

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 August 8, 2006

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

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

The meeting was called to order at 7:07 PM

CITIZEN COMMENTS - None

Woodside Condominium/Kingson Lane Presentation (NOTE – Woodside was formerly known as Deerview Meadows)

Alan Pulito, 9 Kingson Lane
John Traverse, 3 Kingson Lane
David Soligon, 4 Kingson Lane
Michael Leone, 1 Kingson Lane
Agnes Von Szilassy, 5 Kingson Lane

Alan Pulito – We are here to learn the process (for street acceptance) and what has gone on in the past. Most of us were new to the town when we moved here. We were not privy to what went on beforehand with the Planning Board and the 40B application. The homeowners/residents have asked us (as members of the condo board of directors) to look into having the road accepted by the town. There is 1600 to 1700 feet of road. At the time when the final paving was done, Mr. Henry (prior DPS Director) told me he didn't have any reason to think the road hadn't been built to specs. We are here to learn what went on in the past. Are there any bars to seeking to get the road accepted? We want to put it on the warrant (for a town meeting). There is a significant expense for plowing & sweeping. The first year the town plowed it and charged us but then that stopped. There are 52 units in the development with only 3 kids in the school system. We pay we pay in excess of \$200,000 year in taxes.

JOHN SCHROEDER Traverse – I was told by Mr. Rodenhiser that we should have some kind of discount on our taxes due to the private way status. There is nothing in my tax records like that.

ANDY RODENHISER – I didn't say you should get a discount- I did say you are being assessed as though you have a private way. I said you might have a higher assessment if it was a public way.

ANDY RODENHISER – I would like to read a letter from Britt Hall re: assessing condos.

Attach and make a part of the record.

Any questions on assessing should be directed to the Board of Assessors. Contact them for being on the agenda

Susan Affleck-Childs provided a brief history on project.

This site had originally come before the Planning Board as a conventional subdivision. The original applicant was Mike Narducci. He decided to pursue the site as a 40B/comprehensive permit project which is handled by the ZBA. I believe the 40B plan was reviewed by the town's former consulting engineer PMP Associates. I understand VHB Engineering was retained to conduct construction inspections and we have received a set of inspection reports from 2000 – 2002. It is not clear to what standards the road was design and constructed. I did find the comprehensive permit document from the Town Clerk's office.

JOHN SCHROEDER Traverse – Was the road ever rejected?

ANDY RODENHISER – I don't know.

ANDY RODENHISER - Your deeds all reflect that you own the road as common area.

KARYL SPILLER-WALSH – The only relevant thing in my mind is where are the as-built plans? What was actually built?

Alan Pulito – The comprehensive permit doesn't say the road will be private. I know Mr. Henry was there when the final coat was put down. Why would he have been there if it wasn't to ensure it was built to town specs?

Susan Affleck-Childs – That is not a correct assumption. Inspections could have been to ensure that the road was built to plan. The plan may not have been designed to town standards.

ANDY RODENHISER – We have a note from Dave D'Amico, DPS Director. He was a member of the ZBA at the time this project was reviewed.

The note is attached and made a part of the record. Dave recollects very specific discussions that the road would be a private way.

JOHN SCHROEDER Traverse - That note was written in 2006. The road was put in 2000. Was Dave there during inspections?

David Soligon – We have homeowners who want to have the town accept this street. We had nothing to do with the construction of the road. What is our best avenue? What do you think we should do?

KARYL SPILLER-WALSH – I think that the Town of Medway and the Planning Board need to find out to what standards the road was built. We don't know that yet. It would make sense to me that at the expense of the condo association, they hire an engineer to do some core analyses of the actual construction. We need to see how close it comes to our current standards and then to see what needs to be done to fill in the blanks.

JOHN SCHROEDER Traverse – Is it possible the road was built beyond standards?

BOB TUCKER – Anything is possible.

CHAN ROGERS – As long as Dave D’Amico doesn’t support it, it won’t happen. I expect the developer did not want the expense of doing a fully compliant road. I applaud you for taking the action you have. Let’s let the process take its turn. Dave cannot be here tonight. I looked at the road today but I will not comment without speaking with him

Susan Affleck-Childs – I haven’t yet put my hands on the 40B plan or any as-built plans.

Alan Pulito – If we are going to do this, we want to do it right, and do it once. Is there a set of specs that you would want us to meet? How many core samples would you want? How often? Do we need an engineer? We want to cover whatever you need.

ANDY RODENHISER – I suggest you ask Dave D’Amico about this approach for financing construction work that he mentioned in his letter.

JOHN SCHROEDER Traverse – Is Dave a certified engineer?

Alan Pulito – We have gotten all kinds of mixed messages. When you go to the end of the circle, there is a large guardrail. We were told the developer wanted to put in wooden guardrail, but the Town said it had to be metal. So it seems to us that the Town had some involvement

JOHN SCHROEDER – If anything I have some evidence that the road is not up to standard. In order for us to consider accepting it, the burden of proof is on you. Dave D’Amico suggests a way to do that.

Alan Pulito - It will be easier for us to sell the units if the road is public.

BOB TUCKER – You really need to know what is there now. With the packet of information that Susy will be providing to you and some further investigation on your part, you can come back to us with a complete history and story. Then we can consider it.

Alan Pulito – Can we get some information on the option that Dave D’Amico suggests.

ANDY RODENHISER – You can speak to him directly to find out more..

Susan Affleck-Childs – They asked about construction standards.

ANDY RODENHISER – I would use the standards in the current subdivision rules and regs.

Agnes Von Szilassy – If the street is accepted, would our property values be higher? Why?

ANDY RODENHISER – You should talk to the Assessors.

Agnes Von Szilassy - One of our members did some investigating. There are some streets that are not accepted and they have services the Town of Medway provides.

Susan Affleck-Childs – There is a difference between an unaccepted street (which is intended to be accepted) and a private way.

ANDY RODENHISER – Every person who has bought into the condo has bought a fractional interest in the road.

7:45 pm – *Public Hearing Continuation - Marian Community ARCPUD*

NOTE – Associate Member Eric Alexander joins the meeting.

Bill Proia, Attorney
Rich Coppa, Marian Community
John Spink, Coneco Engineering

ANDY RODENHISER – Some of the issues we have been facing with this permit have involved some legal matters. We haven't felt comfortable making decisions based on some of the legal ramifications that need answering. The applicant has offered to pay for special legal counsel to represent the Town's interest to come to some conclusions about some of the things that have been discussed so we can make a better decision. Hopefully, you have had some time to review our rules/regs and bylaw and Mr. Proia's various letters to us.

Mark Bobrowski - I have reviewed everything you sent me but I need some context.

ANDY RODENHISER – We are looking to have some dialogue about Mr. Proia's letters re: what issues we can address. What are our rights as a Town?

Mark Bobrowski – How far along in the hearing process?

ANDY RODENHISER – This has gone on for a long time.

CHAN ROGERS – This has fluctuated for several reasons. The CONCOM angled us into a condition on a bridge over floodplain.

Paul Carter – We have gotten some revised plans but without drainage calcs so we are waiting.

Mark Bobrowski – Who is helping you make determinations?

CHAN ROGERS – VHB, plus there are two engineers on the board. There are also issues of other land that the applicant owns and controls and whether that can be considered as part of the open space.

ANDY RODENHISER – To be more specific, there is an OSRD application that may come before us in the future on a separate (but adjacent) parcel. The ARCPUD application also has an open space component to it. One of our members has felt strongly about increasing the amount of ARCPUD open space and wants to take it from the future OSRD site. It was discussed a year ago, but we don't know if we can talk about that.

Bill Proia – I don't know if you want to go through these issues one by one here.

CHAN ROGERS – What do you have on the table now?

Bill Proia – The application is on the table.

ANDY RODENHISER – After your recent meeting with DEP, what is going to change relative to those discussions? Are you going to change something that will affect engineering? Then there are certain issues that we should be talking about whether you pull this application tonight and resubmit.

Bill Proia – We are not planning to do that. My understanding of Mr. Bobrowski's role is that there were some specific issues that were raised in some of my letters that the board wanted guidance on. For example, mitigation/impacts, etc. I was expecting he would focus on that.

Mark Bobrowski – Let me respond about what I usually do. My job would be to order proceedings. I would come to the hearings and answer questions that come in. At the end of the proceedings, you instruct me whether you want to approve or deny the project and I begin drafting. At the end of the day, we walk through it. I tell you why I put what in there. I have discussions for you with the applicant's attorney. Generally it takes 2-5 drafts or even more if I am being paid by the applicant through the escrow account. It is going to take me some time to catch up. I will do my best. I may work with Mr. Proia to hone in on the issues and at that point, if we disagree, I will tell you.

KARYL SPILLER-WALSH - Well, what you have described procedurally is the antithesis of what we have experienced. In the beginning, we had a lot of sympathies with the religious, non-profit status of the applicant. We are a little grey and fuzzy about that. Nobody wants to talk about that. What was originally proposed was not architecturally designed. We pushed them to get an architect. There were 10 meetings with the Design Review Committee. The same thing happened with design of the bridge. The CONCOM and the Planning Board were considering lesser structures, how to span this distance in a flood plain less expensively. What we really would have liked would have been a stone bridge, classic, less invasive. We still aren't there. We're concerned about their costs. It is a sympathy driven motive so they wouldn't have to expend so much. But we are in mud, nothing is clear, nothing has formalized, this is an enigma.

Mark Bobrowski – One thing is NOT unclear. You are a special permit granting authority. Your discretion carries the day as long as it is reasonable. If you find something incompatible, you are in the driver's seat. Your decision has to be fairly debated to the extent the applicant can make accommodations. You have to be happy with what they put forward. This is not an entitlement on their part.

ANDY RODENHISER – When you had spoken earlier about process, you detailed how you act as an advisor to a planning Board and help in drafting a decision. You can help us by advising us. But as I understand it, that has to happen in the public arena as part of the public hearing. If there is an appeal of our decision, we want to be able to indicate that our decision reflected your input. We want to make sure we follow the process correctly. We want to have a defensible decision.

Mark Bobrowski – If this goes to court, it will be a de novo proceeding. That means the project is done all over again for the trial and the judge evaluates the testimony and compares it to the planning board's decision.

Mark Bobrowski – Testimony is fact driven.

ANDY RODENHISER – We have been given variations as opposed to waivers. We are unclear about whether we have a defect in our bylaws. We feel the subdivision rules and regs are the basis for how they need to construct the road.

Mark Bobrowski – There is a case from Uxbridge. By special permit you can vary rules and regs. That is OK

ANDY RODENHISER – Is it within our authority to look at impacts? Could you explain that to us, what would the process be? As we look at this proposal for 77 units, we feel the number of ambulance runs will be more frequent here and there will be impact on the senior center. No official “affordable” housing units are going to be provided (as this is a closed community, only for members of the Marian faith group.) Can we have an exaction or a payment in lieu of such construction?

Mark Bobrowski – It is a delicate subject. It generally involves negotiation. To the extent you were to deny an ARCPUD because they didn’t provide an adequate mitigation fee, I wouldn’t go down that road. There is a balancing test. I always say, the traffic is awful today and will be worse tomorrow, but the applicant will provide \$ for key public purposes. You have to consider all the factors and decide it is better or worse?? These are fair negotiations. But if the applicant says no to mitigation, you should not deny.

Mark Bobrowski – For your information, the DOR is starting to say that “donations” have to go to general fund and then be appropriated by town meeting for specific purposes.

JOHN SCHROEDER – We keep asking for more details, and we keep being told that the level of detail will come later.

Mark Bobrowski – You are entitled to definitive level of detail. Have enough info to make a clear decision now but don’t delay too many details for later.

Bill Proia – Can you give an example of that?

JOHN SCHROEDER – About 8 meetings ago, we were talking about the bridge and the culverts. You said at that time that we couldn’t deal with the bridge.

Bill Proia – What we said is that it is a structure regulated by the building code and we didn’t want to provide that information. We would provide footprint and flood plain impact that were enough design related. But we weren’t going to provide structural analysis. We asked the board if we could come up with a different level of detail. We didn’t want to have to get building permit drawings at this stage.

Paul Carter – We need adequate detail to show that it can be built.

Mark Bobrowski – You can ask for design specs equal to building code.

Paul Carter – I want to make a disclosure. I have discovered that one of the members of our urban planning group is preparing an environmental notification application to DEP for the Marian Community. We don’t believe there will be any conflict but I wanted you to know.

Bill Proia - We will not be triggering any MEPA review so we wont be retaining VHB for this.

Mark Bobrowski – Regarding a level of detail, if there is an issue and our engineer is suggesting that there is not enough detail I can interact between you and the applicant to work it out.

Bill Proia – I have some of the drawings that we have for the open space. We had filed for the ARCPUD special permit back last year. We withdrew in February (2006) and refiled right away. We have a 100 acre piece of land and we are trying to figure out how to divide it up. We have a life center on the site. We carved up the land and tried to create an ARCPUD lot and then provide another lot to the south where we could put some under 55 housing (OSRD) in the future. The planning board felt that maybe some more open space would be better. So we have provided an open space plan and a draft conservation restriction in perpetuity. We carved out a piece for 7 lots for 7 non ARCPUD units and there would be a trail going through lot 3 and down to the town land at the south. My remembrance of this, for various reasons, because it wasn't part of the ARCPUD per se, the board decided to not discuss it any more. It is not on the table from our perspective.

KARYL SPILLER-WALSH – It was taken off the table by the applicant and your attorney.
Mark Bobrowski – Did that technically alter the ARCPUD boundaries?

ANDY RODENHISER – We were trying to condense the issues for discussion rather than talk about two different applications at the time.

Mark Bobrowski – Is there general agreement about what will happen on Lot 3.

Bill Proia – We are trying to preserve that area/Lot 3 for a future OSRD. That is what we presented as an alternative to putting more land into the ARCPUD open space.

Mark Bobrowski – Is the owner the same?

Bill Proia – Yes.

Mark Bobrowski – To the extent there can be a condition in the ARCPUD special permit crafted re: Lot 3.

ERIC ALEXANDER – I was uncomfortable discussing Lot 3 because it wasn't part of the ARCPUD yet it seems that it is connected.

ANDY RODENHISER – This will also impact your sewer and wells.

Bill Proia – In our discussions with DEP we said when the ARCPUD is approved, there will be a condo association. If we get to Lot 3, that will be a separate condo development. We aren't having any issues with DEP.

Mark Bobrowski – We can put in some conditions on Lot 3. If they appeal it, it will have to come out, but if they don't appeal it, it stays in.

KARYL SPILLER-WALSH – The 7 lots were a contrivance. That is the exact number of units they could fit onto this dry ridge. We wanted them to push it as close to the ARCPUD as possible so that all the lands to the south and east that abut the town lands and the other adjacent neighborhoods would be open space.

Mark Bobrowski – If they want to put in an OSRD application, they can do that now. If not, you can have some limitations.

KARYL SPILLER-WALSH – One thing they do have a lot of is land. I want them to push back the boundaries as far as possible.

Mark Bobrowski – When you are trying to make a decision, divide what they are doing into two columns. One column is what they are required to do and then the other column is stuff we would like in addition, things that would be fair & reasonable. That tends to be money, or amenities or more open space. What do you want to see in column B?

Bill Proia – I think that is a great way to summarize what happens. I would divide column B into two – one is open space and the other one is the other kind of mitigation (\$ or other kinds of projects). My frustration is that the Board keeps asking me about \$. I keep asking for what they feel the impacts will be? We got input from senior center and from the fire chief. That is my other request. Maybe you can help them (the Planning Board) with that (mitigation issues).

ERIC ALEXANDER – I have a specific question in that regard. It is a bit of a catch 22 to the town. Sales of these units will be closed in that they will be available only to members of the Marian community. This is going to impact the Town's affordable % on the subsidized housing inventory. They can't provide officially "affordable" units because it won't be available to the general public. Some sort of off site mitigation or an exaction may be in order here.

Bill Proia - This is a good discussion. We haven't heard that before.

Mark Bobrowski – This reminds me of the Templeton Planning Board. Can we ask for this they questioned. You can ask for whatever you want.

Mark Bobrowski – Denying an application for a special permit because it puts you further behind in the subsidized housing inventory is not valid but you could try to find middle some middle ground.

Bill Proia – We have provided our best estimate of our costs.

ANDY RODENHISER – They said they were going to be doing this project at cost for members and that is why they are saying they can't do these other things that are expensive.

Bill Proia – To the extent that you think we are creating impacts, we will let you know what we can or can't do.

Mark Bobrowski – Judy Barrett of the Community Opportunities Group can take the proposed build out and talk to the various departments about impacts – library, fire, etc. To have her go through the exercise is about \$5,000 to -\$10,000.

Bill Proia – That would be a lot for a project this size.

ERIC ALEXANDER – I believe we can come up with a figure from a starting point on the affordable housing issue.

Bill Proia – We can come up with some figures on expected property taxes per year – about \$350,000.

Mark Bobrowski – Sometimes there can be an agreement to make sure costs are covered. But my guess is that with an ARCPUD, the costs are probably going to be covered as there will not be any kids in school.

ANDY RODENHISER – In the absence of a specific fund to go into, it has to go to town meeting?

Mark Bobrowski – Money has to go into the general fund for the town meeting reallocation.

Mark Bobrowski – You could also look at a joint enterprise fund.

Mark Bobrowski – It is very difficult for me to commence negotiations with the Marian folks without your list.

BOB TUCKER – At one time there we had discussed waivers.

ERIC ALEXANDER – For column A, part of my frustration is waiting on some of the figures. We need to see if they meet some of the technical thresholds.

Paul Carter - We have received revised plans but not the drainage calcs and flood plain info which I was waiting for.

Rich Coppa – I have the flood plain information here to submit tonight but not the drainage calcs. Bill Drexel (Northwest Engineering) is in bed with a staph inspection.

ANDY RODENHISER – We start into these discussions but don't have the opportunity to fully review.

CHAN ROGERS – There is no point in having a meeting without the information.

Paul Carter – We still need the drainage calcs for the site before I can do the review.

ANDY RODENHISER – Here are Susy's notes from the meeting at DEP. Please look at them and let us know if you have any objections to her recollection.

Bill Proia – The plans reflect what we are asking you to rule on. We are not going to change the plan for your purposes. We will not construct anything that will trigger needing a groundwater discharge permit from DEP.

KARYL SPILLER-WALSH – In the light of that, I would be much more comfortable if you withdrew and got a better idea of what you are going to do.

Bill Proia - I just see it as a phasing issue. Rather than construct all the units at one time, we want to have the ability to construct all of them.

Mark Bobrowski – You are showing a design for 77 units? But the DEP number is 66 units to not have to get a discharge permit?

Bill Proia – Yes.

Mark Bobrowski – Does the failure to show the septic and wells impact your decision?

Paul Carter – They need to show the overall septic design and the well design.

BOB TUCKER - I couldn't go along with anything right now without showing septic or wells.

ANDY RODENHISER – I think Mr. Proia is saying that because we aren't the permit granting authority for the wells and septic, it isn't in our scope.

BOB TUCKER – Are these the drawings that you want us to make a decision on?

Bill Proia – The objective is to get the drawings complete so a decision can be made. So, if you find these deficient, what else do we have to provide?

Mark Bobrowski – Is there another way to handle the sewage of the units that won't be served by the proposed system (PRESBY).

Rich Coppa – The latest set of drawings show the wells and septic systems.

Paul Carter – Are those approved sites?

Rich Coppa – Not yet.

Bill Proia – The wells will not trigger public water supply rules.

Mark Bobrowski – They have to show that it all is taken care of.

ANDY RODENHISER – Can we approve without this information?

Mark Bobrowski – If they dedicate a specific area for the septic areas and a specific area for water supply, you can take that into your consideration.

Rich Coppa – The percs are scheduled for next week.

KARYL SPILLER-WALSH – I think there are very invasive stormwater techniques. Little detention ponds with rip rap around them. I would like to them to disappear by modifying the shapes. I don't like the rip rap. It needs to be buffered. I find it very invasive. The whole grading and swale system looks to me like it includes a lot of surface flow. How will those swales remain? Are they permanent water movement systems? This is a very aggressive, large massive system.

ANDY RODENHISER – What needs to go to the DRC?

Paul Carter – There is no grading shown for the septic systems.

KARYL SPILLER-WALSH – Is there cease and desist with a special permit?

Mark Bobrowski – Yes. Make the permit specific to a plan.

ANDY RODENHISER – How do you feel you want to proceed relative to these various legal issues?

Bill Proia – I think Mark should take time to review them. I will be available. I would like to get some work done between public hearings.

Mark Bobrowski – The old traffic study that was done as part of the first submission, should be reentered into the record.

ANDY RODENHISER – Mark, please look at Bill Proia’s letters and get back to us with comments .

The public hearing was continued to September 12, 2006 at 8 pm.

Swenson Granite - Flood Plain Special Permit Recommendation

A motion was made by Chan Rogers, seconded by Karyl Spiller to recommend ZBA approval of a special permit to construct in a flood plain pertaining to the construction of an addition to the existing Swenson Granite building at Main Street/Industrial Park Road. The motion passed unanimously.

Public Hearing Continuation - River Bend ARCPUD and Definitive Subdivision Plan

Richard Cornetta, attorney
Mark Deschenes, Abbott Real Estate
John Spink, CONECO Engineering

Rich Cornetta – We are here to review some engineering

Paul Carter – We reviewed the revised traffic study that was submitted. They have satisfied and addressed our comments on the traffic study.

Paul Carter – We have comments on the special permit and subdivision. Here is our review letter dated August 8th.

We had suggested some additional protection to use mulch tubes instead of hay bales but in addition to silt fencing.

We reviewed the drainage. It has come a long way. There are still some comments. There are a large number of structures that don’t have enough cover over them. Please take a look at that. We recommend that a column be added to the design table that shows what the cover is. Why don’t you need 2 feet of cover? Please provide justification.

Wheelchair ramp details. Some still show vertical granite curb but I believe you are not planning to use that. Also, make sure to include a detail for asphalt ramp.

You need to label where the wheelchair ramps are on the plans. There are no ramps labeled. They could do it as a note as long as it was clear that they will provided at all the locations.

See the Comments on page 11 & 12 of my letter relative to hydrologic modeling.

The calcs for storm sewer system and inlets have been provided but there are some discrepancies.

Those are the major things.

John Spink - We have to wait and see what this all means.

ANDY RODENHISER – Are you requesting any more additional waivers?

TO DO List

1. Master condo documents – We have completed them to about 85%. I am in discussion with engineer to go through details. We should be able to provide those to the department within the week.

Rich Cornetta – We want to be careful. These are working drafts with an opportunity to review and provide comments.

ERIC ALEXANDER – I think we have communicated all the items that need to be covered. We understand a few things might change.

2. Affordable housing issue – LIP application has been submitted

Susan Affleck-Childs – I got some feedback today from DHCD. They are looking for a few changes. I will forward everything to Mark and your housing consultant. There are new regs coming for LIP units only and we are sort of in the middle between the old regs and new regs.

3. Open space - We have submitted a draft conservation restriction

Susan Affleck-Childs – I believe the Charles River Watershed Association suggested having two entities for the conservation restriction. We also had given you some comments from Town Counsel and from the CONCOM.

ANDY RODENHISER – What kind of edging material for pathways? HDPE?

BOB TUCKER – I am OK with that.

John Spink – I did it as we did for the Marian community plans.

4. Easements, etc – That is included in the conservation restriction.

Susan Affleck-Childs – I believe it has to be certified by Mass DCR after our special permit.

Mark Deschenes – With the canoe launch, we have submitted to CONCOM. They are waiting for VHB's final stormwater signoff.

John Spink – The size of the canoe launch has been reduced per CRWA.

KARYL SPILLER-WALSH – I would like to see the canoe launch railing be improved.

5. Deed rider for age restrictions - We will provide that.

ANDY RODENHISER – What about retaining walls? The surfaces that can be seen should have stone.

KARYL SPILLER-WALSH – How tall are these?

John Spink - No more than 3 feet

KARYL SPILLER-WALSH – That which can be seen should look like stone, not block . Use real stone or stone veneer.

Mark Bobrowski – I need to make a disclosure. Abbott’s engineering firm for this project is CONECO. I represent a partner of CONECO on a separate activity.

Mark Bobrowski – I will be happy to help on this one as well.

ANDY RODENHISER - I have a question on roadway widths – 16’ and 20’?

John Spink – For 1 way and 2 way roads.

ANDY RODENHISER – We need to ask Dave D’Amico if he wants to look at this from a stormwater bylaw perspective.

KARYL SPILLER-WALSH – I have a grading question on the large building. It drops off 7 feet. What happens to this corner below level? What happens to the patio and this part of the foundation that shows? What material is it?

John Spink - They become decks rather than a patio.

Mark Deschenes – That is poured concrete . We could cover with landscaping. I can bring some of the siding down further.

ANDY RODENHISER – There is one drawing in here that is a plan of land that shows lots. What is the purpose of that?

John Spink – The ARCPUD requirements are that you have two kinds of residential uses. We had a great deal of difficulty with this. This is one of the decisions that was made a long time ago.

Paul Carter – The cover sheet needs to have an index to specify all sheets.

ANDY RODENHISER – Have you been to the water department yet? Can you get a letter from him?

John Spink – Yes.

ANDY RODENHISER – We have a memo from Jeff Watson from Police Department.

Mark Deschenes – His comments are on the prior plan revision.

Paul Carter – Also street name signs need to be shown on plan.

KARYL SPILLER-WALSH – I have a lot of concerns on extensive swale system. The spaces between the buildings are radical moats of water and provide very little living space. This is very aggressive grading. I think the open space ends up being nuked. When we first discussed swales, they were 2-3 foot drops. Now it looks like 5-6 feet. This whole thing is driven by the density. You do NOT have low impact stormwater design. It sort of defeats the purpose of LID. I am not even sure if the calcs are actually going to work. If they don't work, we are going to look awfully stupid as a town. This hasn't been done anywhere else ever to this extent. There is some risk involved here. I have huge reserves and concerns about what is going on between the buildings. I don't see any solution to that what with the input you have received from the Charles River Watershed Association but for reducing the number of dwelling units. I think it is too bad what has happened to this project. This is a very aggressive grading program.

ANDY RODENHISER - Paul, is it that radical or new of a concept?

Paul Carter – It is a surface type drainage approach with a low impact development. Based on the resource constraints here and the number of units they plan, there are only so many places to build the drainage systems.

CHAN ROGERS – There is a slope from Village Street to the river. I would not call it aggressive.

Paul Carter – You could convey water through pipe system with treatment at ends. They are using some land between the buildings for these vegetated drainage areas.

John Spink – The garage doors are the highest points to get flow out and away. In general that is a 5-foot drop. All sidewalks and driveways are pervious material. The only non pervious areas are the streets. Everything is landscaping. This is a very good solution.

KARYL SPILLER-WALSH - I have talked to Andrea Cooper, Smart Growth Coordinator for the state and Nate Kelley of Horsley & Witten. I showed them the plans. They say it is way over designed. This has actually become very high impact design. It is unproved, risky and unsightly.

ANDY RODENHISER – Is it possible to have an overlay of landscape onto the swale system? I am looking at sheet LS1 now. It might be helpful to have a contour map showing the swale system and how it relates to the plantings that are proposed

Mark Deschenes – I can do that

KARYL SPILLER-WALSH – I am very concerned that it is not going to work. It seems so reliant on this surface system. I think you are going to end up with moats around the buildings.

John Spink - The water ends up getting into the wetlands. It doesn't stay in the swales. It is held up there. That is their purpose. At the 100 year storm, the area does not flood. There will be some pockets of water but once it settles down, it will be gone within a 6 hour period

ANDY RODENHISER – These are going to have to be constructed.

John Spink – We did our infiltration based on the C layer. There will be pervious material from 20 inches to as much as 4 feet of the stuff

BOB TUCKER - Did you look at a cultec type system? Could you use those instead of the swales?

KARYL SPILLER-WALSH – Charles River Watershed said they didn't want those type of systems.

Mark Deschenes - We are creating a drainage layer underneath the landscaping system.

CHAN ROGERS – Where are we in the approval process? Is it the intent to approve it tonight?

ANDY RODENHISER – No. There are still some issues to be completed and more info needed.

CHAN ROGERS – You would have to make major changes to accommodate Karyl's concerns. I feel it is adequate as it is. I don't think you could achieve what Karyl is concerned about without making major change in the layout

BOB TUCKER – I am not sure that I have any great suggestions at this point. Another option would be to build a number of retaining walls.

Mark Deschenes – I gave some stuff to the DRC. I want this to look good.

ERIC ALEXANDER – As far as the functionality, I am going to rely on VHB. Aesthetics is going to be driven by marketability. I have to say that at this point, I am comfortable. I think it would be overly burdensome to start over.

KARYL SPILLER-WALSH – The Charles River Watershed Association only cares about not having the water dump into the river.

John Spink –They have a specific agenda. They work very hard at natural drainage systems. they have a whole plan and program.

Mark Deschenes provided some cross sections that he had given to the DRC.

Mark Deschenes – This needs to be marketable, sellable and successful. I have to rely on the abilities of my engineers and consultants.

ANDY RODENHISER – Karyl, what is the worst case scenario?

KARYL SPILLER-WALSH – There are several spots that have 6 foot drops.

ANDY RODENHISER – Can you prepare a similar drawing?

Mark Deschenes – Please give me specific spots and I can do so.

Dan Hooper, 6 Naumkeag Road – Will there be any lighting from big building?

Mark Deschenes – Nothing big, just porch/deck lights only.

ANDY RODENHISER – Gino, any comments?

Gino Carlucci – No.

ANDY RODENHISER – Paul, anything else?

Rich Cornetta – We should be able to submit the items within a week.

Paul Carter - I really need 3 weeks to turn things around for a project of this scope.

Mark Deschenes – For August 22, I would like to get all the other stuff taken care of – landscaping cross sections of steepest spots and the legal documents.

ANDY RODENHISER – Then we will try to close the public hearing on September 12, 2006.

Public hearing continuations - 9 pm on August 22 and 9:30 pm on September 12.

Susan Affleck-Childs – We have a subdivision action deadline of August 30. We will need to do an extension at the August 22 meeting.

NOTE – Waivers to be discussed at the August 22 meeting.

Rich Cornetta – We would like to have you handle the waiver stuff during the public hearing

ANDY RODENHISER – Please let Susy know if you need a copy of their waiver request document.

10:35 pm – ERIC ALEXANDER leaves . . .

Informal Discussion with Greg Whelan re: West Haven Estates

Greg Whelan, property owner
Paul Yorkis, Patriot Real Estate
David Faist, Faist Engineering

Paul Yorkis – Thanks for agreeing to meet with us. I hope this can be very informal . We want to get your ideas and input.

West Haven Estates is an approved 40B project for this location. It was approved for 5 single family homes and 5 triplexes for a total of 20 dwelling units. We are here to discuss a potential OSRD plan as an alternative. We are looking at 19 dwelling units; all would be 2 bedrooms and would not have garages at all. About 1600 sq. ft per unit. Some would have walk out basement and some would have patios or decks. There would be different floor plans and facades. All owner occupied units with a condo association and a private road. The private way in the 40B plan is a little more than 600 feet. It could be cut back to 600 feet with OSRD plan. There would be much more open space than in the 40B plan. Most of the engineering is already done for this. The CONCOM has already reviewed the road layout for the 40B project and that portion of the new road layout hasn't changed at all. We are trying to minimize any impact at all. There

is a neat opportunity aside from having more open space than 40B project would have. There is a potential that a lot 1 (52,000 square feet) could be donated to an entity within the Town of Medway which could take that parcel and either build an affordable duplex using CPC funds or submit a 40B application for all affordable units.

KARYL SPILLER-WALSH – What kind of sewage system?

David Faist – This would be a shared septic system. 5 units would share a septic system.

19 units x 2 bedrooms = 38 bedrooms

ANDY RODENHISER – Where would the open space be?

David Faist – We came up with 19.7 units under the OSRD formula. The units would have a 26' by 28' footprint

ANDY RODENHISER – Are you proposing that any be affordable?

Paul Yorkis – No.

ANDY RODENHISER – How many of the units in the 40B development would have been affordable?

Greg Whelan – 6

KARYL SPILLER-WALSH – Are you providing the minimum open space per the OSRD?

David Faist – We believe we can meet the requirement.

ANDY RODENHISER – Gino, from a concept standpoint, what is the ultimate purpose of an OSRD project?

Gino Carlucci - To preserve some open space, provide a diversity of housing types, to encourage more compact development vs. spread out.

Susy Affleck-Childs – Also to design around and preserve land features.

ANDY RODENHISER – Any way for open space to be accessible to the public?

Paul Yorkis – The open space would be accessible to the public.

CHAN ROGERS – Didn't you talk to the Selectmen the other night about open space issues?

ANDY RODENHISER – We started the discussion. There are lots of issues to discuss. We went before them for a specific discussion on the Pine Ridge project.

CHAN ROGERS – This bears directly on the question here.

KARYL SPILLER-WALSH – Some of the lands we have looked at and evaluated for OSRD have lent themselves to public traffic through them. This does not particularly lend itself to full public access. But I do see it as an important element to add open space to the town.

Greg Whelan – I think Lot 1 could be very good for a picnic area/pocket park.

Paul Yorkis – The wetlands on the west side of the sheet extends to route 109. If someone is interested in bird watching that would be a neat area. It may not be great for walking paths.

Greg Whelan – In my mind, when you walk the site, you will find this area in back is beautiful. There could probably be some way of having some trails down through there.

Paul Yorkis – Really beautiful for naturalists.

ANDY RODENHISER – Knowing that the town cannot pay for maintenance and upkeep issues, you would need to consider having the condo handle the open space area.

Paul Yorkis – That is not an issue .

ANDY RODENHISER – It becomes an amenity for the condo.

BOB TUCKER – I would prefer this type of layout compared to the 40B.

Paul Yorkis – We know there will be a lot of work.

JOHN SCHROEDER – On a lot of fronts, it is definitely doable. My concern is that we are losing ground on the affordable housing number.

Greg Whelan – I am willing to explore possibilities.

CHAN ROGERS – I feel where we are today with the Town, there are so many open ended issues on how to create open land, that the developer is at some risk. The town doesn't want them. The Town isn't in any position to come to grips to discuss the management of open space. There are too many other issues to deal with right now. It is great to say that we have this option, but who controls it and who looks after it?

Paul Yorkis – In this situation, we are not proposing that the open space be deeded to the Town. Philosophically, the more open space the Town can create, that improves the quality of life for the community.

Paul Yorkis – The condo association would own the open space.

Susan Affleck-Childs – Then it would need a permanent conservation restriction put on it.

Paul Yorkis – The OSRD special permit would limit the number of dwelling units.

KARYL SPILLER-WALSH – I like the idea. A lot of it would depend on what it looks like as you drive into the development. It looks a little offensive as it is presented right now. Landscaping is needed in the middle.

Paul Yorkis – A landscape plan would be part of the submission.

Greg Whelan – When it comes to snow removal, it needs to be kept open as much as possible.

Gino Carlucci – I too am concerned about losing the affordable housing component.

Greg Whelan – This is for the first time home buyers.

Susan Affleck-Childs – This may not be officially “affordable”, but fits a market niche.

Paul Yorkis – These would all be 2 bedroom units.

ANDY RODENHISER – I am pleased to see a change in what was there. It is good to hear there is goodness in your heart and interest in donating land or building an affordable house for the town.

Update on 37 Broad Acres Farm Road./Country View Estates

Greg Whelan – We submitted a final plan to the Streifers (for repairs to the detention pond). It is being reviewed by Daylor Engineering. We are under the gun to come to an agreement. The detention basin will need to be changed in some ways. It is pretty much the proposal we gave you before.

ANDY RODENHISER – Please give a copy to Paul Carter.

Greg Whelan - I want to move toward street acceptance for this fall.

OTHER BUSINESS

Restaurant 45

Paul Yorkis – Could I ask the board one question about Restaurant 45. The Disabilities Commission has raised a concern that there is no handicap ramp to the deck area between the two buildings from the back I would like to add this to the plans to be endorsed by you. Bob Speroni would like to have this done.

Gino Carlucci – The site plan certificate requires full handicap accessibility so there is no problem.

Motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers to authorize a change in the final plans for Restaurant 45 to include a handicap ramp to the deck area between the two buildings. The motion passed unanimously.

Priority Development Grant

Gino Carlucci – I did get an email last week from DHCD saying that we have been awarded the priority development fund grant in the amount of \$15,000 to advance the concept of the route 109 area becoming a town center including adding a subdistrict of the Medway Mill for residential uses.

ANDY RODENHISER – I heard there are grants for the fast track permitting for a target area. Could we do the same thing for a specific type of development? Could we take some of the areas behind the plaza or the industrial park?

Gino Carlucci – I will look into that.

Construction Observation

Paul Carter – I was contacted by Taniel Bedrosian regarding a roof drain recharge system at Evergreen Meadow. Jack Lydon went out and inspected that. He called us enough ahead of time.

NOTE - Gino Carlucci and Paul Carter leave at 11:20 pm

Committee Reports

JOHN SCHROEDER re: Community Preservation Committee – The court case was supposed to start today re: the 2B Oak Street eminent domain case. The CPC met last night in executive session. We had an opportunity to match the updated appraised value. The courts are more in favor of the landowner than the towns. The value range is from \$836,000 up to \$1.6 million. So we agreed to offer a settlement with the funds to come out of CPC funds. If we went to court and we had to pay, it would come out of town's general fund. An offer was made in court this morning. It will have to go to town meeting for approval. It is a beautiful piece of land. We made a settlement offer of \$500,000. The town is getting \$200,000 toward renovation from the state.

BOB TUCKER – I went to the CONCOM meeting re 25 Milford Street (Rolling Hills subdivision). They did sign off on it. They extended the silt fence and mulch tube.

CHAN ROGERS re: SWAP - Paul Yorkis has been pushing park and ride lots out here. I went to a workshop on the new mass highway design manual. Representative Paul Loscocco is interested in offering state land for parks and ride lots.

ANDY RODENHISER – I met with Board of Assessors last night to talk about zoning. They want to make sure that we haven't forgotten about the east end of town. They want to support any of these rezonings that we are going to proposed. They asked me to attend. I also went to the BOS meeting with John and Susy to discuss open space issues.

CHAN ROGERS – We have problems here creating open space that we have to get into. We have to get into this discussion. Nobody wants to wrestle with the problem of how to do this.

JOHN SCHROEDER – I am under the understanding that we can commit to nothing.

ANDY RODENHISER – Ultimately the issue of having to secure new town counsel has created some new topics for policy. There are questions on how town can accept donations of land (BOS or town meeting?) How do conservation restrictions work? Are they in perpetuity? How is open space taxed?? Also, we provided some input to BOS on our needs for town counsel.

JOHN SCHROEDER – We kept the opening to get our own special counsel if we need it.

Country View and Broad Acres Estates Bonds

Susan Affleck-Childs – Greg Whelan wishes to withdraw the interest earned on his four bond accounts. This has been customary practice in the past that the developer can just do it. However, the new Treasurer/Collector wishes to have the Board’s approval for such transactions.

A motion was made by Chan Rogers, seconded by John Schroeder to authorize withdrawal of \$5,883.98 in interest from the 3 Country View Estates bond accounts and the one Broad Acres Estates bond account at Medway Cooperative Bank. The motion was approved. Karyl Spiller-Walsh refrained from voting.

2-4 Main Street Site Plan

Susan Affleck-Childs – The current deadline for completing the work is August 15th or else the temporary occupancy permit can be pulled. The as-built plans will not be completed by then. He has requested an extension to October 16, 2006.

BOB TUCKER – I don’t see why we should have to do this.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to have all site work including clean-up and removal of all debris to be done by September 2, 2006. The motion was approved. Bob Tucker voted no.

A motion was made by John Schroeder and seconded by Chan Rogers to change the as-built plan due date to October 16, 2006. The motion was approved. Bob Tucker voted no.

JOHN SCHRODER – This should be strongly worded. We need to let him know that there will be no more extensions.

Marc Road Site Plan

Susan Affleck-Childs – The Marc Road site plan was revised to show the easement area.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to sign the Marc Road site plan. The motion was approved.

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

The meeting was adjourned at 12:05 am on Wednesday, August 9, 2006.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant