

Approved – August 22, 2006

*Andy Rodenhiser, Chairman
Cranston (Chan) Rogers, P.E., Vice-Chairman
Karyl Spiller-Walsh
John Schroeder
Robert K. Tucker
Eric Alexander, Associate Member*

Medway Planning Board Meeting July 25, 2006

PRESENT: ANDY RODENHISER, CHAN ROGERS, BOB TUCKER, JOHN SCHROEDER, and KARYL SPILLER-WALSH.

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

Meeting called to order at 7:05 pm

CITIZEN COMMENTS – None

Discussion with Nancy Brady, 153 Holliston Street

Nancy Brady – I currently live at 153 Holliston on 5-acre piece of land. I want to build a new house in back of the existing house, but I want to live in the old house until I can live in the new one. It is a long deep lot. the new house would be 85 feet behind the existing house. There is a 25' wide strip next to our lot that connects to the back lot that my father owns.

Gino Carlucci – I am a little confused. This citation is from Subdivision Rules and Regs.

Susy Affleck-Childs – Bob Speroni pointed out that the Subdivision Rules and Regs state that there cannot be more than 2 houses on a lot without the permission of the Planning Board. That is why she is here.

BOB TUCKER – Your intention would be to demolish the existing house once the new house is done?

Nancy Brady – Yes.

A motion was made by Chan Rogers, seconded by John Schroeder to authorize construction of a second house at 153 Holliston Street with the proviso that the existing house be vacated and demolished within 120 days after occupancy permit is issued for the new house. The motion passed unanimously.

Swenson Granite Special Permit – Referral from ZBA for special permit in flood plain/wetlands district

Susy Affleck-Childs – Swenson Granite wants to build a small addition to their existing building on Industrial Park Road. Because part of the parcel is in the flood plain/wetland protection district, a special permit must be secured from the ZBA before construction can occur. I had placed this item on the agenda in the hopes that Swenson’s engineer would supply a site plan showing the location of the proposed addition. But that has not happened.

A motion was made Bob Tucker, seconded by Chan Rogers to table this matter until they come back with sufficient information. The motion passed unanimously

CHAN ROGERS – Just to be clear, they need to provide a plan that shows where the addition will be located.

Construction Observation

Paul Carter – Susy asked that we contact Bobby Cheschi for The Haven subdivision for a preconstruction meeting. We met with them on July 14th. They are going to be starting the clearing the second week of August on this 3 lot, private way subdivision. They will demolish the existing house. We gave them a list of key inspections that are required.

BOB TUCKER – In looking at your report outlining the sequence of construction, why is he delaying putting in the hay bales before grubbing. The hay bales should be in first.

Paul Carter – That list is in reverse order. We can clarify that with him.

Village Acres Subdivision Bond Account

Susy Affleck-Childs – This is a bond account we have been carrying for way too long. This subdivision has been done for several years. It was a private way subdivision. I recommend you authorize closing the account. I believe there is only about \$20.00 left in it.

A motion was made by Chan Rogers, seconded by John Schroeder to approve closing the subdivision bond account for the Village Acres subdivision. The motion passed unanimously.

Reports

BOB TUCKER – I attended a CONCOM meeting. They discussed 13 Franklin Street/Walsh property. Their engineer (Bill Halsing of Land Planning, Inc.) brought in a revised drawing. They had adjusted the road width as we had asked them to do. They added cape cod berm and they had modified the roadway to be acceptable with basins on both sides of roadway and a crown. It was still very much a preliminary plan at that point but CONCOM had no issues with what was presented; they seemed fairly happy. The only thing that was not revised was the driveway slope. It is still being shown at 8%.

ANDY RODENHISER – As we interact with these other boards, we take back what we hear. There is a good spirit of teamwork toward getting things that are in the Town’s best interest.

ANDY RODENHISER – I am trying to get in front of the Water and Sewer Board to discuss finding a way to communicate about sewer capacities and problems. I also want to talk with

them about creating a revolving account for infiltration assessments with fees to address leaks, etc. I think it would reduce the expense of the rate payers and provide needed capacity in the future for businesses and residences that may want to connect. They are not a very active board in the summertime. I will keep you posted as things to develop

BOB TUCKER – It is a good idea to know what is out there.

ANDY RODENHISER – There isn't a process about where we are in terms of capacity. It could be that all of a sudden we are out of sewage treatment capacity.

Gino Carlucci – On that subject, the Charles River Water Pollution Control District send a letter to the IDC indicating that there are 95,000 gallons of capacity left.

ANDY RODENHISER – While we are dealing with what is left, we need to be aware of how this will all work

KARYL SPILLER-WALSH – At what point do we correlate those two numbers . . .the incoming applicants vs. allowable capacity?

ANDY RODENHISER – We need a process to be able to say you are next to get sewer.

CHAN ROGERS – It needs to be prioritized.

ANDY RODENHISER – There needs to be a defined process. There may be projects that are in the planning process, where we could approve something that there is no sewage treatment capacity for. We need some link to sewer connection permits. Maybe we should have applicants show us that they have been accepted into the sewer connection.

KARYL SPILLER-WALSH – There should there be some sort of publicity or publication that states there is X amount available. There might be existing neighborhoods that might want to hook up.

ANDY RODENHISER – That letter from the Pollution Control District is intended to specify what gallons are available specifically for the industrial park.

BOB TUCKER – The other thing we talked about too is what is the status of the (sewage treatment) facility. Can it be grown out? Where does it stand? Do the member towns need to start thinking about the future? When is that point in the future when there is no more capacity?

KARYL SPILLER-WALSH - We should have information that comes to us with project applications re: how many gallons of sewage needing treatment are expected.

ANDY RODENHISER – I think the sewer department has a standard number. Let's say it is 65 gallons per day per person

BOB TUCKER – Back when I had to review septic designs, it was 150 gallons per day per bedroom.

ANDY RODENHISER – My intent is to go to them and say to them that it may be a problem. As we start looking at plans and things, we need to be mindful of what capacity exists.

CHAN ROGERS – There is a parallel position with the water supply.

ANDY RODENHISER – Look at the time it takes us to do some of these things!

KARYL SPILLER-WALSH – Applications may need to zig-zag back and forth between the various boards/commissions.

CHAN ROGERS – This is something that Susy can do when people come in for application information.

Rolling Hills Definitive Subdivision Plan – Public Hearing Continuation

7:40 pm

CHAN ROGERS – What were the issues for the delay on this?

Reference VHB’s response letter dated July 7th and revised plans dated July 17th

Paul DeSimone – I needed to address VHB’s list of concerns. We did get an Order of Conditions from CONCOM. I have 2 septic designs approved by the Board of Health (BOH). I am trying to work out a few last things with VHB. That is where we stand now. We are asking for those 2 waivers – to off center the paved roadway within the roadway layout and a waiver on street light installation. Regarding 5.5.10.1, in the drainage calc study, we did submit the tests we had done. The elevation in the detention is at 236 and our base is at 238.

Paul Carter – We received the revised plans last week, but I was on vacation and haven’t reviewed them yet.

NOTE – Paul DeSimone reviewed how they had responded to the July 7th VHB letter.

Paul Carter – 5.7.32 – I am looking for a cross section of the landscaped island. You need to provide a construction detail on the materials and thickness.

Paul Carter – Is the PB comfortable with concrete pavers on the island?

KARYL SPILLER-WALSH – No.

ANDY RODENHISER – What is the purpose of that area? Will that become the ownership of the homeowners association?

Paul Carter – Please look at the cross section in the Subdivision Rules and Res. The regs show the thicknesses and the materials

Paul DeSimone - If we can save the tree, we will not landscape the island. The key is to try to save the 24-inch tree and use ground cover. If the tree goes, we will do a full landscaping. If it stays, it will have a woody feel.

KARYL SPILLER-WALSH – I want you to make monumental attempts to save the oak tree and then put in a ground cover such as myrtle or pachysandra.

Paul DeSimone – We would add in burning bushes, Rhodes and some creeping junipers.

Paul Carter – It just seems confusing on the plans. What are you committing to?

KARYL SPILLER-WALSH – What will determine whether you save the tree or not? You need to be aggressive about it.

Paul DeSimone – The owner wants to save it.

Paul Carter – Have the landscaped island plan serve as the plan whether it includes the oak tree or is entirely new.

Paul DeSimone – But if we can keep it woodsy, then the new plants should reflect that.

ANDY RODENHISER – Lets put the effort into saving the tree.

Paul DeSimone – CONCOM wants us to use mulch tubes instead of hay bales. That is what we have to do now, per their Order of Conditions. 7.7.2. (h) – There will be a little depression with two pipes coming out to enter into the wetlands on the other side of the street.

KARYL SPILLER-WALSH – That sounds like a detention pond to me.

Paul DeSimone – It is a low area that will look nice and CONCOM wants to protect it 25 feet around. It will dress up the site.

Paul Carter – It is like a culvert. They will stabilize it. It already functions in this way now.

ANDY RODENHISER – Is there a detail showing that?

Susy Affleck-Childs – What will the retaining wall look like?

Paul DeSimone - Poured in place or modular concrete, 2-6 feet.

Paul Carter - I was looking for more details on how the pipes will come through the wall. I thought it would be helpful to show how the pipe goes through it. I guess in terms of the wall itself, I had some questions re: manufacturer, make, model, etc.

Susy Affleck-Childs – The Planning Boards in recent years have vowed they would not permit concrete retaining walls with chain link fences.

Paul DeSimone – When we get to that point, we will give you a design then. We are thinking of concrete modular block. We will give you a cut sheet.

CHAN ROGERS – The total height of the wall is 4 feet.

KARYL SPILLER-WALSH – In some places it looks like 6 feet of retaining wall.

BOB TUCKER – Is the guard rail enough to have on top?

Paul Carter – It should be shown where the guardrail is in relation to the retaining wall.

Paul DeSimone – That area is all woods, so it can't be seen.

KARYL SPILLER-WALSH – I want to make sure it is wooded enough.

ANDY RODENHISER – Can you do a scaled drawing elevation of that wall? Follow the profile that you have.

Susy Affleck-Childs – If Bob Speroni says it needs a fence, it should be specified as to materials.

Paul DeSimone – I will talk to Bob Speroni.

ANDY RODENHISER – I think Bob Speroni will say that we can't dictate what the design and materials are going to be.

KARYL SPILLER-WALSH – We want to upgrade the surface part that is visible to the public.

Paul DeSimone - I will do a profile and ask Bob Speroni if we need a fence or railing.

Paul Carter – Please show the guardrail in relation to the wall.

Paul Carter - 7.25.3 – We are looking for some kind of marking. It doesn't have to be an actual monument. You need to completely bound each parcel with monuments. Every angle point on the property. I can take a look at the regs again.

BOB TUCKER – I wasn't aware that that was in the regs

Paul Carter - Maybe it is not a concrete bound, but an iron pipe.

Gino Carlucci – That sounds familiar.

KARYL SPILLER-WALSH – What kind of landscaping are you looking at for the end of the cul de sac? I want to see some sort of naturalizing and staggering. This is too regimented. Bring it around to be screened from the end of the cul de sac.

Paul DeSimone – Per CONCOM we have done an oak tree, sweet pepper bush, maple tree., etc. – all to hide the detention basin.

KARYL SPILLER-WALSH – Please naturalize the little detention pond that isn't.

Paul DeSimone – Whatever is there now cannot be touched. CONCOM wants to be out there during construction.

ANDY RODENHISER - What do we want for next meeting? – Feedback from Bob Speroni on wall and railing. Clarify foundation drains around the houses.

The public hearing was continued to August 22 at 7:35 pm.

NOTE – Any materials are due August 8th.

Charles River Acres OSRD Special Permit – Public Hearing Continuation

John Parmentier, P.E. – Dunn McKenzie
Bob Babcock, Dunn McKenzie
Karop (KIP) Dirazonian, applicant

8:35 p.m.

John Parmentier - Since the last meeting, we received responses from various town boards which had reviewed the plans. We have made some minor modifications. I did produce a letter dated July 18. We received a report today from the Water/Sewer department.

NOTE _ Andy Rodenhiser distributed the letter from the Water/Sewer Board.

John Parmentier – The property owner is not here. We have met with various departmental representatives, either personally or via phone and email. We have received the various reports. After all those meetings, we did discuss holding a site meeting for purposes of discussing the reconstruction of Cherokee Lane. We walked the site with Andy Rodenhiser and Karyl Spiller-Walsh on July 20th. We met with the neighbors, the Ryans and the Nyquists. We talked about widening the road from 15 feet paved to a8 feet paved. Then we went over to Neelon Lane where we witnessed the narrowness of pavement and end of right of way. We discussed possibly changing the driveway for lot 4 to come out onto Neelon Lane instead of coming out onto the cul de sac. Then there would be room for a snow storage area. The emergency access road would be paved for a short distance and then gravel.

Back to Cherokee Lane, we discussed widening the pavement on the south side of the road instead of the north side. There are some dead and fallen trees on the south side of the road that are on the boundary of the layout, presumably owned by the tennis club. It would be good for the neighborhood if those trees were removed. Our client has expressed his willingness to remove the dead trees that are there now. That is a private matter.

There are some minor changes done to the plan after meeting with Dave D’Amico. He asked us to follow the existing grade more closely. Dave has recommended 22 feet of pavement and the elimination of the sidewalk. We are open to that. That would need to be cleared up for the definitive plan. Another thing we did was to swap houses on lots 1 and 5. We moved the duplex to lot 5 and lot 1 will have single-family house.

We also connected path/trail to the end of Riverview road.

We looked at drainage system. We showed where we would discharge. We plan a slow release and not directly to the river.

Another comment suggested we identify location of some prominent trees. We have done so. We needed to see these trees for water main linkages. Which trees to be saved or moved?

We looked at the 180 feet of pavement we are adding to Cherokee. We looked at capturing that stormwater and bringing it into our system. We have some extra work there to do.

ANDY RODENHISER – I would like to report on what we saw when Karyl and I visited the site. We met with the two homeowners as well as Jimmie Smith from DPS Highway. We started on Cherokee and we walked up through the yards. We located the sewer manholes and utility poles. They (Dunn McKenzie) had staked out where the ROW existed. The Ryans were very concerned. The ROW is extremely close to their house. On that site, a house had burned down and a special permit was secured to rebuild it on the same footprint. We feel we should widen the road toward the south.

KARYL SPILLER-WALSH – To get to 18 feet of paved width, it would be probable that there would need to use 1.5 feet of the north side of the ROW (toward the Ryans property).

ANDY RODENHISER – We would recommend an 18-foot road width.

Barbara Ryan, 5 Charles River Road (house faces Cherokee Lane) – We want to be able to park in our driveway. If you go 2 more feet for paving, our cars will extend out into the roadway.

John Parmentier – That would be 1 foot to 1.5 feet at the most.

ANDY RODENHISER – Jimmie Smith stated DPS has concerns on snow storage. If Cherokee is reconstructed out to the edge of the ROW, then there is no room for snow storage. So, we had some conversation regarding the trees on the south side of the roadway not in the ROW. Those need some maintenance to get rid of the dead trees.

Susan DiIulio, 7 Massasoit Street – The stakes that are on the south side of Cherokee Lane, are they on my property line or the ROW.

ANDY RODENHISER – Those are the same thing according to the land surveyors.

ANDY RODENHISER – In the course of this meeting out there, we discussed the possibility of arranging for an easement on the DiIulio property in order to provide a location for some snow storage.

Richard DiIulio, 7 Massasoit Street – Why wasn't I informed of that site meeting? I would have made myself available. I am just concerned about you taking anything away from my property.

ANDY RODENHISER – The whole purpose of the visit was to try to facilitate some benefit for you as well. If I could just finish please.

ANDY RODENHISER – So snow storage was an issue and the next thing discussed was where water and sewer would be laid out and the impact on old existing trees. They felt there is adequate room within the ROW.

John Parmentier – The existing water line to the Ryans and Nyquists is only a 1-inch pipe. The plan would be to abandon the 1-inch pipe and put in a new 8-inch water main on Cherokee. We discussed the road widening. We are thinking of using 2 feet of the ROW on the south side, but there may need to be an easement on DiIulio property for snow storage. When they plow the street, some of that snow would probably go over onto your land.

ANDY RODENHISER – The purpose being so we don't have to pave more on the north side of the ROW.

Mr. DiIulio – That snow will melt and come right into the basement. That already happens now. I have a permanent gully in my cellar. That extra snow is going to cause more drainage problems for me.

John Parmentier – Right now, when the snow is plowed it goes off to the side. It melts and goes into his land now.

ANDY RODENHISER – If the applicant is not able to obtain that snow easement . . .

Susan DiIulio, 7 Massasoit Street – I have lived in the house for 53 years and have seen the whole neighborhood grow up around us. The tennis court area used to be all woods. When that was developed into the tennis courts, the Club could never get utilities to their site. We just ignored that and let it be. If that road (Cherokee) gets continued up, most likely the tennis club will build a parking lot behind the clubhouse. I did see the stakes on the Ryans' yard and I understand their concerns. My question is that when that person built that house there, I thought a variance was given to them.

ANDY RODENHISER – The reason the special permit was given is because the public way could be built out. We are here today to talk about what the applicant has before us. There is a public ROW that they access to. We are trying to find the best solution that suits the Town of Medway and is done in compliance with our rules and regs. We will try to mitigate some of the issues that impact them the best that we can. It appears that the developer may have to work with you privately to mitigate some of these matters.

CHAN ROGERS – What is the width of the roadway going to be?

ANDY RODENHISER – We would recommend 18 feet.

CHAN ROGERS – Is everybody comfortable with that width?

Susy Affleck-Childs – I believe DPS wants it to be 22 feet.

ANDY RODENHISER – If it is less than 22 feet, then we could use pervious pavement.

CHAN ROGERS – Do we allow for snow storage on the south side or push it closer to the Ryan's house?

BOB TUCKER – The developer does have an obligation to mitigate any runoff from the property he is developing. Any snow that is plowed as you are going up Cherokee, it is there, it is now his responsibility to mitigate any runoff from his actual property. That is what our regs require.

ANDY RODENHISER – But he is widening the road by 3 feet. If you look on page 5 of 7 of the drawings, there is a structure that takes all of the water that now comes down off of Cherokee Lane and hits the pavement and takes it into a concrete block receptor on Charles River Road. All that water goes into there now except what gets piled up for snow.

BOB TUCKER – We aren't going to try to eliminate any water from your basement.

ANDY RODENHISER – But we aren't going to let it get worse

John Parmentier – We are going to pick up runoff from 140 feet which is now grass which will now be paved. We will put in double inlets. We will collect anything that flows onto the street.

ANDY RODENHISER – 140 feet of the grassy area will be paved and there will be structures that will catch the water and go into his system.

Susan DiIulio – Is Cherokee any narrower than Massasoit? There is 2-way traffic and snow plowing on that street and we live with that.

ANDY RODENHISER – We are here to deal with the applicant who has a right to develop. Few will follow good planning practices.

Barbara Ryan - What I am concerned about is widening that road any more than 1 foot on our side. The snow will be coming into our house. We are really very concerned. You are taking a problem and putting it onto our house.

ANDY RODENHISER – That land that you are referring to is the Town's land (in the ROW) and the developer is proposing improvements. So to characterize it the way you have isn't very genuine. We need to consider the facts that are before us and get out new information. We have seen the concerns. That is what I was trying to report to the board. We are going to address the water concerns, if you decide you don't want to do any kind of snow easement –

Mr. DiIulio - If you are trying to mitigate, then why hasn't a one-way road been looked at going along Cherokee and out through Neelon?

ANDY RODENHISER – There just isn't enough room on Neelon.

KARYL SPILLER-WALSH – The turning radius at the end of Neelon Street is very tight.

Bob Babcock - The Neelon paving is 12 feet.

Mary McDonald, 9 Neelon Lane – I have a question on the drainage going down to the east side. Will that be off my property? When you put in the cul de sac, where will the drainage go?

John Parmentier – It will all be collected and go into our stormwater system.

ANDY RODENHISER – No water will shed toward your property.

Mary McDonald – I didn't get my invitation to the last meeting (public hearing).

ANDY RODENHISER – Gino, your comment in your note about the attachment. Could you explain?

Gino Carlucci - I had recommended and the Planning Board's Subdivision Rules and Regs require that the ROW be extended to the abutting property for possible future use.

Mary McDonald – So what will be in that ROW in the interim?

Gino Carlucci - Lines on paper, grass on site.

Mary McDonald – What are you going to do along the property line so I don't have lights in my house?

ANDY RODENHISER – This is a special permit. After this, they will come back with a definitive subdivision plan and at that time, we will get into the details on landscaping and drainage design.

Mary McDonald – Is that going to be a gated road?

Bob Babcock - Yes, there is a proposed gate.

Mary McDonald – The emergency road would be gravel? Is that old abandoned farmhouse going to stay?

John Parmentier – No.

Mary McDonald – What is the style of the houses going in?

Kip Dirazonian – Cape style, some duplexes.

KARYL SPILLER-WALSH – There will be a meeting with the Design Review Committee.

Bob Babcock - I believe your regs say that there would not be an island if the ????????????

Mary McDonald – I have 3 acres, it is along narrow lot.

John Parmentier – May I just say that in speaking with Mary McDonald, I understand she does not wish to extend the ROW to her boundary line.

KARYL SPILLER-WALSH– I have concerns about the stormwater management facilities all being located within the “open space”. I want the open space to be left in its natural state without trenches and underground units.

John Parmentier – We will be using Cultic units that detain water and then release it slowly.

KARYL SPILLER-WALSH – But they will be fully underground. I am concerned that in constructing them, there will be destruction of natural vegetation.

John Parmentier – You mention that basins are in the open space, your regs (bylaw) say that open detention ponds shall not qualify towards the minimum open space required.

KARYL SPILLER-WALSH - But then there is another section that says that drainage may be in the open space. It appears we have a conflict.

John Parmentier – We do have more open space than is needed. Do you want to make it (the drainage structures) part of the lots? The town will accept the street and the utilities.

ANDY RODENHISER – Dave D’Amico has some very specific comments in here.

ANDY RODENHISER – With respect to this slated style of drainage, because the water table is so high, it will likely be used during a regular rainstorm. Water will perk up and drain down the slope. What could be expected to flow there? What is the impact on the trail system and the open space?

John Parmentier – The way I would design it is that there would be a cut in the slope and the units would be placed in the cut. I would have a foot of stone beneath it. Any ground water coming through would be intercepted by stones before it hits the Cultic unit. The release of the water to that trench, it could probably store enough water to 1-2 cubic feet per second over a 100-foot trench or more.

BOB TUCKER – Closer to 200 feet length.

Paul Carter – You would use this as a flow spreader?

John Parmentier – More as a flow diffuser. To put an above ground basin there we would have to put in a wall.

ANDY RODENHISER – Any erosion problems?

John Parmentier - If flow is slow enough which is what I am looking at, it is no different than it drains now. As it flows over that slope, it will dissipate.

BOB TUCKER – How deep is that dispersion line?

John Parmentier – It would be cut into the slope, probably a 12-inch pipe, with inspection access.

ANDY RODENHISER - You would see a rip rap on top.

Paul Carter – This is an overflow for your drainage system. You are going to design it so that you don’t increase your flow down that slope. Mine is just a question of what you are going to spread it down over?

John Parmentier – I want to crate enough volume to detain water so that the release can be minimized for a 100-year storm.

CHAN ROGERS – Have they seen the letter from Dave D’Amico/DPS?

ANDY RODENHISER – Yes, and they have responded.

CHAN ROGERS – DPS states it is a rather complex system for DPS to handle. That is something that is going to have to be worked on.

John Parmentier – The development is not planned as a condo development. There are two lots that will have duplexes.

John Parmentier – I will need to work very closely with Dave D’Amico during the design process to work out those details with DPS.

ANDY RODENHISER – It may be difficult to get equipment in there to maintain.

John Parmentier – Underground systems are becoming more frequent but one of the precautions you have to take is that you need to have devices in the street to collect sand in the street. There would be a stormceptor manhole device that would be placed in the street. I am amenable to some solution. However, given the slope constraints I don’t think a permanent open detention pond is good. But I am thinking of a temporary open detention basin during construction. Once lots are to begin construction, we would have to go to the permanent system and stabilize the system. Whatever he wants for pretreatment, those devices are accessible from the roadway. If you don’t take care of the street basin, then there is going to be somebody at fault. The state DEP now requires all communities to come up to certain Best Management Practices (BMP) standards. I believe the town has a vacuum pump to suck sand out of catch basins.

ANDY RODENHISER – We can get into the details.

ANDY RODENHISER – Have you talked to the Charles River Watershed Association?

John Parmentier - I spoke to Margaret here. She said they respond to projects that come under MEPA. Then I looked at some of the things they like to see such as rain gardens and rain barrels. These are fairly small lots. Maybe there is a situation where some of that can be done.

Barbara Ryan – I have been in contact with Pavali Monde at the Charles River Watershed Association. She would like to discuss this with them (the applicant).

Mary McDonald – I love the open space and path system. I am concerned about the runoff. In the springtime, it is already like springs bubbling out of the ground. Water gushes out of there now. I don’t know much about drainage. They need to pay attention to that. It looks like natural springs just bubbling out.

Bob Babcock - We would need to go to CONCOM to work on that. We may need to put in some additional structures.

KARYL SPILLER-WALSH – I have some very real concerns about the drainage. I really I don’t think it is supposed to be in the open space. Like our other projects, you need to consider the density. Look at taking out a lot or two and putting the drainage system on some of that space instead. Unless we can see phenomenally squeaky-clean calcs, I think it is a very precarious situation.

ANDY RODENHISER – You bring up an issue that we should talk about a little bit.

KARYL SPILLER-WALSH – The % of open space is a minimum requirement, so the fact that they have more doesn’t really matter.

ANDY RODENHISER – If this drainage area were taken out of the open space, would you have enough open space left (to meet the required minimum)?

Bob Babcock – I think so, but I can't be sure until we actually calculate it

KARYL SPILLER-WALSH – It is a difficult piece of property

BOB TUCKER – Where is ground water?

John Parmentier – 2 feet, but a lot of it percolates, is slow draining.

KARYL SPILLER-WALSH – I don't have any comfort zone yet.

ANDY RODENHISER – What are your concerns?

KARYL SPILLER-WALSH - I would like the stormwater system to NOT be in the open space. I would prefer the open space to be left in natural state. The stormwater facilities should be on the land of the development. Maybe they will need to reduce the number of lots, or whatever and use some of the (buildable) land for the drainage system.

BOB TUCKER – I see a great deal of difficulty in being able to convince myself of the drainage system. I am not sold on how this is going to function at this point. But from what you said earlier, we aren't to look at that quite yet. It will come later with the definitive plan.

ANDY RODENHISER – Is there any additional information you can give to help Karyl

Bob Babcock - We can look at doing a separate parcel for the drainage, not in the open space.

Susy Affleck-Childs – We do have one residential subdivision with an underground system – Grapevine Estates.

Paul Carter – It sounds like you would like the drainage system to be on a separate parcel.

KARYL SPILLER-WALSH – YES.

CHAN ROGERS – I don't think we have solved the problem on Cherokee – re: snow easement.

ANDY RODENHISER – We aren't done with that issue.

ANDY RODENHISER – Gino, do you see any issues relative to the 7 OSRD criteria in the bylaw?

Paul Carter – Does the Board have a feeling about the sidewalk issue. Dave D'Amico suggests eliminating the sidewalk.

ANDY RODENHISER – I would rather see a contribution to the sidewalk fund in lieu of constructing a sidewalk there. More sidewalks creates more impervious surface. I do feel it is necessary to use a pervious pavement on the emergency access road. But it needs to be something more than just gravel.

Susy Affleck-Childs – You might want to look at how the emergency access road at Pine Ridge is being designed.

ANDY RODENHISER – Maybe pave that emergency access road for 8-10 feet wide and something on either side. Look at it through the eyes of the DPS.

BOB TUCKER – In all the work you have done here, have you looked at a conventional layout

Bob Babcock – We came before the PB about a year ago with a conventional plan and were encouraged to consider the OSRD alternative.

BOB TUCKER – I share some of the same concerns that Karyl has but maybe for different reasons. I would caution you that as you are picking up water you end up putting more water out into a smaller area. I am concerned about the amount of water coming down that hill in rainy season.

ANDY RODENHISER – Does the board have any other issues?

Susy Affleck-Childs – What role do you want the DRC to play? And when?

ANDY RODENHISER – I would like them to talk about the open space and trails with Jim Wieler and maybe to the DRC as to how the drainage trench will look.

KARYL SPILLER-WALSH – The rip-rap on top of the trench will be very visible.

ANDY RODENHISER – We should ask DRC to look at landscaping design issues especially for the trench.

NOTE – It was agreed for the applicant to go to the DRC during the definitive plan stage.

Susan Diulio - On the drainage, beyond the tennis courts, I know you did some soil testing. Will there be any kind of drainage that will be put in there?

ANDY RODENHISER – What other information do you want to have other than what Karyl has outlined?

ANDY RODENHISER – Do we want to see them come up with a separate parcel for the drainage?

CHAN ROGERS – We need to talk to DPS.

ANDY RODENHISER – In terms of Dave D’Amico’s letter, as we work through the definitive they will all have to work to address Dave’s concerns.

ANDY RODENHISER – So we want to see one more plan with a separate parcel for drainage.

John Parmentier – Back to the snow issues on Cherokee. Mrs. Diulio, you mentioned something about a parking lot on the back of the tennis courts, which would be off of the Cherokee Lane extension. Might that be an opportunity for a snow easement?

ANDY RODENHISER – Any additional paved surfaces that the tennis club would want to do will have to deal with retaining stormwater on their property.

Bob Babcock - The revised conceptual plan showing the additional parcel, could that be given to Susy or do we need to have another public hearing?

CHAN ROGERS - You need to talk to Dave at DPS to work this out.

NOTE – The public hearing was continued to Tuesday, August 22 at 8 pm.

Mrs. Diulio - We and members of the Tennis Club Board would like to meet with somebody out there.

ANDY RODENHISER – I would be glad to do that with you. Please contact Susy to set that up.

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

ANDY RODENHISER – The applicant has requested a continuation to August 8th.

NOTE - Susy – reviewed the schedule for August 8th

NOTE - Paul Carter reported on work session meetings with the Marian and River Bend development teams. They submitted stuff for both projects just today.

BOB TUCKER – If it is not in within 2 weeks, then we just put it off.

The public hearing was continued to August 8th at 9 pm.

Special Legal Counsel Update

ANDY RODENHISER – Suzanne Kennedy has given us the OK. Karyl spoke with Mark Bobrowski. We have a handout on his credentials. She has talked to him about representing the Planning Board in the discussion with the Marian community on the myriad legal issues we need to sort out. Special Counsel would be paid for by the applicant as a consultant. The funding would NOT come out of the town budget.

KARYL SPILLER-WALSH – Mark is familiar with River Bend project.
Susy Affleck-Childs – We also have information about Patty Daley, of Daley and Witten.

John Schroeder – We should we still have the attorney attend the August 8th meeting even if the applicants haven't met the deadlines for project submittals.

ANDY RODENHISER – I say yes, we need some time to talk with them and with Bill Proia.

CHAN ROGERS – We need to choose somebody.

John Schroeder – So the purpose of that meeting would be to define where we are?

ANDY RODENHISER – Also to define what the potential differences and interpretations are as the Marian community sees it as compared to our perspective.

John Schroeder – Would counselor Bobrowski have all our info and direct the discussion toward the 14 ARCPUD finding? At the end of the meeting, we could have a good understanding of the last document we received from Bill Proia on variations/waivers.

ANDY RODENHISER – We know there is at least one point or issue that hasn't been addressed yet. But I certainly want to define these things and bring some rigor to what the expectation is relative to the 14 approval criteria.

Paul Carter – One thing in connection with the Marian project, I recently found out that one of our guys in our planning division has been working on an Environmental Notification Form for the Marian community to submit to MEPA. Attorney Bill Proia contacted Bill Noll of VHB about preparing the documents. We don't see it as a problem from our point of view. It doesn't affect any of our advice to you. But I needed to let you know.

ANDY RODENHISER – I don't think it will make a difference with the representation you give us. But I don't understand why they did it on their end as it gives an appearance of impropriety.

Paul Carter - Another issue is the septic matter and group wells. In connection with that, Bill Fisher from the Board of Health contacted us to ask us to review the septic design for them. He also asked us to attend a meeting at DEP on Thursday in Worcester. Brian Lynch from our office will attend that meeting. He is our septic and well expert. He did the septic review for us of the Marian Community's life center building several years ago.

ANDY RODENHISER – I would like Susy to attend that meeting and take notes for us.

Paul Carter – Brian Lynch did talk to Bill Fisher about the possible conflict with VHB doing the MEPA Environmental Notification Form.

ANDY RODENHISER – Let's get back to special counsel.

BOB TUCKER – Has either firm worked for the Town of Medway Planning Board in the past?

ANDY RODENHISER – Mark Bobrowski has done work for the Planning Board before (first River Bend project) and Patty Daley did some work for the ZBA on a 40B project.

ANDY RODENHISER – Mark Bobrowski is the author of the Massachusetts land use law book that everyone refers to.

KARYL SPILLER-WALSH – He is accessible, smart, and concerned.

A motion was made by John Schroeder, seconded by Chan Rogers to retain Mark Bobrowski as special legal counsel. The motion passed unanimously.

Susy Affleck-Childs – This is really a request and recommendation to the Town Administrator who will actually execute a contract for his services on our behalf. I will let him know we want him at the next meeting with the Marian folks – August 8th.

CHAN ROGERS – Why do we have to talk to him within a public hearing?

ANDY RODENHISER – We would be discussing the project and we can only do that as a group within a public hearing. Unless we are being sued, we can't go into executive session.

Other Business

Endorse site plans for Marc and Jayar Road.

ANDY RODENHISER – We will go ahead and sign the site plans for Marc and Jayar Road.

NOTE – The board signed the Jayar Road plans but held off on the Marc Road plans. The planned easement is not shown and it should be incorporated onto the plans.

Grant Applications - Status report

Gino Carlucci - I got a telephone call from DHCD regarding the Priority Development Grant. They seem very interested. They had a few questions and asked for some more maps. This would be for the Route 109/Main Street redevelopment project and the Medway Mill reuse analysis and bylaw text.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to adjourn. The motion passed unanimously.

The meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant