

Approved – August 29, 2006

Planning Board Meeting August 22, 2006

PRESENT: Andy Rodenhiser, Chan Rogers, John Schroeder, Bob Tucker

NOTE PRESENT: Karyl Spiller-Walsh

ALSO PRESENT: Gino Carlucci, PGC Associates; Susy Affleck-Childs, Planning Board Assistant, Paul Carter, VHB Inc. (at 7:50 p.m.)

Andy Rodenhiser called the meeting to order at 7:06 pm.

ANDY RODENHISER - Karyl is not able to join us tonight due to personal issues. We have contacted the applicants and offered to continue the Rolling Hills and River Bend projects to the next meeting as her presence is needed for that. For the Charles River Acres OSRD project, the applicant has decided to go ahead tonight with the public hearing only 4 voting members. So we will be rearranging the schedule.

Kelley Street/Vine Lane ANR Plan – Cheryl Rosenberg

ANDY RODENHISER – The applicant has requested an extension for considering this proposal. The applicant's attorney cannot be present tonight.

A motion was made by Chan Rogers, seconded by John Schroeder to extend the Planning Board's deadline to act on this ANR application to September 15, 2006. The motion passed unanimously.

It was agreed to consider this application at the September 12, 2006 meeting.

ANDY RODENHISER - We are not going to discuss the specifics of this ANR application, but we will use this time for a bit of an educational process. I have asked Gino to give us a mini workshop for us tonight on the ANR process and criteria.

ANR Workshop with Gino Carlucci

Gino distributed a simple handout he had prepared on the background and purpose of ANR plans. He also reviewed key court cases.

Gino Carlucci – An ANR can create a lot without going through the formal subdivision process. It has to have the amount of frontage required by the local zoning bylaw. Frontage has to be on one of three types of ways:

- a. way in existence when SCL came into effect in the town and only if it has adequate, width, suitable grade, etc. as determined by the Planning Board
- b. road approved under the subdivision control law
- c. accepted public way.

You have to go back to purpose of the Subdivision Control Law – To ensure that adequate vehicular access is provided to newly created lots; convenience, safety, etc.

There was a 1999 Land Court case in which the court ruled that the ANR process is not meant to circumvent the Subdivision Control process.

Non-compliance with zoning is NOT a reason for denying (not endorsing) an ANR plan.

A note can be placed on the plan that this is not a buildable lot

Susy also prepared a handout, more of a checklist of criteria to go through in making an ANR decision.

You can't presume that somebody is not going to get permission from CONCOM to cross wetlands and therefore decline to endorse an ANR plan. It is a grey area. You have to make your best judgment on a case-by-case basis.

ANDY RODENHISER – Do they have to show where the driveways will be?

Gino Carlucci – State law doesn't require that those be shown.

For ANR purposes, the access has to be able to come from their legal frontage. But for local zoning compliance, access can be from something other than the frontage. It could even come from a common driveway.

The entire frontage doesn't have to be accessible as long as part of it is satisfactory.

There was a case in Lincoln where their zoning bylaw required 120 feet of frontage. Each lot had from 20 – 87 feet of accessible frontage. It should have been approved..

Another aspect of ANRs is that ANR approval freezes the zoning use for 3 years, but not the dimensional requirements.

ANDY RODENHISER – I would like to open the continuation of the public hearing on the Rolling Hills Definitive Subdivision Plan. Because of Karyl's absence tonight, we need to continue this. Let's do 8/29 at 7 pm

A motion was made by Chan Rogers and seconded by Bob Tucker to continue the public hearing for the Rolling Hills Definitive subdivision plan. The motion passed unanimously

BACK TO ANR DISCUSSION

ANDY RODENHISER – When a public way or a paper street is created – who owns it? Does the road stay that way in perpetuity? if somebody mows the grass, is it available by adverse possession?

Gino Carlucci – My understanding is unless the fee in the road is specifically addressed, the abutters own to the halfway point in the road.

ANDY RODENHISER – Owing to the centerline of a private way? How does that work? When we are looking at these ANRS, if there is some ambiguity on ownership, who can be concerned about that?

Gino Carlucci – Ownership is not one of the criteria a planning board can look at for ANR endorsement.

MINUTES

A motion was made by John Schroeder; seconded by Bob Tucker to approve the draft meeting minutes of the July 25 and August 8th meetings. The motion passed unanimously.

INVOICES

Motion by John Schroeder, seconded by Chan Rogers to approve \$149.23 to WB Mason for office supplies. The motion was approved.

Motion by Chan Rogers, seconded by John Schroeder to approve \$5,657.24 to VHB, Inc. for plan review services. The motion was approved.

Motion by Chan Rogers, seconded by Bob Tucker to approve \$5,936.36 for VHB for construction observation services. The motion was approved.

Motion by Andy Rodenhiser, seconded by Chan Rogers to approve \$150 to VHB, Inc. for construction observation services. The motion was approved.

Motion by Andy Rodenhiser, seconded by Chan Rogers to approve \$80 to the Massachusetts Federation of Planning and Appeals Boards for FY06 membership. The motion was approved.

Public Hearing Continuation - Charles River Acres OSRD Special Permit

ANDY RODENHISER –Just to refresh everyone’s understanding, this is the first step of the approval process. After this, they will have to file a definitive subdivision plan with the details. John Parmentier, Dunn McKenzie Engineers
Kip Dirazonian, applicant

John Parmentier – At the last meeting, the consensus of the board was that you wanted to have the area of the detention basin on a separate parcel. We went back and computed that and it works adequately to do so and still have enough land for the open space.

We were contacted by Susy Affleck-Childs and asked to meet with the Diiluo of 7 Massasoit Street. That happened yesterday (8/21/06). Andy Rodenhiser attended as well. The applicant was there and also some members of the Charles River Tennis Club. We talked about the project and how we plan to loop the water main. We walked the area and also the area behind the tennis courts , then in and out of Cherokee. We discussed the southern edge of the Cherokee roadway at the Diiluo’s property. The consensus was that the Diiluios and Mr. Dirazonian will get together to work out some kind of detail as to what work will be done along the Diiluios property (tree removal, fencing, etc.) We will assist our client in those dealings.

Regarding the recent letter from the Charles River Watershed Association (CRWA), it seems like their standard report requesting things that are typical of a conventional development. I don't know if they understand that there is a lot of property between the developable area and the Charles River. That is my only comment on that letter. I don't know how you want to handle that.

I brought with me additional sets of the plan and several half-size versions.

I also prepared another letter to the board dated 8/22. We show the drainage parcel on sheets 3 and 4.

We did some revisions to address some of CRWA comments. We now have some spots for rain gardens and there is plenty of room for snow storage.

We also provided a detailed description of the open space calculations. We still meet the minimum requirements for open space.

The letter also recaps our site visit from 8/21/06. We looked at the area where we would use the property for the road widening. We will be able to assist in dead tree removal and work with them to decide what other trees should come down. We would probably consider moving the existing fence and possibly replacing it.

We will consider the recommendations of the CRWA as much as possible and deal with those matters during the definitive plan review phase.

We are hoping that this evening could be the culmination of this hearing.

CHAN ROGERS – How are the improvements listed in the CRWA going to be installed on the existing properties?

John Parmentier – Drywells will depend on the water table and finish grade. Could be cultech type units.

ANDY RODENHISER – One of the things we talked about out there on site was the cultech type system. Any type of mitigation that gets more of the water back into the ground vs. on top of the ground is desirable.

John Parmentier – We would do this just for our 8 lots.

Paul Carter – Rain barrels are so you can provide water for landscaping but they still need an overflow that would go into the infiltration units.

John Parmentier – Rain barrels are sort of like water that you would have to have a pump connected to for watering. Limited to the size of the barrels. It is an extra ordinary device that not too many people like to adapt to. Recharging under the lawns with cultec units can be done very shallow. For rain barrel examples, see the CRWA web site. They are OK if away from the street or on a deep lot. It might work.

BOB TUCKER – I would tend to agree with him. I wouldn't put one on the front of my house

JOHN SCHROEDER – I think what CRWA is pointing us toward these things because Medway is starting to have issues with water here . There will be limits on our use of water. They are trying to push us toward water conservation techniques.

John Parmentier – Typically, most towns don't allow irrigation. We will collect roof runoff and recharge into the ground for most storms. We want the water to disappear within a few hours after a storm. To do that we need to make sure there are limits to puddling and something underneath the trenches to absorb the water.

BOB TUCKER - How large are the trenches?

John Parmentier –I don't now exactly today. But with the definitive plan, we will provide the details.

BOB TUCKER – I am not sure I am in favor of the mosquito traps (rain gardens). But I like the idea of putting the roof water directly into the ground.

John Parmentier – You can trap most of the water from most storms. We will certainly control the water so it doesn't affect the neighbors

John Schroeder – I am still concerned about the soil. I want to be convinced that the sheeting of the water is not going to be made worse by this development, but made better because of it. You talk about catching water runoff from the roof. My question is for Paul (Carter). Are you convinced the water is being retained?

Paul Carter – This is only a concept at this point. It is not (meant to be) a detailed drainage design. You will have to size that flow spreader trench so it doesn't make for erosion

John Parmentier – How much storage can we get and do? With that amount of storage how much can you afford to let go and at what rate? There is some concern that the soils on this site are very tight and are not conducive to absorbing. We want to spread out the flow so it can reenter the slope reabsorbed into the ground. We can do some permeability tests on the rate of absorption. We could go back and dig a test pit and examine what the perc rate is. But until I know that, we can't predict what we will do with the storage water.

ANDY RODENHISER – What are you going to do if you find that it just doesn't work? What is your plan B?

John Parmentier – The only option is to detain the water as long as possible.

ANDY RODENHISER – What about in the instances of the roof water? You are planning to use the cultec chambers. Are you satisfied you are going to cover the water?

John Parmentier – They are going to be installed in fill that would be placed around the houses. Because of the nature of the site in the wet season, there is a need for the foundations to be raised to not be too deep. There will have to be some fill around the houses. The fill will have to be pervious material where the chamber could be placed.

ANDY RODENHISER – The details on all this will come out during the definitive plan.

John Parmentier – We don't expect the rooftop drains will handle the 100-year storm, but the larger drainage system in the street will handle any overflow. We are going into quite a bit of detail on this.

ANDY RODENHISER – It has just been a theme in determining how and what you are going to build. We don't want to have a negative impact on the Charles River neighborhood.

JOHN SCHROEDER – Or the river itself.

ANDY RODENHISER – Have you taken into consideration Dave D'Amico's comments?

John Parmentier – We are going to have to work with him to properly size the unit to do this. I don't believe it can be an open detention basin as he suggests. There is no physical way to do that. I need to sit down with him and convince him of that. I am sure that the devices that are available today to work with are maintainable. The town has a vacuum truck that will work well. The devices that are out there today and approved by DEP have to be maintained. Most of the material that goes into there will be sand from the town's sanding trucks.

Gino Carlucci – I have a couple of comments. One I raised the last time. I suggest you extend the right of way to the abutting property (McDonald property to the east.) It wouldn't change anything that is constructed. That way it could be made available sometime in the future to extend that road. If that happened, it would have to be removed from the open space area.

Gino Carlucci – Also, the driveway off the emergency access road , would that be to the house lot?

John Parmentier – We would repave the part that is already paved (on Neelon Lane.)

Kip Dirazonian – Whatever way you want it is what I will do.

Rich Diiluo, 7 Massasoit Street - I am confused. What area is he talking about?

Gino Carlucci – Just the ROW are east of the cul de sac.

John Parmentier – If you did that, I don't think the open space numbers would work.

Gino Carlucci – You could certainly shave some land off of the house lots.

John Parmentier – We can do that if you want us to.

ANDY RODENHISER – An idea has come about regarding a possible traffic light. It is very difficult to get out of Charles River Road onto Village Street. It was suggested we look into a traffic light that would be flashing yellow on Village Street, which could change to red when there is a back up on Charles River Road. It could also have a button to allow kids to cross Village Street.

BOB TUCKER – Was there a traffic study done?

Barbara Ryan, 5 Charles River Road – It would be a good idea to do some speed bumps.

ANDY RODENHISER – Actually speed bumps cause problems with drainage and snow removal.

Paul Carter – There is a certain level of traffic volumes to warrant a pedestrian signal. A traffic study would need to be done to determine whether a signal was warranted.

Mr. Diiluo - You are adding River Bend traffic as well. That will have a big impact.

Paul Carter – A traffic counter measures quantity and time. It will measure the number of vehicles in a particular hour.

BOB TUCKER – If we were to go back and look at the River Bend traffic study, I expect it was broken down by various times of day. I think that might give us some indication as to what the volume is and will be.

ANDY RODENHISER – I think the conclusion was that there wasn't enough traffic to warrant any signal.

Paul Carter – Your rules and regs require that a traffic study be done for 20 units, but you could decide if you want to have them do one.

A traffic signal is based on a particular intersection. It would have to relate specifically to Charles River Road and Village Street.

Susy Affleck-Childs – You could include a condition with the special permit to require them to do a traffic analysis during the definitive plan phase.

CHAN ROGERS – I don't think this will merit a signal.

Chris Kersananon, 2 Charles River Road – The River Bend traffic study was probably done before Medway Commons was constructed. There is a lot more traffic on Village Street now, especially truck traffic. There are more safety issue than you know. When was that traffic study done?

ANDY RODENHISER – I think it was done in April. We can check that.

ANDY RODENHISER – I had a conversation with Dave D'Amico about the light signal idea. We tried to think of other spots in town where there is only one roadway that provides access to many homes – Kelley Street couldn't think of too many other spots in town . . . Kelly Street off of Holliston and Azalea Drive off of Summer Street.

ANDY RODENHISER – Any other comments, or questions?

Chris Kersnason – How would the new house at the end of Neelon be accessed?

ANDY RODENHISER – Off of Neelon, but there will be an emergency access road there with some kind of surface.

BOB TUCKER – Mr. And Mrs. Diiluo, I heard their engineer provide his interpretation of the site meeting yesterday. Do you feel that this accurately represents what was discussed?

Mr. DiIulio – It was worth a lot to us. Things became much clearer. Some of the things will address our needs to not get water. Cleaning up the trees would be fine. I wouldn't mind having some as firewood from the tree cutting!

ANDY RODENHISER – And they will be working on a snow easement agreement.

Susy Affleck-Childs – Is there any more information the applicant wishes to provide?

John Parmentier – No.

A motion was made by Chan Rogers and seconded by Bob Tucker to close the public hearing. The motion passed unanimously.

Susan DiIulio - What are the next steps?

ANDY RODENHISER –We will make a decision and file that decision. Then they will take the next step to a definitive plan.

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

ANDY RODENHISER – Due to Karyl's absence, the applicant has asked to have their hearing continued. We also need to extend the deadline for action on the subdivision. We have a letter here from Attorney Richard Cornetta making such a request.

A motion was made by Chan Rogers, seconded by Bob Tucker to continue the public hearing for River Bend Village to Tuesday, August 29, 2006 at 7:30 pm. The motion passed.

A motion was made by John Schroeder, seconded by Bob Tucker to extend the subdivision action deadline to September 30th – john, BOB TUCKER – all yes

OTHER BUSINESS

CHAN ROGERS –The letter we got from CRWA is quite important. My understanding is that they are advisory and do not have any enforcement capacity.

ANDY RODENHISER – I asked Paul Carter to make some comments on that letter as it pertains to this application. Paul said that we really have to look to the Rules and Regs. But I believe that one of the OSRD criteria is the impact on the community. Every home is going to be using water. Sooner or later, we as a town need to come to grips with water conservation.

JOHN SCHROEDER – I think the letter from the Charles River Watershed is more long term about what the town needs to do.

CHAN ROGERS – Yes, but it has to be in concert with other town boards/departments.

ANDY RODENHISER – These guys have taken 50% of the land that abuts the river and protected it.

Susy Affleck-Childs – FYI, I sent the Charles River Watershed letter to the Water/sewer department, DPS and to Suzanne Kennedy.

COMMITTEE REPORTS

ANDY RODENHISER – Mark Flaherty (Sewer/Water) told me you cannot reserve sewer capacity. With respect to the District Improvement Financing (DIF) plan for the industrial park, I don't know if that qualifies as intent, but it seems like that constitutes a commitment.

I met with the Water/Sewer board to discuss how they monitor sewage usage. There are issues of whether some pipes from Franklin are metered properly. They have agreed to set up a meeting with the Charles River Water Pollution Control Board to nail down capacity and process so as a board we can work closer with them.

Gino Carlucci – Water conservation efforts will help that effort as well – low flow showerheads, replace old toilets with low flush toilets; etc.

CHAN ROGERS – Also more efficient dishwashers and washing machines.

ANDY RODENHISER – Mark Flaherty had detailed that they can institute some water conservation programs. That is within their jurisdiction. That is the job for the water/sewer board..

CHAN ROGERS – How do private wells contribute to the process?

ANDY RODENHISER – If you have well and town septic, it flows together. Mark said they are surveying for the new well. They got their capacity upped for what they can withdraw. Things move fairly slowly at the state DEP but the Water/Sewer folks are constantly working on this. They are looking at all kinds of monitoring devices. It was a good meeting. They have their work cut out for them.

CHAN ROGERS – No one has ever said that those with private wells should follow the water ban, but that is coming.

NOTE – Paul Carter leaves at 9:25 pm

NOTE – The Board started to review the criteria for granting a special permit for the Charles River Acres OSRD project using a worksheet that listed the design, open space and review criteria. Susy and Gino will start to draft the special permit.

OTHER BUSINESS

1. Andy distributed a letter from Bob Speroni regarding a series of zoning and building violations at ____ Winthrop Street, owned by Tony Biocchi. Apparently there are two buildings on one lot being uses for dwelling purposes.
2. Susy briefed the board on the proposed changes to lot 37 at Country View Estates. These are mostly repairs and improvements to and around the detention pond. The question is whether this scope of work constitutes a modification to the subdivision plan such that a new public

hearing has to be conducted. It was felt that it did not need to be handled as a formal modification with the public hearing as there is no change in roadway layout or lot lines. Susy recommended that whatever changes are finally approved be recorded at the Registry of Deeds and made a formal part of the plan.

A motion was made by Chan Rogers, seconded by Bob tucker to proceed with this as a minor modification, without a public hearing. The motion passed unanimously.

A motion was made by Chan Rogers, seconded by John Schroeder to adjourn. The motion passed unanimously.

The meeting was adjourned at 11:05 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant