

Matthew J. Hayes, P.E., Chairman  
Andy Rodenhiser, Vice-Chairman  
Karyl Spiller-Walsh  
Cranston (Chan) Rogers, P.E.  
John Schroeder  
Eric Alexander, Associate Member

DRAFT – February 1, 2006

## **January 10, 2006 Planning Board Meeting**

MEMBERS PRESENT: Chan Rogers; Matt Hayes; John Schroeder; Karyl Spiller-Walsh; Andy Rodenhiser; Eric Alexander

ALSO PRESENT: Gino Carlucci, PGC Associates; Paul Carter, VHB, Inc.; Susan Affleck-Childs, Planning Board Assistant; Phil Smith, Tree Warden; Dave D'Amico, DPS Director

*Call to Order: 7:32 pm*

*Citizen Comments: None*

***PUBLIC HEARING - River Bend Village Scenic Road Work Permit – 7:35 p.m.***

Richard Cornetta, attorney  
John Spink, CONECO  
Mark DuChesne, Abbott Real Estate

Tree Warden Phil Smith joined the meeting.

Matt Hayes – I am recusing myself from voting on the all River Bend permits, but I will be glad to run the meeting for this as I am with the ARCPUD and subdivision.

Rich Cornetta – We have no objection.

John Spink, CONECO - This is a section of Village Street about 290 feet long on the south side of the street, around 260 Village Street. We are trying to get an ARCPUD before the Planning Board and to do that we need 2 entrances. What we are showing is the clearing in the right of way that is needed to build the roadways into the site. However, along this section of this road are a lot of trees. It has been fully wooded for many years. We have located the 2 entranceways – 18 feet wide in and out – with a radius of 40 feet on the edge of pavement. That may be reduced if we can talk you into allowing a lower radius. That might save some trees.

Matt Hayes – What is the health of the trees in question.

John Spink – Fair to good. None are dead or diseased. They do have salt spray.

Matt Hayes – Are any stone walls being disturbed by the road construction?

John Spink – There is stone in there, but I can't say that there are any stone walls. There is a piece of granite curb in there and a foundation of a portion of the house.

Matt Hayes – Are the stones similar to other stones along Village Street?

John Spink – I haven't been in the basement. The pieces I can see are a foot to 18 inches thick, 5 to 7 feet long. But I don't have a good inventory of what is there.

Matt Hayes – Any plans to reuse the granite on site?

Karyl Spiller-Walsh – Any chance of using some of that granite in the terrace area for the community center?

John Spink – It would be available to do that.

Karyl Spiller-Walsh – It would be nice to incorporate it in some way.

Mark DuChesne – We don't have any objections trying to work it into the landscape as a feature.

Phil Smith – I went down and looked at the trees and measured the sizes and was walking around. What I would like to see happen is to use some pieces of granite near the house. If you drive down Village Street, there are a lot of granite walls with these large pieces. What I would like to see is the trees in question removed. Prune out the deadwood and neaten it up. Use the granite that is there and incorporate into the entrances for the driveways into the development. Possibly pick up some more granite and put in some posts along the road connected by wood or a chain similar to that up by the Community Church (Route 109 and Highland). If you go up and down Village Street, you see this periodically. This would really keep this area in line with the scenic road. Also do some maintenance and neaten things up. And maybe come up with some replacement trees to go in behind there.

John Spink – 35 to 45 feet back from the road is going to be a community center. Right now, there is a row of trees along the property line that are in the right of way. You will be able to see through the trees to the building from the street.

Matt Hayes – The tree removal calculations that were prepared, have you reviewed this?

Phil Smith – I went down and reviewed the tree measurements. I had some different measurements than what they provided. They came up with 404 square inches and I came up with 564 square inches for trees being removed. As the circle gets bigger there are a lot more inches in the outside rings.

Matt Hayes – I would like John Spink and Phil Smith (Butch) to set up a meeting to get on the same page as to size of the trees. We need to nail down the actual number of square inches.

John Spink – I did this with a big radius for the roadway entrance. How do you want to handle that? We are going to propose to you to allow for a smaller radius.

Matt Hayes – Please prepare two sets of tree calcs – one with the 40' radius and the other using a 25' road radius.

Paul Carter – You may need to remove some trees for sight distance issues even with the smaller radius.

Dan Hooper, 6 Naumkeag Street - Because the applicant has worked extensively with the CONCOM to position these roads to save the walnut grove on the property, I would ask the Board to seek some leniency on calculating the tree replacement. I am hearing some agreement by the applicant to reuse some of the granite and I appreciate that gesture.

Matt Hayes – Would the board be in favor of reducing the square inch calculation?

Mark DuChesne – We can work up some designs with the landscape architect.

Dave D'Amico – Do you have a dollar figure in mind assuming we might end up planting the trees instead of them?

John Spink – I don't think there will be any room in the right of way.

Phil Smith - \$300 for a 3 inch caliper tree.

The public hearing was continued to 8:15 pm on Tuesday February 28, 2006. It will be combined with the continuing public hearings on the River Bend Village ARCPUD Special Permit and Definitive Subdivision Plan.

### ***PUBLIC HEARING – Restaurant 45 Site Redevelopment Plan***

8:15 p.m.

Andy Rodenhiser read the public hearing notice.

Paul Yorkis, Patriot Real Estate  
Mark Smith, Restaurant 45  
David Faist, Faist Engineering  
Jay Melick, Architectural Design

Paul Yorkis – I am present this evening with Mark Smith, the applicant; David Faist, our engineer; and Jay Melick who has architectural responsibilities. I would like to do a brief overview, then Jay and David will make presentations. Then I would like to make a brief oral response to PGC's review letter and David Faist will respond to VHB's review letters.

Paul Yorkis – I understand there are some concerns by some neighbors that they didn't receive notice. I have the green cards from the certified mailing. We go to the Board of Assessors to get

the abutters list. It is possible that a property sells and the assessors are not aware of a change owner of record at that time. In addition, the secretary of the Planning Board requested that notices be sent to the planning boards of the adjacent towns. The other thing which we did to try to give abutters an informal opportunity to learn about the plan is that we were able to meet with some of the butters last week. We learned some information from them that we didn't have before. We have made one change to the plan based on that meeting – the fence that is proposed for along the Little Tree Road side would be extended further toward Route 109 and the fence along the south edge of the property would be extended further east toward Summer Street. We became aware from some of the abutters that people avoid the light at the intersection by cutting through Little Tree Road to Rustic Road to Summer Street. They have some serious safety concerns. I had the opportunity to speak with safety officer Jeff Watson because signage in the town can negatively impact reimbursement we receive from the state. He has sent a letter to Mass Highway explaining the situation. I made a commitment on behalf of the applicant that we would raise this matter with Jeff Watson. The applicant is willing to pay for the cost of the signs for a 3 way stop at Rustic and Little Tree Road. The abutters also asked how could one try to decrease the volume of traffic cutting thru. Perhaps the Planning Board could require some traffic signage such as "No thru traffic" at Little Tree and Rustic Roads. The applicant would be willing to take care of that. I don't want to represent that there will be an immediate response from Mass Highway.

Paul Yorkis – Regarding the building design, about 15 months ago, we had two meetings with the Design Review Committee and went thru it fairly extensively. The plan before you this evening reflects input from the DRC. The applicant and the development team are trying to be responsive to concerns of how the site would work. Right now, the site is wide open. There is no definition. With the proposed new addition to the restaurant, there would not be any increase in seating. A separate 5150 sq. ft retail building will be newly constructed. There is an outdoor deck waiting area between the restaurant and the new building. There is quite a bit of landscaping that is proposed. We have review comments from your planning and engineering consultants. Regarding the expansion of parking relative to the building expansion, the total number of parking spaces complies with the proposed sq. footage of the buildings

Jay Melick – This is one project with two things happening. The addition to the existing restaurant would create a new primary entrance to the building. The current lounge would become a small function room. New restrooms would be constructed up to standards. The back of the building will house a new bar/lounge. But the overall seating capacity remains the same. We are relocating the bar, which will result in a better flow and waiting area.

The second piece of the project is the retail building of 5150 sq. ft. Its primary entrance will be at the northwestern corner to give it its own identity. But we have tried not to make it too overpowering and to keep its scale in harmony with the existing building. The lower portion is a granite faced block with a stone appearance. In the deck area, along the back of the new building are some flower box details.

David Faist – I am the site civil engineer. We have developed the site plan and drainage calcs. I got involved with the project last summer. The original concept plan from 16 months ago included a centralized access off of Milford Street. One of the suggestions we had was to move the entrance further west. We met with Mass Highway. We now have a circular traffic pattern. It makes the site more accessible with an easier traffic flow. The restaurant serves lunch and

dinner. The proposed retail use would be a daytime use and would be lease controlled so that more parking is available at night for the restaurant. We now have two way traffic around the majority of the site. We would maintain access and exit out to Rustic Road. There is a one way traffic pattern along the eastern and northern part of the site. Right now the entire side is wide open with no sidewalk on route 126, no guardrail on route 109. In addition to the cut thru problem on Little Tree and Rustic Roads, a lot of people try to cut thru the Restaurant 45 parking lot. The idea is to close up the wide open access from Milford Street. We are proposing a guardrail along the south side of Route 109. Next to that would be a 4 foot sidewalk flush mounted. We envision cross walks like at Medway Commons. Presently, there is no drainage on site. Everything flows to north and out to Route 109. We prepared a landscape plan and lighting plan and overall that is pretty much it.

Paul Yorkis – I have some comments in response to PGC’s review letter which we received today. We really don’t have too many disagreements. I wanted to point out a couple of things regarding items 2-4. I talked to Bob Speroni (Zoning Enforcement Officer) regarding this. He acknowledged that there are non conforming structures but as long as the new structures are conforming, he does not see a problem.

Matt Hayes – Has the ZBA issued a variance on the building?

Paul Yorkis – No, it is preexisting, non-conforming. But the new building is conforming and the addition is conforming. I understand the question that Gino has raised but I don’t believe it is a problem.

Susy Affleck-Childs – I would like you to get that in writing from Bob Speroni.

Paul Yorkis – We don’t have any issues. The reason for the left hand and right hand exit lanes is for better traffic management.

David Faist – I will address VHB’s concerns. The parking area drains west to the curb and then north and out to route 109 along the gutter line and then 180 feet westerly to drain into the wetlands. The paved parking area at the rear drains southerly into the wooded area behind. Restaurant 45 drains out to Rustic Road and then out to route 126. There is a drain pipe in route 109 but there are no catch basins on our site that tie into the existing drainage system.

There are 3 main points in VHB’s review letter.

1. Walkway in front – One of their recommendations was to have a raised concrete island with 6 inch granite curbing. We will be meeting with the Development Review Coordinating Council next week. We want some input from Dave D’Amico. We don’t want to alter the existing drainage pattern. We understand there is some sidewalk work being done as part of the Route 126 reconstruction project.
2. Based on Massachusetts’ stormwater standards for redevelopment sites, we have designed the new part of the facility to meet those standards. VHB has recommended tying in the existing drainage. We don’t feel the need to add an underground pipe system for the existing structure. We will respond in writing to VHB’s recommendations.

3. Traffic review letter – We would like to go through that in more depth. Conley Associates who did the traffic study. The traffic generation counts need to be revised to reflect square footage vs. seating area.

Paul Yorkis – Let me summarize our presentation by making sure the Planning Board is aware that Mark Smith has a commitment to have this be a really nice entrance to the community. As people drive easterly down Route 109 into Medway, this is the first real commercial area they see. What we are trying to do is have this project, both the physical structure and landscaping, really be something everyone in the community will be proud of.

Matt Hayes – I do like this site design much better than the first concept, especially the traffic flow. I have 2 main issues. One is the proposed guardrail in the front. This is going to be an attractive building. Aesthetically, a guardrail is going to ruin that. I don't believe a guardrail is required. I would like to see the raised island instead of the guardrail with granite curb and either bituminous or concrete sidewalk across the entire frontage. I believe all the drainage on the site should remain on the site. It shouldn't be coming out to Route 109 or across Rustic Road.

David Faist – We have 5 feet depth of bedrock in the southwest corner of the site. Test pits were taken last July. We are willing to work with the Town. At next week's Development Review Coordinating Council meeting, it would be very helpful if we could see any more info related to the drainage plan for the Route 126 reconstruction.

Matt Hayes – In the traffic report, it wasn't clear whether the new building would be office or retail use.

Mark Smith – It will be retail.

Matt Hayes – Where are the loading docks?? There are no obvious loading areas for the retail store.

David Faist – The restaurant delivery area is at the south side. They have morning deliveries. People would park at the rear of the property for deliveries for the restaurant.

Mark Smith – We are going to look for a solid retail tenant with a 9 – 5 business. With what we are presenting being so nice, I think we will be able to be picky about who will go in there.

Matt Hayes – Another few questions. Is there handicapped access to the deck area from the parking lot or will it be thru the building?

Jay Melick – The deck area doesn't really have a use planned for it right now. It is only accessible thru the restaurant.

Paul Yorkis – The proposed new central entrance accommodates handicapped individuals.

Matt Hayes – What size vehicle does the turning radius on the one way aisle turning westbound onto Route 109 accommodate?

David Faist – A normal passenger car.

Matt Hayes – Any wetlands?

Paul Yorkis – There are no wetlands on the site. There are someone the adjacent property to the restaurant. There is approximately 75 feet from the disturbed area to the site.

Matt Hayes – Only 7 spaces on the plan were labeled for employee parking but the table shows 15 employee spaces are needed.

Matt Hayes – Is the lighting adequate for the parking lots? It doesn't look like it is enough.

Paul Yorkis – We will correct whatever needs to be adjusted so the lumens are at zero. Right now on the current building, there is a large floodlight that will be removed.

Andy Rodenhiser – What is the deal with having some of the parking and signage in the right-of-way. At the eastern end of the site?

Mark Smith – We have the Town's permission for the sign. When we opened, we had to go before the Board of Selectmen to get permission with the understanding that we could lose it if the town ever needed to develop the right of way.

Andy Rodenhiser – So we would retain that caveat.

Chan Rogers – I want to express my pet peeve. The east bound traffic on Route 109 does not have a left turn lane to go northbound onto Route 126. Trucks who want to turn left block the other east bound traffic. The state should have a left turn storage lane for the left turn so there can be eastbound thru traffic.

Paul Yorkis – Any improvement that a private property owner does in the right of way is done at the owner's peril. Mark understands he may lose those parking spaces.

Andy Rodenhiser – Wouldn't any redesign then impact the total number of parking spaces available on site because you would lose about 7 spaces.

Paul Yorkis – The existing left turn arrow doesn't work. I understand the conduit underneath the ground is crushed. There should also be a right hand turn for westbound Route 109 traffic. The final design of the intersection needs to be addressed.

Andy Rodenhiser – Will you use the outdoor deck between the 2 buildings for seating?

Mark Smith – We don't have any plans to use that for seating. We aren't ever going to go over the capacity that we have now.

Paul Yorkis – Think of this as a waiting area, like the outside area at Outback Steakhouse.

David Faist – We are not proposing sidewalk along Summer Street.

Paul Carter – MASS Highway has put the final design out to bid.

Paul Yorkis – Is it possible to get a copy of the intersection design?

Paul Carter – Sure.

Andy Rodenhiser – Is it likely or plausible that there is sidewalk planned for along there?

David Faist – I believe there might be sidewalk.

Andy Rodenhiser – So it might be necessary to relocate the Restaurant 45 sign if that area is used for the improvements.

Andy – greenery area – tht will disturb the existing asphalt

David – sawcut existing pavement and lay in granite curbing – maybe do a new topcoat

Andy Rodenhiser – What is the status of your meetings with abutters? Are they satisfied with buffers and lighting?

Paul Yorkis – I can't speak for them. There have been ongoing discussions between Mark and the abutters. The lighting will conform, it has to. The lighting will be directed to the property and not off the property. The fence has been extended. The landscaping plan is fairly extensive.

Andy Rodenhiser – In general, I think it is a great looking project and beneficial to the town and our commercial tax base.

David Faist – We currently propose to do a flush mounted sidewalk with the guardrail.

Chan Rogers – There is still a telephone pole and the traffic control box right where you need the space for a thru lane.

David Faist – It will be helpful once we get the 126 plan and see if they are going to move those things.

Paul Yorkis – I was told that the signalization was going to include pedestrian signals as well.

John Schroder – I had a question on the parking. You are not changing the seating in the restaurant but adding a waiting area. Do you feel that is enough?

Mark Smith – If adding seating on the deck becomes an issue then we simply wont put seating out there. I am just looking to make it more comfortable.

Karyl Spiller-Walsh – I know we had a lot of conversations about the deck area in the DRC. We envision the deck as a seasonal situation. We are very pleased with the architecture as far as it has come. It is aesthetically coherent and professional. We did make a comment in the DRC's recommendation on the building architecture. There is a foundation wall that goes around the entire building and the proposal is to use a split face concrete block. We would be much happier if it is a stone veneer or stone product. That should be upgraded. We talked briefly about the sidewalk area. There is very little landscaping/greenery along the eastern edge of the site. It



would be important to see if there is going to be a green strip incorporated into the Route 126 intersection improvements.

Mark Smith - I am happy to get involved in landscaping along there. I would prefer that to be aesthetically pleasing.

Matt Hayes – What is the minimum width for the drive aisle?

David Faist – It narrows down to 16 feet.

Matt Hayes – There is room for some more greenery.

Matt Hayes –I would like to open this up to the public.

Dave Ledden, 11 Little Tree Road – We live right behind the building. When Mark moved in he said he would be a good neighbor. There isn't enough parking now and even after adding 34 spaces there will be people parking on the streets. Right now the lighting goes right into my daughter's bedroom. We have complained about that but this has not been resolved. I want him to address that. Also, the property itself has not been taken care. I have pulled weeds on his property.

Mark Smith – What we have proposed is to spend \$90,000 on landscaping.

Dave Ledden – There are also safety issues. We have 23 young children in the subdivision. There is a cut thru our neighborhood. I am surprised it wasn't noticed in the traffic study. Unless you are going to control that by blocking it off, this project will increase cut thrus thru us. I am concerned that maybe our fire department will not be able to get around with the additional commercial development at that corner.

Rhonda Dhole, 5 Little Tree Road – My major concern is the safety of my kids, age 10 and age 6. With retail there will be increased traffic. There will be too much traffic. The privacy of my house is in jeopardy. Up till now, we have seen overspill parking on Rustic Road. I would expect it will start to overflow onto Little Tree Road. That is my main concern.

Eric Hoyer, 7 little tree road – I have the same concerns about traffic. The back up on Route 109 because there is no left turn onto northbound Route 126 causes people to use Little Tree as a cut thru. There are lots of kids in this neighborhood. Another thing, the idea of the deck looks nice but I have some concern about noise. If there are people hanging out there at night the noise will come into the neighborhood. In the summer it is later and they are loud. The noise issues concern me.

Ismiga, 4 little tree road – 2 year old son, - he runs out onto the street – it is almost not a residential area because of the traffic – noise from the restaurant wakes him up – sometimes music – late at night is harder for younger children –it will only get worse

Rhonda, 7 little tree – little tree road/109 there is a bus stop –

Rob Condon, 3 Rustic Road – I want to echo the sentiments on traffic. I have a question. When we got the public hearing notice it said 4100 sq. feet , but they are saying 5100 square feet tonight. Has that changed?

Susy Affleck-Childs – That is my error in preparing the public hearing notice.

Chris Bell, 8 Little Tree Road – I have 3 kids, 6 and under. So this is essentially more bar space?

Mark Smith – Yes, the key thing with the lounge space is that it is waiting space for diners, not a hangout. We are the earliest closing restaurant around by design. I have kids and I understand your concerns. We aren't interested in increasing traffic thru your neighborhood. I hadn't realized there was so much. We really want to help with better signage. We will work with (Safety Officer) Jeff Watson to get permission to do that. We will do our part and pay.

Andy Rodenhiser – How about no parking signs as well on Little Tree Road?

Mark Smith – Yes.

Paul Yorkis – Has Jeff Watson been invited to the Development Review Coordinating Council meeting for 1/18/06?

Susy Affleck-Childs – Yes.

Paul Yorkis – We can put together a street sign plan for Little Tree and Rustic Road to present to Jeff so we can review it with him.

Bob Hainey, 6 Little Tree Road – I am not worried too much about lighting. But we have called the Police Department to try to get them to deal with people who are zooming thru. Because the streets haven't been accepted by the Town, the cops will not do anything for enforcement. There are speeders around here and they don't care. Until the Town approves the road, the cops will not come and do anything. I understand the road is not done right.

Donna Hainey, 6 Little Tree Road – I have traffic concerns. We have tried to call Mr. Watson and was told that nothing can be done. To give approval for this project without addressing the traffic issues would be remiss on your part. Also, the back of 9 Little Tree Road gets water all the time and that concerns me. I am concerned about a retail store. If it does not get rented, then the building has an empty storefront. There is nothing is worse than that. You really must try to address the traffic issues.

Chan Rogers – That intersection has been a pet peeve of mine since I have retired. I was waiting for the Route 126 improvements thinking it will be an opportunity to straighten this out. I hope the backing up on eastbound Route 109 traffic will be addressed.

Andy Rodenhiser – What is the status of Speroni Acres (Little Tree Road and Rustic Road)

Matt Hayes – We need to look into what is outstanding to do.

Chan Rogers – Are you telling me that the police won't enforce speeding through there?

Karyl Spiller-Walsh – I see this as a Little Tree Road problem. I don't see any acerbation in the traffic generation issues with this plan. I think the plan of this commercial site is going to mitigate a lot of the safety issues. I agree that Little Tree is a problem.

Citizen ?? – The restaurant may solve its problem with cut thru traffic, but not ours.

Matt Hayes – The problem is the intersection itself. The Mass Highway improvements should solve it.

Citizen ?? – Can we wait until the roads are fixed before this proposal is approved?

Chan Rogers– That intersection problem has been there for 10 years. I have worked to increase the interval on the light by 100% . But that has nothing to do with the restaurant.

Paul Yorkis – Is it possible to find out whether the Mass Highway work is going to deal with this? When I spoke with Mark Louro (former VHB engineer), the new signals are going to be a demand activated system.

Paul Carter – Yes, that is correct. Right now, it is a fixed time signal. With a demand activated system it has loop detectors and will adjust the timing based on demand.

Bill Hoye, 7 Little Tree Road – My first question is re: wetlands. Has there been any study or thoughts? They do fill up into the yards. Will the drainage effect that at all? Spring would be a better time to do the study.

David Faist – The runoff to that area is different from the wetlands delineation. The proposed drainage design in this area is based on the increase in impervious coverage (building and parking lot). The water will not be discharged to the wetlands. We will have an underground drywell system. The overflow would be directed out to Route 109.

Bill Hoye – How does construction go? How late at night?

Matt Hayes – It will be limited by the approval documents.

Paul Yorkis – I know that you mentioned that the hearing is going to be continued. Based on the Development Review Coordinating Council meeting and the review letters we have received, we would want to come back in about a month.

The public hearing was continued to Wednesday February 15, 2006 at 8:15 p.m. – This is a special meeting instead of having a meeting on Tuesday, Feb 14<sup>th</sup> (Valentine's Day).

***PUBLIC HEARING CONTINUATION – Marian Community – Betania II Adult Retirement Community Special Permit and Definitive Subdivision Plan***

Associate member Eric Alexander joins the meeting.

10:05 PM

Bill Proia, attorney

Rich Coppa, Marian Community  
John Spink, Coneco Engineering

Bill Proia – Rich will update you on the plans.

Rich Coppa – Both of our engineers have been working diligently on our details. It has amassed to 85 pages and has taken a bit longer than we thought. We expect to have a good deal of the package done by Thursday (1-12-06). We have decided to separate the engineering from the architectural. We will hand deliver things to Paul Carter (VHB) and bring the architectural in for the DRC to look at one more time. We met with the DRC last night. Karyl wasn't there but she sent some comments. What you will see in the architectural package should be just what you are looking for. We have done something regarding the DRC's concerns about the structures being too symmetrical.

Bill Proia – Attorney John Fernandez is here representing an abutter Mr. James Carr, to the north of the site in Holliston. We have committed to sending him a set of plans as well.

Paul Carter – Will you be submitting the drainage calcs with the plans?

Rich Coppa – Yes, the whole package.

John Spink – We have worked on how to bridge the flow and how to get sufficient throat for the flow to go thru. We ended up with basically creating 3 bridges to the one we already had. We had one bridge and 23 culverts. We now have 3 bridges. We are trying to get the same flow with the weir.

NOTE – John Spink explained new approach and the overall situation.

Karyl Spiller-Walsh – What would work is a basic bridge.

John Spink – That is big bucks. This physically works.

Paul Carter – The question is whether it can get permitted thru the CONCOM.

Andy Rodenhiser – When we last met, didn't we talk about the previous design and the absence of details?

Eric Alexander – We need it to be more mature, a complete design and drainage calcs.

John Spink – It is coming with the next submittal.

Chan Rogers – What is the objection to doing a wider box?

John Spink – The original reason for proposing the culverts is expense as compared to a bridge. The bridges are pre-cast, 32 feet each. 3 bridges work.

Paul Carter – With a ditch and weir in the wetlands, you need to get some feedback from CONCOM. What they would like you to do is to limit your impact in the crossing. I understand

your problem with trying to match all your elevations. Maybe you need to look at a stepped opening. Maybe you need to raise the road.

John Spink – The CONCOM is relying on the PB and VHB's review for their analysis of the flood impact. I have been going under the assumption that I have to meet the same pool

elevations below and above. Can I make a different assumption? The CONCOM is looking to VHB for review of the hydraulics. I have been using the assumption of equaling the upper and down pools. Were you suggesting alternatives?

Paul Carter – It may have to be multi stage. The way you are trying to achieve this may not be permissible with the CONCOM. You may want to explore that with the CONCOM. You may need to look at a different design to minimize wetlands impact. I would suggest you get some input from them.

John Spink – The assumption I am making is correct?

Paul Carter – You know the regs.

Karyl Spiller-Walsh – There is a catch 22. What the PB might want to see may be difficult for the CONCOM to approve.

Paul Carter – He is proposing something that will have quite an impact on wetlands.

Matt Hayes – The cheaper option to have CONCOM look at this first, before you have VHB review it at the applicant's expense.

Paul Carter – You can pursue this with the CONCOM but you may need to do some sort of a multi stage type of opening to match existing conditions with a weir and ditches in the wetlands. The CONCOM may not be willing to approve that.

John Spink - I don't understand the option you are explaining

NOTE – Paul Carter explains it again.

Paul Carter - Talk to the CONCOM to see whether they would allow you this kind of impact.

Chan Rogers – The CONCOM will set the parameter as to what they will allow.

Matt Hayes – Do you want Paul (VHB) to review the hydraulic calcs as they are now or do you want to wait for the changed plans?

Paul Carter – If I review them now then I may have to review them again when it is relevant.

John Spink – Conceptually, do you think the weir and flow thru concept would be a solution

Paul Carter – No, because you are proposing it in a wetland. To expect that you are going to be allowed to construct something in the wetland is not a reasonable assumption.

Chan Rogers– The solution is to widen the bridge. The CONCOM is going to set some limitations on this.

John Spink – If I ended up building a bridge, it would be a \$300,000 bridge. We are trying to save money.

Karyl Spiller-Walsh – I don't know if the CONCOM is going to have much sympathy with this extent of wetland disturbance.

Matt Hayes – I don't want Paul to review this until you have touched base with CONCOM. Otherwise, it is a waste of time and money. This is a huge issue. You need to have at least a memo from the CONCOM to us that says they are OK with this conceptually if the hydraulics work. That is when Paul will review. I don't want to waste any more time and money if it is going to get shot down by another Town board.

Andy Rodenhiser – It is important for us as a board to use our time well. Are there other things we should be talking about with these guys?

Chan Rogers– I can see why you want multiple culverts because it is an expensive solution. The CONCOM may say you can't do anything there.

Matt Hayes – The CONCOM have to let them do something.

Paul Carter – You may need a wider opening for the next stage.

Karyl Spiller-Walsh – If this was a conventional subdivision, would there be other standards by which we would be more restrictive? Would there be the same issues??

Matt Hayes – Yes.

Chan Rogers – A for profit subdivision might be more comfortable with building a wider bridge.

Matt Hayes – The bridge has to work or it isn't saving anyone money

Susy Affleck-Childs – So we have nothing to recommend to the ZBA yet.

Matt Hayes – Correct. Are you going to bring that to the CONCOM

John – We will bring something to the CONCOM and meet with them next Thursday night (1-19-06).

Bill Proia - I want to introduce the mitigation matter. I want to make 3 points. We have a concept of mitigation. Essentially, to us, it looks like monetary mitigation cannot be imposed legally. But we understand the Town may need something. Voluntary mitigation is perfectly acceptable. I am trying to set the table. What impacts does the board see? What is appropriate to mitigate that?

NOTE – Reference is made to a draft letter dated 1-3-06 to Matthew Hayes from Attorney Proia regarding mitigation.

Andy Rodenhiser – At the risk of appearing arbitrary or capricious, do we have the ability to have somebody review what has been so far, to ensure that we don't violate anything.

Bill Proia – In my opinion, nothing you talk about is improper. Tie voluntary donations if you will to mitigate impacts. We want to talk about those. I didn't want my client to review something that was A-OK. That was the reason for trying to clarify things. What impacts are being created by our development?

Karyl Spiller-Walsh - Just a minor response to that. We have been thinking of mitigation not necessarily correlated with impacts. Our mitigation requests are tied more to the waivers, not necessarily linked with impacts.

Andy Rodenhiser – I am concerned that this is a public record and that what we talk about is part of the record of whether we do or don't issue a special permit.

Matt Hayes – I have not had a chance to speak with Town Counsel re: his opinion on this matter. I will do that at the earliest possible time I can.

Chan Rogers – I would like the board to go on record to request a legal opinion. I see the absence of that as an impediment to even discussing this. I don't think the fact that they are a non-profit institution precludes them from discussing mitigation.

A motion was made by Chan Rogers and seconded by Andy Rodenhiser to seek legal advice on Mr. Proia's letter.

Karyl Spiller-Walsh - I would like to suggest we go back to attorney Mark Bobrowski, if need be.

Matt Hayes – I would be inclined to discuss this first with town counsel.

Karyl Spiller-Walsh – We need some kind of comfort level.

Matt Hayes – I believe I can ask town counsel about his opinion of the applicant's interpretation of the bylaw and mitigation measures without jumping thru a lot of hoops.

Chan Rogers– I want to suggest something. We have already followed this path in another case (River Bend Village) which happens to be a for profit development. We could take a view that a religious organization would be exempt from that form of mitigation.

Andy Rodenhiser – I believe these housing units are going to be owned by individuals, not by the church. The fact that the church is a non-profit is irrelevant. They are undertaking the development of their property for a specific purpose. Any further discussion is dangerous.

Matt Hayes – I will bring up that point with town counsel when I speak with him. Is there anything further on mitigation that the board needs to discuss tonight?

Susy Affleck-Childs – I just want to note that with the subdivision, quite a few waivers are being requested. The subdivision is tied directly to the ARCPUD special permit.

Eric Alexander - I appreciate the willingness of the applicant to discuss this informally, and I would be willing to do so but I will defer to the rest of the board if you wish to wait until we have legal counsel's opinion.

Matt Hayes – I think I prefer to not discuss this without counsel

Karyl Spiller-Walsh – I was under the impression that our discussions were going on well. I found the letter (from Attorney Proia) to be hostile.

Eric Alexander – I appreciate the perspective of the applicant.

Matt Hayes – I don't want you to believe we are being hostile.

Chan Rogers - We are kicking the sleeping dog. We need to ask counsel whether mitigation is OK.

Bill Proia – Even if Town Counsel agrees with our general argument doesn't mean we aren't prepared to discuss voluntary mitigation.

The public hearing was continued to January 24 at 7:35 pm.

A motion was made by Andy Rodenhiser to extend the action deadline for the Planning Board's decision on the Marian Community subdivision plan to March 31, 2006. The motion passed unanimously.

***PUBLIC HEARING – Edward Reardon for 127 Main Street - Adaptive Use Overlay District Special Permit***

11:05 PM

Ted Reardon, applicant  
John Fernandes, attorney

John Fernandes – If you remember this from before, this application differ in any way from what you already approved. There is no change in the plan itself. At one point in the hearings from a year ago, the Building Inspector raised the question whether the Adaptive Use section of the zoning bylaw gave the Planning Board the authority to allow for the conversion of a single-family residential structure to a 2 family. I was comfortable with that as was the Board. However, last spring, the Planning Board petitioned town meeting to change the bylaw to make it clearer. That was approved. The applicant sought further input from the Building Inspector who felt a new special permit was needed to bring in the approval under the amended bylaw.



A motion was made by Chan Rogers and seconded by Eric Alexander to approve the Adaptive Use Special Permit for 129 Main Street. The motion passed unanimously.

Susy Affleck-Childs – I will revise the special permit for your signature at the next meeting and then file it with the Town Clerk.

John Fernandes – We will change the date on the plan and deliver it to you.

***FRANKLIN CREEK DEFINITIVE SUBDIVISION PLAN – Certificate of Action***

John Early, applicant  
Bill Halsing, Land Planning, Inc.

Matt Hayes – Due to the lateness of the hours, I would like to consider this next week. Does the Board want to go thru this finding by finding this evening? John, would you be willing to give us an extension of our deadline?

John Early – I would really appreciate it if you could act on it tonight.

Chan Rogers – I have looked at all the requests and I recommend approval.

Matt Hayes – I haven't reviewed it all the way through.

Susy Affleck-Childs - Would you consider a brief special meeting next week to finish this up?

The Board agreed to hold a special meeting on January 17, 2006.

John Early – OK.

A motion was made by Karyl Spiller-Walsh and seconded by Chan Rogers to extend the action deadline for the Franklin Creek Definitive Subdivision Plan to January 20, 2006.

***ANR Plan – BRIGGS PROPERTY/Adams Street***

Motion Andy Rodenhiser, seconded by Chan Rogers to endorse the ANR plan related to the Adams Street property being conveyed to the Town of Medway. Plan is dated \_\_\_\_\_ and was prepared by Paul J. DeSimone. The motion passed unanimously.

***INVOICES***

VHB – Plan Review - \$3,942.05. Motion by Chan Rogers, seconded by John Schroeder. Approved. Matt Hayes and Karyl Spiller-Walsh recuse.

VHB – Plan Review - \$3,450. Motion by Chan Rogers, seconded by John Schroeder. Approved. Matt Hayes and Karyl Spiller-Walsh recuse.

VHB – Plan Review - \$4,493.45. Motion by Karyl Spiller-Walsh, seconded by Chan Rogers. Approved. Matt Hayes recuse.

*Minutes – January 10, 2006 Medway Planning Board Meeting*

*DRAFT – February 1, 2006*

VHB – Construction Observation 2-33.06/grapevine estates – Motion by Karyl Spiller-Walsh, seconded by John Schroeder. Approved. Matt Hayes recuse.

VHB – Construction Observation - \$3,613.87. Motion by Karyl Spiller-Walsh, seconded by John Schroeder. Approved. Matt Hayes recuse

***OTHER BUSINESS***

John Schroeder – I am planning to attend the Metro Future meeting in Medfield on January 19<sup>th</sup>. Sponsored by Metropolitan Area Planning Council.

Susy Affleck-Childs – I will attend January 18<sup>th</sup> meeting of the Development Review Coordinating Council regarding Restaurant 45.

Andy Rodenhiser – What would be involved in trying to organize something to combine all the little lots on Milford Street? That is a significant chunk of real estate that is undevelopable right now because of the multiple ownership. Could I go to the IDC and talk to them about this. Focus on links to the master plan and the benefit to the town.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to authorize Andy Rodenhiser to contact the IDC to request their help in spearheading this project. The motion passed unanimously.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 12:05am (January 11, 2006).

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant

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