

Matthew J. Hayes, P.E., Chairman
Andy Rodenhiser, Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Cranston (Chan) Rogers, P.E.

Approved- June 28, 2005

MINUTES
Special Planning Board Meeting
June 21, 2005

PRESENT: Matthew Hayes
Andy Rodenhiser
Karyl Spiller-Walsh
Alan DeToma
Chan Rogers

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant
Diane Borgatti, Former Planning Board Chairman
Gino Carlucci, PGC Associates
Dan Hooper, Former Planning Board Chairman
Kent Scott, Chairman – Board of Selectmen

The meeting was called to order by Planning Board Chairman MATT HAYES Hayes at 7:38 p.m.

APPROVAL OF MINUTES

March 9, 2005 – Motion by Alan DeToma, seconded by Karyl Spiller-Walsh to approve the minutes of the March 9, 2005 meeting. The motion was approved. (*NOTE – Chan Rogers and Andy Rodenhiser did not vote on the minutes as they were not PB members on 3-9-05.*)

May 3, 2005 – Motion by Karyl Spiller-Walsh, seconded by Andy Rodenhiser to approve the minutes of the May 3, 2005 meeting. The motion was approved. (*NOTE – Chan Rogers did not vote as he did not attend the 5-3-05 meeting.*)

May 10, 2005 – Motion by Andy Rodenhiser, seconded by Alan DeToma to approve the minutes of the May 10, 2005 meeting. The motion was unanimously approved.

May 24, 2005 – Motion by Chan Rogers, seconded by Andy Rodenhiser to approve the minutes of the May 24, 2005 meeting. The motion was unanimously approved.

June 6 & 7, 2005 – Motion by Andy Rodenhiser, seconded by Alan DeToma to approve the minutes of the June 6 and 7 meeting (at the 2005 Annual Town Meeting). The motion was approved.

NOTE – The June 14, 2005 meeting minutes will be considered at the June 28, 2005 meeting.

MISCELLANEOUS ITEMS

ANDY RODENHISER – I noticed on one of the construction observation reports that Mark mentioned a sign for Grapevine Estates in the stone wall that he thought might be on private property. What do we do about that?

Susy Affleck-Childs – I would follow-up with Mark directly.

CHAN ROGERS – Did we do a letter to John Spink re: flood plain issue for the roadway in the Marian ARCPUD?

MATT HAYES – Yes, we did. I got a call from Rich Coppa who raised some issues about our concerns. Mr. Coppa reports that Fire Chief Vinton has no concerns about the roadway flooding issues and it would be OK for him to use back access. I suggested he get in touch with Bob Speroni to see if they would need a special permit to build a bridge in the flood plain. Rich Coppa said he was concerned about the cost to do so.

KARYL SPILLER-WALSH– That drops it back in our lap. We have to think about the quality of the second access and how easily can it be used.

CHAN ROGERS – There are many details you need to know.

ANDY RODENHISER – What if a beaver builds a dam that can cause flooding?

MATT HAYES – I believe the Board still has concerns about this. We should have Rich Coppa in here to discuss this further. I will contact him tomorrow to invite him to a meeting.

ALAN DETOMA – He wants this so he can get the road done to get his sculpture in.

Discussion of FY 06 Planning Priorities

ANDY RODENHISER– I got a letter from Mr. Paul DeSimone encouraging the idea of a town engineer. He was advancing his position of having a town engineer.

Susy Affleck-Childs – I would like to add one item to the list of accomplishments for FY 04, that being the acquisition and installation of the aerial photograph of Medway overlaid with the streets.

ANDY RODENHISER – So what are our immediate priorities?

RULES and REGULATIONS

MATT HAYES – I would say to rewrite Site Plan Rules and Regs as final site plan approval is now with the Planning Board.

ANDY RODENHISER – What does that entail?

ALAN DETOMA – We need to have a discussion on what sections need to be revised.

MATT HAYES – We need to go thru section by section and rewrite and then eventually hold a public hearing.

Diane Borgatti – You need to have something in place ASAP. You are going to have people submitting plans and the only guidance you have is the bylaw. The rules and regs are the back-up. There was chaos when this was done before. Site plan is a major deal. All the bylaws need to have the backup in place thru rules and regs.

