

May 30, 2006 PB meeting

PRESENT: Andy Rodenhiser; Chan Rogers; John Schroeder; Karyl Spiller-Walsh; Matthew Hayes

ALSO PRESENT: Susan Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:18 p.m.

First orders of business – Gino had forwarded an email to Susy about getting help with the Affordable Housing bylaw – Smart Growth technical assistance grant had a component for having a lawyer review our draft affordable housing bylaw. Edith Netter as a candidate, suggested by CHAPA as a person to handle that task.

Mark – she works with a lot of developers – make sure she is not working for any developer that might be affected by this . . .

Joe Musmanno – the zoning board recently had experience with her representing a developer – there was a protracted dealing which wound up with an arrangement – we engaged an attorney on that same case to act on our behalf – jonathan witten . . .

Andy – somebody to represent the town's perspective

Mark Cerel – you could include in a contract that she cannot work for any developers in town for x amount of time

Andy – table discussion for attorney – susy and gino to work on other suggestions for Thursday night's meeting

Public Hearing – Proposed Amendments to Zoning Bylaw and Map

Andy – we will begin the public hearing for the proposed amendments to the zoning bylaw –

First, just a course of action that I want to lay this out so we can be orderly and civil through the course of this . . purpose is to conduct a public hearing – there are 10 zoning articles on the warrant – 4 related to zoning changes and 6 related to text revisions – tonight's hearing is to gather public input about the various proposals – one of the things I want to clarify – the process we went through with this, I would like to say that we should probably try to have the public hearings before we submit articles to the BOS – we think we can do a better job of getting out information – that is something we will try to endeavor and try to do a better job to get info out to you guys

Public hearing is one of several steps in the process for zoning changes – it doesn't mean that there is anything proposed in terms of a specific development – after the PH is closed, the board will deliberate – no testimony at that time – any changes need 2/3 vote to approve – that will happen at the town meeting on june 12 – at MHS auditorium

The reason these things come up is that we use the medwaymaster plan – we take our direction from the master plan – I suggest that everybody read through and look at it – great document – community voted on and passed at town meeting – tht document approved and passed at town meeting – how we do our job –

Once town meeting acts on something – I f it is passed, it goes on to the AG office for certification

There is a copy of the public hearing notice that summarizes the amendments –

Matt, john – motion to waive reading of the public hearing notice

Thanks for attending – especially those who took time to write letters, we have received copies of them – there is 40-50 – in the interest of time, we will iincorporate those letters into the minute4s of the meeting but in the interest of time, we will waive the reading of the letters – chan, karyl – all yes

I believe that most of you are here related to the coffee street rezonings – brief power point presentation – we read every letter and have tried to answer the questions – hopefully we have addressed

Try to limit discussion to 2 minutes per person – with new info, we will continue discussion – at the end of that presentation , we will have you raise your hands and give testimntony – so susy can get everything iinto the minutes – please give your name and address –

Chan Rogers – we apologize for the room arrangement – we took your letters – we chose to notify everybody within 500 feet of the property – we felt we gave you good info and we are augmenting it tonight

Andy – we will get this on the town web site as soon as possible

Attach the power point presentation to the minutes – Chan makes the presentation – Articles 36 – 39 re: proposed rezonings

Problems Medway is facing is no different from other communities

Traffic concerns – access – will not have any access from coffee street or green valley

Pb will not allow industrial traffic to access this site from either green valley or coffee street – make that happen through PB site plan

Suggestion – to make Coffee Street one way

Chan – might be something to take to the BOS – that would be the responsibility of the

Andy – I think we could work with the BOS to look at this . . . good idea for us to consider – have a public hearing to discuss this option . . .

Citizen – if the town votes to rezone the property to industrial, how can it remain residential?

Paul DeSimone, 38 Coffee Street – there is a document recorded in land court that prevents any usage of that road – I have a copy for you . . .

Chan – we will review this document that you offer . . .

Andy – presently the town is the largest collective property owner in the west side industrial area – town counsel has told us it would be 1 year to pursue eminent domain for these areas . . .

Andy – there were also some questions about the proposed town well and the impact these changes could have on that area . . . when this well goes on line, there will be a new flow of water that would go to green valley area – this should improve your water quality – also there needs to be a 400 foot area around the well – Mark Flaherty has no concerns about this change

Phil Giancarra – 400 foot radius for nothing, 2000 foot with restrictions

Mark Cerel – limitations – handle disposal correctly . . .

Andy – if CPC was to purchase this, it could never be developed for business purposes – it would have to stay open

Andy – we see it as our job to present this idea –

Paul Crisafauli – if it is rezoned, who will own it? If you are trying to improve medway, that stretch of route 109 is not good visually – I don't think that is the right thing to do to add,

Citizen ?? – if you went on the assumption that the home prices are much higher – those houses would would generate much more in taxes than you are saying . . . those numbers might be meaningless

Mark cerel – what drivees all this is the formula for education reform – state has standards for how much \$ a town has to spend on each child per year – 6500 to 7000 – big monster house with no kids

Mark mahan , 9 green valley road – conservation commission have they looked at this yet?

Andy – before anyone would go site plan – have to go to concomm

Mark Mahan – is there a potential that that well could not happen – I wondered why industrial park didn't extend northerly.

Mark mahan – road access from coffee street – there is a curb cut there now – they secured a street opening permit – it is a residential use

Bill hommell, 25 coffee street – right now there is a culvert going under coffee street with a stream that goes into the back wetlands – that could become industrial if the wetlands are replicated elsewhere

Mark Cerel – state dep does not allow huge replication areas

Andy – anything that was done would be part of a project – same rigorous site plan

Bill hommell – two other locations where gates are not closed

Mark Cerel – before the PB goes too far, - I believe the PB needs to find out if the owners of 35 and 35R would have rights to use the frontage of the county road of 1936

Duane wlazer, 11 green valley road – has PB taken into consideration in the other communities – I would like to think that with this industrial area being so far from 495, it could be a long time

Todd Thompson, 46 coffee street – I am across from the houses that would be rezoned – I think the only beneficiary would be the current owner of the existing industrial park – once it is zoned and changes hands, industrial uses would come all the way to coffee street – those uses are not low key

Ralph Costello – developer of applegate farm – several questions – the properties along coffee street – why would they be considered to be rezoned, rather than just leave them?? I do accept that you do not intend to use coffee street as access. The other thing that is troubling is that Mr. DeSimone has referred to something on the land records that would prevent that way from being used. Another gentleman pointed out the red area – who is that owner? Has an easement been given yet? There is a proposed agreement, not signed. I raise the question whether it is a wise approach to rezone something . . . – the people that are currently living in the residences on coffee street – if this all came to fruition, it might help them financially – it may depend on whether the access issues are successfully resolved. It seems that the new industrial area adversely impacts green valley road, new applegate, etc – I would throw out a suggestion, if you were looking to protect some of the existing residential homeowners, rather than a 30 foot buffer, that is not a lot – if you increased that buffer to 100 to 200 feet as part of the proposal, then you have some open space that you can use – that would make the homeowners feel better – and people would think the PB is looking after our interests . . .

Susan wood – the land that is being considered for the well, who is it

Andy – lally and revel

Susan wood – you don't want residences, industrial might not develop for years – is there another type of zoning that isn't residential that could go on there – is there a zoning the PB could make

Andy – when we met with the IDC, we asked them about an office zoning option – IDC felt that there wouldn't be much of a market for that – referenced industrial condos

Susan wood – there is nothing between industrial and residential??

Andy – the 4 houses on coffee street, they had just been in with concerns

Sara brady, 10 lee lane – seems that you are putting the cart before the horse; you are looking to rezone land that there – seems to be a backwards way to do it – if you don't have some of these details finalized – it seems like you haven't crossed your ts and is – is it on the warrant, can it be changed? As far as the 30 foot buffer, you could increase that buffer? By what process would that happen?

Andy – this is not a done deal. . . I agree with you on the process – through this public hearing, we get information, and if we can't get things resolved, I don't want to see an access to that site off of coffee street

Andy – it would have to be done through a zoning bylaw

Ron Pollack, 37 coffee street – couple of comments – re: site plan decision – that buffer has not been changed at all – no work has been done yet – I don't believe - because my zoning would be changed, that buffer zone could disappear . . .

Andy – that is not true, there is a site plan decision,

Matt – that site plan stays with the site

Ron Pollack – we are concerned with its present problems that – this will take away what protects me as a residential owner – I might not have the buffer protections anymore if the zoning changes – Article 38 . . .

Don grimes, 6 lee lane – been a resident here for 55 years – a lot of concerns have been brought up tonight – in front of my house, I end up with a lake – drainage from this new industrial land – if this becomes an industrial property – where is that water going to flow to – any plan to take care of existing drainage – major concerns

Andy – before anything would happen, the plans have to be submitted for stormwater calcs, - all stormwater has to be handled on site – all would be addressed – off site mitigation for a project this size, there may be some scenarios where some of those problems could be addressed –

Dan Wallace, 10 saddle hill road – why did you have to make it industrial – why didn't you make some of it as industrial and leave some of it as residential –

Andy – we are not required to have zoning that follows property lines, at the time this was proposed was submitted, we didn't have the benefit of a survey to denote the areas

Dan Wallace, - so because you didn't have the survey, - a better way would be to keep some of it agricultural

Ralph Costello – in the absence of a survey, say 200 feet from the back property lines

Phil – is it legal to change it now?

Mark – you have to be able to show it on a map; and you can make it more

John lally, 35 coffee street – I didn't think you can landlock property through zoning. The gingleman at the end of the table said he had . . . if you kept a border around the perimeter, how would that residential property be accessed

Gino – it has been done in medway before, there is a subdivision cul de sac off Trotter Drive,

John lally – could I do that

Can you access residential through industrial?

Mark cerel – that is policy question – some towns handle this in various ways . . .

John lally – when mr. rosenfeld – he denied us access to industrial park road, it was protracted and contentious issue – I am not in favor of this – I think parcel 493 will be unbuildable – I don't think it is viable to go through the industrial park to – I believe the county road is only 30 feet wide and you require 50 feet – I think rosenfeld is the only one who could use my property

Andy – the easement that was discussed was across their property

John – I would just want to make sure nothing is illusory

John – I am very uncomfortable being her eright now – we have had this land for 40 years – in a few years. . when there will be appraisals on the well site,

Keven Cahil, 4 cardinal circle – you said a commitment that you would be

Andy – the little strip would be an emergency access only – it could remain a dirt road – 14 feet, most likely from coffee street –

Betty Rigg, 30 coffee street – question on article 38 and the access road that would come out from that – that evidently will not happen – you said that you wouldn't support access through a residential

Betty rigg, so at no time were you contemplating an access road form coffee street

Andy – No

Ron Pollack senior – the 4 houses bordering the industrial park now – that area would only be of benefit to the town if it . . . leave it alone – no benefit to the town . . . why not make the other coffee street houses industrial too

Mike regan, looking at buying 6 spruce road – from everything I listen to, you have not done your homework, if this passes, will you buy my house ?

Andy – I respect your position, there is a town meeting that will pass – it is our job to present these things . . .

Bill Hommell – that strip is 50 feet

Ed clancey, green valley road – you keep saying that you are not happy with this process – take it off the warrant and do your homework why cant you just do it now

Andy – the board will deliberate this on Thursday after the PH goes forth – this is how we get improvement – we are up here doing a job for you and we need to listen to everybody – and I mean people listening at home who may or may not care – we have to be civil in how we do things and there is a process to follow – going forward and having our public hearing earlier – let’s anticipate and be ready – is there any rule or law that would prevent us

Mark cerel – time is tight, open warrant, busy with subdivisions – nothing

Gina Goodwin, 10 green valley raod – I live on the property where the county layout is – you are here for us and ou are listening, . . am asking that you listen to what we have said and have it taken off – I think anybody that looks at this is going to have some serious water problems – I don’t want to have industrial behind my house

Mr. Goodwin, if you put this in front of the town, everybody will say great, it is saquick fix –

Sue giangarra, green valley – I have never been able to walk all the way through my backyard all the way to coffee street – the great black swamp is back there –

Joe musmano, summer hill road – I submit with respect that article 38 – the subject property would be difficult for access – I think a petitioner before the PB could make its case that it could use the access

Maria walzer, 11 green valley road – you say you wont allow chemicals, but what manufacturing operation doesn

Diane clanecym green valley road – anybody taken a look at that indusltrial park, it looks pretty dumpy – if that is how we take care of the industrial park then it would not be anything I would want next to me

Andy – they have some deadlines for cleaning up, planting, fencing by September 1, 2006 – the earlier dates are for the fence

Diane clancey – the west medway – that big vacant bulding? Is that part of the eminent domain thing?

Andy – the eminent domain area is along route 109,

Paul desimone – I once heard a member of the BOS, we are here to serve the people – the best way you can serve this group of people is to vote to discmisss the article

Wayne walzer, green valley – what is the plan from here – you have sent notices to people within 500 feet – there are people that do not know anything about this – so you will go off and

Mark cerel – rezonings are not required to give notice – this has been done as a courtesy – you are expected to have notice throug the warrant

Andy – it is on the web site – and it will be mailed to every resident

Wayne walzer – if you recommend it, it needs a 2/3 vote.

Mark cerel – some action at town meeting – if the PB decides we made a mistake and they don't want to go forward, then you could move to dismiss or withdraw . . .

Susan wood, does the pb as a whole – do you support this going forward

Karyl – no

Matt – still gathering info, public hearing is still open

Chan – I am not going to say tonight – you are subverting the process

Andy – it is not appropatie to poll the board at this time until the PH is closed – we need all the input – we will deliberate this week at 7:30 pm – it is an open meeting – you are welcome to attend, but no more testimony taken at that time

Ron Pollack, senior – you just said that they are going to start cleaning up behind the houses – who is going to supervise that - there is a big hole and I expect

Andy – Bob Speroni is the zoning enforcement officer – it is his responsibility to address any of the condntoins of the site plan and enforce it – he is the man

Ron Pollack, senior – where I am coming from started last year – we still live with it every bloody day – it is still not getting done – if you aren't going to put some sort of –

Andy – up to this point, there has never been a site plan in place – so now there is

Ron Pollack, so rosenfeld has been informed of this

Andy – I believe there was a land court – some deadlines they had to meet to show that they were going to do things –

Ron Pollack – can the hours of operation be enforced without contacting the police

Andy – I cant address this problem, it is not in our jurisdiction – call the police

Bruce yeory, pond street – I know you guys have a lot to handle, I know what you are tryingn to do with the master plan – irregardless of what mr. desimone said, if you can't get across the county road, but article 37 still gives access – so what are your thoughts on that – wouldn't that allow access – were you planning on access off of coffee street

Andy – I have to respect the process – if you knew what we go thorough – we do the best we can – when the article opened, we put it forth - - I met with safety officer and ZBA chairman – we are trying to assimilate all this info so we cnaput forth – personally, I would not want access to the property on

Andy – thorough ralph's proposal, he is going to have sidewalks constructed on coffee street from ellis to Holliston and ellis to edge of property

Phil giancarra, - all across the bottom of residential – granted applegate is anew development – there are residences here that have bougfhrt their property knowing that the adjacent properly is to be residential/ - the entire area north of the exiswting industrial park – now you are talking about industrial impacting the acquifer the – there will be extra trucks – any additional traffic that would go in this area, there will be additional pollution going to the groundwater – long term residences surrounding an industrial park – it is not good for anywhere else inthel town – very expensive homes around – they bought knowng that is was agricultural land – extremely quiet, no trucks, no cars, some noise form the industrial park – putting an industrial park here is seriously going to effect

Mr. musmamno – I submit to you that a zoning change is a very serious matter – in my opinion, it is almost akin to a taking for municipal purposes – when the BOS votes to take proe;ryt, they have to compensate – in thise case, no compoensatoin involved – some values will go up and some will go now – you have done the right thing inlooking at the master plan – but the charge between the master plan and the actual change of zoning needs to be a plan for what the town will look llike in its overall scheme – should be based on access ways through towns, geology and human factors and cosndierations – despite people here are very affected – you are going to have to contemplate whether this is the right thing fo rhte town for the next 100 years –

Paul crisafulli – the impact of the water driange is going to effect green valley- with all that development, it will impact green valley –

Andy – does anybody have any comments on any of the zoning articles

Andy – any last comments on these

Donnalee brothers, I just want to say as far as traffic and stuff – the traffic is viscious from the industrial park- the landscapers come out and use coffee street to avoid the light and the school buses too – there is heavy traffic from the indu

Andy – mark Flaherty has assured us it is not an issue -

Candy – since 1978 when I have approached the town on coffee street – about cutting a tree – told we cant do anything as it is a scenic road – blah, blah, blah – then I was told that coffee street wasn't a scenic road – then there was an historic site marker – there are still remnants of what there once – Ishmael coffee historical – any water back there will be filled in

Andy – any other comments on these articles?? NONE

9:50 p.m. - Andy – we will take a brief recess for 5 minutes . . . and then address the other zoning articles to see if there are any comments on those . . .

reconvene at 10 pm –

andy – does anybody have any comments

joe musmanno – article 31 refers to certain language – defines an affordable housing unit – is this consistent with 40B language – please be sure it is consistent –

andy – it previously wasn't and now it would be consistent

article 32 – we have added an affordability compent in arcpud

mark cerel – we ran into this situation in franklin, where there was a local bylaw, - asking people to buy into a fairly aggressive program for – if you create affordable housing by your own definition it may not be qualified by the state – the turnovers are when it becomes a time consuming job – new marketing and lotteries, it is really needs to be looked at and rethought –

andy – can chapa do something like that –

gino – I am not sure that they do that –

mark cerel – chapa would do it and monitor resales but they don't really make enough money on it – in franklin,

andy – farming it out to a third party, but then it is a matter of where are you going to get the money to pay for it – the developer is long gone – it is expensive to market these units – advertising, etc – running a lottery, and that sort of thing –

matt – couldn't the condo association be given that job

mark – that is a reason for having an affordable housing trust and getting an exaction from the developer to have \$ to handle the continued marketing on this

andy – is there a time limit for which the town has to –

mark cerel – the town generally undertakes the marketing of the resales – even language is tight, there is the practicality down the road that requires monitoring – franklin example – people were refinancing for more than the property was supposed – town has a right of foreclosure on the mortgage foreclosure -

mark – having an affordable housing trust fund would help pay the costs of

gino – is this intent to apply this to the existing applications? You may need to add language that this would take effect as of a certain date . . .

andy –

jim galligan – give fincom the text of what the change would be so they can offer it as the actual motion

article 33 – ARCPUD Pre application

Andy – lay out the 4 step process

Mark Cerel – I would appreciate a brief written summary of each article - - I don't want to establish a precedent for power point presentations . . .

ARCPUD – 4 step design process

Joe – Seems like you are asking for them to do a lot

Chan – you can't legislate this

Mark cerel – you absolutely can legislate this – I don't see any problem with this language

Susy – this is the same as what we included in the OSRD bylaw last year

Article 34 – exempt uses

Mark – I think this is a gaping hole in the current zoning bylaw and this is a good effort

Karyl – I think it is pretty good

Joe – where did you get the lighting standards from?

Susy – elsewhere in the zoning bylaw

Mark – there is some out language to allow the board to look at things

Article 35 – OSRD affordability

Gino – the town went several years with an OSRD bylaw that wasn't workable – without also having a comparable requirement for conventional subdivisions, I am not sure it is viable

Mark – until you pass inclusionary zoning . . . unless you give them a density zoning

Joe – it makes inclusionary zoning less of a leap if you do these –

Mark – trying to make the leap anyway – substantive zoning change that is going to bring out a flurry of preliminary plans -

Andy – when could be ready for an inclusionary zoning bylaw for June 2007

Gino – unlike many towns, your OSRD has a formula vs. having to show a completion

Mark Cerel – I think OSRD by itself is a good thing – it is to be encouraged – and something where you require 10% affordable could be

Mark – once you propose inclusionary zoning article – everybody will file preliminary plans to freeze their zoning . . . you need to think about the content and time very carefully

Karyl – remember the example of Taunton – they were rezoning and they were overwhelmed by preliminary plans –

Chan – that is what the homebuilders is raising the issue – planning boards are forcing expensive development

Mark – if you can give a developer a buildable lot, they are going to max out the lot absent any other restrictions

Andy – since you can't impose an impact fee, you make it expensive to try to slow down

Mark – vicious cycle -

Andy – so any kind of proposal

Mark – look at it with some kind of carrot approach to allow them some sort of density bonus, - lots of paperwork for the developer to secure DHCD approvals

Andy – if we were at our 10%, and we tried to do inclusionary zoning,

Andy – as you increase the # of homes – would they be exempt once we meet

Mark Cerel - talked about 40 R districts . . . each project

Gino – norwood example for 40R and another town – subverts the intent of 40R – not supposed to be spot zoning,

Mark – DHCD density is very extreme – using

Andy – is everybody clear

Article 40 – signs

Joe – the proposed text doesn't address the illumination issue

Andy – if we were to add that language re: non-illuminated

Joe – enforcement issues are important . . .

Susy – joint effort with the BOS – friendly letter approach . . .

Mark – the enforcement mechanism is a letter from the ZEO to the party -

Andy – the BOS also has the ability to withhold business licenses

Susy – maybe we could add sign violations to that business license

Motin ot close public hearing – matthew hayes, seocned – chan , karyl – all yes

Deliberate on Thursday, June 1 at MHS library – 7:30 pm

Public Hearing – Rules and Regs . . .

Open public hearing –

Matt, karyl – waive reading of public hearing notice – all yes

Karyl – has town counsel weighed in on this at all –

Susy – he hasn't looked at this exact language

Gino –there may be an issue with DOR if it isn't spent

Matt - I think DPS should be planning to spend it and get him moving on this . . .

Susy – we should do a letter to Dave to encourage him to get going on this

John – how was that sidewalk plan developed

Andy – dave put together a master list with priorities –

Close the public hearing – matt, karyl – all yes

Motion by matt hayes to amend our various rules and regs to include the text as listed – karyl – all yes -

Motion to adjourn – matt, john -0 11:05 pm
