

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

Approved - September 26, 2006

**Planning Board Meeting
September 12, 2006**

PRESENT: Bob Tucker, Andy Rodenhiser, Karyl Spiller-Walsh, John Schroeder and Chan Rogers. Eric Alexander (later).

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

The meeting was called to order at 7:05 pm

Public Hearing Continuation - Rolling Hills Definitive Subdivision Plan

Paul DeSimone, Colonial Engineering
Ted Cannon, attorney

KARYL SPILLER-WALSH – At last night’s DRC meeting, we focused on that area of the retaining wall that would be visible. We wanted them to do anything they could that would make the wall less industrial looking with the block. Dan Hooper suggested a boulder facing. We thought it would be a good compromise with some plantings close to the road.

Paul DeSimone – We agreed to a black aluminum fence. We will plant 6 hemlock trees in the front area. We will use 3-4 foot boulders instead of blocks. We had talked about planting some vines, but I talked to my botanist and vines will choke out the trees.

KARYL SPILLER-WALSH – The vine was just an idea.

KARYL SPILLER-WALSH – Please get spacing on the fence correct from (Safety Officer) Jeff Watson. There needs to be some sort of organization/order to the boulders.

Paul Carter – Is it going to be a rock slope or a dry laid stone wall?

Paul DeSimone – 3-4 foot boulders laid dry; for the first 175 feet (from the street), then tan/brown concrete blocks. We would go with the ones you saw at the last public hearing. 96 inch x 44 length block weighing 6 tons each.

CHAN ROGERS – I disagree with the statement that this wall will be seen from the road. I am disappointed that such a big deal was made of this. But on the basis that the applicant has agreed, let's go ahead. This is the first time we have had a subdivision developer have to do what private commercial projects are expected to do.

KARYL SPILLER-WALSH – I disagree. I think you can see part of the wall from the road itself. The whole point of the DRC is to upgrade the way things look in town. Read our Rules and Regs.

Paul DeSimone – We have always had a wooden guardrail. Pressure treated, not steel.

Paul DeSimone – We are going to continue the sidewalk along route 109, past the driveway up to where the property line is.

Paul Carter – Do you have a detail of the dry laid stone wall?

Paul DeSimone – We do have a detail for the boulder wall; I need to find one.

Susy Affleck-Childs – You can make that a condition of the certificate of action, to revise the plan to show the proper detailing for the wall.

Paul Carter – You should have a detail of the cap too.

Paul DeSimone - We will just fill in the top with concrete. You won't see any wall from the roadway.

Paul Carter – What are these blocks back filled with?

Paul DeSimone – Stone.

Paul Carter – You should fill in the voids with concrete and then loam on top.

KARYL SPILLER-WALSH – Capping finishes off the wall. We heard something at DRC about loam and plantings on top in lieu of a cap.

Paul DeSimone - We can put a cap on top of the blocks. There is a matching cap design.

ANDY RODENHISER – That seems to make a sense

BOB TUCKER– Whenever we talk about a concrete cap, it will likely crack. You would be happier with the block cap in the long run.

Paul DeSimone - The system comes with a cap.

NOTE – Andy Rodenhiser read the 9/12/06 memo from the Design Review Committee.

A motion was made by John Schroeder, seconded by Karyl Spiller-Walsh to accept the DRC's recommendation, except for use of vines and allowing use of the manufacturers cap for the top of the wall. The motion passed. Chan Rogers opposed.

ANDY RODENHISER – Any other open issues?

Paul Carter – Just for the dry gravity retaining wall and cap to be shown on the plan.

A motion was made by Bob Tucker, seconded by John Schroeder to close the public hearing on the Rolling Hills Definitive Subdivision Plan.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to approve the applicant's request to extend the deadline for Planning Board action on the Rolling Hills Definitive Subdivision Plan to October 15, 2006. Unanimously approved.

ANR Plan for Cheryl Rosenberg for Kelley Street/Vine Lane

Paul Yorkis – At your last meeting, Gino Carlucci provided an explanation to the Board that cited legal precedents. To respond, the applicant has retained an attorney to assist in this process. He is in the process of gathering some information to prepare a response. He just is not ready yet. We request an extension to October 31st.

