

Draft – October 17, 2006
Approved – November 2, 2006

Minutes of Medway Planning Board Meeting October 10, 2006

PRESENT: John Schroeder, Bob Tucker, Andy Rodenhiser, Karyl Spiller-Walsh, and Chan Rogers

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant; Paul Carter, VHB, Inc., and Gino Carlucci, PGC Associates

The meeting was called to order at 7:05 pm in Sanford Hall at Medway Town Hall.

CITIZEN COMMENTS – None

Discussion re: Revisions to Planning Board Fees and Bond Schedule

The Board reviewed the 9/7/06 draft schedule. *First section – Subdivision Fees.*

ANDY RODENHISER – We are trying to generate revenues to offset the cost of running the Planning Board. Have you had a chance to review these fees?

KARYL SPILLER-WALSH – Should we be charging for informal discussions? We want to encourage that. We have had nothing but good experiences from people who want to flush out issues beforehand. A lot of them are for very small projects.

BOB TUCKER – How about one informal meeting and then we charge after that?

CHAN ROGERS – I feel a pre-application meeting should be free. Why should we charge for that? I don't think we should operate that anybody coming before us should have to pay.

ANDY RODENHISER – The 15 or 20 minutes they may spend with us may be the tip of the iceberg in terms of how we have to deal with them. I feel the user of the service should be the one who pays.

KARYL SPILLER-WALSH – I agree, but this is an informal discussion.

CHAN ROGERS – Something may come out of this and they will sure pay then.

ANDY RODENHISER – Is a developer not going to pitch a subdivision to us for the sake of \$250?

KARYL SPILLER-WALSH – It is not the amount of money. It is the fact that we are making it formal by charging for our time. It loses the informality of the session. I think we want to encourage this and to offer an informal dialogue.

ANDY RODENHISER – I believe it is OK to have an informal dialogue. You are not filling out an application and starting the clock toward a decision. We can have an informal discussion but still be responsible to the citizens of the town to collect the monies necessary to sustain the services that the consultants are providing.

KARYL SPILLER-WALSH – Gino, do other towns charge for an informal discussion?

Gino Carlucci – Not that I am aware of.

CHAN ROGERS – We shouldn't be charging for this.

BOB TUCKER – Give them the first meeting free.

ANDY RODENHISER – Gino, are you aware of anything that is wrong or illegal if we were to charge for an informal discussion?

Gino Carlucci – No. It is not an issue in other towns and it is encouraged. People find that it saves time.

Susy Affleck-Childs – What is happening though is that people come in for several informal discussions with the Planning Board and then skip the preliminary plan step completely.

Motion to delete pre-application subdivision pre-application meeting subdivision fee - \$250

ANDY RODENHISER – We should codify this in our Rules and Regulations. The policy would be that the PB will be available for one informal meeting and then the developer has to go to the preliminary subdivision plan stage and pay a fee there.

KARYL SPILLER-WALSH - Does anybody think this is too high?

Susy Affleck-Childs – Those fees are the most demanding as that is where most of the effort goes and subdivisions can go on for years.

Site Plan Fees

KARYL SPILLER-WALSH – I think they all worked out well.

BOB TUCKER – I like the idea of specifying how many public hearing sessions are to be included for the filing fee.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh that if the number of public hearing sessions goes beyond the number of meetings stated in the Fee Schedule, then the applicant would be charged the base fee again. The motion passed by a 4-1 vote with Rodenhiser voting against.

KARYL SPILLER-WALSH – Let's take Restaurant 45. How many meetings did they actually come before us with? I thought that was a pretty tightly presented project. For that scale of project, are we allowing enough meetings?

JOHN SCHRODER – Once we say 6 meetings, they will work to that.

A motion was made by Chan Rogers to implement what we have here (in this proposed fee schedule). The motion failed due to the lack of anyone to second the motion.

CHAN ROGERS – I just think we ought to adopt this and live with it and see how it works.

Gino Carlucci – I have a question? What about when a hearing is continued to a certain date but then it doesn't occur on that date for whatever reason? Does that count?

ANDY RODENHISER – I would say no.

Susy Affleck-Childs – The meeting number applies to substantive discussions.

7:40 pm

PUBLIC Hearing – Proposed Amendments to the Medway Zoning Bylaw

Susy Affleck-Childs – We have submitted language (Article 26) to amend the OSRD section of the bylaw to give the PB two more criteria on which to base your decision on an OSRD special Permit.

KARYL SPILLER-WALSH – I feel the whole permit process allows you the latitude to decide the appropriateness of the site and the project's relationship to the site, and I feel mitigation is part of the process.

ANDY RODENHISER – These would be additions to the bylaw that would be questions we would have to answer to make a positive decision.

KARYL SPILLER-WALSH – But you aren't stating what the criteria actually are.

CHAN ROGERS – This is simply whether the developer will do something to mitigate the project. It is giving you something else to judge the whole process on.

Susy Affleck-Childs – This gives you the footing to negotiate mitigation measures.

ANDY RODENHISER - You couldn't put into the bylaw every possible scenario. This gives you some subjective view on what it is you are looking at.

KARYL SPILLER-WALSH – Have we gone far enough with the grey and fuzzy? I think this language might be limiting. This does not have the right nose for bylaw language.

ANDY RODENHISER - Consider whether this is an improvement or is it better to not make any changes?

KARYL SPILLER-WALSH – Gino, what do you think about these?