MATT HAYES – The revised zoning bylaw will govern. You can kind of work between the current rules and regs and the new bylaw.

ANDY RODENHISER – So we need a working committee.

Susy Affleck-Childs – I need somebody to be a point person for me to work with. I can draft the revisions.

MATT HAYES – I want to be involved in that. Susy and I will put a draft together for the board to review. We will all review it and provide comments back to Susy so she can rework it.

ANDY RODENHISER – What is a reasonable timeframe?

Dan Hooper – I would be aggressive on the time frame. It is better to have something in place that is true to the bylaw, even if they are not absolutely right on. Something as a fallback.

Diane Borgatti – Look at other towns to see what they have. It is easy to extract text from them.

ALAN DETOMA – Is what we presently have viable?

Susy Affleck-Childs – Much of it is.

Dan Hooper – The current regs are very viable for the major. But we sold it to the town on the basis of having a different approach for minor projects. We want to facilitate those applications quickly. It needs to be very clean and clear to both sides of the table so the process is expedited.

Gino Carlucci – I know Norfolk has the minor and major option. Also, look at draft AUOD rules and regs. They were kind of geared toward minor site plan type of review.

Susy Affleck-Childs – I can go back to the towns that we studied in drafting the bylaw and look at their rules and regs.

Adaptive Use Overlay District (AUOD) Rules and Regs – Agreed that we need to finalize those.

Open Space Residential Development (OSRD) – Agreed we need to draft those.

MATT HAYES – Let’s try to finish up AUOD first, then site plan, then OSRD.

ALAN DETOMA – So the update to the ARCPUD Rules and Regs is lowest priority.

ZONING CHANGES IDEAS

ANDY RODENHISER – Page 4 of the master plan shows all the zoning recommendations. It says that sewered areas should be rezoned for commercial/industrial. Also maybe expand the zoning westerly along route 109 down toward West Street from the industrial park. There are a lot of “paper streets” along there. That might open up some space for development. Going easterly, the Oak Grove parcels that are in there - some of those might become more attractive development in the 109 corridor.

MATT HAYES – Is there a definite line for the sewer?

Gino Carlucci – It will not go all the way to route 109. It will go just north to the Alder/Trotter intersection but not all the way.

ANDY RODENHISER – If it went that far, then private development could take it back up

ANDY RODENHISER – Another issue listed on the master plan is down zoning. What is that?

Dan Hooper – I don’t remember what that was about.

Gino Carlucci – Down zoning means going to a lower zoning district.

ANDY RODENHISER – So taking one-acre density residential to a lower density.

Diane Borgatti – That was in response to the idea of too much residential coming in.

ANDY RODISER – The master plan says to consider rezoning contaminated lands for economic development purposes. Where do we have brown fields?

Diane Borgatti – Broad Street.

Gino Carlucci – Where the DPS facility is?

Diane Borgatti – That was targeted for the Broad Street area.

ANDY RODENHISER – There s all kinds of special financing for brown fields recovery.

MATT HAYES – What could we redo with zoning?

ANDY RODENHISER - Could we rezone it for office space? I can't imagine residential development there. Look at Route 109 from behind the Medway Commons back over toward Broad Street. That area is all wide open – the Cassidy farm. There is the infrastructure. I think it is their intent to develop that. Could we create a zone for low-rise offices?

KARYL SPILLER-WALSH – Do we really want that?

ANDY RODENHISER – We want some commercial development, right??

MATT HAYES – We could continue commercial district on south side of route 109 toward Millis.

ANDY RODENHISER – There are some good developable parcels. You might take some of the traffic off of route 109.

CHAN ROGERS – I think we should pick some priorities and pick out people to be a spearpoint on each one. I don't think you can look at 15-20 items.

ANDY RODENHISER – Where can we make the biggest dent? Is there sewer already available in any one area where we can convert the zoning?

CHAN ROGERS – We have Diane, and Dan and Kent here tonight. I think we ought to pick their brains and let them go.

Dan Hooper – This is a compilation of scrambled thoughts. One I like though is rezoning easterly on route 109 and then southerly behind Medway Commons out to Broad Street. There are lots of rumors of Cassidy development in then. That to me is just from a knee jerk reaction. I think you get a lot less friction doing that. I think with the Route 109 district expansion idea there will be a lot of residential issues with that, a very strong neighborhood reaction. The Cassidy property is a great open canvas. We need to engage them. I would be happy to help them in their thoughts on what they would like to do but I would want to have some ideas to throw at them so it is done somewhat in sync with their ideas.

MATT HAYES – Do you think they have a master plan of their own?

Dan Hooper – Yes.

KARYL SPILLER-WALSH – I think it is driven by the economy. Houses are sitting right now. Medway Commons shops are crying the blues that their projections are not being met.

Dan Hooper – I think they were way off base from the beginning.

Kent Scott – I remember asking the question whether the market was really there.

Dan Hooper – They way underestimated the allegiance to Roche Brothers.

KARYL SPILLER-WALSH – I don't think they will be in the midst of board meetings for 3-5 years. They will wait till the economy changes but we need to be ready.

Kent Scott – The development of Medway Commons was a chance to project revenue over 2-5 years.

KARYL SPILLER-WALSH – Walgreens too. It doesn't look like there is a horse race to finish the CVS site.

Kent Scott – The BOS will deal with enforcement of the sign bylaw.

ANDY RODENHISER – CVS has an agreement with Walgreens to not construct for one year after Walgreens opened.

Dan Hooper - All these items on this list are all good. Consolidate CI and CII into one district. The other things you can bang out easily and get them for the next town meeting. We can get a big splash for very little jump. We invested ourselves last year in a long, onerous project with the subdivision rules and regs, new site plan bylaw and new OSRD. We need some flashy quick ones that have some impact.

Dan Hooper – I leave with an offer to jump back in (after the summer) and help with a subcommittee.

MATT HAYES – Perhaps we need to revisit the CI master plan overlay zoning idea.

Dan Hooper – Yes, that one too. Jim and I can help spearhead that. Let's include Mr. DeSimone in these discussions and Joe Musmanno too. We have seen how close Joe takes these changes. Thankfully, he is on top of those things. I definitely appreciate his investment of time.

CHAN ROGERS – We have an issue with him to fix up the contractor's yard definition and bring that back.

KARYL SPILLER-WALSH – We weren't ready. It wasn't clean.

Dan Hooper – Joe Dziczek's intent was to protect residential neighborhoods.

Susy Affleck-Childs – What about the Master Plan update??

Dan Hooper – It was a great experience and a very good group. Personally, I think they should be reconvened, but more briefly to revise what is already a good document.

ANDY RODENHISER– I bet you that a lot of people have forgotten about it.

Dan Hooper –What pains us who were involved in it is how much time it took. But an update must include another survey. There was a 67% response to the first survey. People like to feel their voices are being heard. We need to ask about rezoning residential property to commercial. –

KARYL SPILLER-WALSH – The unfortunate question that we are starting to realize on the housing issue is that the general layperson is totally in the dark.

Diane Borgatti – Medway is a typical, lazy, apathetic town in the interest sense.

ANDY RODENHISER – Look at what’s happening in Bellingham with 2 huge new apartment projects. They are looking at having to build another school just for these two developments.

Dan Hooper – That would be a great piece of data - how many homes would it take for us to have to build a new grammar school and at a rate of how many permits per year? That would scare a lot of people.

ANDY RODENHISER – The reality is that this is a hot political item right now. We need to take advantage of that. People are very sensitive to this. We need to take some action now.

Kent Scott – We could have another whole discussion on the toxicity of our voters. Everybody knows there is a lack of confidence across the board in many different places. I am here tonight because of the master plan. That dovetails into what the town wants to be. Dial that up and communicate it and update it and then communicate it again back to the town. Its purpose is vital. One of the challenges we have is that there is a lack of confidence because of a lack of direction. We are caught in the mire. It will be better when we can communicate direction – IDC, sewer, master plan of what the community wants to be. We need you to play a part. We need you to elevate the dialogue. The master plan is a perfect way to elevate goals, direction, etc. I think that is critical. I would embrace and impress upon you how important it is to dial up a big picture.

ANDY RODENHISER – Could you help us find money to do a mailing?

Dan Hooper – I can talk to Jim Wieler and Dave Kaeli about how to get this done.

Kent Scott - I am an investor in a printing company. So don’t sweat that part of it.

MATT HAYES – What if we internet based the survey?

Kent Scott – A target to consider is starting this year, there will be an annual state of the town address. A platform for boards to talk about what is going on. With strong publicity. We need to recognize the boards that are doing good work. What is we targeted the fall of 2006 to present an updated master plan?

CHAN ROGERS – How do you see that presented?

Kent Scott – We need to create a platform of communication and be proactive. This is the current state of affairs. This is where we are going. We need to share the story board. Do the same for each board/department. It is all those things. There isn’t a platform to do that now.

ALAN DETOMA – I thought that the comments that Dick Maciolek made at town meeting about looking at ourselves was a little misguided. I think the town needs to look at what type of development has occurred and what its impact has been. It is pretty clear if we keep going in

that direction that we will need to build a new school in 4-5 years. Also, more police, fire, etc. The master plan is the way to get that message out.

ANDY RODENHISER – We can almost start to restore some credibility. Ask people what they think!

Kent Scott - It falls in the way we have to communicate with the public. We have a lot of work to do

KARYL SPILLER-WALSH – We had this housing meeting regarding the Medway Mills with Stuart Rose (Zealand Corporation). He was talking about Lincoln where there is huge philanthropy. They have been aggressive in open space acquisition. He said they pass the hat and dig deep to find money to do what they need to do.

Kent Scott – This is a town that doesn't respond unless there is pain. Services are going to be cut.

CHAN ROGERS – One of the critical issues we have is this initiative (Massachusetts Land Use Reform Act) and the public hearing at the State House on June 29th. Right now, Medway is in a position to react. Regarding industrial development, we have to take a back seat to towns like Franklin with direct access to 495. What are our peculiar restraints? Simply rezoning doesn't make development happen. We have to get the whole concept of land use. We have to apply the pressure where it makes sense. We need to get to the new citizens. There are a lot of new people in town who have concerns about a street being accepted. Have an open house. The Planning Board doesn't have much control over anything. We should have a series of forums. The legislature is going to have to do a lot to help the towns.

ALAN DETOMA – We need to slow the residential development.

ANDY RODENHISER – We have to market the town for economic development.

KARYL SPILLER-WALSH – With 40B projects, there is nothing we can say about them.

Diane Borgatti – The State is not going to help you. It will not be your savior. The real estate lobby is too strong.

ANDY RODENHISER – Do you think the land use bill will fail?

Diane Borgatti - I hope not, but I don't think it will pass. People don't care enough. Nobody is proactive enough.

ALAN DETOMA – I would like to think there are people out there that understand that we are trying.

Diane Borgatti – You are the conduits for information. You have to talk it up. Generally, people don't care about much other than the green lawn, water ban, good landscaping. The Town does a lousy job of helping people know what is going on. There were no signs, nothing on cable TV about the elections. I was on the town web site. There are dead people listed as board members.

ALAN DETOMA – Is it out of the question, is there any avenue to restrict, slow development. It seems to make sense to consider a moratorium, to slow down everybody and change the course of development of this town. If we don't do something we will drown. We need to shift toward business and commercial slow down residential.

Dan Hooper – Actually, residential development is not a hot bad. The biggest subdivisions last year were Evergreen Meadow and Ishmael Coffee Estates.

ALAN DETOMA – I think the damage has been done, but it isn't over.

Diane Borgatti – There is a down shift going on in Medway. House prices are going down. If you can go to Henry Wickett with the golf course idea. Now is the time to talk to him.

KARYL SPILLER-WALSH – How many units?

Dan Hooper – I understand he has capacity for sewer for 280-300 units.

Diane Borgatti – My recommendations are to watch the rules and regs. You can expect the developers are going to come in here kicking and screaming. Now is the time to check your bonds and be prepared to pick up things. You need to push them now and nudge them along. You have to be ready for when the developers aren't going to be ready. You certainly have some unhappy residents re: street acceptance.

MATT HAYES – We should look at acceptance of a bunch of the ways where there are no bonds remaining.

CHAN ROGERS – I was reading the letter that Irene Streifer wrote to us. She was at our meeting last week along with Brian McSweeney (from Country View Estates). If they buy property and the street has not been accepted, they have bought into that situation. A lot of towns force homeowners associations to be formed to collectively fix the street before they ask the town to accept it

ANDY RODENHISER–There is an avenue for remediation. It depends on the deeds in the subdivisions. With private ways, people own to the centerline of the road unless the deed says differently.

MATT HAYES - Gino, what would you like to work on?

Gino Carlucci – The CI and CII districts and the overlay. There may be some money available from the state as implementation to the EO 418 study. That would certainly be something that everybody is interested in.

ANDY RODENHISER– Corey Finklestein owns property along south side of route 109 – the post office, car wash, Mattress Magic building. That is one guy we should talk to.

KARYL SPILLER-WALSH - There is massive amount of land with nothing there. 11 and 14 acre sites. But people are not relinquishing them.

CHAN ROGERS – Just rezoning something is not going to make people knock on your door. Other towns in the 495 corridor are way ahead of Medway.

ANDY RODENHISER– I am not giving up on working with land owners. I want to try to sell him on the idea. I want to talk. I want to open a dialogue and see what it would take to develop the property.

KARYL SPILLER-WALSH – In an economic decline, the first thing that starts to go down is office.

ANDY RODENHISER – Maybe a mixed use project.

KARYL SPILLER-WALSH – maybe we need an analysis.

ANDY RODENHISER– What is your opinion Gino?

Gino Carlucci – Mixed use, definitely. It is more stable for the owner.

ANDY RODENHISER– So housing and retail?

MATT HAYES – We can offer it as an overlay zone.

ANDY RODENHISER – That would require town meeting vote. How does that work? What is the right way to do this?

MATT HAYES – Any PB member can have conversation with anybody.

RODENHISER– I would like to ask Gino to have lunch with me and Corey.

MATT HAYES – One of the priorities is to get communication going. I want to get Dan to talk to the Cassidies about their property.

KARYL SPILLER-WALSH – My husband has a good relationship with Bob Briggs.

ANDY RODENHISER – Is the Town treating him fairly?

KARYL SPILLER-WALSH – He is not receptive. He is not happy with his life or his family.

ALAN DETOMA – He is not currently planning to do anything?

CHAN ROGERS – We really don't want that land developed.

MATT HAYES – Jim Wieler has been talking to him about purchasing the ANR lots and getting development rights and leasing it back to Briggs for farming.

MATT HAYES – When a 61A opportunity comes up, the CPC will consider it.

KARYL SPILLER-WALSH – We have very sketchy understanding of what land is important. There isn't an overall strategy.

ANDY RODENHISER – In the absence of anything else, we use the master plan.

KARYL SPILLER-WALSH - We can only follow thru with what is available. Nothing else matters.

ANDY RODENHISER – The CPC has about 3 million dollars.

MATT HAYES – OK, so master plan update is critical. And the site plan rules and regs. I will work on that. Susy needs to finish up the AUOD Rules and Regs.

MATT HAYES – I will also ask Jim Wieler and Dave Kaeli to consider convening a group to update the master plan. Also, I would like Dan to talk with the Cassidies.

Susy Affleck-Childs – How about Dan and Andy as a team to contact developers?

ANDY RODENHISER– I want to be in constant communication with the Medway Business Council. We need to look at that whole area - Medway Block, Cumberland Farms, Medway Shopping Center.

KARYL SPILLER-WALSH – Regarding the Briggs ANR lots. It might be a real leap of faith if the Town of Medway were to purchase the ANR lots from him.

MATT HAYES – That is what Jim Wieler is working on.

MATT HAYES – Alan, could you go through some of the small, easily changeable zoning items and see what needs to be done to put something together? #2, #5, #8 from this list.

Gino Carlucci – I will take on #7 on zoning list.

Susy Affleck-Childs – I will dig up the buffer zone stuff that we looked at in 2003 for Alan.

ALAN DETOMA – This list says to expand the Commercial 5 district. How far south?

ANDY RODENHISER– I will go door to door and start talking to folks. I will go 126 south to Main street and also Route 109 from West street to Trotter.

CHAN ROGERS – That part of Route 126 is never going to really develop for residential. We should bird dog any opportunity to help them along to enhance the property

CHAN ROGERS – I could help on the update of the master plan.

MATT HAYES – I want to get the former PB chairs to start a committee to update the master plan.

ANDY RODENHISER – What about the street acceptance procedure?

MATT HAYES – Kent seemed to be saying that could be put off a bit.

MATT HAYES – We need to look at how the new stormwater bylaw best management practices are going to be incorporated into our subdivision stuff.

ANDY RODENHISER – We can pull together from the resources some of the best management practices.

MATT HAYES – Dave D’Amico had a stormwater drainage bylaw passed at town meeting. So, we need to implement something in our regs to reflect that.

ANDY RODENHISER – We need to look at how contractors can be certified to work in our town especially if they have to be certified in proper ways of controlling stormwater flow on a construction site.

MATT HAYES – Karyl, what do you want to work on?

Susy Affleck-Childs – We will need to send a note to the BOS to ask for town counsel help on this matter of certifying developers.

CHAN ROGERS – Jim Galligan’s concern about unaccepted streets. Can we talk about that? There has to be some problem with these streets that we already know about.

ANDY RODENHISER– We heard Kent say he is not too keen on accepting streets and taking on more financial responsibilities for the town.

ANDY RODENHISER– We can talk with counsel on this. When we get into a situation where we feel insecure, we can enter into an agreement for judgment. It is a waiver of a trial. We would file it with the court.

NOTE – Susy needs to update the list of unaccepted streets and brief the board.

CHAN ROGERS – Medway has a peculiar set of constraints. We are less marketable than Franklin and Hopkinton.

KARYL SPILLER-WALSH – We should buy as much land as possible until we bleed.

ANDY RODENHISER – There is \$3 million in CPC that can be leveraged.

CHAN ROGERS – At this MLURA hearing on the 29th, can I say I am there on behalf of the PB

Susy Affleck-Childs – This board has supported the MLURA for 2 years. It was at our request and urging that Jim Vallee and Karen Spilka signed on as sponsors.

CHAN ROGERS – Have we responded to the letter from Irene Streifer re: ice concerns?

Susy Affleck-Childs – Not yet.

ANDY RODENHISER– What is our liability?

CHAN ROGERS – I want to make sure that we answer this. There is a lot of unfinished business left by the contractor.

NOTE – A draft letter to Greg Whelan was distributed to the board for review.

ANDY RODENHISER – How about if we send a copy of this letter to Irene and the other people who attended last week?

MATT HAYES – We can copy those who attended the meeting.

NOTE – It was agreed to separate the draft letter into two letters. The first part would come from Matt on the deadlines. The second part re: the Construction Observation Separate invoice would come from Susy.

MATT HAYES – I have a question on whether Greg meant August 31, 2005 for all three phases of Country View Estates?

CHAN ROGERS – We should send it to him with return receipt.

Susy Affleck-Childs – I want the board to know, as you are looking ahead to plans, that I will need to be out 6-8 weeks with knee replacement surgery. I expect to do it this fall sometime.

Invoices

PGC Associates - \$ 122.50 for plan review services. Motion by Karyl Spiller-Walsh, seconded by Andy Rodenhiser. Unanimously approved.

WB Mason - \$137.14 for office supplies. Motion by Karyl Spiller-Walsh, seconded by Alan DeToma. Unanimously approved.

FSU - \$51.26 for envelope printing. Motion by Karyl Spiller-Walsh, seconded by Chan Rogers. Unanimously approved.

PGC Associates - \$1,820 for general consulting services. Motion by Karyl Spiller-Walsh, seconded by Alan DeToma. Unanimously approved.

VHB, Inc. - \$660 for plan review services for Hopping Brook, Pine Meadow and Franklin Creek. Motion by Chan Rogers, seconded by Alan DeToma. Approved. Matt Hayes recuse.

VHB, Inc. – \$2,641.12 for contracted services. Motion by Karyl Spiller-Walsh, seconded by Chan Rogers. Approved. Matt Hayes recuse.

VHB, Inc. - \$749.49 for construction observation services for Hartney Acres, Birchill Hill and Redgate 2. Motion by Karyl Spiller-Walsh, seconded by Andy Rodenhiser. Approved. Matt Hayes recuse.

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Approved – June 28, 2005

A motion was made to adjourn the meeting by Alan DeToma and seconded by Andy Rodenhiser. The motion passed unanimously.

The meeting was adjourned at 10:35 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant