

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

MINUTES OF MEETING

November 2, 2016

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

Also present: Ezra Glenn, Public Planning Research & Implementation, Inc.; Sean Reardon, VP, Tetra Tech, Inc.; Chief Tingley, Medway Police Department; Chief Lynch, Medway Fire Department

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.

Discussion with PEDB regarding proposed Zoning Amendments:

Susy Affleck-Childs, Planning and Economic Development Coordinator, and Any Rodenhiser, Planning and Economic Development Board (PEDB) Chairman, came before the Board to discuss the proposed changes to the Medway Zoning Bylaw. Susy Affleck-Childs and Mr. Rodenhiser explained that there were multiple amendments submitted to the Board of Selectmen to be included in the Warrant Articles for November 14, 2016 Fall Town Meeting.

Susy Affleck-Childs briefly summarized the Articles. Article 10 was to rezone part of Agricultural Residential II (AR-II) Zoning District to Village Residential (VR) and amending the Zoning Map and other sections of the Bylaw to include and reference said Village Residential District. Article 11 was to rezone Commercial III (C-III) and Commercial IV (C-IV) to Village Commercial (VC) and amending the Zoning Map and other sections of the Bylaw to include and reference said Village Commercial District. Article 12 was to rezone the current Commercial I (C-I) District to Central Business (CB) and amending the Zoning Map and other sections of the Bylaw to include and reference said Central Business District. Article 13 was to amend the Zoning Bylaw Section 2, Definitions, to include definitions for items that were included in the Schedule of Uses but were not previously defined and to include some definitions of new uses. Article 14 was to amend the Zoning Bylaw Section 6.1, Dimensional and Density Regulations, Table 2, to include the Village Residential regulations, and to modify some of the current regulations. Article 15 was to amend the Zoning Bylaw Section 5.4 Schedule of Uses, Table 1, to include the Village Residential uses, and to modify some of the currently allowed and not allowed uses. Article 16 was to amend the Zoning Bylaw Section 8.9 to modify the hours of operation for a Registered Marijuana Dispensary.

There was a brief discussion between the Board and Susy Affleck-Childs and Mr. Rodenhiser following these explanations and general questions from the Board regarding the creation and reasoning of the amendments.

Public Hearings:

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: Traffic Study and Safety]

The Board is in receipt of the following documents:

- Revised Traffic Impact and Access Study
- Revised Traffic Impact and Access Study Appendix
- Traffic, Safety, Access Tetra Tech Peer Review
- Traffic, Safety, Access Revised Comments from the Police Department, Safety Office Sgt. Watson
- Comments on waivers from Resident Andrew Hamilton
- Comments on Traffic and Safety from Resident Andrew Hamilton
- Comments on Traffic and Safety from Resident Lynn Hancock

The developer, Mounir Tayara; the developer’s engineer, Jim Pavlik of Outback Engineering; and the developer’s traffic consultant, Bill Scully of Green International Affiliates, Inc. were present to discuss the project with the Board.

Mr. Tayara began by providing the previously requested information on other developments similar to the proposed development before the Board. Mr. Tayara provided Google images and a video of the development for the Comprehensive Permit of Maplewood Estates in Rockland, MA. He explained that the lots were between 8,000 and 11,000 sq. ft. The development included 72 single family 3 and 4 bedroom homes on 30 acres.

Chairman Cole noted for the record that a representative from the Medway Police and Medway Fire Departments were present. He noted that for the format of the hearing, the Board would ask for a presentation from the applicant, review from Tetra Tech, comments from Medway Police and Medway Fire Department representatives, and then an opportunity for public comments.

Mr. Scully began by noting that he had presented a few months prior on the former plans and Traffic Study data (collected June 2015). The applicant and he had received comments from Tetra Tech to review and revise the plans. Mr. Scully explained that the traffic study enables the applicant, Board, and residents to understand the characteristics of the existing roadway and how much traffic will be generated by the proposed project. Additional intersections were included (Holliston and Lovering), additional study times were added, and a traffic analysis. The new study has access directly to Holliston Street opposed to Fern Path. The study includes the guidelines from MassDOT and expands traffic and

safety analysis corridor. The study does not include all the way down to Rte. 109. Tetra Tech requested to increase the study to the year 2023 and the study does so. The traffic generation was similar to the original project even with the reduction in units and change from condos to single family homes. The level of service for future no-build condition and future build condition are the same. Traffic points disperse with the multiple access points. Mr. Scully explained that exiting Lovering there are delays at peak hours according for the future build condition, as Lovering provides access to 3 major roadways. Mr. Scully stated that the fire truck maneuvering was computed and with the exception of one cul-de-sac, there was no issue. The consultants took new sight distance measurements for Holliston St. There are stopping sight distance and entering/exiting sight distances; the stopping distance is minimum distance required to stop before collision, and the stop distance must at least meet the minimum. To and from the south (of Holliston St), there is more than enough sight distance (500') and to the north there is 340', which meets the minimum sight distance requirement for 35 mph. The 340' to the north does not meet the minimum for 45 mph, it would need 360'. Exiting, looking left (on Holliston St) there needs to be a minimum 250' and there are actions to take the distance up to 400' to meet the requirements for 45 mph. The 157 units will generate traffic, but the traffic does disperse multiple ways in and out so it does not substantially impact any one location. Mr. Scully noted that there were concerns about the Fire Truck turning distances and he feels they have been addressed. Mr. Scully explained that there were many recommendations to improve sight distances internally and externally [all recommendations provided in a presentation from Green International Affiliates].

Mr. Scully mentioned that the Town has added high technology and new initiatives to improve safety over the past few years.

Mr. Arbeene asked if the traffic study took into account the 55+ development further down south on Lovering; Mr. Scully answered yes.

Mr. Stumpf asked was the grade of the roadway would be. Mr. Scully answered that the applicant would not be changing the grade of the roadway, but would be changing the angle on the side of the roadway for the sidewalk. Mr. Scully stated that the roadway would be improved but it would not change the stopping distance, however it would improve the sight distance. Mr. Stumpf stated that the minimum stopping distance in the traffic study doesn't include gradient. Mr. White noted that Tetra Tech's comments note the lack of gradient.

Mr. Kennedy asked the applicant what specific waivers were being requested for Traffic and Safety. Mr. Kennedy noted that the Board should have had a waiver list as it was requested 2 weeks ago.

Mr. Scully stated that the applicant will be reviewing comment letters and responding or making necessary changes. The applicant has ideas for Holliston Street and have included an analysis and plan for the posted and real speed. Mr. Scully also noted that the access from Holliston Street is better than the access from Fairway Lane. Mr. Scully noted that Holliston Street is a general concern for safety stated that the applicant would make recommendations to improve the safety.

Mr. Scully explained that they would be proposing to flatten the roadway near Fairway Lane 3 to 4 feet.

Sean Reardon of Tetra Tech stated that overloading the network of cars in the area was not an issue as the capacity at the location is robust. What was an issue was the history of accidents, fatalities, life flights, and lack of detail with the crash histories on Winthrop and Holliston Street. Some of the

comments were made on the first submittal and it would be helpful that Mr. Scully respond to the initial comment letter to make sure the issues are addressed and not missed.

Mr. Reardon addressed the major issues outline in Tetra Tech's comment letter: The applicant should provide mitigation for the high crash ratings on Winthrop Street; operations of observed versus calculated data and providing that information with the Board—including the sight distances, disagreements with length of sight distances and triangles, the new entrance on Holliston Street at the exact location of a major crash; mitigation focuses on signs and crosswalks, but vehicular additions should be mitigated appropriately with sidewalks; auto turn movements should be confirmed by the Fire Department that the size matches the biggest vehicle that they use; the auto turn movements are missing several distances that should be included and some curbs are shown as being hit; there will be more kids and the applicant needs to pay attention to school bus pickup and appropriate crosswalks, sidewalks, and pickup locations. Tetra Tech also has concerns with the roadway, proposed at 3000' when 600' is the max allowed by the town; the exit curve of the proposed road at 165 Holliston Street overlaps with the driveway of 163 Holliston Street; the applicant should confirm that all sidewalks have adequate ADA access. Mr. Reardon noted that many comments are hold-overs from previous comments and would like a response answering why or how the comments will be addressed.

Chief Tingley came before the Board to read Sgt. Watson Safety Officer's comment letter from October 31, 2016 into record.

Chief Lynch came before the Board for comments. Chief Lynch stated that the turning radius for the fire trucks are unacceptable and would need to make 3 point turns and especially becomes an issue with snow. He stated that though not related to traffic, he is concerned that he has not seen the water supply analysis. Road F on the plans does not conform with the code for two means of access requirements. Some of the homes are between 14 and 24 feet apart, there is typically at least a 30 foot separation for developments; similar developments have agreed to include fire walls between units that are closer together. The roads must support 75,000 lbs. Chief Lynch has a concern for the major accidents on Holliston Street.

Mr. Arbeene stated that he works in planning and has concerns with the crash analysis. Mr. Arbeene asked if there are improvements for Coffee, Lovering, and Winthrop Streets and would like to see crash analysis further down those roadways. Mr. Scully noted that the crosswalks and signage were not great at those locations. Mr. Arbeene asked that the applicant explain how the emergency access on Ohlson Circle would be used. Mr. Tayara explained that it would be a break-away gate, a paved 20' wide roadway for emergency only. Mr. Arbeene noted that the School Department may have issues with bus pickup locations and car back up with Winthrop and Holliston Street and that should be addressed by the applicant.

Mr. White stated that if the bus cannot travel into the development, the applicant should have a bus shelter to address car queuing. Mr. White would also like to know if there is a central postal service location. The applicant should have a parking/loading lane for cars for bus drop off/pick up. Mr. White has concerns with the cul-de-sac auto turns, noting that people will visit and there will be on street parking and the applicant should account for that. If there is parking on the street, but no parking in a cul-de-sac, the auto turn from the approach road would be tight if a car was parked in the approach area. Mr. White would like to see traffic calming within the development—speed bumps, plowing—noting that bump outs may not be feasible for plowing. Mr. White noted Tetra Tech's comment #30.

There are no auto turn calculations for exiting onto Winthrop and Holliston Streets. It would be nice for sidewalks to be consistent with Fairway Lane. Mr. White would like to see visibility for a safe stop of the actual speeds not the posted speeds and noted that the applicant should offer mitigation based on the actual speeds. It is not unreasonable to assume road parking and the police should not have to go around and ticket cars on the street all the time. Mr. White is concerned about making a decision based on unrealistic minimum stopping distances.

Public Comments:

Ms. Mercandetti noted that she received comments from residents Mr. Hamilton and Ms. Hancock.

Charlie Myers, 9 Curtis Lane – There are student hazards at the entrances of the development and the roadway widths. There should be roadway flaring on east and west sides for students and parents queuing. He noted the drive for 163 Holliston St curb cuts, provided pictures for grading, an existing stone wall and asked if the development could tree cut on adjacent properties. He restated the concern on the auto turn calculations. There is a concern over the visibility with snow and the queuing of cars and noted that the roads should be readjusted. Mr. Myers asked if the applicant would be paying for the mitigation or if the applicant is recommending that the Town mitigate. He asked where the snow storage is located. The traffic study fails to mention the Holliston Street sight conditions mentioned the same way as the other roadways. There are no curb bumps and the traffic study does not mention school buses. Mr. Myers would like that the Board make any changes that are made public. Ms. Mercandetti stated that when updated, the changes will be readdressed in the hearing. Mr. Myers restated that crashes have not been addressed in the study.

Eugene Walsh, 168 Holliston St – Stated he has witnessed at least 20 accidents on both sides of the hill (on Holliston St). He is surprised in the consideration of an intersection without changing the grade. He stated that it was not right that the residents go to hearings and wait week after week for changes to be addressed.

Dennis Crowley, Board of Selectmen, 6 Hale St— Asked where will the central drop-off location be. He has concerns with the turning radius of fire vehicles, and the impact of the turning radius if there are cars on roadway—noting that should address in traffic study. He asked if who the developer expects to pay for the recommendations being made.

Rachel Walsh, 168 Holliston St—Asked if cars coming out of the driveway are being counted towards speeds. Mr. Reardon answered no. Ms. Walsh noted that with the hill grade, residents must look back and forth multiple times, and the development would add that attention must also be drawn to the new intersection point. She noted that the development would create a danger of entering/exiting for individual homes with graded or angled driveways. She also stated bus stops at those locations would not be safe for cars coming over the hill.

Scott Lafferty, 2 Woodland Rd—Stated that there is lot of pedestrian activity on Holliston Street, and a new development will increase pedestrian activity. He is concerned for pedestrian traffic without sidewalk, and asked if there are any plans for sidewalk connectors.

Peter Schubert, 15 Ohlson Cir – Noted that the emergency access road on Ohlson Circle will be 20 feet. He asked if the fire trucks will be able to make the turns from Ohlson Circle to emergency road. He asked who will maintain the roadway [homeowner's association]. He would like to see that calculation included in the auto turn calculations. Mr. Reardon stated that was one of the areas that Tetra Tech asked to include.

Dave Dalheimer, 21 Fairway Lane—Stated that at the last traffic/safety hearing, it was recommended that the Town have own independent traffic study. Mr. White stated that the superintendent said they might conduct their own study, but the Board would not have independent study because of Tetra Tech. Tetra Tech reviews the study as if it was their own study to work towards a consensus document.

Mr. White stated that the outside wheel turning radius on traffic study, but is missing the ladder overhang and bumper, etc. Snow removal, unless perfect removal, may impact the turns.

Kurt Schaeffer, 13 Fairway Lane – Asked if the sight distance take into consideration a person sitting in vehicle versus standing. Mr. Reardon stated that ASHTO is strict guidelines for traffic study, a sight line is from car, Tetra Tech requested 2 ½ foot sight height, Timber Crest had 3 ½ feet.

Mr. Schaeffer asked if there was some sort of line for access off of Fairway Lane and how it lines up with the existing driveway.

Mr. Myers asked if 163 Holliston St would be addressed. Mr. Glenn stated that having the issues on the table, the applicant and staff/Board may start working sessions with applicant to resolve issues. Mr. Reardon noted that one issue is not more important than other and all should be addressed at the same time.

Ms. Mercandetti stated that there had not been a working session yet as staff was waiting for the traffic hearing and Town Counsel to follow proper procedure and whether it is beneficial for one member of Board to be present. The Board authorize Ms. Mercandetti to start those working sessions—applicant & representatives, town staff, and town representatives. Once a session held, new information would be discussed in the hearings and brought into the project, with outcomes and potential resolution for the Board.

Mr. Glenn noted that at the right pace it may take 2 or 3 sessions to bring back a clean set of plans and set of recommendations for conditions. Mr. Glenn recommended that it would be best for the applicant and staff to come back to the Board with all the issues and how they are being resolved.

A motion to authorize meetings between the applicant and representatives and Town staff and Town consultants subject to approval of Town Counsel as to the composition of resolving issues up to this hearing date was made by Chairman Cole, seconded by Mr. White and passed unanimously.

Mr. Glenn noted that the sessions will not bind the Board in any way to the changes, the will just offer proposals for the Board.

Ms. Mercandetti will verify with Town Counsel whether subject to open meeting law.

Chairman Cole asked that Ms. Mercandetti arrange for the presence of Town Counsel at the next hearing.

Mr. Kennedy asked if there would be will there be conversation with Rockland on the development Mr. Tayara presented earlier; Ms. Mercandetti answered yes.

Ms. Mercandetti noted that the Board could talk about site design, landscaping, etc. but should take up water and sewer first.

A motion to continue the hearing for Timber Crest to 8:00 p.m. on November 16, 2016 for Water and Sewer and Legal Access was made by Chairman Cole, seconded Mr. White and passed unanimously.

Any other business that may property come before the Board:

Ms. Leahy brought to the Board's attention that applications for 261 & 263 Village Street and 10 Fairway Lane have been submitted and would like to schedule times and dates for those applications, noting that 261 & 263 Village Street only needs a discussion while 10 Fairway Lane requires a hearing.

A motion to schedule the discussion for 261 & 263 Village Street for 7:40 p.m. on November 16, 2016 was made by Chairman Cole, seconded by Mr. White and passed unanimously.

A motion to schedule the hearing for 10 Fairway Lane 7:40 p.m. on December 7, 2016 was made by Chairman Cole, seconded by Mr. White and passed unanimously.

Correspondence:

None.

Approval of Minutes:

A motion to approve the October 5, 2016 minutes was made by Chairman Cole, seconded by Mr. White and passed unanimously.

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 10:26 p.m.

Respectfully submitted,

Mackenzie Leahy
Administrative Assistant
Community and Economic Development