Gino Carlucci – I think you make a good point. What does compatible mean? Using the Pine Ridge example, would that be considered compatible? That is a subjective judgment.

ANDY RODENHISER – Your individual opinion is in judging this. People want your critical eye.

KARYL SPILLER-WALSH – I am not disagreeing but as written, I am not comfortable.

ANDY RODENHISER - What is your suggestion for modifying this?

KARYL SPILLER-WALSH – It needs to be clearer.

JOHN SCHROEDER – We need this to prevent a 4 story apartment building from going into a neighborhood.

Gino Carlucci – That wouldn't be allowed anyways. The maximum allowed under the OSRD bylaw is a 5 unit townhouse structure.

KARYL SPILLER-WALSH – Also, how can we presume to know what is going to happen for future development in the area? We are making vast leaps here.

BOB TUCKER – The master plan gives the guidance as to what type of development is expected in the area.

CHAN ROGERS – I think this is a thought process that you would go thru anyways. But I understood that the Planning Board wanted to have these additional criteria.

ANDY RODENHISER – If you don't have it there, you can't use it as a criterion for denial.

KARYL SPILLER-WALSH – What does “compatible” really mean?

ANDY RODENHISER – Karyl, do you want to make a motion?

ANDY RODENHISER – Let's switch over to the groundwater protection articles (#24 and 25). Mark Flaherty of the Water/Sewer department is here.

Mark Flaherty – Two years ago, Medway adopted the state's model bylaw. Bob Speroni is very though. Based on the verbiage, Bob felt industrial or commercial development was not permitted in the groundwater protection district, only residential development. For example, if Medway Commons had come in after this had been passed, it would have not been allowed.

Susy Affleck-Childs – The proposed text replaces “residential development” with “new construction.”

KARYL SPILLER-WALSH – This change makes total sense.

Susy Affleck-Childs – We have an email note from Bill Wright of the IDC. The IDC recommends approval of both articles.

JOHN SCHROEDER – The IDC also recommends that the special permit granting authority be changed to the Planning Board from the ZBA so that the special permit process can be coordinated with the site plan process.

ANDY RODENHISER – So they are looking to streamline the permitting process.

Susy Affleck-Childs - That change in who is the special permit granting authority is more than we can do right now. It is too big a change to do from the floor of town meeting. It is a substantive change in the process without having given adequate notice through a public hearing and warrant language. It would have to hold until another town meeting to do so.

ANDY RODENHISER – Let’s plan do that at the annual town meeting (2007).

Mark Flaherty – Any changes in the bylaw have to go the Attorney General’s office. It may or may not have to go back to DEP.

ANDY RODENHISER – Let’s work with IDC on this and then make the suggestion to the Water Board and you guys can make the pitch to them.

Mark Flaherty – It won’t be a problem for DEP to change to the Planning Board but they still need to look it over.

A motion was made by Bob Tucker, seconded by Chan Rogers to recommend town meeting approval of Article 24. The motion passed unanimously.

ANDY RODENHISER – Let’s move to Article 25 to add two new areas to the groundwater protection district?

JOHN SCHROEDER – Who chose these locations?

Mark Flaherty – This is determined by the DEP. They look at how does the ground recharge the water and then the state certifies it. You can’t change the zone. It is based on mathematical demonstration & calculations.

ANDY RODENHISER – The two areas are on the east side of town north of the industrial park where the new well is to be built. The other is on the west side of town and includes land in Medway that is the discharge area for the Bellingham well.

A motion was made by John Schroeder, seconded by Chan Rogers to recommend Town Meeting approval of Article 25. The motion passed unanimously.

ANDY RODENHISER – Let's move back to the OSRD discussion. Karyl, any ideas?

KARYL SPILLER-WALSH – I recommend that we have the text looked at by a land use attorney to see if these criteria are appropriate language. I don't think this gives us anything as it stands. I think it is nothing. This doesn't do it for me.

CHAN ROGERS – Who detected that the bylaw was defective?

ANDY RODENHISER – It seemed to come up when we were reviewing Pine Ridge. There are no criteria regarding impact on surrounding neighborhoods and nothing regarding mitigation.

CHAN ROGERS – This says what anybody would be doing to review an OSRD anyway. It is common sense.

A motion was made by Chan Rogers to recommend approval of Article 26 s written. The motion failed for a lack of a second.

BOB TUCKER – I think we need to do our homework if we are trying to capture certain attributes within the bylaw.

CHAN ROGERS – I personally feel that anybody considering an OSRD would consider the effect on surrounding and adjacent properties without a second thought.

ANDY RODENHISER – I would hope so, but we need the criteria.

KARYL SPILLER-WALSH – I think there are terms in here that need to be clarified.

Gino Carlucci – If you want me to look at it, I can and propose some alternative language

A motion was made by Karyl Spiller-Walsh, seconded by John Schroeder to withdraw this article from consideration by the 10-23-06 Special Town Meeting. The motion passed unanimously.

Susy Affleck-Childs – I have to say that you had this language 5-6 weeks ago and agreed to go ahead with it. If there were problems, we should have had this discussion then.

Rolling Hills Definitive Subdivision Plan - Certificate of Action

The board reviewed the 10-5-06 draft Certificate of Action with findings, waiver requests, mitigation and conditions.

A motion was made by John Schroeder and seconded by Chan Rogers to approve the waiver findings as stated. The motion was approved unanimously.

A motion was made by Karyl Spiller-Walsh and seconded by Chan Rogers to grant the applicant's request for waivers from sections 7.9.7 g), 5.7.28, 7.21 and 6.8.3 of the Subdivision Rules and Regulations. The motion passed unanimously.

A motion was made by Chan Rogers and seconded by Bob Tucker to approve the Mitigation Plan as included in the 10-5-06 draft Certificate of Action. The motion passed unanimously.

A motion was made by Bob Tucker and seconded by Chan Rogers to approve the Project Evaluation Findings as included in the 10-5-06 draft Certificate of Action. The motion passed unanimously.

A motion was made by Chan Rogers and seconded by Karyl Spiller-Walsh to approve the Rolling Hills Private Way Definitive Subdivision prepared by Colonial Engineering Inc. dated November 4, 2005, last revised July 17, 2006 subject to the approved waivers and conditions as included in the 10-5-06 draft certificate of Action. The motion passed unanimously.
Plan

The Planning Board signed the Certificate of Approval.

NOTE – The board took a short break at 8:25 pm.

Public Hearing Continuation – River Bend Village ARCPUD and Definitive Subdivision Plan.

ANDY RODENHISER – Associate member Eric Alexander could not attend tonight due to an out of town work commitment. So, this hearing has to be rescheduled. We have a request from attorney Richard Cornetta to do so and to also extend the Planning Board's action deadline on the definitive subdivision plan to November 30, 2006. So we need to figure out what date to continue this to.

Susy Affleck-Childs – I would suggest we roll over River Bend to the next PB meeting on October 24th.

ANDY RODENHISER – I find I now have an out of town business commitment that night and cannot attend.

Susy Affleck-Childs – That means we cannot meet that night because Andy needs to be at every public hearing to be able to vote.

NOTE – After discussion of member availability on various dates, the Planning Board decided to hold a special meeting on Thursday, November 2, 2006 at a location to be determined. Susy will check with Eric Alexander on his availability that night.

A motion was made by Bob Tucker, seconded by John Schroeder to extend the action deadline to November 30, 2006 and to continue the public hearing to Thursday, November 2 at 7:15 pm. The motion passed unanimously.

Susy Affleck-Childs – The other public hearings scheduled for October 24th need to be rescheduled. Let's do Daniels Village at 8:15 pm and Marian at 9:15 pm.

Public Hearing Continuation – Daniels Village ARCPUD Special Permit

8:35 p.m.

Rob Truax – GLM Engineering
Kenny Labarr – Barberry Homes

Rob Truax – We are planning to discuss the drainage proposal for the project tonight. We have received comments from VHB and DPS. But before I do that, I have some concerns. Under the ARCPUD regulations, the design standards fall under the site plan regs and the construction standards are from subdivision regs. I just need to know when I ask for waivers what I need to use.

Paul Carter – One of the comments Gino Carlucci had was how you are going to meet the requirement for 2 types of housing.

Gino Carlucci – You have to ask for them one way or the other.

CHAN ROGERS – What do you want waived?

ANDY RODENHISER – Just request what you want to ask for.

Rob Truax – Construction standards vs. design standards?

Paul Carter – There is only one section in the subdivision regs that we have commented on.

Gino Carlucci – The term design in the context of the ARCPUD rules and regs is not related to roads but design under the site plan standards. Then certainly the intent is that that the whole section 7 of the subdivision rules and regs be applied for construction.

Rob Truax – You need to look at this as a board and give us guidance. Maybe there are some things that we don't need waivers on but just some guidance. But if there is a flaw or a discrepancy in definition, we need to understand that.

ANDY RODENHISER – Just follow the standard of how the waiver requests should be worded and explained.

Rob Truax – Let's go thru the drainage to some extent. At the last meeting, we went over the overall layout. I would like to go over the flow patterns a little bit. Chicken Brook runs down the back side of Taniel Bedrosian's project (Evergreen Meadow/Iarussi Way) to the west of this parcel. The land pitches off southwesterly to Chicken Brook. There is an existing ditch from Winthrop Street going west. In the drainage design, we tried to keep the discharge going to where the water already flows. We did some soil testing throughout the site. We found it was sands and gravel. Very rapid perc rates, good for infiltration. Then we looked at discharge. Our first thought was to keep it underground. We tried that and looked at it but it got very expensive. Underground units are large and costly. But we were able to put enough underground in to mitigate increases of runoff volume and put in detentions ponds to mitigate increases in runoff rate. There are catch basins throughout the site in the front portion of the site, in the common driveways and southern most roadway out to Winthrop Street. We have a detention basin with a 3:1 slope. A forebay is located on upper end. There are 2 basins with a stormceptor unit. It will discharge from basin to the wetlands to the south. At the center of the site, we have green areas in the boulevards. We will use one for underground leeching fields to infiltrate water back into

the ground - large plastic chamber and 3 stormceptor units. The third discharge point to the west of the site is at the end of roadway. We have another infiltration system in the middle boulevard. A detention basin is located off the back corner with a larger stormceptor unit. We will have no increase in flow or volume for all the storms we looked at – 2 year to 100 year. Basically, there is no increase in volume or runoff or rate of runoff off from this site. Chicken Brook is about 100 feet away. We are not proposing to put all the roof runoff into these drainage systems. We will let the roof runoff go. Your subdivision regs require separate system for foundation drains and roof drains. We let them overflow on ground.

ANDY RODENHISER – I don't think so. The rules and regs are pretty clear on that.

Paul Carter – Which section of the regs are we focusing on? Foundation drains need a separate system. You also need to figure out how you will handle the roof drains.

Rob Truax – I can look at that. If I try to do individual leeching pits for every roof, it is too dense. When you start putting things underground, it becomes too tight.

ANDY RODENHISER – Sounds like you have a density problem.

Rob Truax – This could be an underground nightmare. I would be apt to tie them into the drainage system.

ANDY RODENHISER – Let's go over VHB's review letter.

Rob Truax – I don't think we need foundation drains on this site

ANDY RODENHISER – Is that allowed?

Paul Carter – You don't have any finished floor elevations and building footprints on all those units. That will determine whether you have to do roof drains.

Rob Truax – It would be our preference to design without foundation drains. Roof drains are not needed because we are above the water table. It is just extra piping. We will go back and do a double check. If we see an issue, we will deal with it.

CHAN ROGERS – You mentioned a basin. Would you go back and describe the detention basins again? What do they consist of ?

Rob Truax – There will be a large hole in the ground that will recharge water into the ground.

CHAN ROGERS – What is the surface?

Rob Truax – Grass.

CHAN ROGERS – How high are the berms to retain water?

Rob Truax – The back one is 5 feet. The ones in the boulevard green areas are underground systems.

ANDY RODENHISER – Use a manhole to act as a distributor?

Rob Truax – Yes. We will need to put on some plastic cleanouts. DPS is looking for 100 feet. I think that is excessive.

Susy Affleck-Childs – I want it to be clear that the road will be permanent private way and the condo association will have full responsibility for the road and the stormwater system.

ANDY RODENHISER – Any there any comments from board members?

KARYL SPILLER-WALSH – I don't have comments on the drainage system as described. But we last time they were here we had a very lengthy conversation with the applicant on density. We suggested breaking through the outside road and increase open space by reducing the number of units. Some of the questions were on the triplexes near Winthrop Street. We are discussing water and infiltration but we haven't decided some of the basic site elements. I feel that some of the site elements are being ignored. We should go back to why we are doing this. Go back to the site elements. Possibly some of the elements could be incorporated into the design.

ANDY RODENHISER – We set up a schedule for the hearing process. We were to go through each one of these things (drainage, traffic, open space, design). Then they would integrate all the ideas and make a substantive revision.

Rob Truax – We were going to suggest something tonight when the hearing ended but I will bring it up now. We have an issue with what we are supposed to revise also. I think we need a meeting to discuss everything as a whole and to have you really give us some direction. Some type of workshop. Let's sit down and say OK we have gone through all this stuff. This is what we want you to do.

KARYL SPILLER-WALSH – The water design as described seems to function fine.

ANDY RODENHISER – Let me ask the Board this. Would you find it helpful to have an interim meeting to reflect on the changes we have already asked for at the first session? Personally as I look at this plan, it doesn't look like there is room to fit anything in when you look at water and drainage.

KARYL SPILLER-WALSH – If we had our druthers at this point, it would be terrific to put as much density on that other piece of land to the north of the site which is ugly and to take care of the beautiful topography on the southern portion. Is there a way in the existing site plan to incorporate some of the existing site features into the design? Something that is creative or can replicate the features in some way?

Rob Truax – We have talked among ourselves. At some point, we are going to have to decide what to revise. We know we need to look at density. At what point do we do that? I think we are going to have to do something in the interim to address the overall design and not wait for all the other public hearings.

BOB TUCKER - We still need to stay with the plan we have laid out, but you are right, we need to address the overall site design.

JOHN SCHROEDER –The changes that were suggested at the last meeting, could they have be incorporated?

KARYL SPILLER-WALSH – The detention pond on Winthrop Street needs to be fully addressed.

Rob Truax – We are getting a landscaper on board now, but I am hesitant to have them get to work on this till we have a better feel for the overall site plan.

BOB TUCKER - I do want to see changes along the way.

Rob Truax – Right now the biggest issues are density and layout. I would like to get to that point before we get into heavy changes per the engineering.

Paul Carter – Part of that is the grading. There is very little grading shown. You are showing it to be flat but it can't be flat to drain.

BOB TUCKER – The next time you come, we need to see some changes to the site design.

Rob Truax – I agree, we need to get to some agreement on the conceptual layout.

BOB TUCKER – As we go along, we are looking more at concept. As you fine tune and tweak, the revisions need to take place on an evolving basis.

ANDY RODENHISER – I think we appreciate the dynamic and the cooperation.

Rob Truax – We need to come to some understanding on the overall layout. We don't want to beat a bad drum.

Paul Carter – There is the subdivision issue and how you are going to meet the two types of uses.

KARYL SPILLER-WALSH - I want to see a signature entry way!!

Paul Carter – Gino, does this have a cul de sac length issue?

Rob Truax - We know one of the roads needs to be moved northerly.

Rob Truax – There is only one tree to be removed that will need a scenic road public hearing.

Rob Truax –We will move the road northerly and we will look at the interior roadway layout.

Paul Carter – So you want to line up the entrance to Clover Lane (on the other side of Winthrop Street)?

Rob Truax – Yes, I think we are better off to do that.

CHAN ROGERS – I think it is a waste of time to talk about these things from different disciplines.

ANDY RODENHISER – Do you feel you have enough of a consensus now?

Rob Truax – We will push the road over and get rid of the 4 way intersection.

Kenny Labarr – How about when we do the traffic session, we get some tissue paper and brainstorm ideas?

ANDY RODENHISER – That all being said, the general concept of the density we are fearful of. The intensity that is on there from a visual perspective of how this is going to look is difficult.

JOHN SCHROEDER – Personally, I think the nature of this type of development is more density. I think with Karyl's input, it could be incorporated.

ANDY RODENHISER – Maybe there is some room for pulling some units.

Susy Affleck-Childs – You are really going to have to resolve the two types of residential units.

Gino Carlucci – Look at ARCPUD coordinated units in the bylaw. Those have some sort of management services that go along. Not just total independent living, but a bit higher level of support services.

KARYL SPILLER-WALSH – We did a site walk with you last year. We saw a herd of deer went running through with a coyote chasing behind and a flock of turkeys. It was paradise. The most beautiful part of the land is going to be annihilated.

Joanne Davenport, 3 Clover Lane – You need to keep some of what Karyl was talking about.

ANDY RODENHISER – We had tried to lay out an overall schedule but it seems that some preliminary work is needed to get some consensus on the overall direction.

Citizen ?? – You mentioned the entryway to the development. Will there e a traffic light?

Rob Truax – No, it would never qualify for a light.

Paul Carter – I do have some issues on the circulation. Are the common driveways 2 or 1 way?

ANDY RODENHISER –You also need to figure out snow removal and storage.

KARYL SPILLER-WALSH – When are going to go to the DRC? We have been given a list of items for you to discuss with the DRC. The list includes an open space area/playground for grandchildren. That is not the DRC's role to discuss that. That would be a Planning Board matter.

The public hearing was continued to Thursday, Nov 2 at 8:15 pm. Location to be determined.

Country View Estates - Bond Reduction and Estimate for Legal Services

Greg Whelan, developer
Paul Yorkis

ANDY RODENHISER – So you are looking to have the bond reduction and use the money to do the work on the detention pond at 37 Broad Acres Farm Road.

Greg Whelan – Yes. I would like you to reduce bond so I know that the money is there to do the work.

ANDY RODENHISER – Is there a schedule of completion?

Greg Whelan – I don't believe we can start this fall because CONCOM wants me to get a new DEP number. Spring realistically.

ANDY RODENHISER – We had meeting a year ago with you and there was a deadline set. I am concerned there is not a plan in place to finish what has been promised.

Greg Whelan – That is not really true. I think Mr. Denn could explain

Ed Denn, attorney for Mark & Irene Streifer, 37 Broad Acres Farm Road - There is a settlement agreement that we have entered into. We have stayed the litigation. As far as a schedule, it is dependent on attaining the approvals and weather.

ANDY RODENHISER - The settlement is contingent on what?

Ed Denn – The settlement is just on the detention basin, to address the Streifers concerns. We understand that the plans have to be approved. As far as a reduction in bond monies, we are concerned. Perhaps the bond money should be kept there until the work is completed.

Paul Yorkis – What are we talking about if the town were to undertake doing this work?

Greg Whelan – At this point, almost 90% of the road is complete.

ANDY RODENHISER – What is the holdout?

Greg Whelan – The lawsuit. We submitted an as-built 2 years ago. I think at that time, Mark Louro (VHB) came up with a list of things that needed to be done that was not realistic. So it needs to be looked at again. I have to complete the basin so we can get that portion of the as-built completed. Then we have to get in front of town meeting. That is usually in the spring. I really thought that we would have everything completed by now.

BOB TUCKER – If the work is completed, I am going to have one view. If it is not, that is another matter.

Paul Carter – We haven't done a recent inspection on the first 2 phases of Broad Acres Farm Road.

BOB TUCKER – I want to know what is still open for what we are being asked to reduce?

ANDY RODENHISER – Who from VHB has been out to check on the work?

Greg Whelan – All the work listed on the July 11th checklist from VHB, 95% of that work would have been done last year.

Paul Yorkis – The bond reduction request this evening only pertains to the Stable Way portion of Country View Estates.

Paul Carter – We have further revised the bond reduction amount to \$34,632 from our earlier recommendation that was in your packet.

ANDY RODENHISER – So we are looking at a reduction from \$155,000 to \$35,000 or so?

Greg Whelan – This is what I would like to do. I propose that you keep the \$35,000 minimum plus an additional \$50,000 that is sort of released and can be accessed quickly. That makes for a total of \$85,000 that you would retain.

Ed Denn - We are comfortable with that.

JOHN SCHROEDER – What if we held \$35,000 in addition to the \$34,000 plus that VHB has estimated to complete the work?

Paul Yorkis – When Paul Carter approves the detention pond work, the board would agree to release the \$50,000.

Greg Whelan – I don't want to do this for another winter. I want to get this road accepted by the Town. There is still a lot of money sitting there. I am not dragging my feet on purpose. The weather is going to beat us this fall. As soon as I can do it in the spring, we will get it done hopefully get on for acceptance at a fall 2007 town meeting.

Paul Carter – I haven't looked at the as built plans.

BOB TUCKER – So \$155,466 minus \$85,000 = a \$70,466 reduction. We would still be holding more than what Paul Carter is estimating to be needed to complete the work. We would be holding \$50,000 more than the minimum.

ANDY RODENHISER – I can't impress upon you how important it is to finish this thing, to protect your reputation and protect ours. Our obligation is to the citizens of Medway. People are going to complain that we are letting you off the hook. We would like you to put together a schedule for completion and an updated punch list.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to reduce the bond for phase III of Country View Estates (the Stable Way portion) by \$70,466. The motion passed unanimously.

Greg Whelan – When the work is done I will then come back with another bond reduction request. I would love to have this done by June 1st.

ANDY RODENHISER – Prepare a time schedule.

Greg Whelan – I would like to have VHB do a new punch list in the spring for phase I and II.

Greg Whelan – There is a portion of the road in Phase II that is clearly bleeding out of the bank. That area definitely needs a subdrain.

Paul Carter – Call Jack Lydon and set up a time to look at it in the field.

Paul Yorkis – I would propose that Greg and Jack Lydon meet in the field. Jack's field notes would indicate from what station numbers a subdrain would be installed. There are subdrain specs in the plans. They just physically need to be put in place.

ANDY RODENHISER – Is this an absence of something that was supposed to be done?

Greg Whelan – No. This is a new location for a subdrain.

Paul Yorkis – If that can be done, then Jack Lydon can come out and inspect it. Then in the as-built phase, the extra subdrain can be shown.

Greg Whelan – Prior to VHB doing inspections, you had PMP. It was the call of the engineer as to where the subdrains were to be located. There was a plan modification needed for something like that.

ANDY RODENHISER – For every one of these little items that is outstanding, put together a schedule for completion.

Greg Whelan - Yes, I would like to do this before the weather comes.

Paul Carter – Call Jack and set up a time and look at it. Once you make the repairs, he can inspect it and it can be added to the as-built plans.

Susy Affleck-Childs – We have received an estimate of \$3,500 from Dick Maciolek for legal services pertaining to negotiating an Operations and Maintenance Plan for the detention pond at 37 Broad Acres Farm Road.

Greg Whelan – That is an absurd amount. There has to be some fairness. I just don't see how this could take more than 4-5 hours.

ANDY RODENHISER – He is probably more familiar with this litigation than anybody else. Anybody else would probably cost more.

ANDY RODENHISER – There was a proposed operations and maintenance plan for us to review.

Greg Whelan – Dick should just look at it and say NO. I signed the agreement with a gun to my head.

Paul Yorkis – It is just an estimate.

Greg Whelan – I have no choice. I have to agree. It gets ridiculous. I will get you a check once I get the bond reduction refund. I wish I had been warned of this amount ahead of time.

2-4 Main Street Site Plan – Project Closeout/Bond Release

Bob Potheau, owner

ANDY RODENHISER – How does the drainage system work?

Bob Potheau – All of the water goes into the trench drain.

Bob Potheau – The shields were put on the lights and moved into place. They were internal shield. The edge of the roadway moved in with the route 109 reconstruction. There was 16 feet that used to be our front lawn. The lights seemed very bright out on Main Street because there used to be more lawn around. Them.

Bob Potheau – We will put a bolted cover on for safety.

Bob Potheau – I would like to see Dave D'Amico's comments on the as-built plans.

Bob Potheau – So, I am looking at a resolution of the as-built plans, a CONCOM Certificate of Completion, and a letter from Rick Merrikin certifying that the site plan work conforms to the plans.

Susy Affleck-Childs – Also, Bob Speroni has signed off on this today. He did another inspection and has found everything to be satisfactory.

ANDY RODENHISER – We will wait until we get everything in hand before we release the security.

ANDY RODENHISER – Is there a phase II to the plan?

Bob Potheau – Yes. I had wanted to do something that will be good for the town. I want to get something done. I would like to suggest that I have bills to pay for the work that was done. We are waiting for a couple of certificates. The Town is holding \$60,000. Could the board reduce it somewhat? I have done \$40,000 worth of work there.

Bob Potheau – I asked my engineer to prepare the as-built plans by October 1. Rick Merrikin could not get them finished and he gave the job to Paul DeSimone. I would like to see what the problems are with the as-built plans and get the notes from Dave D'Amico.

Susy Affleck-Childs – I will ask Dave D'Amico to put together a list of comments.

NOTE – It was agreed to table this until the November 2nd meeting.

NOTE - Paul Carter departs at 10:40 pm

Contractor's Quarters Discussion

Paul Yorkis – 2 meetings ago I had an opportunity to chat with you about my discussion with the Zoning Enforcement Officer, Bob Speroni. He felt that a contractor in the building trades could

not occupy space in the industrial park. The board asked to get some input from the IDC and for Susy, Gino Carlucci and I to discuss this idea further. We met and revised the language some more and that is the text we have shared with you. In addition, I have taken some photos of similar developments in Franklin on Grove Street and Union Street. I supplied these photos with Gino Carlucci so he could share them with the IDC last week at their meeting.

NOTE – Andy Rodenhiser distributed an email note from IDC Chairman Bill Wright. The IDC has some questions and voted to table its recommendation until those questions can be answered.

Gino Carlucci – I can also report on the IDC meeting. They were puzzled that the proposed use is not allowed based on the other uses in the park. On the question of servicing equipment they want to make sure it would only be the building contractors and the same for retail sales. They were concerned that the language would allow any retail sales to be located in the park. They want to know what the language really means.

ANDY RODENHISER – Are they mindful of the potential here? Are they embracing it? Would they be inclined to do so if there were better definitions?

Gino Carlucci – My impression is yes, but I don't want to misrepresent them.

JOHN SCHROEDER - There was a snafu with the Franklin industrial condos. There was a change in zoning that resulted in a parking shortage. The IDC was concerned about that.

Paul Yorkis – This is an example to me of why Medway fails to attract business and industry. This is the epitome of why this community stinks when it comes to attracting business and industry. You have an IDC that you encouraged to consider this. And what good have they done? They have challenged the building inspector/ZEO who indicated this needs to be done. That could have been resolved by a phone call from any member of the IDC before their meeting. They are questioning definitions that we went over with Mr. Speroni. Time is money and the more time it takes to do something, the more expensive it becomes.

ANDY RODENHISER – How is that relevant here?

Paul Yorkis – This is a delay. They have said they need more information. How much time does it take to get an answer on this?

CHAN ROGERS – I agree with you. That is bullXXXX.

Paul Yorkis – I asked at the meeting when we first discussed this if you could consider this now in preparation for a future town meeting. Susy, Gino and I spent time on this and asked Bob if this language would be work. He agreed it would be a permitted use. Read the definition. All the items 1 – 6 apply only to building or construction contractor or subcontractor. Bob Speroni read this document and was comfortable with this text. The IDC had the opportunity to make an easy phone call. But by delaying things, it makes it more difficult in my judgment as a property owner. We are looking for this to be considered at a late fall town meeting. This board, rightfully so, instructed me to work with others. To me, in one of my past lives, I learned that IDCs should be proactive to expand the potential development of their property. You were right in asking them for input. We need to move things quickly and not sit on our hands.

ANDY RODENHISER – How can we quickly address this so we can get their support? I am surprised that Gino couldn't answer their concerns.

Gino Carlucci – I tried to but . . .

CHAN ROGERS – They should be experts in this.

Gino Carlucci – I think they did what was asked of them.

ANDY RODENHISER – Why don't we have a dialogue with them on these questions? Were they aware of the time element on this?

JOHNSCHROEDER – Yes, they were aware.

Paul Yorkis – I hope there is a way this can go through.

ANDY RODENHISER – Typically the BOS doesn't like to do zoning at special town meetings.

Susy Affleck-Childs – You can sponsor it yourself as a property owner.

Paul Yorkis – Yes, but I would prefer for the Planning Board to submit it for the warrant. I would be happy to go to the BOS and ask them to place it on the warrant.

Paul Yorkis – There were 2 other suggestions that you may want to consider.

Gino Carlucci – They discussed the possible need for this kind of thing with outdoor storage in the Industrial I district. Perhaps that could be a special permit use for contractor's yards with outdoor storage.

ANDY RODENHISER – Let's schedule the public hearing and keep this moving along.

CHAN ROGERS – We need to get the tax base broadened.

ANDY RODENHISER – Let's call Bill Wright and see if we can work on this.

Susy Affleck-Childs – Let's do a joint meeting with IDC and ask Bob Speroni to come. I think the IDC needs to get some assurances from him.

KARYL SPILLER-WALSH – We did some work on industrial buildings before – signage positioning, entry ways. What does the PB want to see with these?

Paul Yorkis – We have some pretty distinct ideas on how we want this to look. They will look far superior in aesthetics to these examples I brought in.

ANDY RODENHISER – I think you have our support. I will endeavor to work with the IDC.

CHAN ROGERS – This is the essence of planning. We have to make this happen.

Gino Carlucci – Do you think we maybe need to put something in writing to address these questions?

Paul Yorkis – I suggest that Andy Rodenhiser, Bill Wright and Bob Speroni meet and I think the 4 of you could get this resolved very quickly.

Gino Carlucci – That might do it.

BOB TUCKER – I still think it would be good to have a meeting with the IDC, to bounce our focuses off one another.

Gino Carlucci – Chan, I have to defend the IDC. The IDC got that industrial park built when the Town did nothing. The IDC has not been sitting back doing nothing!

Rosenberg ANR – Kelley/Vine Streets

ANDY RODENHISER – We have received a letter from attorney John Fernandes dated October 4, 2006 withdrawing the ANR application. They will come back at a future date with an appropriate application after they have completed the title search work.

Susy Affleck-Childs – Will they have to submit a new fee at that time?

ANDY RODENHISER – Yes, absolutely.

Invoices

WB Mason - \$32.69 for office supplies. Motion by Chan Rogers, seconded by Bob Tucker to approve payment of this bill. Passed unanimously.

VHB - \$1,465.90 for construction observation. Motion by Chan Rogers, seconded by Bob Tucker to approve payment of this bill. Passed unanimously.

VHB - \$ 9109.21 for plan review. Motion by Chan Rogers, seconded by Bob Tucker to approve payment of this bill. Passed unanimously.

PGC - \$431.25 for consulting services. Motion by Karyl Spiller-Walsh, seconded by John Schroeder to approve payment of this bill. Approved unanimously.

VHB – \$8,056.49 for plan review services. Motion by Karyl Spiller-Walsh, seconded by Chan Rogers to approve payment of this bill. Approved unanimously.

PGC – \$ 150 for plan review services. Motion by Chan Rogers, seconded by Karyl Spiller-Walsh to approve payment of this bill. Approved unanimously.

PGC - \$1,031.25 for plan review services. Motion by Karyl Spiller-Walsh, seconded by John Schroeder to approve payment of this bill. Approved unanimously.

Charles River Acres Open Space Residential Development (OSRD) Special Permit Decision

NOTE – The Board reviewed the revised decision dated October 10, 2006 based on the Board’s 9/26/06 vote. The Board signed the OSRD Special Permit Decision.

Susy Affleck-Childs – There still seems to be a question on who can accept a land donation on behalf of the town. When we met with the BOS a number of weeks ago re: the Pine Ridge open space, Town Counsel Maciolek said that the BOS could accept open space on behalf of the Town. I will check the BOS minutes from that meeting to see if my recollection is correct.

CHAN ROGERS – We need a meeting with the BOS to discuss these open space matters.

Discussion on Site Plan Close Out Process

Susy Affleck-Childs – Now that we are responsible for site plan projects, we need to develop a way to close-out a project and return a bond if there is one. I would suggest a meeting with Bob Speroni and Dave D’Amico, and us to try to establish some procedure. I would appreciate Bob and Andy’s help.

BOB TUCKER - Are these controlled construction projects? If so, they have to provide affidavits. There is this issue of temporary occupancy permits.

Susy Affleck-Childs – I need some help with developing this.

ANDY RODENHISER – Is there really even a true option for a temporary occupancy permit in the building code? I would be glad to work on this with Bob and Susy. Could we meet on a Monday night?

BOB TUCKER – Give applicants an option for VHB to do construction inspection or they provide affidavits that the work is done.

Susy Affleck-Childs – Does the PB want to do its own inspection? Bob Speroni will review building work and certain site improvements but not the stormwater drainage facilities.

Continue Public Hearing on Proposed Amendments to the Zoning Bylaw

ANDY RODENHISER – How do we want to proceed with zoning matters? Who do we want to review these things?

KARYL SPILLER-WALSH – I can understand the concern that you want to fix this. It is grey and fuzzy and it has no teeth in it. I would want to know it would stand up in court. I want to know that we can require these things. I am a firm believer in mitigation. I am not questioning whether we need to mitigate. The issue is the language. I am concerned about the use of the term “abutting properties”. With River Bend, there were concerns about other areas that were not actually abutting.

ANDY RODENHISER – This can die tonight as an issue to go to the 10/23/06 town meeting but are we going to deal with it?

CHAN ROGERS – I don't think the language inhibits anything. It allows us to hang our hat on mitigation measures.

KARYL SPILLER-WALSH – I also have an objection to pinning this down. We aren't entirely sure exactly what needs to be mitigated. I think tying mitigation to abutting neighborhoods is too limiting. I would like to see it as a broader.

BOB TUCKER – It might throw up a flag to me as a developer to not consider an OSRD because of the prospects of mitigation. When is it worth it? I think we are reasonable in terms of what we want to ask for with mitigation. I am not convinced we have done all the homework on this.

ANDY RODENHISER – Is this something important enough to put a time frame on to keep working on? Is this something worthwhile? You will remember that with Pine Ridge, there was nothing in the bylaw for us to address the project's impact on the neighborhood.

JOHN SCHRODER – I am hearing enough doubt to not make it a bylaw right now.

KARYL SPILLER-WALSH – Susy is looking for us to have additional language.

ANDY RODENHISER – We want to be able to make a defensible decision.

A motion was made by John Schroeder, seconded by Chan Rogers to close the public hearing on proposed amendment to the Zoning Bylaw. The motion was unanimously approved.

Daniels Village Discussion - Continued

Susy Affleck-Childs – I really feel like you (the board members) has sandbagged me and Andy. We laid out a public hearing process at the beginning and asked for your input. You agreed. Now it seems like you want to dump the whole thing.

CHAN ROGERS – You shouldn't feel that way.

BOB TUCKER – We just need to reevaluate along the way. They should have looked at water issues based on the ideas that were generated at the last meeting.

ANDY RODENHISER – Let's stay focused on the process here. We are looking for direction on how to proceed with these things. Let's determine density first before we move on to other subject matters. Density becomes the basis for everything else.

JOHN SCHROEDER – I don't feel as strongly as the rest of you do that it is too dense. I would think 80 units would be doable. Traditional Neighborhood Design has its own merits.

ANDY RODENHISER – Let's stick to a process discussion on how we review these kind of plans. This is going to need to be something that is going to evolve. I don't want Susy to feel like she can't contribute. Please don't be afraid to continue to contribute. I think it is a difficult situation to be in. A project can change dramatically.

KARYL SPILLER-WALSH – We are looking for a level of achievement along the way.

CHAN ROGERS – I don't know if you can set a definite rule about when you go back to the drawing board.

JOHN SCHROEDER - It is suggested that at each stage in the process the suggestions be reflected in the plan to keep the process moving forward.

BOB TUCKER – We need to allow for peaks and valleys in the process.

CHAN ROGERS – Maybe our preliminary review of these things has to be more extended.

BOB TUCKER – It is the process we are looking at. It is light years ahead of where it was. I think you guys are to be commended to put together that methodology, but we do need to stay flexible.

ANDY RODENHISER – We have to institute some order.

BOB TUCKER – I would be open to them coming in off of Lovering Street as a second access.

A motion was made by John Schroeder and seconded by bob Tucker to adjourn the meeting. The motion passed unanimously.

The meeting adjourned at 12:40am on Wednesday, 10/11/06.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant