

December 13, 2005 – Medway Planning Board

PRESENT: Karyl Spiller-Walsh, Matthew Hayes, Andy Rodenhiser, Chan Rogers (7:40 p.m.)
Eric Alexander

ALSO PRESENT: Paul Carter, Susy Affleck-Childs, Gino Carlucci

Open meeting at 7:32 p.m.

Citizen comments –

Karyl Spiller-Walsh – as a member of the DRC, I would like to commend the Youngs on Holliston Street for the lovely holiday display – candles, - opposite Lovering St – very nice

Other Business

149 Main ST – AUOD Special Permit

PR estimates from PGC – motion by andy, seconded by eric, to approve – all AYE

PR estimate from VHB – motion eric, karyl – all yes, matt abstain

PH Continuation – River Bend Village ARCPUD Special Permit and Subdivision

Present: Richard Cornetta
John Spink
Jim McAuliffe

Matt – for the record I will be abstaining from the vote but I will continue to facilitate the public hearing

Rich cornetta – intorudce jim and john – public hearing continuation on arcpud an dsubidvion 0 it has been several weeks since the last time we have come before you with some substantive comment s- we waqnt to bring you up to speed and address what we perceive to be an important issue we have confronted as we seek comment and dialogue – since our last meeting with you, there are some wetland resource areas –no surprise – we have begunour env review – we have met with concom and anumber of issue we have discussed and developed brought us to meet with mass dept of env protection- wht I have submitted to you is a plan from September with 133 units that we last discussed. Since then, a number of environ =concerns face us – the proximity to the charles river 200 foot buffer area – some of our buildings at the entry area were within that area; because of these meetings, we have made an electionto alter the site plan and to reduce the number of units – look now to page 2 – now looking at 125 units – we have eliminated 2 triplex units and 1 duplex unit. We are doing this to not only appease some of the concerns raised with infringement in buffer area. But there is also an area – black walnut grove – that is a unique feature on the site – we want to do whatever to preserve that area. When we were at 133 units, we were looking to do 13 units as affordable. (previously 115 units, no affordable). With the reduction in the total number of units and a desire to meet many different goals, we would be now proposing to do 10 affordable out of the 125. So, we are looking to seek your comments on

this – we don't want to trample the affordable idea. We are here to answer any questions you may have. Given the close proximity to the last meeting, we have not yet refined the plans for your consultant's review.

Matt – any comments

Eric – this is a lot to digest on the fly. I wish I could offer something more helpful. We thought we are proceeding in a certain direction and now it has changed, through no fault of yours. This is a lot to digest and comment on

Andy – my gut is that I am disappointed that the 10% is not being achieved. With this level of density, 10% should be doable.

Rich – although I understand your initial reaction, the important point is that originally when this project was being discussed, 115 unit count was in the draft permit and there was no affordable component, it wasn't until we got involved with abbott that the affordability – we ask that you consider this from the developer's perspective that they came to the table with the 115 unit count – it wasn't until august that the affordability issue came up. We agreed that it would be fair to do affordable, but we needed to create more units. We simply want to revisit our august discussions – we understand the 10% number is important. But we are making a good faith effort. 10 units is not a bad faith proposal in light of there being no affordable before. Really, the extra 10 units which are the affordable units.

John – at the 133 units, there were to be 13 affordables.

Chan – the reason to eliminate the two buildings up front?

John – river buffer area and concern about vernal pools (CONCOM) - the state was more interested in the river buffer area – we got some of the road out of the 100 foot vernal pool zone. – the developer has made an economic

Jim – the walnut grove which we think is a great amenity as does the concom – we could encroach on that – we could force that issue – concom has asked us not to – even though legally we could – we have taken 2 ½ bulidngs out of the buffer.

Karyl – It seems as though originally with the prior applicant, we had looked at 149 units with 10 affordable. Good thinking about the walnut grove.

Eric – you have approached us in all good faith and I have appreciated that. I guess if I am going to give up 3 affordable units, I want to be certain you are going to preserve the walnut grove.

Jim – yes. With plan #2, the only piece of the plan that encroaches in the 200 foot river buffer area is part of the road. We are going to meet with the charles river watershed folks tomorrow. If they won't budge, then we will need to move into the walnut grove area.

Karyl – we have always discussed the walnut grove as part of the open space area.

Jim – now, with that 200 foot buffer not encroached on, that open field remains.

Matt – you are meeting with the Charles River Watershed, do they have any statutory authority?

Jim – no, but they could appeal the Concom's decision

Jim – we don't expect that you, in a couple of minutes, come to any conclusions –

Chan – who could they appeal to

John – they could appeal the notice of intent to the Concom to the courts to move it out of the riverfront – we want to avoid that conflict

Matt – any comments from abutters, audience?

Jim – besides passing this information along- we are lowering to 125 units, 10 affordable, maintain the 200,000 to the senior center.

Eric – my level of comfort has increased a bit, because we are going to preserve an environmental feature –

Karyl – I feel comfortable with the plan that they proposed.

Eric – there was some concern about increasing the density to 133, this slight reduction I am getting more comfortable with it.

Chan – I would add my approval on that basis, and the fact that there are other agencies interested with their concerns.

Andy – I think it is important to be fair and consistent.

John – we have eliminated the second connection between the – I can get the roadway down to 18 feet for a roadway link – one way - spurs off the loop would be 2 way

Chan – parking controls on the loop street

John – correct, no parking should be on the street

Jim – management company, signage

Jim – I think DEP will be OK on the small parking area near the river for the canoe launch

Jim – our progress, looking forward, what we are looking to do is to finish up our notice of intent and file with Concom and see them in late January – 2-3 meetings with them.

Jim – I would rather err on the side of having a wider road down there –

Paul – you want it to be as simple and as clear as possible

John – aiming to have a full set of drawings by the end of December. – the whole package with drainage calcs,

Karylo – what about architecture

Jim – early January, we need to do a whole sample board

DRC meeting – for early January - FIND A DATE

Motion to continue the public hearing to January 24 at 7:35 pm

Motion to accept the request to extend the deadline for action on the subdiviosn plan to March 1, 2006. all yes –

PH Continuation – Betania II ARCPUD and Def Subd Plan

Richard Coppa
Bill ? Perria

Bill – we need your feedback to the zoning board on construction in the flood plain and then open space – I suggest we do the bridge evaluation first

Matt – OK to do bridge first

Bill – bridge – raise road out of the flood plain – john’s design – given to the us by the zba which needs to give us a special permit – they must seek comments from zba, boh and concom – we are cnouraging everyone to get comments – we are meeting with the zba on January 18, the 45 days will have expired by then.

John – the zba’s special permit decision –

Bill – the zba has jurisdiction over construction in a flood plain – zba must grant a special permit; the finding is that the construction is suitable and not negative to the flood plain district – from the questions they asked.

John – there is an existiing cart path road across the flood plain and chicken brook with an existing culvert. The bridge is 14 feet square – 3.5 feet deep. The road runs over that at an elevation from 220 to 218.65 – flood plain goes over the top of the existing cart path – existing condition. Chicken brook goes quite a long waqys to the north but does not flow in a straight path. Cascading set of pools on the way down. Flows over the road to 16 inches in the middle –

we had talked to you about allowing for this and having the road overtopped by flooding and you weren't happy with it – the fire chief and police felt OK – you asked us to come up with another solution which I have done. The solution is to go from the cart path upstream 15-17 feet and place a new granite curbing that is at exact current elevation of ridge path of the road with new culverts – 22 foot road on top of the culverts with guard rails and walls on the side. Asphalt concrete wall.

Paul – what do you mean

John – asphalt with a heavier gravel component

Karyl- how permanent is that, wont it crumble

Matt – why wouldn't you make it cement concrete?

John – we might do that.

Paul – sounds like you will need a wall if you want to keep out of the floodplain

John – the zba will be looking to the PB on the

Paul – you will need to submit hydraulics – how do you know this concept will work without – why all the multiple openings, why not a larger opening – multiple openings may not be the best for the flood plain

Andy – before we make any recommendation to the zba I would want to see it technically reviewed

Chan - I would like to approve the general concept

Karyl – the multiple openings is to keep the roadway lower and not have to raise it

Chan – if you put a real bridge in, it would be wider- I think the solution is OK but you haven't resolved what kind of headwall you will have

Matt – technical details need to be reviewed.

Paul – why are you putting a curb or weir in the wetlands. You can design it to maintain the flood elevations, but you do have to do the detailed design to resolve it. Have you submitted this to the CONCOM formally?

John – no

Matt – do they have an issue with the proposed circular pipes?

Andy – has drc seen the bridge

Karyl – if this is visible and the bridge starts to involve walls, then the drc will be concerned about the surface materials of the bridge

John – the bridge itself has a concrete parapet wall – that will come to the DRC with a surface proposal

Eric – if all we are doing is approving a concept,

Andy - what is the date on that plan?

Paul – September 28th

Andy – if ZBA approves this and then it comes back

Eric – I share the confusion and concern that this hasn't been flushed out more.

Andy – this was the very first issue we discussed, if this is now an issue with the zba, it should be in a more finished state going to them.

Bill – it is not an issue for them, simply procedural

Eric – there is a more important consideration to us. – we have an obligation to the town and to you guys, to sign off on this concept – I want to be reasonably assured that it is going to work.

Bill peria – the question is what are you really approving

Chan – originally you came in with a plan that we expressed concern about that and we told you that. Now, for the first time, we are saying we have come up with an alternative approach.

Bill – what I am trying to ask is – in order for you to respond to the ZBA, what would you need to feel

Eric – some reasonable assurance that we are not going to be putting ourselves in the same position as before – I want this bridge to work.

Andy – we have detention basins that were built in town that were approved but then constructed differently than what was approved.

Bill - no one is trying to ask you send a letter to the zba that you approve this – what do you need

Chan – this is a giant step that you have raised the bridge, and that is great – but what is it going to look like when you get thorough with it – materials

Eric – and is it going to work? To be frank, what it will take to make comfortable is whatever it will take to make Paul/VHB happy.

Bill - john, is that something we can follow up on.

John – the ZBA has a full set of different criteria they are working on, specifically, they need to give us some form of response on the concept and/or the placing of the structure in the flood plain. The question is – do you want to sit down and have a joint meeting with them?

Paul – you need to submit this information for PB, concom –

Andy – I have a feeling it is not going to work, because you haven't given us the info.

John – we have another problem. The ZBA has the oversight of the building of the bridge in the floodplain per their special permit.

Paul – the ZBA wants to know that what you are doing in the flood plain is correct – you need to give us the data

John – The ZBA needs you to tell them what they need to consider

Chan – a culvert is a means to get over a watercourse

Gino – I am looking at the section of the zoning bylaw that applies to this – ZBA cannot act on this without a PB comments or 45 days. – it seems as though they need to be able to determine that the structure is not subject to flooding

Matt – if we were to issue a letter to the zba it would have too many caveats.

Bill Peria – zba will deny it or continue it until they have comments from you

Matt – we will respond to the ZBA within the 45 days and that will have a bunch of caveats in it.

Rich Coppa – that would be January 5th –

What is needed? - Full design and full hydraulic calcs

Gino – our comment is that we have asked for additional information = then it is up to the ZBA

Matt – the letter will state our concerns and what we need from you to be able to issue a recommendation – SUSY, please draft something for our 12-20-05 mtg.

Open Space Component

Bill – we tried to do a couple of things with these plans –

John – arpu is 58 acres; 32 acres open space/62% of the arpu land; we meet all the bylaw requirements – all the criteria are met with lots to spare

John – we have looked at lot 3 (south of arcpud land) – 31 acres total – 26.7 to be open space (86%); Marian community wants to retain approximately 2 acres as a garden area for the community; 16 foot emergency access road (ecoblock)

Bill – draft conservation restriction meets the arcpud requirements – this is a very standard document and we just tailor it to the particular site. It runs to the town through the conservation commission.

Matt – did they meet the open space

Gino – yes, they did – with the first plan –

Bill – lot 3 was not part of the original open space proposal

Susy – what is the area in lot 3 that is not to have open space restrictions

Bill – room for 7 single family homes for a future OSRD for Marian folks who do not meet +55 restrictions.

Gino – you may want to think about implications of restricting most of lot 3 in term of meeting future OSRD open space requirements.

Eric – one of the concerns we have had is about lot 3 – you are going to have to have access that is not restricted to the possible osrd parcel.

Andy – the lot 3 part might never materialize - and it is not technically part of the arcpud –

Bill – this draft document, we agree to restrict all that part of lot 3 and we will do that now in conjunction with the arcpud restrictins

Judy sousa, Kimberly drive – I want to be assured that the access for the potential 7 homes is going to the thru the marian site.

John – yes

Matt – that would be an emergency access only –

Eric – it would be restrictgd by the town,

Matt – have you spoken with the fire chief and safety officer about gating it –

Rich – yes, gates, similar to back of the high school gate

Actual ARCPUD count is 77 –

Eric – we haven't talked about lot mitigation

Karyl – I would prefer that there be no proposal for a future subdivision for lot 3 and that all of it should be brought into the arcupud as open space – I would like to see that area brought back into the arcupud

Rich – then how could we accommodate members who are not 55 years old

John – you can't

Karyl – we had earlier discussions about more open space in the lot 3 area – a portion of that has now been sold off for ANR lots – the hope that all of that would be open space is now null and void;

Matt – When the original discussions came in for the ANRs, were they to go all the way back to Chicken Brook

Karyl – no

Bill – arcupud provisions are very clear for open space and we have met all those standards

Karyl – but this is a concern I have

John – anr lots (12 acres)

Matt – what are your next steps

John – to finalize the plan, finish it and finalize it along these lines

Nancy Maxell (diane drive)- looking at the map of vernal pools, your phase 2 area has almost no wetlands.

Andy – does the trail area flood?

John – yes.

Dan Hooper, Naumkeag Street – question on how to connect the possible 7 lot to the arcupud project – it seems a bit of a hiccup to not look at overall scope - trail system – I still see this as a bit of a chintzy approach to the trails – the flooding issue that was just mentioned – over a portion of the trail that is already there - the proximity that the trail has as it weaves through the units. It seems to me that there is a tremendous potential that has no virtually no interruption with the units and I see that working in favor both ways – users of the trail and the owners of the land adjacent to that - there is better potential for the trail – suggest wider easement –

Bill – we didn't want to start cutting new trails – we wanted to work with the existing trail system and contours – the community is willing to have folks come through –

Rich – the purpose of the trail is to make the connection between wenakeening woods in Holliston and the town lands to the south. As we get into it, we may put some screening in or move some houses.

John – I chose 20 foot easement as the trail is now 10 foot – a great deal of it goes thru woods and wetlands and I really don't want new trails created.

Andy – maybe in the area that goes thru the neighborhood, you could widen the easement to 50 feet.

John – I would rather narrow it to 10 and move the houses.

John – we think this is the last of the bricks in the conceptual – we would like you to either say yea or nae so we can move along.

Matt- I would be fine with you going ahead with this open space incorporated into your plans

Eric – I would concur

Karyl – I voiced my opinion. I stand at that.

Andy – We will still discuss some other issues.

John – what we are going to work on is the final plan that will go into the special permit –

Eric – mitigation discussions will be coming up – there is going to be an impact on the community and we might be looking at ways to help mitigate those impacts.

Rich – this is a non profit organization

Bill – to the extent that we can provide mitigation, there has to be a link between the impacts we are creating -

Continue ph till January 10 at 9 am – for river bend arpuic and subdiviosn – WILL NEED A subdivision extension that nighth . . .

Break – 9:55 pm

Franklikn Creek Definitive Subdivison Plan PH continuation

John Early
Bill Halsing

Bill Halsing – a set of the most recent plans and most recent calcs, culvert analysis, turning radius at the street for emergency vehicles, additional waivers we had talked about and a response letter to VHB's 11-4 comments. – VHB has received all this stuff and VHB has reviewed them with their (12-8-05) letter.

Andy – on your comment on 4.2.2.4 – are you OK with the reduced intersection curb radii

Paul – yes, in conjunction with the police and fire saying that the reduced radii being OK.

Andy – this is a practical application for the type of use

Andy 4.2.7.1 – re: waiver on use of granite curb at radius?

4.4.2.3. – use of PVC pipe instead of reinforced concrete pipe for drain lines –

Bill – we went to CONCOM recently; they would like to see the road even narrower to 14 feet instead of 18 feet.

Matt – I don't think we should reduce the roadway even further. Per our new regs.

Letter from Chief Vinton dated 12/13/05 – Attach and make a part of the record.

Paul – OK that they have addressed all my concerns

Andy – don't like the idea of eliminating the granite curb – and granting a waiver

Susy – have you voted on waivers

Motion to close – andy – chan – all yes to close

9:30 pm - 1/10 to waivers, deliberate and review a draft certificate of action – hopefully act on it.

PH continuation – Pine Ridge OSRD

John Claffey
Paul Yorkis
David Faist

Paul – the hearing was closed on 11/8/05

Draft special permit decision – 10/18/05 draft

A few corrections in the BACKGROUND section – fill in the blanks

Matt – if we find that the application satisfies all the standards, then we must approve the permit

FINDINGS

1. purpose and intent - ok
2. eligibility requirements - ok
3. special permit required – ok
4. pre-application review and site visit – ok
5. 4 step design process – ok
6. procedures – ok
7. formula for maximum # of dwelling units – ok

Andy – there has been some discussion on size of the units/number of bedrooms

Matt – that would be part of a discussion on conditions on the project

8. reduction of dimensional requirements – ok
9. open space requirements – strike last sentence - ok

include a condition on all 3 options for open space ownership

10. general design standards – ok

DECISION –

CONDITIONS

1. ok – specify OSRD definitive subdivision plan
 2. ok – appendix A with reference to old punch list and dps memos and chief vinton's standards for
 3. ok
 4. ok
- new 5 – open space ownership – gino's language

- 6 ok
- 7 ok
- 8 new – re: # of bedrooms

andy – applicant is willing to limit these to 2 bedroom units

8. 100% of the units shall have no more than 3 bedrooms; 50% shall have no more than 2 bedrooms - OK

discussion –

eric – I feel strongly we need to include

andy – I would prefer to see the entire thing limited to 2 bedrooms

9. 2 year window – completion per state law

chan – none of these conditions could have been put on a standard subdivision which he might have considered doing

karyl – is there anything in terms of off site mitigation to discuss?

Andy – that is between the abutters and the applicant

Matt – I would entertain a motion on the special permit

Motion by chan, seconded by eric to approve the special permit – all yes – unanimous

Matt – read thru items a thru g under DECISION –

ATTACH DRAFT permit -

The motion passes –

Board to sign the special permit at the 12-20-05 meeting and will be filed the next day with the Town Clerk which starts the 20 day appeal period.

CO Reports

Paul – early November for ICE and Hartney Acres

CO FEE – Pine Meadow

VHB estimate \$ 8,803.20 – karyl, chan – all yes, Matt recused

Paul carter leaves – 11:35 p.m.

Field Road - Indemnification Agreement

Andy – does it overflow where the detention basin outlets

Matt – I have never seen it full but I don't live there

Andy – on Holliston Street, there is a ranch house – culvert has been dammed up – somebody else putting bales of hay in front of the culvert

Motion to sign indemnification agreement – andy, chan – all yes

CVS SITE PLAN –

Matt – this is a reauthorization of site plan approval vs. a modification

Motion to reauthorize and reissue site plan approval subject to conditions in the previous and these additional - karyl, andy – all yes

Board signed the plans

Smart growth technical assistance grant – jeopardy if matching funds have to be cut with overall town cuts

Letter from John Schroder – interested in filing alan’s vacancy

Matt – let’s go ahead

Susy to call BOS and ask for a date to meet with them to make an appointment

Pay bills on 12-20 mtg

Motion to adjourn – andy, karyl – all yes

12:10 am
