showed a plan that displayed a 60 inch turning radius in each room for a wheelchair. While Mr. Marta's parents do not need universal accessibility at the present, they would like to be prepared to be able to age in place. The site has a large driveway as well as addition of a one car garage. Mr. Bailow showed a plan with 3D elevations to display that the scale and feel of the residence would not deviate from that of a single family appearance.

Chairman Cole asked Mr. Bailow if, regarding maintaining the appearance of a single family residence, the entry door to the accessory family dwelling unit would be located behind the addition of the garage. Mr. Bailow explained that there is a porch area and that the door is recessed, the front door to the primary residence would be quite obvious. Chairman Cole asked if there would be access from the accessory family dwelling unit to the main residence. Mr. Bailow explained that there would be a door that accessed the primary garage connected to the primary residence.

Mr. Stumpf asked if the orientation of the additional garage was made to maintain the appearance of a single family and asked what the total square footage would be. Mr. Bailow stated that garage was placed to maintain the appearance so that the garage does not appear as the front presentation of the house and that the total square footage of existing garage and residence is 2518, the proposed in-law would be 947 square feet.

Mr. Kennedy and Mr. Stumpf expressed that they thought the proposal looked really nice.

Mr. White asked what the stairs led to. Mr. Bailow explained that they led to a basement and that the basement was unfinished and would be for storage. Mr. Kennedy asked if the basement would connect to the existing basement; Mr. Bailow answered that it would not.

Chairman Cole asked if there were any other exits; Mr. Bailow answered that there would be an exit to the backyard.

Ellen Schaefer of 13 Fairway Lane expressed that she was supportive of the application. She asked if the applicant would be adding to the septic. Mr. Marta explained that they would be and it would be tested.

Catherine Spozio of 19 Fairway Lane expressed her support.

The hearing was closed and the Board moved to deliberations.

Mr. Stumpf noted that apart from the square footage exceeding 800 square feet, he found the application acceptable. Mr. White stated that the architecture fit the neighborhood and that the accessory unit was to ADA scale. Mr. Kennedy noted that the setbacks were met. Mr. Arbeene and Ms. Gould stated that he agreed with the Board members' comments.

Chairman Cole moved to find that the Applicant demonstrated that the proposed dwelling will preserve the appearance of a single family dwelling and, except as to the square footage, the proposed accessory family dwelling unit conforms to all other requirements of Section 8.2 of the Zoning Bylaw; seconded by Mr. White, and approved unanimously.

Chairman Cole moved to find that the applicant demonstrated that the proposed area of approximately 947 square feet was justified due to considerations of universal accessibility within the proposed accessory family dwelling unit; seconded by Mr. White, and approved unanimously.

Chairman Cole moved to find that the granting of the requested Special Permit would not be inconsistent with any of the criteria set out in the Zoning Bylaw; seconded by Mr. White, and approved unanimously.

Chairman Cole moved to grant to the applicant, Mike Marta, a Special Permit for an Accessory Family Dwelling Unit at 10 Fairway Lane subject to the term and condition that the accessory family dwelling unit pertinent thereto shall be constructed in accordance to the plans submitted.

8:00 P.M. – The Applicant, Timber Crest, LLC, seeks a Comprehensive Permit under MGL c. 40B, Sections 20-23 as amended, to allow construction of 157 unit development to be called “Timber Crest Estates” containing 25% affordable units on 170.36 acres which is comprised of the properties located at 143 Holliston Street, 153R Holliston Street, 177A Holliston Street, 21R Fairway Lane, 13 Ohlson Circle, 102 Winthrop Street, 11 Woodland Road, 0R Woodland Road, and 165 Holliston Street Medway, MA.

[Focus areas: Discussion Update: Stormwater & Wetlands, Water & Sewer, and General]

The Board is in receipt of the following documents:

- Comments on Water Pressure from Stephen Maliniak
- Letter regarding Fern Path from Kenney & Sams, 4 Fern Path Representative
- Letter from Susy Affleck-Childs, Planning & Economic Development Coordinator regarding the Street Naming Committee
- Change Order Form from Tetra Tech

The developer, Mounir Tayara; the developer’s engineer, Jim Pavlik of Outback Engineering; and the developer’s attorney, Christopher Agostino of RIW were in attendance for the hearing.

Ms. Mercandetti explained the process of the working sessions began as a result of requests from the Board at previous public hearings for Timber Crest. The sessions were held between Town Staff, Town Consultants, and the applicant team to address questions, issues, and concerns raised on Stormwater Management, Wetlands, and Water and Sewer. Some of the topics addressed were concerns raised by the Conservation Commission, the Conservation Agent, and the Board regarding the 100 foot buffer for vernal pools, 25 foot no-touch buffer for wetlands, and habitat protection measures for the vernal pool community. There was discussion on maintaining the 100 foot buffer for all vernal pools; where a 25 foot no-touch buffer for wetlands may not be feasible, there are is a suggested 15 foot no-touch alternative. The applicant provided a letter memorializing some of the proposed changes which was submitted to the Conservation Agent and Commission to review, as well as to the Board after the Conservation review.

Mr. Agostino explained that the applicant team met at the working sessions to consolidate some of the comments and discussions before the Board and to modify some of the plans to suit many of the issues raised. The local Bylaw has a 100 foot buffer zone around vernal pools; there are certified and potential vernal pools on-site. Understanding that the 40B process does not recognize the 100 foot buffer for vernal pools and the 25 foot no-touch buffer for wetlands in the local Bylaw, the applicant team is looking to propose a project that respects those local Bylaws as practically as possible while still being able to move forward with the project. The applicant is looking not to propose a “blanket” 100 foot buffer for vernal pools, but to protect as much as possible while potentially reserving some of the lots in the 100 foot buffer for conservation; and instead of a “blanket” 25 foot no-touch buffer for wetlands

that can't be met in many areas, a 15 foot overall buffer with some exceptions in areas that are necessary to build the project. The applicant is looking to propose an alternative set of regulations specific to this project regarding the vernal pools and general wetlands buffer while recognizing the need for affordable housing under 40B. The applicant is awaiting a response from Conservation on those issues [discussed with Town Staff and Consultants and outlined in the submitted letter]. One other topic discussed was the continuity of the vernal pool habitat; there are two certified vernal pools but other potential vernal pools. The applicant has decided that regardless of whether a vernal pool is certified or potential, they will be treated the same. The applicant has also proposed wildlife culverts in the wetlands [proposed roadway] crossings. The applicant will consolidate these proposed changes into a new set of plans, along with other changes for traffic, particularly along Holliston Street, and other design issues. The applicant will submit a new set of plans between now and the next hearing [scheduled for January 7, 2017] to get the applicant's "best foot forward" before the Board. Mr. Agostino stated that the applicant team looked forward to hearing back from the Conservation Commission and hopefully gaining their support.

Ms. Mercandetti stated that many of the concerns were issues raised by the Conservation Chairman when he attended the hearing and Town Staff was still awaiting comments and that was the reason the Board had not yet received the letter.

Chairman Cole asked if there vernal pools in the other areas have been addressed. Mr. Pavlik explained that apart from the "Y area" [Road I and Road F], there were two vernal pools down near Fern Path and also two vernal pools on the west side of the development, as well as one vernal pool off-site. The applicant team has looked at all of those vernal pools.

Mr. Agostino stated that the applicant had focused on the "Y" because of the continuous habitat that Conservation was concerned about. Where the applicant is trying to preserve the local Bylaw and there are two lots almost entirely within the 100 foot buffer, the applicant is looking to offer to dispense of developing those lots in order to gain support.

Chairman Cole asked if there was any mitigation for the vernal pools on the west side of the development. Mr. Pavlik stated that they changed some silt fence work limit lines and modified home styles to smaller footprints and the work limits; they've made a few minor changes.

Mr. Kennedy stated that it would be helpful to see a breakdown of total homes and the percentages within the 100 foot [vernal pool] buffer, 25 foot [wetland] buffer, and the 15 foot [proposed buffer]. Mr. Agostino stated that the applicant does have plans that will show those buffers. Mr. Agostino further explained that rather than not conforming to the local 25 foot buffer, the applicant is proposing a strict 15 foot [wetlands] buffer and the plans will show what areas will not meet the 15 foot buffer in order to make the project work. Mr. Tayara stated that the applicant submitted those plans to Conservation. Mr. Agostino stated that they wanted to move the plans as far along as possible with Conservation in refining them and then submit the plans to the Board.

Ms. Mercandetti stated that she would like the Board to acknowledge if the working sessions are moving in the right direction or if the Board feels there is anything that was not addressed that they'd hoped would be addressed.

Mr. White stated it seemed like the sessions are moving in the right direction; Chairman Cole concurred. Mr. White asked if there was a reason that an executive summary was not provided to the Board; Ms. Mercandetti stated that everything from the working sessions was to be brought back into the hearing and that she had not typed up a summary of the meeting, but that she certainly could for the Board.

Mr. Agostino stated that the letter submitted to Conservation was mostly a summary of what was discussed in working session.

Mr. Agostino also noted that one of the other issues what that in developments vernal pools and wetlands critters will walk into developments and roadways and to mitigate that potential issue by putting up a curb that is about 18 inches high so instead of scaling the curb, the critters will stay in their habitat.

Mr. Arbeene explained to the public that none of the Board members were at the working sessions so the Board was hearing the comments and proposals for the first time the same as the public. The Board decided to have the Town Staff and Consultants work through the sessions with the applicant.

Ms. Mercandetti also noted that the letter was provided to the Board yet as there was not sufficient time to review if everything discussed in the meeting had made it into the letter.

Mr. Kennedy asked if it could be expected that there would be another round of “back and forth” before the information is brought to the Board. Ms. Mercandetti stated that was why Staff wanted to make sure that all topics that the Board hoped review were addressed before anything was finalized. Staff also wanted to ensure that “bookkeeping” items were addressed that Tetra Tech had provided in their comments.

Mr. Agostino moved on to discuss Stormwater Management and stated that the applicant saw no issues with compliance of the MassDEP regulations and that the applicant had added the calculations for the 25 year storm. Ms. Mercandetti noted that was in the comments [from Tetra Tech] and also noted comments to make sure there was no utility conflicts with the Stormwater Management.

Mr. Arbeene asked if there was a 100 year flood-plain on site. Mr. Pavlik answered that there was none on site, there was only 500 year.

Mr. White asked if the applicant had resolved the “limited project status” question with Conservation vis-a-vis the Notice of Intent phase. Mr. Agostino stated that the limited project status falls under DEP and Scott Goddard and the applicant is confident that they are able to comply with those regulations. Mr. White stated his concern about the limited project status of an area under 5,000 sq. ft. that was within a larger project area and whether or not that status could be applied.

Mr. Kennedy had a question regarding the status of a stream and whether or not it was perennial or intermittent and that Conservation could not determine its status in the drought. Mr. Agostino stated that Scott Goddard had labeled the stream intermittent. Mr. Pavlik stated that the issued ANRAD had not determined the status of the stream, so technically it would be considered perennial. There were observations up near the property line of 165 Holliston Street that it could be intermittent, but it would still need to be determined.

Mr. Kennedy also noted that he would like to know what the fill sources would be for the wetlands.

Ms. Mercandetti stated that if the Board wanted to see the status of the stream changed, then the Board could ask that of the applicant; Mr. Agostino stated that the applicant is comfortable with the application and plans, but that the status of the stream would be a condition within the permit which would be determined when the applicant went before Conservation. Conservation cannot make the determination until the Notice of Intent is submitted for the final plans. If the status of the stream was changed through Conservation, then the applicant would come back before the Board for a project change and for final approval.

Mr. White noted that the applicant was planning to move forward with the status of the stream as intermittent instead of perennial, contrary to the fact that the USGS maps, Conservation, local officials, and most of the Board feels that the stream is perennial but is dry due to the drought. Mr. Tayara explained that the applicant team had already determined that part of the stream was intermittent through Conservation, but had not made a determination on the upper portion of the stream at 165 Holliston Street because they had not yet acquired the property when the determination was made for the lower portion. Mr. White stated that he would like to see this project move to the end of the hearing process but would hate to see the applicant not take the status of the [upper portion of the] stream seriously enough to not have an alternative plan created if the status of the stream was deemed perennial.

Chairman Cole asked to move to the topic of Sewer & Water.

Ms. Mercandetti explained that a working session had been held last week on sewer and water; focusing on capacity issues, ways to reduce the water use, potential mitigation opportunities – low flow toilets and shower heads, pipe sizes and flow testing done by the applicant and potentially submitting that data into a flow analysis test.

Tom Holder explained that he was at the last hearing and the intent was to raise awareness about the serious concern on a number of topics, split between permit capacity thresholds for the water management act permit that the Town holds and the permit the Town holds with the sewer treatment facility [Charles River Pollution Control District], and also the local capacity—pipe sizes, conveying sewerage, not exceeding capacity, and the ability to provide proper water for drinking and firefighting. With the applicant's sought capacity of 51,000 gallons for water, there is a likelihood of needing less than that amount, that will still put the Town at the maximum capacity. The Town relies on 4 pumps, 4 wells, and at peak seasons, if the Town were to be running at the maximum and one of the pumps failed, the Town would be vulnerable to not being able to provide the proper water services to the Town. One of the suggestions by the Town's DPS Consultant, Kleinfelder, was to construct and install a satellite well, most likely at the Populatic Street well and the DPS would most likely permit that construction. It would not be an additional well, more of a supplemental well, which would ease the vulnerability. The Town Consultant put a price on the well and the applicant indicated that they would consider funding part of the expenditure of the well. Under the Water Management Act permit portion of the water capacity, the Town is permitted to have 920,000 gallons per day; the applicant's requested need would put the Town at that capacity. There is a buffer allowance for additional developments, but the applicant would use up all of that buffer capacity. MassDEP provided mitigation efforts that would be necessary in order to have and use that buffer; Mr. Holder reached out to DEP to have more details on those mitigation efforts. Mr. Holder received notice that day of efforts that would be applicable to

the development. The reduction of inflow and infiltration benefits both the water and sewer concerns. Mr. Holder would suggest the installation of the satellite well, investigating inflow and infiltration following the MassDEP guidelines, which would require the applicant to find and repair two times the amount of the requested capacity or pay the Town to find those areas, which was recommended by Sean Reardon of Tetra Tech as well. Mr. Holder stated that it appeared the applicant was willing to consider those measures. Mr. Holder stated that at the last hearing he wanted to express that he would like the applicant to think outside of the box; it would not be viable for the applicant to drill their own well, but in going in the direction of the measures Mr. Holder just explained, the Town would be in a better with its capacity.

Mr. Arbeene expressed his concern regarding water and sewer capacity limits and his reluctance to grant the permit without mitigation measures. Mr. Arbeene asked what would happen if the capacity was reached and the Town went over the permit limits and what would be the process to increase those amounts. Mr. Holder stated that there is a process which requires the Town to display that it is managing its water properly, water accountability where the national standard is 10% and the Town is reporting 18% and have not yet achieved the 10%. There is another national standard not to exceed 65 gallons per person per day based on the population and the Town is at that number. MassDEP would not entertain the Town going before them to exceed that permit until the Town demonstrates that it is doing everything it can to achieve that 10%. Mr. Holder explained that a couple of years ago, the Town was at 36 – 43%.

Chairman Cole asked if there have been any calculations on the local sewer capacity for the route the applicant plans to take, especially for Ohlson Circle. Mr. Holder stated that there had not been any but the Town is planning on identifying key manholes where the applicant would connect and forward that information along with contact information for a metering company that the Town has used in the past in order to calculate that data where there may be limitations on capacity. Ms. Mercandetti also noted that there had been alternative versions of the lines and connections for sewer submitted to the Board and at the working session Town Staff asked that once the sewer metering was calculated the applicant submit one more “finalized” version for the Board.

Ms. Mercandetti explained that one additional topic that was of concern was the water pressure and now that the flow testing data is available, the applicant will be contracting with the Town’s Consultant for the water analysis to occur.

Mr. Holder explained that the water pressure right now is less than desirable but there are a number of measures that can occur to improve it. The hydrant data results for Winthrop Street are relatively low; there is a 12 inch pipe and a 6 inch pipe and the applicant will likely connect with the 12 inch pipe, but the tests were done on the 6 inch pipe. The Holliston Street is on the Town’s Capital Improvement Plan (CIP) for replacement. Fairway Lane has an 8 inch pipe connected to the 6 inch pipe which creates a bottleneck. Should the Holliston Street pipe be replace with a 12 inch pipe, the pressure would improve. During the working session, the benefit of looping was discussed. The applicant has a plan that shows the eastern and western portions of the development looping between Winthrop Street, Fairway Lane, and Holliston Street, which would improve the flows. The Town’s Consultant will be taking the flow data and inserting it into a model and insert a pipe size or line, run the model, and show what the results would be. Mr. Arbeene asked if would benefit the residents of Fairway Lane; Mr. Holder answered that it would.

Mr. White asked if there were flow rates for the sewer; Mr. Holder answered that the manhole and pipe sizes would be provided to the applicant so that they can collect that data.

Mr. Kennedy asked if the satellite well would ease the concern for the Fire Department. Mr. Holder stated that it would ease the concerns of DPS to have a backup, but for Fire the issues would be determined/resolved by having a proper test done on the 12 inch line, up-sizing the line on Holliston Street, and then providing a loop system.

Mr. Arbeene asked when the replacement line for Holliston Street was listed in the CIP; Mr. Holder stated that it was strategically place in 2018. When a water line is replaced, there is a tremendous disruption of the roadway and with the construction of Route 109, and impact on Holliston Street would not be taken well.

Mr. White asked if digging up Holliston Street for the replacement pipe would put that connection back on the table for the applicant in regards to the applicant's timeline, even with regards to sewer. Mr. Agostino stated that there was a lot of discussion regarding the sewer layout during the working session and that it [sewer] wouldn't necessarily work connected to Holliston Street, but the applicant is looking at plans to eliminate the force main and come up with a solution that will also eliminate the need for some wetlands disturbance. The applicant did not include the connection to Holliston Street because of the elevations. Mr. White stated that if the applicant could connect through the road and avoid the wetlands, it would be a "win, win, win."

Mr. Agostino stated that these mitigation measures are on the table to gain local support.

Mr. Kennedy asked if there was any discussion on the Town's Moratorium on sewer and if the extension on Buttercup Lane would be allowed. Mr. Holder stated that the Moratorium is in place that would prohibit the extension; Mr. Agostino explained that the Moratorium is a local Bylaw that 40B allows the developer to bypass. The applicant is asking for a waiver from that Bylaw and as far as the Board is concerned, they can impose conditions that the applicant needs to meet "x, y, z" for the Bylaw to be waived and it would be better to go this route than to potentially not have those mitigation if the Board denied the waiver request.

Ms. Mercandetti noted to that extent, that the Board had requested explanations for the requested waivers and while the applicant had provided some justification, the Board is looking for the additional information. Mr. Agostino stated that the applicant planned to update the waivers with the new plans; the extent of the waivers and need for the waivers may change.

Mr. White asked if there was a discussion of private sewer. Mr. Agostino stated that the topic did come up but that it was not feasible for the site. Mr. Holder stated that the Town Consultant's hydro-geologist stated that the area was not a likely candidate for on-site sewer treatment.

Mr. Arbeene asked if there was anything Sean Reardon, of Tetra Tech, had asked for that was missed. Ms. Mercandetti noted that Mr. Reardon had expressed that the applicant should consider revising the waiver list to include a blanket waiver with explanations of why the applicant can't meet some of the requirements, what alternatives the applicant is proposing, and also what and how the applicant is looking to mitigate other concerns. Ms. Mercandetti noted that in addition to the removal of the force main, the applicant and Tetra Tech had discussed pump stations versus lift stations.

Mr. Pavlik stated that the applicant was waiting for two key pieces of information and then the applicant will have a better understanding of what the layout will look like—that is the hydraulic model and the sewer flow metering data.

Ms. Mercandetti noted that there hadn't been a traffic and safety working meeting yet. The applicant is looking to submit revised plans, but prior to that submission, Ms. Mercandetti believes that Staff and the applicant will need to have that working session.

Chairman Cole asked what the timeline was for having that information. Mr. Pavlik stated that it was contingent on when the Town's Consultant provides a scope of work and is able to complete the model. Ms. Mercandetti stated that the applicant has agreed to provide the funding for the hydraulic analysis. Mr. Holder stated that the analysis would not likely be done for the next ZBA meeting date.

Chairman Cole questioned whether or not a hearing on December 21, 2016 would be necessary.

Ms. Mercandetti stated that before the Board had that discussion that there were other topics that the applicant wished to address.

Mr. Agostino stated that it might make sense that the Board continue the hearing to January to have a revised plan submitted.

Mr. Agostino stated that the applicant has done more detailed surveys of the Holliston Street entrance and reconfigured the entrance as response to some of the concerns. Mr. Pavlik stated that the applicant is looking to widen the roads to 26 feet. Mr. Arbeene asked if that would accommodate the larger fire truck; Mr. Pavlik answered that the applicant could accommodate the trucks with 24 feet but 26 feet would make easier turning movements. Mr. Pavlik stated that the applicant was looking to include bus shelters at the Winthrop Street entrance, losing a lot, and the Holliston Street entrance, along with a central mail station with a small parking lot or 5 or 6 cars.

Mr. Stumpf asked if all utilities were underground and that there would be no visible transformers. Mr. Tayara stated that the utilities would be underground but the transformers would be the small, low green boxes.

Public Comments:

Cindy Maliniak, 14 Fairway Lane – Asked why there was not Conservation Commission member or agent present. Ms. Mercandetti answered that Bridget Graziano, Conservation Agent does have other meetings, but that it was more-so that the letter from the applicant was to go to the Conservation Commission to be discussed for their comments and then it would come back to the Board. Chairman Cole noted that the issues with Conservation were works in progress and that the Board was not looking for a definitive statement from them at the time.

Cindy Maliniak asked if at the end of the day, any of the discussed mitigation will matter. She expressed her concerns with the project and 40B developments and the impacts on the residents and the Town, stating that there is not one aspect of the development that does not create hardship on the Town. She stated that the impression she has of the applicant is that it doesn't matter to them what changes are made and what measures are tested, that the burden will still fall onto the Town and do not

meet the needs or concerns of the Town. She stated that the stream [previously noted] should be marked as a perennial.

Karyl Walsh, 168 Holliston St – Stated that she was on the Planning Board for 14 years. She has a great concern for the access/egress on Holliston Street; she doesn't see how a bus could stop there safely. She could see the entrance as emergency access only. She stated that the stream [previously noted] should be marked as a perennial.

Mr. Figueiral, 9 Woodland Rd – Stated that the stream [previously noted] runs 150 feet behind the house, and it should be marked as a perennial stream. He stated that the development is bad for the animals and the water and that the water will travel to surrounding properties.

Mike Zimmerman, 39 Ellis St – Noted that there is a stream that comes down to Ellis St from the applicant's development and it has been dry this past year because of the drought. He asked Mr. Holder if the limits on the water capacity was calculated yearly and what the fine for exceeding it is. Mr. Holder answered that the Water Management Act permit is a 20 year permit based on population, they [DEP] establish the limit and it increases incrementally every 5 years. Mr. Holder did not know what the fine would be as they usually work with the Town to address and mitigate the issue, but would need to expend Town money. Mr. Zimmerman asked if the Town reached capacity if that would impact other developments; Mr. Holder answered that it would put the Town at its permit threshold and would be "capped out."

Dave Dahlheimer, 21 Fairway Lane – Asked if the applicant has looked into any true alternatives for accessing the property, whether it's the crossing of wetlands or the concerns for safety all access points have some concern.

Mr. White stated that he was encouraged by hearing that some of his requests were addressed. Mr. White commented that rather than a parking lot with a couple spaces for cars, that linear feet [along the roadway, extra roadway] might be more beneficial. Mr. White suggested that the applicant consider grass pavers. Mr. White would like to know what the projections would be for the cost of mitigating reaching the Town permit capacity.

Mr. White asked what the difference was between the local, State, and Federal laws were for vernal pools. Mr. Pavlik explained that the Town's local Bylaw of a 100 foot no-touch buffer extends into uplands, the DEP 100 foot no-touch buffer is only within the wetlands, and the Army Corp looks at a 750 foot impact area, having a more expansive look at the wetlands without a hard buffer. Mr. Agostino explained that the applicant is not looking for a waiver from the State, they must comply with the DEP regulations. Mr. White stated that he would assume the State would adhere to the Federal guidelines as well [regarding the intermittent/perennial stream and other regulations]. Mr. Tayara explained that they will need to follow those regulations and feel confident that they can adhere to the State and Federal regulations. Mr. Tayara stated that the Board can impose those conditions and also stated that if the applicant failed to adhere to those regulations that they would need to come back before the Board for a major project change. Mr. Tayara explained that the difference of perennial versus intermittent stream is the buffer; you can cross a perennial stream and an intermittent stream. Mr. Pavlik explained that there is a 100 foot no-touch except for drainage and limited road crossings, and a

200 foot overall buffer. Mr. White stated that he would like to see what was possible and if the development was reasonable if the stream was perennial. Mr. Tayara stated that the development would lose more than 10 lots if the stream was perennial. Mr. White stated that he would hate to see the applicant and the Board get to the end of the application to find out that the stream was perennial and need a project change.

Mr. Arbeene expressed that he would want the hills discussed in the traffic and safety working sessions. Ms. Mercandetti noted some of the other topics that would be discussed at the working session.

Mr. Tayara stated that two days prior the applicant received a detailed survey of the area up to Fairway Lane and on the western portion as well—elevations, grades, and driveways. The applicant is going to come up with a proposal to make the development work and propose something that would make it [the traffic and safety] better for everybody. Mr. Tayara expressed that the targets are better visibility and lowering the speeds.

Chairman Cole proposed that the scheduling of the working session for Traffic and Safety is left to Town Staff.

Ms. Leahy brought to the attention of the Board that they had received a new application that she was hoping to schedule for the January 4, 2017 meeting date and would suggest to the Board that the new application would be scheduled before the time set for Timber Crest.

Chairman Cole moved to continue the hearing of Timber Crest to Wednesday, January 4, 2017 at 8:00 PM, seconded by Mr. Arbeene, approved unanimously.

Any other business that may properly come before the Board:

Ms. Mercandetti explained that Tetra Tech's peer review services with the revised plans and working sessions, there needs to be a change order because the ZBA is expecting a final invoice for the remaining balance of the current peer review funds. The Board needs a change order to accommodate the additional services.

Chairman Cole motioned to approve a change in the Tetra Tech's previous services of \$24,550 to a new total of \$34,550, seconded by Mr. White, approved unanimously.

Correspondence:

Ms. Leahy stated that there was an application for 57 Main Street. They have a pre-existing non-conforming uses that they are looking to extend. Chairman Cole asked what the business was. Ms. Leahy stated that she had not fully looked through the application but believed the business was car sales looking to extend their sales to include snowplows. Ms. Mercandetti explained that the application had been received that day and needs to be reviewed for completeness before sending it to the Board.

Chairman Cole stated that he would like to set the application date for Wednesday, January 4, 2017 to 7:40 PM.

Ms. Leahy reminded the Board that there is a hearing scheduled for Wednesday, December 21, 2016 at 7:40 PM for 21 Tulip Way; a variance for a pool.

Ms. Leahy stated that Susy Affleck-Childs extended the offer to print new a new Zoning Bylaw with the amendments made at the Fall 2016 Town Meeting.

Upcoming Meetings:

No further discussion.

Adjournment

A motion to adjourn was made by Mr. White, seconded by Mr. Arbeene and passed unanimously. The Board adjourned at 10:08 p.m.

Respectfully submitted,

Mackenzie Leahy
Administrative Assistant
Community and Economic Development