A motion was made by Karyl Spiller-Walsh, seconded by John Schroeder to approve the applicant's request to extend the deadline for Planning Board action on the ANR plan for Kelley Street/Vine Lane to October 31st. The motion passed unanimously.

BOB TUCKER – I would like to make a comment. I would certainly hope that in the future, when applicants come in, that before they submit, they are ready to do business. I would strongly recommend that the application be withdrawn and then resubmitted when it is ready. We don't have a lot of time to keep looking at issues again and again. This is not directed at you Paul, but to all applicants.

Paul Yorkis – I don't happen to agree with all the issues Gino Carlucci raised. The Board is responsible in a positive way of listening to the advice that is provided. I felt that the issues Gino Carlucci raised merited legal response. I think this is a little bit of a grey area. I have a responsibility to the applicant to do the best job I can. The attorney has not just summarily dismissed Gino Carlucci's commentary; he is trying to develop the best response he can.

BOB TUCKER– I hope that when he does come before us, he is not only ready to address Gino Carlucci's questions, but any question we might have as well.

ANDY RODENHISER – We are trying to function more efficiently so there is more time to do planning work.

Paul Yorkis – I clearly understand where you are coming from.

Discussion on Amending Zoning Bylaw to allow more uses in the industrial zones

Paul Yorkis – Now I am representing George Popadopoulos and myself. I approached Bob Speroni and raised a question about a certain industrial use in the west side industrial park. Bob

felt the use as I described it is now presently allowed. Let me explain. Here is a handout showing a conceptual site plan for industrial condominiums. One of the possible uses would be as an (inside) contractor's yard. Bob Speroni has determined that it is not allowed anywhere in the Town of Medway. They are allowed in Franklin. I wanted to share this with you. This is not to say that this should be the only allowed use. What we are trying to do at this site, which is not a permitted use at this time, to create an opportunity for someone involved in the building trades to have their equipment at a location along with their office and an area to store materials. We are calling it more of a contractor's condo.

BOB TUCKER – We do have some occasions in town where there are these uses. I know of one quite close to me.

Paul Yorkis – I expect that may be a preexisting nonconforming uses. This type of use is not allowed anywhere in town by right. We can build the buildings, but the issue is the use of these buildings. Bob Speroni has indicated that we could try to get a variance from the ZBA or get the property zoned the way the community would like to use it. I don't want to give the impression that you should only look at this use for this area. We feel we can work with DRC on the overall design of the site and buildings?

ANDY RODENHISER – Are you proposing outside storage?

Paul Yorkis – No. The probability exists that all units would not be purchased by contractors. There might be some light manufacturing going on in some of them. We can see how these could work for a contractor for storage of equipment, materials, and to have a small office. My request is to get an indication from you to see if you would consider a zoning bylaw amendment for December town meeting to permit this kind of use.

Gino Carlucci – Just a comment/suggestion that the IDC could be solicited for comments as well.

Paul Yorkis – We don't need their assistance.

ANDY RODENHISER – Does that mean you won't talk to them?

Paul Yorkis – We would want this to connect to sewer in the future so we will put in a dry line to connect with a future sewer line – site is already served by water –

CHAN ROGERS – I am surprised to hear you say that. I don't think you could get the land rezoned without the IDC's supporting this. I would not want to do anything at that site without their IDC's approval. It will need lots of restrictions.

ANDY RODENHISER – I think we should consult them.

Paul Yorkis – I think that board is available to folks in the community who need their assistance. We don't need their help.

ANDY RODENHISER – We can't zone something just for you. We would consider making an amendment but we should consult with the IDC about what you are proposing so we can enlist their support.

Paul Yorkis – The last time we had an application go before the ZBA, the IDC took a stand in opposition to it. That did not sit well with George or myself.

ANDY RODENHISER – That is something that none of us knows much about.

Paul Yorkis – We were never asked to attend an IDC meeting or to explain what we were proposing. We were confronted at a meeting 5-7 years ago. We chose to let that application lapse. When the IDC did some improvements, they took some of our property for a detention pond. There is a lot of history here. When the DRC and Planning Board see the site plan – you will see how some of the actions that were taken in the past have been detrimental to the site rather than advantageous.

CHAN ROGERS – Are you prepared to explain how these would be handled?

Paul Yorkis – The only request is to ask the board to consider amending the zoning bylaw to permit a contractor's condo within this site, to add this to the other uses that are permitted. We have 4 folks who are interested in doing contractor condos.

BOB TUCKER– If we are going to look at an amendment to the zoning, and I was not aware that this was not a permitted use in town, we might want to broaden that type of amendment to address any other gaps there may be.

ANDY RODENHISER – When we put our planning hat on, we know we need to bring in more commercial tax base. How can we help?

Paul Yorkis – We want to do this. I would be happy to meet offline and discuss things with Gino Carlucci.

BOB TUCKER– I would like to open this up and take afresh look at what is allowed in the industrial zone.

KARYL SPILLER-WALSH – Where we are at this point, naively, there is a lot of grey here by what you are intending. What do you mean by a contractor's yard? You mentioned there would be restrictions on storage of materials outside. What do you actually mean? What could that be?

Paul Yorkis – We are really talking about Medway Industrial Condos. I understand what you are saying. This is really a use within the district. Firms in the construction trades could use the space for an office, storage of materials, subassembly, etc.

KARYL SPILLER-WALSH – That is what I would want to see. Something very specific.

Paul Yorkis – I am not presupposing to the Board what that language should be.

John Schroeder – I was having trouble with the term contractor's yard.

Paul Yorkis – Right now, a heating contractor and a plumber cannot use space there to put material, to receive or store or warehouse or put their office there. They could not do preassembly there. I think there are a number of trades people in our community who work from their homes who from time to time run into problems with their neighbors. This would provide

those folks with a place to run their business at an industrial location. It would be an opportunity to create some good tax base.

ANDY RODENHISER – Just for the record, I am not one of the interested people.

CHAN ROGERS – I think you should work with Gino Carlucci on this.

Paul Yorkis – Is there a sense of the board?

BOB TUCKER – I just don't want to see it so short sighted, if there are other uses that are not permitted by zoning, I would like to flag those as well.

Paul Yorkis – I will pick Bob Speroni's brain on that one.

CHAN ROGERS – I think you should get the IDC involved to solicit their ideas.

ANDY RODENHISER – We are going to ask Gino Carlucci to discuss this with the IDC and get some feedback from them.

Gino Carlucci – Yes, absolutely, I can do that.

Paul Yorkis – The appearance of these 3 buildings on the site will be more attractive than the building to the north of this area. There is something similar in Franklin on Grove Street.

Susy Affleck-Childs - Also on Upper Union Street in Franklin.

Paul Yorkis – I do think that somewhere in the community, we should allow a contractor's yard (with outside storage) by right. It is an aspect of business that we need in our community.

CHAN ROGERS – The military uses the word “base”.

Gino Carlucci – Or “headquarters”.

ANDY RODENHISER – Do you think that a special permit for that is a problem?

Paul Yorkis – If you looked at the number of special permits (allowed by the ZBA), it has been declining.

ANDY RODENHISER – I like the special permit because it allows for conditions to prevent abuse.

CHAN ROGERS – I would like to ask you, do you agree with Andy?

Paul Yorkis – You have not heard me complain about the site plan review process. The site plan for this project would have to come before you and work with the DRC and go thru the process

ANDY RODENHISER – But as a realtor, philosophically, give us your recommendation on how to do this. How can we provide this service to these potential tenants but at the same time take care within the community.

Gino Carlucci – In Norfolk, they have contractor’s yard/headquarters. It is a use allowed by right but using outdoor storage is a special permit from the Planning Board.

Paul Yorkis – I think it is better for planning boards to grant a special permit in conjunction with site plan review.

ANDY RODENHISER – We look at the link with the DRC to provide some creative insight and have a better package for the community. I think it works out better for the owners too. They get better ideas with what the DRC is capable of doing. We are trying to balance design, planning, industrial development, and legal. When I suggested a special permit, I wasn’t talking about restricting what goes on in the building, but only if there was to be some outside uses.

Paul Yorkis – I think a special permit for outside stuff should rest with PB as part of a site plan process.

Susy Affleck-Childs - We looked at contractors yard a few years ago but couldn’t get through it.

KARYL SPILLER - WALSH - We rushed into that and didn’t do our homework. Timing is everything.

Paul Yorkis – It is incredibly difficult to make zoning text precise. You can do your best job to show your intent.

CHAN ROGERS – I would like to say that Karyl’s observations about timing are important. But we should do anything we can to get some zoning changes to attract some commercial property. What you are on to is a need.

Paul Yorkis – I view this more as a technical change as opposed to a wholesale gross change. I am hoping that we can work together and put together the right language that would be acceptable. Then you can figure out where it should go.

Public Hearing Continuation – Marian Community ARCPUD

ANDY RODENHISER – We have a memo from attorney Bill Proia requesting a continuance to October 10th. That is very tight assuming they get the stuff in by September 26th.

Paul Carter – They haven’t submitted the drainage calcs. It doesn’t make sense to do the review without the drainage calcs. I don’t know if they are going to revise the plans or not. In terms of the flood plain stuff, he said they would submit some revised flood plain crossing plans. They reduced the height of the box culvert from 3 feet to 1.5 feet when they put in the cast in place slabs. I commented there were just inches of clearance between top of weir and top of box culverts.

BOB TUCKER – It almost sounds like from what you have described so far that they would need to have their septic design completed. Wells, septic and drainage – these all need to be tied together. That discussion itself could take up an entire evening.

ANDY RODENHISER – I can’t imagine . . . this feels like it is starting all over again.

KARYL SPILLER-WALSH – Maybe we should ask them to withdraw.

CHAN ROGERS – It seems like they are going to need more time to prep the plans and more time for Paul to review them.

ANDY RODENHISER – If they withdraw and resubmit, the last time we waived the application fee. I wouldn't do that again.

Paul Carter – We are waiting for revised drainage calcs and revised flood plain info.

JOHN SCHROEDER – Give them time at the end of the night so we don't hold time aside for them that others cannot use.

BOB TUCKER – The package could still be submitted by September 26. But because of the size of the project and their past history, we have to give Paul an adequate review time.

A motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers, to continue the public hearing on the Marian Community ARCPUD Special Permit and Plan to October 24th at 9:30 p.m. Unanimously approved.

DISCUSSION - Draft OSRD special permit for Charles River Acres

KARYL SPILLER-WALSH– I am not voting on this because I was absent. But I would like to make a comment. I think something happened here that we need to be mindful of for the future. When they were describing the needed stormwater management facilities, we recommended that there be a lot for the stormwater facility and underground storage. In fact, what they did was to draw a line around those elements. I would have recommended that they drop a unit and put the drainage stuff there but instead, they took the land out of the open space. Whenever we can, we should try to get more open spaces. We have been very generous with the number of units we have allowed. We need to err on the side of being conservative and for open space in the town.

JOHN SCHROEDER –I see 2 issues with the open space. One is the amount of it. The other part is the quality of it. I think we have succeeded there in that the open space is truly open space doesn't have anything on it.

KARYL SPILLER-WALSH – But you gave up land that could have been for open space.

NOTE _ The Board worked on the draft OSRD Special Permit Decision until 9:30 p.m.

NOTE –Associate Member Eric Alexander joins the meeting @ 9:30 p.m.

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

Rich Cornetta, attorney
Mark Deschenes, Abbott Real Estate
John Spink, engineer

Mark Deschenes – There are a couple of things we want to achieve tonight. We want to respond to Paul Carter's most recent letter with a letter from John Spink. We also revised the waiver for you based on our last meeting.

NOTE - John Spink highlighted his responses. His response letter dated 9/12/06 is attached.

John Spink - We met on Friday going over all of Paul's items. This letter is my response to that meeting and how we had agreed to handle things.

All revised items to be submitted by this Friday, 9/15/06.

The Board reviewed the items in John Spink's letter.

There was considerable discussion re: Section 7.7.2 (a) (subdivision rules and regs) about the use of impervious liners in swales 3, 5, 6 and 9.

CHAN ROGERS – I want to suggest that we let Paul and John deal with this on their own. This is technical stuff they can work out.

ANDY RODENHISER – Please don't make a unilateral assumption about what the chairman wants. Karyl has a lot of concerns about this. Not all of us have the same level of knowledge about these items.

Paul Carter - I think John is almost done with his list.

KARYL SPILLER-WALSH – I have a lot of concerns about water in the project – at least I have an understanding of how this works. I am concerned we are only moving water around with these impervious liners and not infiltrating the water.

Paul Carter – This approach applies to 4 swales out of 33 swales.

ERIC ALEXANDER – I feel like there is an understanding of the solution. I am comfortable as long as there is sufficient opportunity down the line to infiltrate.

ANDY RODENHISER – Is the board OK with Chan's suggestion?

John Spink – Paul probably has 3-4 places that really need some comments.

Paul Carter – He has 3 detention areas. He needs to increase width of berms, provide freeboard and drainage calcs that go with those. Use average rate rather than high rate in doing calcs.

John Spink – The only other one that might be of interest is fencing type. What do you want? It is about 50 feet long.

KARYL SPILLER-WALSH – We want aluminum that looks like wrought iron. Be careful, the safety officer has a formula for the width.

Mark Deschenes – We would do commercial grade aluminum fence, picket style on the retaining wall.

ANDY RODENHISER – Fencing and walls have to be referred to the DRC.

KARYL SPILLER-WALSH – Anything that can be seen by the public, needs to have a stone veneer.

Paul Carter – There are several retaining walls.

John Spink – I was thinking of lock walls.

Mark Deschenes – I would like to use stone from the site. I like to reuse that for the walls.

Paul Carter – That would be a dry laid gravity stone retaining wall. You need to show a detail of that. What you show now is block. You need to add this to the plans and go to the DRC with a sketch/detail of the wall and railing.

BOB TUCKER– If they have enough of a slope on a gravity retaining wall, they may not need a fence.

ANDY RODENHISER – What is the status on all the condo docs?

Susy Affleck-Childs – I have not yet referred this to counsel. I need some guidance on whether to have Mark Bobrowski do it or local counsel.

NOTE – It was agreed that Andy and Susy would determine how to proceed with legal review of the condo docs.

CHAN ROGERS – Because you are crowding this into limited space in order to have open space, you are using some appurtenances that the Planning Board would not normally deal with.

KARYL SPILLER-WALSH – I have some questions I want to discuss. This isn't just a density issue. There are real idiosyncrasies of this particular piece of land, inherent difficult characteristics of the site. That will present problems during construction and we are trying to foresee what could happen

Mark Deschenes – What is affordable housing status?

Susy Affleck-Childs – Geoff Engler sent in revised material to DHCD. No response yet.

Mark Deschenes – What is status on conservation easement?

Rich Cornetta - We can make the changes as requested by CONCOM Chairman David Travalini and Town Counsel Dick Maciolek.

BOB TUCKER – The important part is to submit a complete package for the next go around.

It was agreed that the revised plans would be filed by September 15th.

John Spink – There might be a few more waivers to add to the list.

ANDY RODENHISER - We will review the waivers at the October 10th meeting.

John Spink – What do you want in terms of plans?

JOHN SCHROEDER – I would like a small set to work from and one large set for the office.

A motion was made by Bob Tucker, seconded by John Schroeder to continue the River Bend public hearings to Tuesday, October 10th at 8:30 p.m.

Rich Cornetta – I have a working draft of a decision.

A motion was made by John Schroeder, seconded by Chan Rogers, to extend the deadline for Planning Board action on the River Bend Village subdivision to October 30, 2006. The motion passed unanimously.

10:55 pm – Eric Alexander departs meeting.

OTHER BUSINESS

Plan Review Estimates for Daniels Village ARCPUD

A motion was made by Bob Tucker, seconded by John Schroeder to accept the VHB plan review fee estimate of \$15,305, Unanimously approved.

A motion was made by Bob Tucker, seconded by John Schroeder to accept the PGC plan review estimate of estimate of \$1,275. Unanimously approved.

Susy Affleck-Childs – We received the application package in for this ARCPUD project. Gino Carlucci and I did a completeness review. They were short a few items. I did a letter to them and those items are coming in.

CHAN ROGERS – Regarding River Bend. I don't feel we should be sitting for the detailed reviews during a meeting. That is the job for the PB's engineer.

Paul Carter – The only thing that is necessary is to discuss is the major comments.

BOB TUCKER – Where Paul Carter and the applicant agree, it is a done deal. It is where there is a difference of opinion that we need to get involved.

BOB TUCKER – How about on a typical application, we expect each one of those types of projects to take X number of meetings. How about if we assign our expectations to various meeting dates? Susy Affleck-Childs would have a copy of the expectations for each session.

KARYL SPILLER-WALSH – It seems after working on these projects, there is a common element that is adding to the difficulty factor. Most of the problems are caused by the density levels we are allowing them to retain.

ANDY RODENHISER – Then those densities need to be changed through the bylaw.

CHAN ROGERS – It is not only the density but also the topography.

KARYL SPILLER-WALSH – Topography is really what controls the density.

CHAN ROGERS – We are all going to have separate concepts of what it should be. We need to end up with a common decision.

KARYL SPILLER-WALSH – With all of the projects, all of the problems dealing with water, traffic, etc. relates to density. If the numbers were reduced the issues would go away.

JOHNSCHROEDER – I, for one, am looking for some denser neighborhoods.

ANDY RODENHISER – We are offering a diversity of housing stock.

NOTE - Paul Carter leaves at 11:20 p.m.

KARYL SPILLER-WALSH – We need to articulate that some of the land is just unbuildable and they shouldn't be able to count it as open space.

Committee Reports

Community Preservation Committee

JOHN SCHROEDER - This question of maintenance of trails keeps coming up. I am trying to get a grasp on this. I talked to the CPC last night about possibly paying for trail maintenance. We could do a workshop with PB, BOS, CONCOM, etc. to discuss.

KARYL SPILLER-WALSH – Let's just have the condo associations to do it. Mark Bobrowski doesn't think it is to a Town's advantage to own open space. He says it is better to have the open space owned and cared for by that project.

CHAN ROGERS – Open space land from these developments should be retained by the developers.

ANDY RODENHISER – Have you talked yet to Jim Wieler?

JOHN SCHROEDER - I think we need some organization that walks these trails and takes care of them. That is going to require some amount of money.

ANDY RODENHISER – Imagine 10 years from now after we have done all these deals, there will be a lot of open space.

JOHNSCHROEDER – Can we create a trail fund to be managed by the CPC for trail maintenance? Mark Cerel's suggestion was to have a couple of workshops to discuss.

Minutes

A motion was made by Bob tucker, seconded by Chan Rogers to Motion to approve the minutes of the August 29th and September 5th meetings. The motion passed unanimously.

Invoices

\$494.99 – Construction Observation for VHB. Motion by Chan Rogers, seconded by John Schroeder to approve. Unanimously approved.

\$2,240.91 – Plan Review for VHB. Motion by Karyl Spiller-Walsh, seconded by Chan Rogers to approve. Unanimously approved.

\$131.25 for Consulting Services for PGC Associates. Motion by Karyl Spiller, seconded by Bob Tucker to approve. Unanimously approved.

\$506.25 for Plan Review for PGC Associates. Motion by Karyl Spiller-Walsh, seconded by Chan Rogers to approve. Unanimously approved.

HANDOUT Materials

1. Memo to Bob Speroni re: site plan completion at 2-4 Main Street.
2. Submittal memo to Town Administrator/BOS on PB articles for special town meeting.

JOHN SCHROEDER - What about changing the time for getting materials in to VHB from 2 to 3 weeks?

NOTE – It was agreed we can adjust the time frames for VHB’s plan reviews depending on the scope of the project.

A motion was made by John Schroeder, seconded by Karyl Spiller-Walsh to adjourn the meeting. Unanimously approved.

The meeting was adjourned at 11:45 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant