

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

Draft – February 2, 2006

Planning Board Meeting Tuesday, January 24, 2006

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

ALSO PRESENT: Paul Carter, VHB; Gino Carlucci, PGC Associates; Susan Affleck-Childs, Planning Board Assistant

Call to Order: 7:32 pm

Citizen Comments: None

Public Hearing Continuation - River Bend Village ARCPUD and Subdivision

7:35 pm

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to continue the public hearing to February 28, 2006 at 8:15 p.m. The motion passed unanimously

Invoices

PGC Associates - \$581.25 for plan review services. A motion was made by Andy Rodenhiser, seconded by Chan Rogers. The motion passed unanimously.

Public Hearing Continuation - Marian Community Betania II ARCPUD Special Permit & Definitive Subdivision Plan

Bill Proia, Attorney
Rich Coppa, Marian Community
John Spink, CONECO Engineering

Matt Hayes - Let's start with the bridge design.

John Spink – We took your advice and thought and looked at the bank account. We decided to quit messing around and not quite solve the problem. We now have an idea to really solve the problem. We have gone to a full box culvert situation which is side by side 12' by 3' box culverts, stacked one beside the other. The original U bridge is still in place over the creek. The top of the box culvert is 6 inches above the 100 year flood. This provides us with a roadway that comes across the cart path 30 feet wide and 4 feet higher than existing road is now. We will build two bumpers/jersey barriers on the side that go up 3.5 feet with a guard rail. We can do a metal post rail or jersey barrier with wood posts. The walkway beside it is 4 foot wide. All this on top of the culverts. This gives us the smallest footprint we can get. When we went to CONCOM, they were looking for less. But that is where we are at.

Karyl Spiller-Walsh – There are a lot of bridges like this on the cape.

Matt Hayes – Have you done the hydraulics?

John Spink – I have done it, they all work. We should have the full package to you on Friday (January 27th.)

Matt Hayes - Does the board have any comments?

Andy Rodenhiser – This handout you provided says a 3 sided concrete culvert.

John Spink – We will dig down 2.5 feet and bring up compacted gravel 1.5 feet and lay a 6 inch slab with steel and lay culverts on the slab.

Andy Rodenhiser – So the roadway is going to be laying on the slab?

John Spink – The bottom structure is the slab?

Andy Rodenhiser – Are you really talking about a jersey barrier?

John Spink – We need an edge to hold soil that will be a reinforced concrete beam.

Karyl Spiller-Walsh – I am sure that when it is decided that this is effective that the DRC will want to have a look at it for the vertical elements. Perhaps an alternative to the jersey barrier will be needed.

Paul Carter – Why wouldn't you do a box culvert as opposed to a U culvert?

John Spink – We are looking at the actual construction. Our construction guy prefers the U shape.

Paul Carter – I believe when 3 sided culverts are usually constructed, it is on footings. So, you are going to have a structural engineer review this?

John Spink – Yes, we will have that done.

Matt Hayes – At the last meeting, we noted that we wanted to discuss mitigation ideas at this meeting. There was a letter from the applicant to the Board and Town Counsel. I spoke with Mr. Maciolek and he feels that requesting mitigation that is not germane to the project would not be appropriate. However, he did feel that mitigation offsite or otherwise that could be directly linked to the project would be something that the Board could request.

Andy Rodenhiser – So we could look at the impact that the elder community would have on the senior center?

Matt Hayes – Dick felt that would be a reasonable request.

Andy Rodenhiser – What about the exclusionary aspect of housing as it relates to this particular community. Because it is closed, there is no opportunity for affordable housing open to the public. We can't ask them to put affordable housing on site but perhaps we could ask them for funds to be directed to be used for affordable housing elsewhere in town.

Matt Hayes – I didn't ask him Mr. Maciolek that particular question. I would like to ask the applicant if they have any ideas they would like to offer.

Bill Proia – Is Town Counsel planning to submit anything in response to the letter?

Matt Hayes – Not at this moment, we could probably get something.

Bill Proia – Just for the record, by the nature of my profession, I have to have an argument and citations. It would be helpful to me if I could have a conversation with him or if he could send me a quick note. Did he say anything about how we could make the connection? Let's take the senior center as an example. How do you decide there is a link? Is it just a number? Can we quantify something? We don't have any idea how to put a dollar value on this. We need some help on how the impact might be determined. Maybe the senior center has some numbers on what a typical user costs them. That might help us figure out what our impact would be.

Matt Hayes – The only hard number we have now is what other the ARCPUD project (River Bend Village) has offered.

Andy Rodenhiser – We could use that as a basis.

Matt Hayes – We need to consider the for-profit vs. non-profit factor.

Chan Rogers – It is a fairly simple process. You have X number of people that will be in your community so it is reasonable to think that those people will use the senior center facility.

Bill Proia – Do you want us to come up with a number? We have some ideas on what our participation rate might be with the senior center (as compared to the general senior citizenry). We can do our own internal evaluation.

Eric Alexander – That would be helpful. It would also be good for us to take a look at the community at large. We could take a look at the population of Medway and the participation rates.

Bill Proia – Some of the things that are done at the senior center we won't need. We can look at what sort of services might be used.

Karyl Spiller-Walsh – What we do have to date is an existing ARCPUD that has offered to allocate funds to the senior center for expansion. We all agree there should be some consideration for the non-profit, religious aspect of your organization and your use of your own facility.

Bill Proia – Our money would have to come from the people who buy it. It would be easier for us to do it incrementally.

Eric Alexander – The timing would be something to be negotiated. Incremental payment is reasonable because the impact is incremental.

Bill Proia – We will make that a part of our proposal. We will look at 6 months.

Karyl Spiller-Walsh – We are envisioning a per unit kind of concept.

Chan Rogers – The senior center is very activity oriented. It is the first thing that gets cut in the budget crunch. There is a real scarcity of funding.

Bill Proia – Just another note, connected to that. I know you know this but senior communities tend to generate net tax dollars to the town, rather than having to use the funds for schools.

Rich Coppa – Because of the nature of our community with our own spiritual life center, many activities will occur there. We have an exercise room, library, full commercial kitchen, nurses for health checkups, etc. I don't believe we will need the senior center's van for visits to doctors. I think there will be interest in fee based trips.

Matt Hayes – It would be helpful if you could describe the uses you have on site.

Eric Alexander – We aren't looking to be punitive.

Rich Coppa – And we want to be fair.

Chan Rogers – Will your facility accept non residents for those activities?

Rich Coppa – No. But the facility is open to others for retreats.

Matt Hayes – In speaking with another attorney about mitigation he noted that because of the non-profit nature of the community and your request for so many waivers, we could ask for your financial information about the construction and sales prices you anticipate.

Bill Proia – I feel it is fairly propriety information.

Susy Affleck-Childs – This is standard information for any type of 40B application.

Eric Alexander – They have to put that together for any funders. We are asking for your proforma.

Bill Proia - We will take a look at that. Many of the waivers are to accomplish a low impact type development. We will come up with a list of the waivers that may be actually saving us development money vs. those that are mutually beneficial.

Matt Hayes – If you could provide the information, it would be helpful.

Andy Rodenhiser – That would also give us the basis for why we did something for this project, and what was the basis for the decision.

Karyl Spiller-Walsh – A lot of the waivers we have granted thus far are of a big financial savings to your community, related to road width.

Bill Proia – We will try to be fair when we look at this.

Matt Hayes – Anything else?

Susy Affleck-Childs – The plans that will be coming in will include what?

Rich Coppa – It will be 100% of the package – plans, hydraulics, architecture and landscaping. They will cost about \$150 a set.

Susy Affleck-Childs – Let Matt Hayes and I talk about how many full sets we need to circulate to other town boards/departments. Who really needs what?

Karyl Spiller-Walsh – DRC wants to see the whole architectural set. They don't necessarily want to meet with you but they do expect to see improvements. We want to see you step up to the plate on the building design.

Paul Carter – VHB wants 2 full sets.

Matt Hayes – Susy will get back to you on Thursday on the number of plans, etc.

Bill Proia – The ZBA is waiting for the Planning Board's recommendation on the bridge. Could VHB look at that first?

Paul Carter – Sure. We can do that as a priority.

A motion was made by Chan Rogers, seconded by Andy Rodenhiser to continue the public hearing to Wednesday, February 15, 2006 at 7:35 p.m. The motion passed unanimously.

NOTE – The meeting will be in the library at the new high school on Summer Street.

Public Hearing Continuation – The Maids, 149 Main Street – AUOD Special Permit

8:15 p.m.

Robert Goodliffe, applicant
David Faist, engineer

Matt Hayes – Welcome back.

Robert Goodliffe – As a result of some feedback we have had from neighbors and info that has come to light, we are still keen to move the business to this property and ultimately to move the Maids into the building that the day care center is presently located. The existing lease is not going to be renewed by the current owners. I am aware of the concerns that the Board has expressed around the issue of the two uses together – The child care center and an office for The Maids. It might be prudent to move to plan B and explore getting a permit to run The Maids out of the barn and use the existing house for a 2 family residential. I would rather just discuss this fully.

Matt Hayes – Would you be seeking to extend the lease for the day care operation?

Robert Goodliffe – My priority is to find a location for my business. So my short term plan would be to move The Maids into the day care center space. Ultimately I need to protect my interests as well and recognize your guidance as to what is acceptable.

Matt Hayes – The traffic patterns were a major concern for a number of us it with the day care schedule and your operations schedule. I think that The Maids in the barn and residential in the house solves the problem. If you would go down that route, I would certainly be pleased.

Eric Alexander – I think it makes it much cleaner.

Robert Goodliffe – I am on a drop dead time schedule for the purchase of the building. If I am going to have to stop and start again, that would be difficult. I would be looking to change my application and not start over. I would just hang on in at the Mill where we are presently located. The day care center's lease is thru May 31st.

Matt Hayes – Part of the permit would have to be specific that The Maids operation would be in the barn.

Mark Ccrel, Trustee of the immediate abutter at 151 Main Street - I would go along with their amendment. What is now being proposed is in the best interest of my mother who is the beneficiary of the trust and lives at 151 Main Street. There are a few conditions that I would be glad to discuss. Originally, from the 1950's on, the house was a single family house. It was sold, and resold and then they asked for a business use. There were a series of special permits for business uses. Then the current owners (Paul Yorkis and George Papodopolous) came in with a request to use the house for 2 families and the barn for 3 families. We adamantly opposed the barn being used. The ZBA allowed the 2 family in the house and restricted the barn to no habitation. Another condition of that permit was closing off the driveway from Main Street. On the way out of the door after that hearing, Mr. Yorkis said he would come in with an exempt use for the barn. That was the day care center. They were able to put that in and do all the paving work with no oversight. It has been a nightmare for my mother. The playground was put on the old driveway. The echoes are terrible. What is being proposed now is infinitely preferable.

Matt Hayes – With any of the special permits that we grant in the AUOD, could any of those people add a day care center?

Gino Carlucci – I believe they could as day care centers are an exempt use.

Mark Cerel – It is use that you cannot require a permit for, but you can have certain regulations for setbacks, parking, etc. That is something that Medway hasn't done. It's too late for this property, but it is something you should do.

Andy Rodenhiser – What if we were to grant the permit such that if the day care use came back, it would extinguish the special permit for his business? Can we condition the issuance of the special permit?

Mark Cerel – The barn was done to be a day care center. I would question whether the main house could ever meet state standards for a child care center. In the interim you could establish some minimum standards.

Robert Goodliffe – I understand that the child care center has a variance to use the upstairs without an elevator.

Robert Goodliffe – I am planning to live on the second floor of the house.

David Faist – We can modify the site plan.

Eric Alexander – I am supportive of the idea of that. But I am not entirely sure that we can significantly alter this project without a new petition/application.

Gino Carlucci – During the public hearing process, a project can change. I don't think it is necessary for them to withdraw and resubmit a new application.

Mark Cerel – There is some risk, the classic thing with zoning is once you get by the 20 day appeal period there is a question of who has standing to appeal. Other than other town boards and an abutter, no one else would really have cause or standing to appeal.

David Faist – With the switchover of uses, we have rearranged the parking yet. It becomes less dense from a zoning requirement. Now we would be looking at 8-10 spaces total, much less than first proposal. We can widen some of the aisles and make it work better and allow for a turnaround. I did talk to Dave D'Amico (Medway DPS director). All the drainage now goes out to Evergreen. Our intent would be to balance it with new landscape. The dumpster could be put in a different location. Would you still like to see a separate existing conditions plan?

Paul Carter – It is clearer when you have 2 separate plans. And if you have it, please include the topography.

David Faist – Should we tie it into the 88 datum?

Matt Hayes – OK

Karyl Spiller-Walsh – Eventually, there needs to be a landscape plan as discussed at the DRC meeting. That might include the whole space that is next to the Cerel property where the playground area is located. You need some sort of a concept or stone wall that would go across where those 2 parking spaces were on Main Street.

Andy Rodenhiser – How are you going to address signage?

Robert Goodliffe – We would discuss with the DRC.

Karyl Spiller-Walsh - We had a discussion about color at the DRC meeting. Robert is fond of yellow. We suggested that he use the same exact same yellow as the CPA house. It would look horrible otherwise.

Andy Rodenhiser – Yellow to match The Maids car?

Robert – No, no, no.

Matt Hayes – What architectural changes are proposed?

Robert Goodliffe – We are looking only to remedy, not make changes.

Karyl Spiller-Walsh – You might want an entry that is more appropriate for The Maids entrance.

Matt Hayes – Will you be closing the curb cut?

David Faist – The old curb.

Mark Cerel – There was never any curbing along there, just berm.

Robert Goodliffe – We will improve aesthetics of the front and we want a tasteful sign.

Susy Affleck-Childs – We should bring up the possibility of sidewalk construction. We did a contribution in lieu of sidewalk construction for 127 Main Street AUOD project.

Matt Hayes – Is there sidewalk now?

Mark Cerel – It doesn't look like it goes the full distance of the frontage. It goes to the west.

Andy Rodenhiser – There is interest by the Medway Business Council to have a sidewalk on that side of Main Street.

Susy Affleck-Childs – How about if we have Paul Carter prepare a cost estimate for sidewalk improvement/replacement.

Karyl Spiller-Walsh – Make sure there are no chain link fences.

Paul Carter – Can we ask Dave D’Amico look at the sidewalk and give us some ideas of what he would want?

NOTE – Mr. Goodliffe is scheduled for February 6th with the Design Review Committee and Feb 15 for PB mtg

Mark Cerel – Because of my work obligations, I probably won’t be able to attend the February 15th meeting. The conditions I want to see addressed are to have access from Route 109 be restricted. I would like to see a landscaped buffer between two houses where the old driveway was located and no vehicular traffic there. Reasonable hours of operation too. We seem to be in agreement on what that would be. Again, I don’t oppose the continued use of the main house as a two family and the access would continue to be from Evergreen. That is pretty much it.

Matt Hayes – We should have the plan into us ASAP, even if there are some more changes that come about at the 1/6 DRC meeting.

A motion was made by Andy Rodenhiser, seconded by Chan Rogers to continue the public hearing to February 15 at 9 pm. The motion passed unanimously.

Andy Rodenhiser – Those changes in regulations that you suggest, can you tell me more?

Mark Cerel – Within Chapter 40A, towns may establish reasonable regulations for exempt uses. You have a lot of authority if you get it in place. It could be done for the next town meeting.

Andy Rodenhiser – I want us to be prepared with some text for to amend the zoning bylaw to provide regulation of exempt uses. Also . . . changing the town’s bylaw to allow the Planning Board to have 3 year terms.

Susy Affleck-Childs – I will work on those.

Pre-application Meeting - Charles River Acres Open Space Residential Development (OSRD)

Robert Babcock, engineer from Dunn McKenzie
Kip Derazonian, applicant
David Baraducci, landscape architects

Robert Babcock – I was here before you 7 months ago with a preliminary (conventional) subdivision plan. At your suggestion, we explored the possibility of OSRD. The site is located off Village Street off Neelon Lane, Cherokee and Charles River Road. It is a combination of fields and woods that goes down steeply to the Charles River. Public water and sewer. We propose to build 550 feet of new road off the end of Cherokee. We propose 10 new single family lots ranging in size from 11,250 to 14,000 sq. feet. Lot 11 would consist of the existing house on Neelon; that is not being counted as part of the OSRD. For stormwater runoff, we are looking at drywells on roofs and underground infiltration. The final design would meet standards for Mass Best Management Practices. We expect a deep water table. We will do soil testing. The wetland edge has been delineated and has the Charles River bank, bordering vegetated wetlands, and riparian zones and flood zones. None of the construction would be in the jurisdictional limit of any of these zones, except for paths to the river. We would intend to ask for 3 waivers from

the Subdivision Rules and Regs – ROW width to 40 feet instead of 50 feet; road length for dead end street extension longer than 600 feet; and a reduction in paving width to 18 feet with cape cod berm. We would be happy to take comments.

Matt Hayes – What is the length of the street?

Gino Carlucci – It is about 1000 feet from Village to Cherokee.

Matt Hayes – At the previous meeting (on the preliminary plan), we had talked about emergency access with Neelon. Have you explored that?

Robert Babcock – The lots can be reconfigured to allow for an extension of Neelon Lane south. The ROW of Neelon is 17.64 feet. The paving is only 12 feet in width.

Eric Alexander – I have significant concerns about safety. I would want to see emergency access explored thru Neelon Lane.

Robert Babcock – Would a wider pavement in the street alleviate that?

Eric Alexander – Whether bad or good weather, this is a pretty dense neighborhood with minimal paved surface as it is. If we are going to consider adding units, there needs to be an alternative way in and out.

Matt Hayes – I think it would be unreasonable to ask for Neelon to be extended and used.

Karyl Spiller-Walsh – We can ask them to improve Neelon.

Eric Alexander – We need to explore that option.

Karyl Spiller-Walsh – I have a lot of trouble with the density. I would like to see you include more open space on the river side. You are showing very large house footprints that are very inconsistent with this neighborhood. I would like to see you pull 2-3 units. Where would those infiltration systems be located?

Robert Babcock – At the southern portion of the development site. We want to minimize disturbance. These house footprints are conceptual at best.

Karyl Spiller-Walsh – There is a big jump in intensity of size with what's around it. You need to better integrate it with the existing neighborhood.

Robert Babcock – We do show some proposed landscaped buffer that we would elaborate on further. The infiltration systems won't be that big. The soils are excellent. Roof runoff will be handled with dry wells. There are lots of ways to minimize the amount of disturbance.

Matt Hayes – All of the landscaping you show along the lot lines, is that existing or proposed?

David Baraducci – The thicker line is existing woods and the thinner line is new landscaping.

Robert Babcock – A lot of the area in the center is fields/brush. The heavy woods are down by the river.

Robert Babcock – One of the other ideas we had with this is sort of a long range. All of the lots that run along Village Street are long and narrow and people might want to divide at some point. We have left a section of open space so that the road could continue thru another 500-800 feet to the east and make a river side green belt in theory with an access ultimately out to Village Street.

Matt Hayes – The open space that you show there for the roadway – is that in addition to the required amount of OSRD open space?

Robert Babcock – No. That area is included in our open space calculation.

Matt Hayes – We have some review notes from our consulting planner Gino Carlucci.

Gino Carlucci – One concern I have is procedural. Does lot 11 have sufficient frontage to become a compliant lot? There is also the dead end issue. They do show pedestrian access to Neelon. Perhaps that could be upgraded to be wide enough to accommodate fire vehicles. They mention the possibility to extend the road easterly in the future. That might be a reason to not grant a waiver on ROW to 40 feet and paving to 18 feet. Under the current Subdivision Rules and Regs, an 18 foot paved width is only allowed for a private way of 3 or fewer lots (not for a public way with 10 lots). That strip of open space should be designated as future right of way instead of as open space. The OSRD bylaw has text that open space cannot include an area for future roads. One more item pertains to the trails. There are other trails down by the river. Make your trails connect to those.

Eric Alexander – I understand that topography is an issue but what I would like to see is for the trail to go along the entire length of the riverfront. I would also like to see a small canoe launch there if possible and some accommodation for public parking. We need to see direct access to the river down there. That may mean you lose a lot.

Karyl Spiller-Walsh – I have a question on the riparian zone. Is it legitimate open space if it includes the riparian zone?

Gino Carlucci – The formula for the yield plan excludes the riparian zone. You would want it to be in the open space.

Andy Rodenhiser – My biggest concern is the length of the dead end. I don't know if it is counter productive but would it be practical to make a loop with Massasoit?

Matt Hayes – That still wouldn't satisfy the dead end matter.

Robert Babcock – We explored that but it makes the house locations go too far south.

Gino Carlucci – They may be able to seek a finding from the Board of Appeals that it would not be any more nonconforming.

Robert Babcock – Our professional land surveyors feel that would be very doable.

Gino Carlucci – It becomes a new lot that does not conform with zoning.

Karyl Spiller-Walsh – I would advocate for a 40 foot wide roadway layout as long as there is at least 18 feet of pavement. The cul de sac should be landscaped.

Robert Babcock – The cul de sac works for fire equipment and school buses.

Susy Affleck-Childs – How do you feel about the need for a roadway width waiver. This would be in direct conflict with the new Subdivision Rules and Regs, which require 26 feet paved roads and sloped granite curbing.

Robert Babcock – I believe we could make the emergency access fit it quite nicely from Neelon. With a hard enough surface for emergency vehicles to go over but it could also be used as a walking area too.

Eric Alexander – I would echo Karyl's concern about the density. I appreciate the economics of what might be necessary. I can't commit to exactly what would make me happy, I just feel that the total of 11 lots is too dense there.

Matt Hayes – You need to speak with the Fire Chief about the emergency access off of Neelon.

Robert Babcock – The applicant doesn't want to spend a lot of money if the dead end waiver isn't going fly. We will reduce the density and do an emergency access.

Eric Alexander – I am not opposed to the dead end. It is just that the number of lots/houses proposed it still seems pretty high to me.

Robert Babcock – How does the Board feel if the number of lots was reduced? The OSRD allows for attached units.

Eric – I want to see less square footage devoted to housing.

Andy Rodenhiser – I am concerned about 600 foot issue. This is such a tiny neighborhood. Everything is very tight in there. What you will do is change the scale and the quietness. What would your alternative be if this waiver were not granted? Would we want them to even consider sole access to the site from Neelon and not come in off of Charles River Road at all. Is it possible?

Karyl Spiller-Walsh – It would be a very difficult job for his landscape architect.

Robert Babcock – It is about 285 feet along Neelon from Village Street to the site.

Susy Affleck-Childs – I believe you would still have a street longer than 600 feet.

Andy Rodenhiser – There would be a lot less pavement.

Karyl Spiller-Walsh – Another thing to consider is to consider the scale of the neighborhood in the style of the houses. The houses you would probably want to consider are all extremely vertical massive style. You should try more of a bungalow that would hug the ground more and not be invasive of the vertical space.

Robert Babcock – That would be doable on the down slope side.

Karyl Spiller-Walsh - I would want to see houses eliminated from the down slope.

Dan Hooper, 6 Naumkeag Street – Some of the questions I had have already been answered. The 18 foot paved width, how does that relate to the existing pavement on Charles River Road and Cherokee?

Robert Babcock – Very similar.

Dan Hooper – With respect to the contemplated emergency access, it would have to be plowable and maintainable to be useful. The first go at this site, you showed duplexes with the preliminary plan. We have a varied neighborhood of styles here. I didn't know about the applicant's thought on the efficiency of the land use going from duplex uses to detached.

Robert Babcock - We thought the duplex design was OK.

Eric Alexander – We did not encourage you to go to strictly single family houses when we suggested you look at the OSRD.

Dan Hooper – You have done a 180, why? Obviously there is some confusion.

Robert Babcock – We got the message on the quantity of duplex lots.

Gino Carlucci – At that time, it was not an OSRD but 6 duplexes that would have needed a special permit from the ZBA.

Robert Babcock – We also changed the roadway to come in off of Cherokee. This provides better access and less street length.

Eric Alexander – I would be willing to entertain some duplex units if it would reduce the # of lots and the overall square footage. The decision whether to permit multi-unit structures now rests in one place with the Planning Board through the OSRD option.

Andy Rodenhiser – When we reviewed the Candlewood plan (Village at Pine Ridge), the area that extended off of Candlewood Drive was to be a private road for the condo. Is it possible that this could be a privately owned and maintained road? From a consistency standpoint, that might be good approach.

Matt Hayes – I don't think it is relevant in my opinion. Do you have any desire to make it a private way?

Kip Derazonian – I didn't see any benefit for that.

Andy Rodenhiser – It could be an association type road.

Robert Babcock – I have seen this to be problematic. It is a great idea but practically it doesn't seem to work.

Robert Babcock – This is a special permit so what are the voting requirements?

Susy Affleck-Childs – 4 out of 5 affirmative.

Karyl Spiller-Walsh – It is important for you to think about architecture. You will need to go to the Design Review Committee with the multiples.

Repetition Request - Ted Cannon on behalf of William and Amy Fletcher

9:45 p.m.

Ted Cannon - We are here to ask for your permission to seek a variance again from the Zoning Board. The Fletchers brought an application to the ZBA for a house lot off of Lovering Street seeking variances from frontage and lot shape factor requirements. That application was denied. The Fletchers had a new plan drawn and expanded size and shape of the lot so it would comply with lot shape factor standard. We feel the steps that they have taken are material enough to address the ZBA's denial for it to be reasonable for them to come back. Your review is not about the merits of the request but whether they meet the requirements for sufficient and material change. The total lot frontage is 137 feet but it is not contiguous. The land acquisition makes the lot shape factor work.

Karyl Spiller-Walsh – What percentage of that do you evaluate as wetlands?

Ted Cannon – I don't know for sure. There is some.

Matt Hayes – Your hope is that the ZBA would approve it as a buildable lot?

Ted Cannon – If we are fortunate enough to get your approval, we will file immediately with the ZBA.

Gino Carlucci – They eliminated one of the non-conformities. It has changed. It seems to merit reconsideration.

A motion was made by Chan Rogers, seconded by John Schroeder to approve the repetition request of William and Amy Fletcher for _____. The motion passed unanimously.

Matt Hayes – That land transaction to enlarge the lot will need to come back to the Planning Board as an ANR.

Informal Discussion – Possible Modification Daniels Wood Definitive Subdivision Plan

Fred Sibley – I am back. This is simple. Much of the money that came from the sale of the other lot was spent in catch up. My kids still need to go to college so I am thinking how can I do this. Daniels is off of Brandywine which is off of Oak Street. Your subdivision approval included a condition that I cannot develop my property for more than 3 total lots. I am looking at all my options. I use my mom's house as a rental property. I want to switch my frontage to the cul de sac. That would allow the frontage for my mom's house to be on Oak Street.

Susy Affleck-Childs – This would be an actual modification to the subdivision plan because lot lines would be changed. So we would have to go thru the whole process.

Fred Sibley – Basically it is a temporary design.

Karyl Spiller-Walsh – I would recommend that you get it together and put a road in and do it right.

Andy Rodenhiser – It sounds like the premise of changing what was already agreed to is predicated on an economic hardship.

Fred Sibley – It seems crazy to have to go thru the entire engineering. Why couldn't you require that I would have to come back to you when I actually want to build the roadway?

Gino Carlucci – Under Massachusetts law, if you have frontage and area, you have a lot by right and can bypass the subdivision approval process.

Fred Sibley – I don't see why you can't put restrictions on it.

Matt Hayes – I think you would have to engineer it, but not build it.

Fred Sibley – I need to dig up the agreements, and covenants.

Susy Affleck-Childs – I will put together an info packet for you on all of this. This is hard as 3 of the 5 board members were not involved when you came in with your plan before.

It was agreed that Fred would come back at some point.

OTHER BUSINESS

Construction Observation Estimate for Franklin Creek

A motion was made by Andy Rodenhiser, seconded by Chan Rogers to approve VHB's estimate of \$6,640.20 for construction observation services at Franklin Creek. The motion passed. Matt Hayes recuse.

Construction Observation Estimate for Hopping Brook

A motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers to approve VHB's estimate of \$5775 for construction observation services at Hopping Brook. The motion passed. Matt Hayes recuse.

Informal Discussion – Forthcoming Site Plan Applications

Ellen Rosenfeld, Ellen Realty Trust
Dan Merrikin, Merrikin Engineering

Dan Merrikin – We are here to talk about 2 pieces of land tonight in the industrial park on the Millis line. This is an informal discussion. I have a sketch plan so you can look at it. The area is at the end of Marc Road. It is the current home of Fasolino Landscape. He has a yard there where he stores loam and other landscape materials. There is a firewood cutting business at the back of the site. The site began to be used for these purposes about 7-8 years ago. Based on neighbor complaints, Bob Speroni (Zoning Enforcement Officer) inspected and issued a cease and desist order ruling that the uses were not allowed and that site plan approval had never been received. Ellen appealed Bob's determination to the ZBA, which ruled that the uses were permitted but that a site plan is needed. There are no structures on the site. There is a shed roof over the sand bin. There are a couple of trailers in the back with tools for the log splitting operation. This is all open storage earthen materials, loam, bark mulch, sand and in the back is logs and split wood. The property is owned by Ellen Realty Trust and leased property. The thought is that we have to come in for site plan approval. We do have a couple of issues with this lot. The back strip of the parcel is zoned residential/agricultural. The log splitting operation is there and will have to be moved to the industrial portion of the property.

Ellen Rosenfeld – I talked to somebody about rezoning some of that land.

Andy Rodenhiser – That was me. We are trying to expand commercial use. It would be nice to have an applicant to do this with.

Dan Merrikin – The second issue is that they do have plans to put up a building on the site but that is in the near future. We need to come in for site plan approval to address Bob Speroni's cease and desist order. The drainage swales on the site that were built in and have been there forever.

Ellen Rosenfeld – I have to propose a settlement to the judge. I have a joint conference with Town Counsel Dick Maciolek and the judge and he wants to know what I am going to do.

Susy Affleck-Childs - If a judge tells us to do site plan review, we will but there is nothing about this that would normally require site plan approval – no construction.

Gino Carlucci – You can come up with measures that would apply to the situation like dust control.

Andy Rodenhiser – Buffer areas could be added.

Matt Hayes – Show parking areas and add a vegetated buffer along the back.

Ellen Rosenfeld – The neighbors are concerned about noise and dust.

Dan Merrikin – This is the second site plan we need to file. We have 3 parcels and this is the one the neighbors are complaining about. This is all clear, outside storage. Matt Fasolino runs a lot splitting operation and on the other two parcels are for Rosenfeld Realty storage.

Ellen Rosenfeld – We talked about moving the stuff so it is not as close to the residential neighbors.

Matt Hayes – There are no buildings on any of these 3 lots?

Dan Merrikin - It has been this way for 15-20 years.

Ellen Rosenfeld – We won't sell the land as long as my father is alive.

Matt Hayes – This needs to be two separate site plans.

Karyl Spiller-Walsh – By us getting involved, we have to be concerned about the neighbors concerns.

Ellen Rosenfeld – The uses are permitted within the Industrial Zone. The only thing that would alleviate this a bit is dust control

Matt Hayes – How?

Andy Rodenhiser – Sprinkler system.

Ellen Rosenfeld – The sound of the dump trucks is a concern.

Chan Rogers – How long has this been around?

Dan Merrikin – Since the mid 70's.

Ellen Rosenfeld – The houses preceded the development of the industrial park. The neighbors are complaining because there is more activity than there used to be.

Matt Hayes - What is the buffer area? Is it evergreen?

Dan Merrikin – Deciduous.

Andy Rodenhiser – You could have an acoustical consultant to look at mitigation, even if they said nothing that can be done.

Ellen Rosenfeld – I can talk to him about his hours of operation.

Dan Merrikin – He is bound my daylight. Even in the summer, he is only here 2-3 days a week.

Matt Hayes – What we need to see in a site plan is fencing, increase the vegetated buffer to include evergreens, dust control measures, move some of the storage piles further away from the abutting residences and closer to the roadways.

Andy Rodenhiser – Analyze the uses and have the most activity and move those to the other site.

Ellen Rosenfeld – OK.

Dan Merrikin – Screening of the loam is the loudest of the activities.

Dan Merrikin – How do you classify this as a major or minor site plan?

Susy Affleck-Childs – It is considered a major site plan unless Bob Speroni determines otherwise.

Andy Rodenhiser – We want to increase our business tax base. It is important for you to hear that we would encourage business development. We are trying to designate some sites for a special program with the state for fast track permitting.

Matt Hayes – So how many site plan applications do we need?

Dan Merrikin – It is in common ownership.

Matt Hayes – It seems to me that you could do this as one application. If Bob is OK with it, then we would be.

Lot Release for Lot 14B in Birch Hill subdivision

A motion was made by Andy Rodenhiser, seconded by Karyl Spiller-Walsh to approve a lot release for lot 14B in the Birch Hill subdivision. The motion passed unanimously.

Smart Growth Grant

Matt Hayes – We have been approved about \$30,000 for 3 tasks

1. bylaw for mixed use town center
2. rules and regs for low impact development
3. finalize inclusionary zoning bylaw

We were notified in October. We did not act on it due to concerns about matching funds. The new Town Administrator felt the town's finances merited holding off. She has now said it's OK to go ahead but in going ahead we would have to spend the money by the end of June. It looks like we can get 2 of the 3 fully done. The mixed use town center district would take the longest.

Gino Carlucci – I think there is no problem with any of the public participation. Probably no probably no problem with having a meeting with the BOS, Medway Business Council, IDC, and property owners, and ZBA and Affordable Housing Committee. We might be able to get in at least one public meeting and another one in June.

Matt Hayes – Do you think we can get thru the tasks we have outlined here?

Gino Carlucci – Yes . I think the only thing we couldn't get done would be to meet individually with the property owners. But I think the big meetings with the town boards and one big public hearing are doable.

Andy Rodenhiser – We can introduce the concepts at least.

Gino Carlucci – The proposed zoning bylaw wouldn't have to go to town meeting this year.

Andy Rodenhiser – Maybe it could go to a fall special town meeting.

Gino Carlucci – I think we should tailor this to be an overlay district. With an overlay, all you are doing is adding options. IF we draft it to comply with the State's new 40R program, just adopting the bylaw it would result in a zoning bonus payment and a preference on grants.

Andy Rodenhiser – It may open up financing opportunities for the developers.

Karyl Spiller-Walsh – It becomes like a gateway.

Andy Rodenhiser – Given all the problems that the town is facing this is a good news .

Matt Hayes – Susy, please give Eric Hove a call at EOEa and tell him we will go ahead with the whole thing. Get the paperwork to Suzanne for signatures.

FY 07 Budget

Matt Hayes – I was approached by selectman Glenn Trindade. He asked us to put together some ideas for a full time Town Planner/employee. They are considering an override and he wants to include this in it. I asked Susy to go ahead and put together some numbers for us. Here is a draft budget for a 2 person planning department.

Andy Rodenhiser – My own personal opinion is that we shouldn't go for an override until the level of the staff's health insurance contribution is addressed.

Matt Hayes – I want everyone to think about that a little bit. What would we want for that position?

Andy Rodenhiser – We need to think about what we are likely to leverage out of this position in terms of benefits to the community.

Chan Rogers – It seems like Andy Rodenhiser is doing some of the things a planning director would do with his visits to property owners.

Andy Rodenhiser – This community cannot afford a big override.

Matt Hayes – Just think about the position and what you would want it to be.

Chan Rogers - I feel we need to start doing that now. The pressures of developing land are real. If we don't start looking at other sources of income we are going to be in bad shape. It is tragic that the town is so grossly one sided in terms of residential tax base.

Matt Hayes – A planner that had a position could follow up on those areas.

John Schroeder – May I offer a suggestion. The master plan says that one of the main activities of a town planner is to secure grants.

Matt Hayes – That is something Gino does for the town.

Karyl Spiller-Walsh – Once you have a planner and an assistant, there is no envisioning to ever go backwards.

Andy Rodenhiser – I think it might behoove us to have a couple of meetings to talk about this stuff. We never really get to talk about this kind of stuff and form a vision for this board.

Karyl Spiller-Walsh – We have a lot in the past but it never culminates in any reality because it is a financial burden.

Matt Hayes – Another thing we can do is modify our fee structure. How much of this higher budget could be recouped with higher fees? At what point do our fees become obscene?

It was agreed to have a special discussion meeting on Tuesday, February 7, 2006 at 7 pm with pizza. We will include Eric and past PB chairmen Dan Hooper and Jim Wieler.

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

The meeting was adjourned at 11:35 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant