

**Medway Planning Board**  
**November 14, 2006**  
**Sanford Hall – 155 Village Street**

PRESENT: John Schroeder; Bob Tucker; Chan Rogers; Karyl Spiller-Walsh; Andy Rodenhiser  
Eric Alexander

ALSO PRESENT: Gino Carlucci, PGC Associates; Susy Affleck-Childs, Planning Board  
Assistant

The meeting was called to order at 7:04 p.m.

CITIZEN COMMENTS - None

**Consideration of Bond Reduction – 2/4 Main Street/Bob Potheau**

Bob Potheau – Good evening, I would like to fill in board members – it took probably a year to get through the site plan process. Then I went to get a building permit, and they told me I had to get a flood plain permit, then I had to get another special permit – by the time I got permitted it was November, got an early occupancy permit, then 60 days of rain -, then I was asked to post – a bond and I did so – there are 3 phases to a project – when I posted this bond, I was told when I got the work done, I would get the money back. The work is done – we went through a few different things, we got through the as-builts, got an engineer to certify the work – concom certificate of compliance you asked me to do it – I filled out the form that I thought they wanted – I am told it was the wrong form – I have done the work. I posted this bond specifically for the water retention, for the lights, hightop, and drainage - concom only asked for a dirt pile to be removed – I beg of you to look at my position now – I have done the work – I have people that have to be paid – when I posted the bond, you told me the bond would be refunded to me when the work gets done. We didn't talk about concom certificate of compliance for the project,

Andy read letter from Rick Merrikin to certify the phase I work. Note – the letter is not stamped

Susy – explained tht concom order of conditions is for whole project – they cannot issue a certificate of compliance on a partial

Bob Potheau – we have a permanent occupancy permit from Bob Speroni – I want the entire bond back. We have a sensitive piece of property – the most important piece was the vortex tank and trench drains – it is now going into the trench drains – it is not going into the wetlands

Chan – debris????

Bob potheau – all the debris was removed – the dirt you see out there now is related to sewer/water hookups – any debris we have on site just got dug up 9 days ago – is part of the new permit

Motion to release the bond – kary, bob – all YES

NOTE – try to get Rick Merrikin's stamp on the letter

INVOCIES

VHB - construction observation – all yes – bob, chan - \$5501.99

VHB – plan review – \$11,629.75 – all yes – chan, Karyl -

CONSTRUCTION OBSERVATION RERPORTS

Call Gary Feldman – have Andy do it . . .

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Eric arrives – 7:30 p.m.

PH continatuion – River Bend ARCPUD

Rich Cornetta  
Mark Deschenes  
Lee Abbott

Rich – I put together the legal documents and gave a set to Susy – also tonight an updated conservation restriction

Susy – that will be given to Mark bobrowski tonignht - copyo conser restricton for mark as well

Waivers – September 7 version

4.6.7 – OK

5.7.9 – OK

5.7.18 – OK

6.8.3 – OK

6.8.4 – OK

7.1.4 – OK not a standard cross section

7.9.1 – OK

7.9.1 e

7.7.7 – OK

7.7.2 f– OK

7.7.2.k – OK

7.24.1 -OK

7.24.2 – OK

7.7.4.b – OK

7.9.2 – OK

7.9.2 – ok

7.9.5 a - OK

7.9.5 c – OK

7.10 – OK

7.11.2 – OK

bob – where we make reference to the accepting what is on the plan set that we refer to a specific plan set dated . . . approved plan set –

7.13.3 – ok

7.13.4 – ok

7.19.2 - OK

7.19.5 – OK

7.25.1 – OK

7.25.3

7.25.4

7.9.2 a)- all OK

susy – please reference appendix back to the regulation in the waiver list

motion to approve the waivers – Karyl, chan – all YES !!!!!

paul – one more vhb letter – 11/14 – distributed and highlighted

continue to nov 28<sup>th</sup> – 8 pm - work on the conditions & tweak draft

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Marian Community PH continuation 8:50 pm -

Bill Proia

Rich Coppa

Bill Drexel

Also – Mark Bobrowski

Bill Proia – we want to go through a couple of things tonight – there is a new plan as you are aware – we thought we would put up the old plan with an overlay of the 65 units – there are two 65 unit plans – what we had sent you before and what we will show you tonight

We have some info on the plan on the title 5 questions that came up and we want to try to create a schedule going forward as well and hopefully after some key questions

Andy – my concern is that the direction we go at this point – this has been a pretty substantial change – impact of not doing sewer and having to go to septic has created its own issues – and the well issues – and speaking with some members of the conservation com – they may need to be a mepa review and an alternative analysis – this may all impact what we are looking at today – as to how we use our time effectively on coming to a decision – and what those other processes might do to a decision that we might make – we definitely have concerns

Bill – ZBA special permit for the flood plain/road bridge – and concom and then title 5 septic from BOH – it will not be a public water supply –

Bill – are you asking us to do simultaneous permitting to the extent we can?

Andy – that may end up being the case based on some comments we have gotten from the board of health – what will a mounded design do to drainage and the flow of water – some of the issues of where septic lie in relations to the open space

Bill – we do have a revised open space plan - we don't want to get ping ponged back and forth – we are designing to the various standards –

Andy – we want to look at this from the most efficient means possible – all the info has to come out

Bill – it is like any other project where you need multipoles permits

Bill Drexel – overlay in red shows the former layout with 77 units – we took out the internal loop road. We changed the configuration to 65 units which vhb has reviewed. – since then we changed layout of the road again – we moved trinity circle about 25 feet to the west so they can face the street and not sideways – orange boxes show where we will put the leeching fields – we are down to 3 septic systems instead of 5 - we made a trail through the site and a new walking trail at the northern end of the property to connect all the way through the site to Wenakeenign woods – we eliminated hoses at Sims circle – we eliminated one of the detention ponds for that area – also some underground pipe storage systems for the drainage – we also on the septic – for the reserve areas, I have . . . ???????? septic systems that we show are the presby systems – dep allows them for general use and for new construction – they give you a 40% reduction in the size area (what we show is for full size without 40% reduction) – the reserve areas are for 100% title 5 – there is room to build at full size for reserve – up between the 2 cul de sacs and another down where Sims circle was originally to handle two of the presby systems – Sims circle area will not be an open space/devotional area – nothing planned for what will happen there -

Andy – where are septic reserves in terms of the open space?

Bill Drexel – none in the permanent open space

Andy – so the devotional area is where the reserve area could be

Bill proia – this change creates a better walking trail system that isn't close to houses like it used to be

Andy – it doesn't look like the open space is contiguous – what does the bylaw say

Andy – how much of the yellow is wetland?

Chan – what kind of presentation are we getting? Where

Andy – I feel like we are starting over?

Chan – is this a preliminary look see? What are you definit

Bill proia – revision to the previous proposal – we have configured this

Mark bobrowski – at my invitation, bill proia joined paul carter and bill Drexel – we met and discussed everything – we sort of spelled out steps that were absolutely necessary – one of which was getting rid of the number of units that would push it over the 10,000 gallon DEP limit – makes it a 65 unit project – paul and his colleague tried to

Bob Tucker – I look at this as being the initial presentation on a new concept – I think going forward from here – we need to set them up on the type of schedule like we did on another project – step by step and – and

Mark bobrowski - the required open space shall be contiguous unless the PB finds otherwise that

Chan – what is the yellow

Bill proia – there are several categories of open spaced – it is contiguous –

Bill Drexel – permanently protected shaded in yellow  
– metes and bounds – under the protectoiinof concom then there is other open space as well

Dave Travalini – ask what part of that open space is vernal pool? The town protects within 100 feet – nothing can happen there – it would be good to protect around the vernal pool? Especially the area in the middle there –

Bill Drexel –

Mark Bobrowski – there is no requirement that the protected open space has to be contiguous

Bob tucker – of the yellow and green, I want to see where the wetlands are and the vernal pools –

Andy – the two different areas – what benefit accrue to the public

Mark bobrowski – it is a special permit, let them know what you want in terms of the open space – you have lots to negotiate

Bill proia – we didn't have any indication that public access has to be required

Mark bobrowski – the PB can require public access

Chan – what happens to the land in between? How does all this fit together?? What is difference between green and yellow?

Bill – yellow is protected and green is open space but not with a conservation restrciotn

Dave travalini – see the vernal pools on this – concom would probably want to see the deeded part include the buffer area around vernal pools – that would provide the maximum protectoiin for the vernal pools – that is what we would want

Karyl – I would like to know where the proposed septic systems and well locations are within the open space

Bill Drexel – septic system #3 will take up a small part of the open space

Karyl – if vernal pools have 100 feet buffer, are you proposing anything in there?

Andy – in relation to areas of open space that are consumed by reserve or septic or well, do you have extra area that you can meet the standards

Bill Drexel – we are required to have 1,000,000 sq. ft of open space and we provide well in excess of that – we show 230,000 sq. ft more than what we need

Andy – letter from the board of health today/bill fisher 11/14/06 - andy read into the record – ATTACH . . .

Andy – you addressed the system size concerns –

Bill proia – I emailed dep – I don't feel we need the permit – we submitted something to DEP – I am not sure

Andy – you have group wells -

Andy – letter from soil scientist to the boh -

Bill - only the people that will own the wells will use the wells –

Bill proia – the new regs that bill fisher is referring to would permit DEP more discretion in allowing more aggregate wells

Andy – the new regs are more favorable

Bill – We are not a public water supply –

Andy – We just don't want to go down too far this path if there is a question out there

Bill – I cant force DEP to come up with something – but I cant make them – we want to design a plan that we think complies with all the various rules and regs and standards and do our best to coordinate all the permits we need – if the day after we close this, dep says we have to do something different then we will have to address -

Chan – at least 3 agencies are involved here

Mark – you have to make a determination that there is adequate water infrastructure – you have dual jurisdiction on this

Andy – interm so simultaneous concomitantly – is there any benefit to that?

Dave travalini – when this original project came up before – there was a big issue with the bridge – since it is almost a new project – the concom would ask you to revisit the whole bridge issue – the one lane 2 lane – when we talked this over with the applicant originally – they seemed to favor – concom wise it works out better – it just seems to me that water is going to be a big problem on this site – they can follow all the rules and regulations – any impact that is going to try to move water where it wants to go is going to be a problem – whatever mitigation measures they take, it will be done, but the less mitigation they have to do the better – soil scientist report – once again I would really encourage you guys to look at this whole one lane bridge thing – when we met with you guys earlier on this – your traffic engineer said he was in favor of it – concom looks to the bank location

Andy – the issue though, is regardless of whether it is one or 2 – they can't impact the wetlands more than what is allowed

Dave – public safety – if it was just a cosmetic thing, concom is going to say you can't do it . . . but if it is a safety issue per the PB, then we have to capitulate – it is our feeling that it works out best for the applicant, wetlands and site for the bridge to be one way

Andy – we spent hours on this – we had no control about how they built the bridge, but we decided to it had to be 2 lanes

Eric – I don't want to open that can of worms again –

Andy – I think ultimately, concom would have to address how it is built in the wetlands –

Dave – it is our purview to examine economic issues – the applicant has to present to us options – cheapest, most expensive and feasible options – we can't force them to do the most expensive

Dave – if there is the public safety

Bill proia – we also have the ZBA review – Paul Carter has been very helpful in reviewing the bridge

Paul Carter – there are some issues

Chan – the bridge design – we don't have a proposal

Bill proia – we are tweaked

Mark – this is a big project – why not ask Paul what he feels he can accomplish at the next meeting and focus in

Bob Tucker – we have already started with another client a master list – Susy and Andy put a lot of work into a nice format – we have to bring some structure to this

Mark - what works on 40B – do the deal breakers first . . .

Andy – detention ponds between the homes, mounded septic systems, and open space

John – I would like to see the open space of all types – clearly identified – in the aggregate and the key features of the property and where do they lie in the open space – I want to get a feeling – I feel like you are just meeting the minimum requirements in a way that is most convenient for you and not necessarily the best for the land – I want to see it all laid out on one map

Eric – sensitive features – pay attention to – I would like to see 100 foot around the vernal pools included in the protected open space

Chan – you have to have all the wells and the detention ponds and go back to the bridge issue

Bill Proia – this is the first time we have heard what you want on the open space plan – physical features – existing sensitive features and new structures, septic, reserve,

Mark – the board can decide whether or not

Andy – we seem to always come up against this – Bill had written a series of letters that had put us on a defensive mode

Mark –

Andy – are we in agreement that the subdivision rules and regs are part and parcel

Mark – they are the best standard you have, use them as their default it – it is all a negotiation – if you are satisfied that progress is being made . . . with those directives from the board, they need to design to that approach – I am hoping that Paul will guide you with what he sees as key issues

Andy – what would be the best way to proceed

Paul – I am thinking about the other project – and then this one – general overall approach – if you go to the details right away, you have to continue to revise the plans and calcs, etc. – he can continue to do that

Andy – but there is time and a review associated

Mark – Paul, are you in a position to look at this and give a general

Paul – the septic issue is a big issue and the setbacks and how the septic relates to the soil conditions and we have been asking for info on the soil info and it comes in slowly – lots of questions that are still out there and they are changing the plans again, separate from what we reviewed and gave them comments on

Bill Proia – we are trying to provide a level of detail that you are comfortable within – formatting, etc.

Mark – here is another way to get there – set a series of performance standards – location, no stormwater detention at least further away, for example – then it goes to a definitive level of detail – some are in your bylaw and some you can dictate –



Bill – if you decide to do that, that will cause a lot of redesign – it will take time for us if you come up with that

Chan – a lot of other people are involved in setting the parameters – concom, water, fixed issues that you have to deal with first –

Andy – limited areas of upland to build it

Bill – site is a challenge –

Andy – this is a major change in that the septic has added a new layer of complexity

Karyl – and the construction standards are the subdivision

Karyl – your proposals for detention ponds

Andy – mark is suggesting we tell you what we want to see relative to the detention basins

Paul – setback issue – the detention ponds

Mark – the board can say we don't like where

Eric – in the absence of performance standards – I would let the existing standards be an implicit guide

Andy – does that give you the direction

Bob – subject to their requests for variation –

Susy – so on what basis do you grant the variations

Karyl – the minimum open space is a point of departure –

Bill – I think we are at 25% more open space than

Eric – open space to discuss at the next mtg – stormwater management – mounded septic and wells

Paul – you were talking that some review should go concurrently – the septic and the wells are going to have a huge impact

Andy – where you are drawing those on the plan doesn't mean

Bill Drexel – you seem to be avoiding the issue of the concom and crossing the wetlands with culverts – I don't know what is OK with them?

Andy – I thought you had been having conversations with them about that? Is there an application

Dave – we told them they had to refile – it wouldn't be an amendment- such a significant change with what they are doing – NEW application and full public notice – so technically nothing is before us – we will revisit the whole bridge thing – we were OK on the original plan tacit approval – all the wetlands lines had been done – we are satisfied – vernal pool identified – OK – their original plan did all that as well as they could – the only thing that was a real concern to us was the bridge – crossing that much flood plain was just – we had to capitulate based on public safety – we didn't agree but that is your call. The major change is going to be where they will put the leaching fields – and even these potential fields – our concern is how far away from the wetlands are they – as far as detention basins – all comments says they have to follow stormwater regs – if they function, that is all that matters to us – we look to VHB for that signoff

Susy – is there anything about this project that will trigger mepa

Dave – I am not sure, they may know

Bill prior – the only thing we had was the length of the sewer connection – that isn't in place anymore

Bill prior – based on your comments, helpful and focused – a lot of these things are layout issues – distances – the way the open space flows with all the other physical aspects of the site – that kind of plan we can come back with on a revised site plan – overlays and not necessarily a VHB review – is that sensible –

Eric – yes –

Andy – goal at the next meeting to have a defined focus – overall purpose

Bill – we have the list you want us to address

Bob – roadmap – of steps – overall completion

Susy and Andy to prep that . . .

Andy – next meeting, no VHB review – more of a concept plan – overview of how the pieces fit together –

Eric – after the next meeting, we may be able to give you an overall sense of direction

Paul – please a larger scale plan - really think about the presentation of the plan in terms of readable from a distance – that is a general comment we have had about the plans- real effort to make them readable and understandable – that is one of the fundamental problems with the plan – big picture –

Bill Drexel – that is 100 scale now

Karyl – 40 scale is what is really needed to understand

December 5 – 8 pm

Mark bobrowski cannot attend – he will send his associate –

Eric leaves – 10:25 PM

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Paul Atwood - Informal Discussion

Guerriere and halnon engineering

Paul – representing ann and marily Carlson who own property at covfee and main street – presently zoned ARI – my clients have inherited this house – the house is tucked into the corner – they came to us to subdivide – thinking that the house lots in the area are small – then I looked at the zoning – I approached the building inspector – he thought it was AR2 all the way to the corner – ARI cuts through and includes their property

Karyl – size

Paul – a little less than 2 acres – 1.9

Andy – what is the impact of rezoning

Paul – extend the ar2 to the corner – I have found on older maps, it looks like it was done that way on purpose but I can't tell why - currently in AR1

Andy – what would impact be if it was changed to AR2

Gino – at a minimum, it could be subdivided into multiple lots

Paul – probably 3 lots total

John – net increase of 2 lots

Karyl – would they have an interest in proposing it as industrial? – I would look more favorably on it as industrial vs. residential

Andy – you can't access industrial land through residential zoning

Andy – it would probably be a better as a retail use

Andy – could we do an overlay?

Gino – rezone the route 109 frontage for commercial?

John – I looked at the zoning map – it should have been ar2 – I would rather see it as residential vs. commercial

Andy – I think industrial would be more intrusive to the residential area –

Andy – some type of retail allowance –

Andy – if this was a commercial area, it would provide more benefit to your client –

Chan – seems like 109 will ultimately

Andy – access would have to come off of route 109 if it was commercial -

John – have to fix mistakes – it seems like those were mistakes - and this is one of those spots – what happened? I don't know what the reasons are – do an overlay later

Chan – has your client thought about going to ZBA for variances

Gino – very tough to get it approved by the zba

Susy – what are you looking for?

Bob – I think it would be worthwhile to explore with your client to look at industrial zoning -0 but I wouldn't be opposed to AR2 – coffee street makes a good boundary line -

Chan – easterly from coffee street – commercial

Bob – concerned about safety aspects

Chan – inclined to have an overlay

John – rezone it to be AR2 , then add an overlay for the future which is what we are here to do  
Correct the anomaly

Karyl – I would like to see all that area done as an overlay for industrial –

Gino – I would speak against 109 becoming an entire commercial strip – does the town want that – planning it is better to have centers and differentiation along the street – and not just have one long commercial strip – it helps with traffic management – lots of turning issues –

John – the additional houses on this lot would have to come off of coffee street –

Susy – it would come to us as an ANR plan if it was rezoned –

Andy – generally, the BOS likes to have zoning at annual town meetings

Chan – I would be reluctant to increase residential density if trend is going toward commercial –

Andy – I would go toward commercial if there was a tie breaker – personally I would probably stop the overlay at coffee street. – the notion of creating more density in that area I am opposed to it personally –

Paul – it doesn't like you would be willing to sponsor a rezoning

Andy – if we had to say tonight, probably not – I would put more energy into other projects –

Bob – economic needs of the town – what we just went through with coffee street residents –

Paul – if my client were to put forth a petition . . .

Thanks

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Committee reports

Andy – legislative breakfast – chan, john, Karyl

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IDC – discussion

Gino – gist they had some concerns about that type of dev in the I3 district – OK with I one – we want more time to discuss further – can't be on for the special anyways – then they went off on a tangent – they didn't like the word "contractor" – that is the whole reason – paul yorkis attended the IDC to discuss – when I left they hadn't finished the discussion

Chan – they feel it is degrading the use -

John – I have to be a devils advocate – certain uses of property do effect the potential uses of adjacent property – that is what I picked up on in the conversation

Karyl –

Bob – as long as it is well done and kept clean

Karyl – the word contractor and inside storage are two opposed categories

Chan – but the bylaw would specify no outside storage – you cant have what you

Andy – I think they believe the industrial park can be grander

Glen - one member went through the industrial park with an investor – class A building at beginning and a class A bulding at the end – and they don't like what is in the middle

Andy – they like cybex and conroy and they don't like what is in between

John – all we can do is maintain standards through site plan –

Karyl – they came to DRC with just a few ideas – pretty much like grove street

Andy – is there any one lot out there that can support a 50,000 sq. ft building – could we approach owners of those lots to endorse the 43D program?

Susy –

Chan - can we recommend the change as written?

Andy – does this board feel they need IDC’s approval on something like this?

Chan – I used to feel that way –

Bob – back when paul first came and asked about this – I suggested

John – industrial I absolutely – no brainer – I have some reservation about going for it in industrial 3

Andy – it could also be in commercial 3 –

Karyl – I would not want it to be on broad street –

Gino – he can get a building permit to do that building, it is just what goes inside that is at issue.

Andy – does the board feel it necessary to have IDC’s blessing

Chanb – no

Bob – no

John – no, but desirable

Andy – no but desirable

Karyl – no but desirable

Gino – he has 3 tenants that would fit this use and he needs this use to go ahead and get his financing

Gino – one of the concerns is that these would not be high value buildings and wouldn’t really contribute

Andy – I am willing to sponsor this at a point in the future

Chan – I would be willing to sponsor and sell the reason to go forward with it even without the IDC approval - town needs investment - this is not a seedy proposal

Andy – the guy can build it anyways and – this is a huge gaping hole in terms – we don’t want to encourage contractors to keep working from their homes –

Andy – I think there is enough reasons to do

Bob – I think there are reasons to do it and not allow is foolishness

Andy – we need to come to some sense of that particular site

Karyl – cheered it up a little and make it look better – there was little to no effort to make it look good when he came to IDC

Andy – do we want to go forward – can we give them a nod

Chan – yes

John – yes – would like to talk more with IDC

Bob – town needs to have it, but I am not sure that Ind I is a good location

Andy – the board was somewhat fracture - want to support it and continue to work with IDC – it wasn't necessary to have their support – we will meet with IDC on 12/12 to continue work

John – a really forward thinking site plan would help me . . . that could be done in a way

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43D - I have a draft article from the State Dept of Bus and Tech web site – appropriate for adopting 43D

andy – I approached Jim Galligan after the selectmens meeting to make a presentaiotn to the BOS about this program – to earmark parcels for development – need to have landowners permission for particular parcel and the zoning and the lot would have to allow for 50,000 sq. foot building – they provide \$

andy – put together a mini task force of multiple boards – make a recommendation to the BOS to grant a permit

gino – all the individual boards still have to grant their permits within

gino – the first step is to review an application for completeness

john –

andy – we have town owned land up there that we could look at it

andy – gino, could you do a review of what could be available

gino – cybex would be a very good candidate – they want to do a fairly big addition – I can't imagine they wouldn't be interested –

andy – that would get state sewer \$ to them more quickly –

gino – the grant money is limited to – one time grant max \$150,000

andy – through the technical grants, is this something you would be able to assist us with? If it took us awhile to get the money

gino – within the limits of the law, time that is spent before the grant is signed, it is hard to bill for that – but there are ways to make it work

gino – I don't see anything

john – approach cybex now to get it rolling . . .

gino – another carrot to throw to them to keep them here

andy - they want to expand but they need the sewer

andy – how doe sthe obard feel about this –

gino – bill wright would be the best person to

motion by bob , cseocnedc bly cha – to submit an article for 43D for the cybex property – all yes

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alternative language for OSRd - looks  
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Karyl – they should do

Feel prefer

John – CPC – Mr. Briggs just wants to protect his land – there had been prior proposal for a lump sum of money in return for development rights - he would be interested in more of an annuity situation

Andy – what about the agricultural commission idea – have agriculatural represented somehow

Susy’s report

Motion to adjourn

GINO’s report – next week – on grant status . . .

11:50 PM