

Approved – November 2, 2006

*Minutes of Medway Planning Board Meeting*  
**September 26, 2006**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Chan Rogers, John Schroeder, Karyl Spiller-Walsh, and Bob Tucker

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

The meeting was called to order at 7:12 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

**CITIZEN COMMENTS** – None

ANDY RODENHISER – We will wait until Bob Tucker gets here and until 7:30 PM to start the Daniels Village ARCPUD public hearing.

**OTHER BUSINESS**

**Construction Observation** – Paul Carter, VHB

*Evergreen Meadows* – They are installing vertical granite curb. We did an inspection out there.

ANDY RODENHISER – Will there be some marrying of the berm to the granite curb? It seems like there is quite a distance. I am concerned that a snow plow will grab it.

Paul Carter – I am not sure what the transition detail is. I can ask Jack Lydon about that.

*Pine Meadows II* – There was a preconstruction meeting. Jack went out with the contractor, the new owner and Paul Yorkis. They may end up having to do some blasting and crush the rock on site. The roadway layout should have been done at the end of last week.

ANDY RODENHISER – If they crush on site, what is our role in terms of dust control?

Paul Carter – They would need some water on site.

Susy Affleck-Childs - We can be very directive on that with them.

ANDY RODENHISER – Susy, did we ever meet with Paul Yorkis on the matter of water runoff from individual sites and developing a policy on how to handle abutters concerns?

Susy Affleck-Childs – Not yet. We need to invite him in to discuss.

ANDY RODENHISER – How do we handle enforcement when we get a complaint?

NOTE - It was agreed that Susy should call VHB and the developer with a complaint.

NOTE – Celeste Hanson stopped by to operate new broadcast machine. Thanks Celeste

### ***Minutes for September 12, 2006***

A motion was made by Karyl Spiller-Walsh, seconded by John Schroeder to approve the minutes of the September 12, 2006 meeting. The motion passed unanimously.

### ***Committee Reports***

JOHN SCHROEDER – Susy and I met with Mark Cerel on an affordable housing trust fund. We will probably try to plan a workshop.

KARYL SPILLER-WALSH - No major issues to report on DRC.

ANDY RODENHISER – How close are they to culminating the Design Guidelines?

REMINDER - Joint DRC/PB meeting on 10/2 at the senior center.

ANDY RODENHISER – Gino, when will you be at the BOS meeting?

Gino Carlucci – On October 16, I will make a presentation to the BOS on overlay district and concept plan for Route 109 redevelopment.

ANDY RODENHISER – I went to the Medway Business Council planning session yesterday. There was good feedback on the presentation that Gino Carlucci had given on the Route 109 project. A lot of people got excited about it. There is a strong desire among the Business Council board to see that work continue.

7:29 pm –Bob Tucker arrives.

KARYL SPILLER-WALSH – I remember something on DRC. We did have River Bend in at the end of the last meeting to discuss stone embankments. We want to see hassock sized rocks. We want them to find stone for anything that is visible. If they don't have enough on site, the DRC wants them to get stone to make these embankments.

BOB TUCKER – I attended the last CONCOM meeting. No new issues to report.

ANDY RODENHISER – Did they talk about CONCOM member Christine Linebur attending a meeting with Bill Fisher and us re: the Marian community? Last week, Bill Fisher invited me and Susy to a meeting with him and a VHB engineer and CONCOM re: the soils, etc. at the Marian site and how the soils will affect the septic and well designs and how they were going to impact the overall plan. Christine did not attend. The CONCOM was worried it would be a violation of the Open Meetings Act. Essentially the soil report from a soil scientist that the BOH retained indicates that the soil is probably less than desirable in the areas for the septic systems.

They will need to use a mounded system. The impacts could be severe on ground water. An alternative is to construct a private sewage treatment plant and pump to the existing leach field. It might be prudent for them to consider withdrawing their application to resubmit after they regroup.

BOB TUCKER – Where it is a major change in approach and philosophy, they should resubmit anyways.

CHAN ROGERS – Where do they stand with us on the bridge?

ANDY RODENHISER – We told them they needed a 2 lane bridge.

Paul Carter – They haven't submitted any revised plans.

**Public Hearing – Daniels Village ARCPUD**

7:40 p.m.

ANDY RODENHISER – We have a notice of the public hearing.

NOTE – John Schroeder read the notice. Attach and make apart of these minutes.

ANDY RODENHISER – I would like to briefly outline for everybody how the public hearing will work. There is a yellow handout in the back that describes how the permitting process works and how the public hearing works. It also includes the criteria used by the PB to make an ARCPUD decision. We will conduct the hearing as follows. The developer will make his presentation on the opening night (tonight). The second night we will focus on stormwater management, the third night on traffic and safety and design issues on the fourth night. After that meeting, there will be a period of time when the developer will go through and make revisions based on the public hearings and submit revised plan. It will not be an evolving plan changing from night to night. On the fifth evening, most of the revisions and improvements that were asked for should be condensed onto the drawing at that time. Six meetings total, with additional meetings if required. We have tried to provide some definition to what can be a long process and take into consideration all the issues. Hopefully, with your participation, a good decision can be made.

Jim Williamson, Barberry Homes

Rob Truax, GLM Engineering

Ken Labarre – Barberry Homes

NOTE – Jim Williamson presented the certified mailing return cards to verify the public hearing mailing.

Jim Williamson – I will speak first about Barberry Homes. We appreciate the abutters coming tonight. I want to thank the PB for the format for setting up these hearings. I expect it will save us a lot of time. Thank you for doing that. I think it will work.

Barberry Homes has been around for 20 years. We have built over 500 homes in Wayland, Westborough, Southborough and South Natick. Presently, we are building in South Natick, Sherborn and Westwood. Our development team includes GLM Engineering of Holliston and

Sanford Ecological of Southborough. We have already met with CONCOM for wetlands delineation. We used Devereaux Associates out of Virginia for the overall site plan. They designed the best +55 community in the US at Red Mill Village in Norton. We had some early meetings with the Planning Board, pre-application discussions. Our local architect is HP Design out of Wrentham and we are using MS Traffic Consultants out of Framingham. The traffic report is not quite done yet. We waited to do traffic counts until after Labor Day. The counts have been completed and it will be ready shortly. We will provide it to VHB. Our attorney is Shirley Sheridan out of Southborough.

Project Overview – The site is located on the corner of Lovering and Winthrop Streets, 51 acres in size. We are going to be building in the southern portion 86 units – 52 single-family detached homes and 10 triplex buildings and 2 duplexes. Originally when we came before the Planning Board last spring, we had 118 units. The Planning Board did not care for that plan very much. We have taken their suggestions to heart and changed the plans and reduced the unit count by 32. We listened carefully and that gave us some direction. We didn't just want to come in with a too high plan. Our main criteria for this design are based on criteria in the zoning bylaw – to create a sense of neighborhood and New England scale. We have common driveways between some of the buildings, shown as light grey on this drawing. It should provide a nice sense of community. We do propose a community house. Generally, there is supposed to be 100 units to support a community house through a condo association. Your bylaw also suggests you can have a retail component to the project to serve the development and neighborhood. We will discuss that with the Planning Board. We haven't been totally convinced of the economic feasibility of such. We have contacted convenience store operators and they tell us the site generally doesn't meet the traffic requirements that they have. So, we are not totally convinced it can happen.

ANDY RODENHISER – There will be a presentation, and there will be a time to ask questions, we want to be fair to everybody.

Rob Truax, GLM Engineering - This is a 51 acre site, mostly hayfields with some woods and vegetated wetlands. The field is elevated and around the perimeter is the wetlands that slope off. Some drop off 15 feet. We have gone out and done soil test pits. That is information we need for drainage calcs and road design. The soil is primarily sands and gravel. Very good percolation rates, very rapid. Very good for drainage and for recharge.

This is an 86 unit project with 52 single family houses and 34 townhouses. 10% will go to the town for 9 affordable units. The affordable units will probably sell for around \$150,000 – \$165,000. We just did one in Holliston and priority was given to local residents. It can be a challenge to qualify people for an affordable unit because of state limitations on their assets.

For architecture, this is what they are proposing as a single-family unit. The driveway and access will be to the rear of the building. Every unit will have a 2 car garage, family room, open Living/dining room area, and a master bedroom and bathroom on first floor. The second floor is one bedroom and an open loft and a second bathroom. The experience has been that the upstairs is used for guests/grandchildren. We do have a view of the 3 family unit. Again all will be rear loaded. We are trying to break up the front so that each unit has a little bit different style. We want to make it look like connected single-family homes. Each unit would have different shingles, colors. It will look like a village as you drive down. Each one of the townhouses would have a similar layout – 2 car garages, master bedroom on the first floor, etc. The other

style would be a front loaded detached home with the garage in front facing the street. The criterion for the site is that one occupant has to be 55 or older to live there.

We have almost 500 feet of frontage on Winthrop Street. We are proposing 2 styles of housing with a possible convenience store and recreation/community center. There is a question on whether the size of the development can support a community center.

Under the bylaw, the maximum number of units that could be allowed is 153 units. This proposal is for 86 units. That is 1.7 units per acres. It will operate as a condominium with a master deed.

We do show 6000 square foot exclusive use areas around the detached homes. These are not separate house lots; this is not a subdivision.

The access to the site will be off of Winthrop Street. The primary access would be across from Clover Lane. About 200 feet north would be a second access. Inside the site is a loop roadway system. The primary route, Road A is 22 feet wide. It has single-family homes that face the road. The interior roadway is a boulevard type with 18-foot wide one way streets and a little rotary in the middle. The idea is to make the roadways smaller. The units in the middle will face the main road or the middle boulevard with the driveways behind. We can't do rear entrances on all the sites due to wetlands. The boulevards would be landscaped and have walkways and lamp post lighting. The idea is to keep it very residential looking. The boulevards have 50-60 feet wide of green space. There is some off street, parallel parking on the boulevards in front of each building. We did the same on the middle boulevard. The on-street parking would be primarily for visitors. Each unit will have a 2 car garage and driveway space for 2 cars. However, we do want to provide some guest parking,

I do want to touch a little on the utilities. We do provide street drainage throughout the site with manholes and catch basins. Within the boulevards we will do underground recharge systems to infiltrate back into the ground. We will catch roof runoff. There will be two retention/detention basins. We were able to mitigate the increases of runoff from the site (volume and rate). It will run off to the wetlands. All will be treated with stormceptors and sediment basins. The site will be serviced by the Town sewer system, connecting from Winthrop Street. It will also be connected to the Medway water system. All utilities will be underground. For lighting, there will be lamp posts, very residentially styled. We are really looking to create a village type atmosphere out there. There will not be bright lighting throughout the site.

In terms of open space, we are required to provide 40% of the land area for open space, passive or active. We decided to do it in one large area. That portion of site is 20.4 acres. Of that, 50% has to be uplands and it does require that it be used for active or passive. It can be used for several things. It could even be used for playing fields.

Within the developed portion of the site, around the perimeter there is about 12 additional acres that will not be used for buildings and will be left in its natural state. That brings us up to a total of 32 acres of the 51 that will be preserved on the site as open space.

At this time, we haven't shown a trail network through the site. We need to talk to Conservation and the Trail Committee. We want to tie into the trail system and provide public access to the open space. Over the course of the hearings, that will evolve. Just as a side note, we have not yet filed a notice of intent with Conservation. But the wetlands have been delineated and verified

by the CONCO. We are all in agreement. We will be filing a Notice of Intent in the next few weeks

We will also file a Scenic Road application. We have one tree that is in the ROW that we will need to cut down.

Other permits we will need include a sewer extension permit and an ENF filed under MEPA and a NPDES with the federal government.

ANDY RODENHISER – Any questions? Gino, could you review your letter?

Gino Carlucci, planning consultant - I had a few comments on the plan. My first concerns the open space. Among the requirements is that 50% is preserved in natural condition. That area is already a disturbed site with power lines and drainage easement. That is something to look at and calculate. There is provision in the bylaw that if the land has previously been altered, there can be some give on that requirement.

Another comment is that buildings are required to be set back at least 20 feet from the paved road surface. Looking at the plan, it looked like some of the single-family homes may not be quite 20 feet. That needs to be checked. There may need to be a clarification on the distance. This may need a determination from the ZEO. Personally I think it is a better situation. I like the parallel arrangement but because of the wording of the bylaw there may be a problem.

Rob Truax – There is 22 feet from the face of the building to the edge of the traveled way. Each unit has 4 spaces – 2 in the garage and 2 out in the driveway. We did visit the site in Norton and they have the same type of setup with parallel parking for visitors.

KARYL SPILLER-WALSH – Will the footprints of the buildings show some variations?

Rob Truax – We will need the architect to work up some special design for the upper lots.

Gino Carlucci – Another requirement is that buildings be set back 50 feet from existing public ways. Those units on Winthrop Street look too close.

Rob Truax – We can revise that, we just missed it, we did 35 feet. We can correct that.

ANDY RODENHISER – It will be important for you to get all these changes down so you will know what to do for the revisions.

Gino Carlucci – The minimum lot size is 6000 sq. ft. I had interpreted those lines to represent separate lots but that is no longer relevant as all are operating as a condominium.

ANDY RODENHISER – When they have a condo arrangement, how is the exclusive use area handled?

Rob Truax – Typically, I don't even show them on the plans. We showed it because the bylaw references 6000 sq. ft. We wanted to show you that we were putting 6000 sq. ft around each unit.

ANDY RODENHISER – In what they are trying to do, in terms of trying to comply with the spirit of the bylaw, is there anything else?

Gino Carlucci – The terms of the bylaw require 2 types of housing. That is something that is going to need some clarification.

Rob Truax – Under the bylaw, it doesn't suggest that the single family units have to be in a subdivision. It is kind of confusing.

Gino Carlucci – But there has to be 2 types of uses as uses are explained in the bylaw. So it is just something we need to look at. You may want to look at “coordinated units” in the bylaw as one type of housing.

Rob Truax – Under the definitions in the bylaw, you are saying that all this housing is essentially the same. What did River Bend do?

Susy Affleck-Childs - They did some zero lot line subdivisions lots.

Gino Carlucci – The retail space is kind of murky at this point. It is not possible to determine if there is adequate parking because we don't know the size of the store.

Gino Carlucci – The 24 foot road is fine. The 18 foot roads need Planning Board approval.

Rob Truax – Is that a waiver.

Gino Carlucci – No, just part of the decision.

Gino Carlucci – As a general comment, please consider the use of some common driveways for the single family homes on the perimeter. This would reduce the number of curb cuts and allow for some side garages.

Gino Carlucci – Sidewalks on both sides of the street could result in 22 foot roadways. There is a cart path that goes on to private property. I suggest there be an access point at the end to connect the cart path at the southwest corner of the site.

ANDY RODENHISER – We follow the standards of the subdivision for construction.

Gino Carlucci – The construction standards for ARCPUD roads are the same as the subdivision construction standards.

Rob Truax – In your ARCPUD bylaw, it says all roadways shall be a minimum paved width of 22 feet.

Gino Carlucci – One way streets can be approved for less than 22 feet if the Planning Board agrees.

Rob Truax – What we want to do is to submit a subdivision waiver list to you formally. There are only 2 items.

CHAN ROGERS – I would like the applicant to state whether the road will be public or private.

Rob Truax – The entire project will be privately owned and plowed by the condo association.

Jim Morrison – Trash collection will also be private.

Rob Truax – There will be condo fees associated with that. The Town does not take any burden. This is really a benefit to the town as it does not really impact the schools and does not impact DPW but is taxed as a single-family home. It is a net positive for the community.

KARYL SPILLER-WALSH – I have a myriad of comments and observations. I think initially that I still see it as very dense. I would like to see some relief by dropping some units out of the top (west) – units 12, 13 and 14 so you can see through to the open space beyond as you come up the boulevard. Take out lot 36 and 37 and then 42 and 22 and then 32 and 5 to open up some green space.

Why aren't there some existing details remaining on the plan. With this shape and perimeter, it doesn't seem like there are any of the existing trees or walls remaining. Couldn't some of those existing trees remain?

Rob Truax – What happens on a project like this is that they are dense. What ends up happening is that you need a pretty flat site. That has been the case in every single one of these I have done. The only way you can do what you are saying is that if this would be a cluster subdivision with lots of retaining walls. People are going to be over 55. They want it flat around the buildings. It may be difficult to follow the contour of the land.

KARYL SPILLER-WALSH – We want you to be more creative. Maybe some of the triplexes could be made denser. I hate the fact that they nuked everything out at Red Mill Village in Norton.

Rob Truax – We can take a look at that for you. This is the 5<sup>th</sup> +55 community we have done.

ANDY RODENHISER – I kind of share a similar concern. The power lines are necessarily usable open space and yet they are counted toward the usable space. If the density could be reduced, that might be a way to bridge some of the concerns.

Jim Williamson – Just to get Karyl's idea straight, your concern is getting some breaks in the open space?

KARYL SPILLER-WALSH – Yes, but I am concerned about the density too.

BOB TUCKER – I think the open space you show under the power lines is a joke. I don't like that concept at all. It is not an area where you wouldn't want to have people roaming around.

CHAN ROGERS – Question, did the 150 maximum units include units under the power line?

Rob Truax – Yes, the bylaw specifies 3 units per acre.

Gino Carlucci – If you exclude totally that open space, the remaining area is 30 acres, and they could still have 90 units. It works even without that area.

BOB TUCKER – What is the zoning there? One acre?

Rob Truax – That is not relevant for the project?

ANDY RODENHISER – We need to compare what you are proposing to other options such as a conventional subdivision or a 40B project.

ANDY RODENHISER – If we were to net out the power line area, what is that portion of the open space calculation? Can you make it up elsewhere on the site thru dropped unit count? It needs to be contiguous.

CHAN ROGERS – The power company that owns the right of way would have some limitations.  
Jim Williamson – The power company has an easement to run lines over that land.

Rob Truax – You couldn't build a house there.

ANDY RODENHISER – There is also a natural gas easement. Do we want to have people recreate under the power lines?

JOHN SCHROEDER – I am concerned about the area too.

Jim Williamson - One of the criteria in the bylaw is to make the open space contiguous to other open space. We selected it to be there to be next to the open space at the adjacent Evergreen Meadow OSRD project.

Jim Williamson – Also, town fields can be done under power lines. Example - Route 27 in Sherborn. All the soccer fields are under the power lines.

JOHN SCHROEDER – I think all the issues I had have been addressed – I don't think we are quite as far apart as it sounds. I like the idea of opening things up at the end.

KARYL SPILLER-WALSH – I would like them to relook at the triplexes and see if something could be done more interesting using existing site features.

ANDY RODENHISER - I recommend you guys get to the DRC fast so that when we are prepared to have you guys before us on the design stuff (November 14<sup>th</sup>) it will have been Reviewed by the DRC already.

Jim Williamson – We have been to the DRC Board informally.

ANDY RODENHISER – We will look for a recommendation from the DRC.

KARYL SPILLER-WALSH – We are discussing generally types of architecture with a nice village feel.

ANDY RODENHISER – I would like to open this up to the public for questions. Please direct your question to Rob Truax, the engineer or Jim Williamson from Barberry.

Gayle Kadlik, 2 Clover Lane – You have an email from my husband.

Joanne Davenport - Please read this letter.

NOTE –John Schroeder read the email letter from Stephen Kadlik, 2 Clover Lane. It will be attached to these minutes.

ANDY RODENHISER – We have another email note from Joseph Vadakekalam of 78 Winthrop Street.

NOTE – Andy Rodenhiser read the email letter. It will be attached to these minutes.

Gayle Kadlik, 2 Clover Lane – What is the status of the traffic impact study?

Rob Truax – They are in the process of finishing the report. It should be ready in a couple of weeks.

ANDY RODENHISER – From this point forward, we will announce a date certain when we will meet again. This session will be repeated on cable TV. This is a new system. We are recording it and hopefully they will show it again.

JOHN SCHROEDER – The reason the traffic study wasn't done earlier, was to delay it to get more accurate readings.

ANDY RODENHISER – We are going to talk about traffic on October 24<sup>th</sup>.

English lady – Does the traffic study look at accident history?

Rob Truax – It will look accident history and police records. They will look at specific intersections and levels of service.

Rob Truax – One of the email notes asked about a financial impact statement. That was not part of the regulations but we could do so if you would like us to do it. I think you will find that it is more of a benefit to the town. The school system is not impacted. Schools are your biggest budget item in town.

ANDY RODENHISER – If you would like to see that, we will have them do it.

Rob Truax – We would provide it if you want.

Jim Williamson – We will do one.

Rob Truax – By offsite mitigation you mean such things as sidewalks and traffic signals. We are not proposing anything at this point in time. We definitely would not propose a traffic signal at this point.

Gayle Kadlik – If it comes down to needing a signal and sidewalks, who would pay for it? The developer?

ANDY RODENHISER – Yes.

Rob Truax – Someone asked if the Town’s water system can handle this.

Jim Williamson – I have consulted with the Water/Sewer Board and the Charles River Pollution Control Board and both have indicated that there is a capacity.

Rob Truax – There will be a filing with the Water/Sewer Board.

ANDY RODENHISER - The state has put a restriction on the amount of water Medway can pump out of the ground. The amount can be increased if we have sufficient conservation measures in place. Mark Flaherty is the person you should talk to about water usage in town and what the water restrictions are.

Rob Truax – There are 2 bedrooms in each unit. Children are unlikely.

Jim Williamson – When we did this kind of project in some other towns, there has not been many kids.

Rob Truax – Often, folks don’t live there year round. They have 2 homes and are here part of the year.

JOHN SCHROEDER – This is a 51 acre parcel. Hypothetically, 51 single family homes with 3 or 4 bedrooms each. This is an alternative use which is why the ARCPUD bylaw exists.

ANDY RODENHISER – Or a 40B.

Gayle Kadlik – We just want you to be honest with us.

Jim Williamson – Historically, there is very low incidence of children. People generally don’t choose these developments as family neighborhoods to raise kids.

ANDY RODENHISER – Please give us some historical data that could be introduced during our traffic and safety session.

Joanne Davenport – Will this always be an ARCPUD?

ANDY RODENHISER – Yes.

Rob Truax – I think we have already touched on the impacts to public services.

ANDY RODENHISER – Water is paid for as they use it.

Rob Truax - The second letter has similar concerns. It mentioned runoff between the homes. I am not sure where he is talking about but we can address that when we get into the details of the drainage design.

JOHN SCHROEDER – The Town has a consulting engineering firm that looks at that in great detail.

ANDY RODENHISER – All that water has to be drained onto the site. It cannot go off site. They have to prove that they are not going to make the problem any worse.

Craig Dresser, 80 Winthrop Street – You mentioned 9 affordable units. Can you give us an idea of what the market rate units will be?

Jim Williamson – Under \$400,000.

Theresa O'Brien – I am a member of the Affordable Housing Committee and have lived here for over 20 years. I am concerned about the size of the units. I don't want 1800 or 2,000 square feet at my age. People are downsizing. It seems to me that those are pretty large for one or two seniors.

Rob Truax – If you look at the units, the living area is really the first floor, about 1200 square feet. The additional space is the second floor for 600 square feet for a guest bedroom. The houses get kind of wide and long to get everything on the first floor and then there needs to be a roof so you might as well put in a second bedroom and bath.

Theresa O'Brien – 1800 to 2000 sq. ft seems like a lot. I have lived in the same house for 50 years and raised 4 kids.

Sue Shemuga, 83 Winthrop Street – What is going to happen next to me to the south?

Rob Truax – The present owner is retaining that piece of land.

Sue Shemuga – So, you are going to put a football field in there?

Rob Truax – No.

Sue Shemuga – You want trails but you aren't doing sidewalks on Winthrop Street.

ANDY RODENHISER – When we get to the traffic and safety portion, we will discuss sidewalks.

ANDY RODENHISER – There is a network of trails that is trying to be designed for the community, we just want to tie into it.

Jim Williamson – I have a question for the board. Could I get some feedback on how they value the retail component there?

KARYL SPILLER-WALSH – I don't see a value in it. Is it something that you would value?

ANDY RODENHISER – How do you the neighbors feel about having a convenience store there? Any benefit to you?

KARYL SPILLER-WALSH – If the retail comes out, what goes in there instead?

Jim Williamson – A triplex.

Jim Williamson – The bylaw does encourage a retail store as an amenity to the project. We are hearing that you don't care.

Irene Streifer, 37 Broad Acres Farm Road – Where is the access to it? Where is the parking lot??

ANDY RODENHISER – I don't think they were seriously advancing this. It was just an idea.

Joanne Davenport – Do the houses have basements?

Jim Williamson – Yes.

Joanne Davenport – To there is potential for more people living there.

ANDY RODENHISER – Any other questions.

Sue Shemuga – On the letter we got, it says that Betty still owns the property. So, it is not a done deal?

ANDY RODENHISER – What typically happens is that the developer puts together an offer that is contingent on securing the special permit. The buyer and seller close on the real estate deal after the special permit.

Marie Dobachesky, 135 Lovering Street – I live in the red house. Where is this location compared to me?

ANDY RODENHISER – In your back yard.

Marie Dobachesky – Does the open space include the paper road?

ANDY RODENHISER – No.

Marie Dobachesky – So the open space is the field behind me.

Rob Truax – Yes.

Marie Dobachesky – There are quite a number of trees there.

Rob Truax – The whole 20 acres will be protected.

ANDY RODENHISER – That is part of the reason we like these open space projects.

Sue Shemuga – Are they going to allow pets in these homes? There are environmental concerns.

Jim Williamson – We haven't thought about that yet.

ANDY RODENHISER – Are there any other questions?

Paul Carter – In terms of the 2 entrances coming in from Winthrop Street, if you are going to change the retail, we have some concerns about emergency access.

JOHN SCHROEDER – You could flip the residential building for the community house location.

Paul Carter – It looks like very tight turning radii.

ANDY RODENHISER – That will be very important to the Fire Chief.

The public hearing was continued to October 10, 2006 at 8:15 p.m. The focus will be on stormwater.

***Discussion on Country View Estates - Plan revision for Lot 34, 37 Broad Acres Farm Road***

David Faist, Faist Engineering  
Attorney Ed Denn for the property owners  
Irene and Mark Streifer, 37 Broad Acres Farm Road

David Faist – I am the project civil engineer. I would like to give you some background. We were in last fall with a preliminary plan. There is an existing detention pond in the Country View Estates subdivision. It was built in 1998. There are several issues and problems with the pond. I was hired to come up with a plan to fix it. I have done a repair design. That is the plan we have submitted to the board. Paul Carter has reviewed it and I understand there is a review from Dave D'Amico, DPS Director.

The forebay wasn't constructed properly. It still functions but it needs some cleaning up. One of the key features of the original design was a secondary overflow 12 inch pipe. That was figured into the drainage calcs but it was never constructed. We will put that pipe back in and add new rip rap. There has been some deterioration to the berm. We need to bring it back to the grades and do some landscaping. We will fix the forebay area near the Streifers' house. There is a steep grade over in that area. We looked at the original design and have modified it slightly. We will regrade to a 4:1 slope, reloom and seed it and also raise the elevation of the forebay so it will be 6-8 inches higher to better trap the sediments. We will reconstruct the berm to operate effectively and make it easier to maintain.

The other phase of the project is to basically add some landscaping around the pond. There have been several meetings with the Streifers and Daylor Consulting. This design is acceptable to both parties. We want to limit access to the pond. We had proposed a 10 foot wide berm around the detention pond. Dave D'Amico has suggested a 15 foot berm. We know that there are some 10 foot berms in town. Dave is concerned that plantings may inhibit access. We have not met with him yet. I was just reviewing it today. There is also a proposed agreement between the developer, the town and Streifers for maintenance of the system.

KARYL SPILLER-WALSH – Paul, has VHB seen this? Is it going to work?

Paul Carter – We reviewed the new drainage calcs. We reviewed what both Faist and Daylor had submitted almost a year ago. We have reviewed the revised plan here. The original calcs included a 12 inch outlet, but that didn't make it onto the plans, so it wasn't built. What is being

proposed for the sediment forebay makes sense. Make sure it drains. We recommend a fence be provided around detention since it has 18 inches of standing water.

David Faist – Both parties would prefer to not have a fence. We would use landscaping to screen. I know there are other wet ponds in town that don't have fencing.

Paul Carter – They are proposed landscaping and the gate.

BOB TUCKER – Who is the landowner there? The Streifers?

David Faist – Yes, and some of it is on the DeSimone property.

KARYL SPILLER-WALSH – It should be noted that the original plan actually had the forebay slope at the foundation of the existing house. The original lot by any other standard was probably unbuildable. They actually moved the location of the forebay and slope so fit in the house. It was a marketing decision.

ANDY RODENHISER – Once this repair is made, will water be standing?

David Faist – Yes. It is designed as detention pond, but the forebay should not have water in it.

ANDY RODENHISER – The Town of Medway will assume maintenance responsibilities but we do not accept ownership of it.

Edward Denn – Technically speaking, the town would not own the property, but have an easement.

ANDY RODENHISER – In this document you have provided, a stormwater maintenance and operations plan, I don't think we have the authority to accept it.

Edward Denn – We are willing to work with you on the language. Whether there is a fence or not, should somebody drown in the pond or not, everybody will be sued.

Susy Affleck-Childs – I know DPS has strong feelings about this document. We should send this to town counsel or special counsel for review. That expense needs to be billed back to the applicant/Greg Whelan.

KARYL SPILLER-WALSH – Is there any possibility that the detention pond could become its own lot as required now under our new rules and regs?

Ed Denn – That would certainly involve considerable discussion with my client.

ANDY RODENHISER – Let's let counsel look at this option.

Paul Carter – You need to meet with Dave D'Amico to work this out.

ANDY RODENHISER – Mr. And Mrs. Streifer, I assume you are happy with what has been proposed?

Irene Streifer – Yes, we are glad to have it resolved.

Paul Carter – This also involves adjusting the easement line away from the house.

ANDY RODENHISER – We are going to support Dave D’Amico so try to make him happy.

Dave Faist – We will meet with Dave D’Amico.

Susy Affleck-Childs – We will arrange for legal counsel.

Dave Faist – Who will decide on a fence?

KARYL SPILLER-WALSH – I believe that is a legal question. If there is one, then we need to work through the Design Review Committee. No chain link fences

Paul Carter – The Town is going to have a drainage easement on the property.

It was agreed to revisit this again once legal counsel has provided input and they have met with Dave D’Amico.

***ANR Plan – Cheryl Rosenberg – Kelley and Vine Street***

Susy Affleck-Childs – The applicant’s attorney is doing a title search. They will come to the October 10<sup>th</sup> meeting.

BOB TUCKER – This is the third continuation. I would like to suggest if they are unable to come forward prepared, let them withdraw without prejudice and resubmit when they have their act together.

CHAN ROGERS – Gino Carlucci has given an opinion that the road has to be constructed. The applicant’s contention is that it does not have to be constructed.

ANDY RODENHISER – I think we may residents here from Kelley Street.

BOB TUCKER – The applicant is obviously not ready.

ANDY RODENHISER – The attorney representing the owners wasn’t ready to respond to Gino’s review.

BOB TUCKER – Why don’t they just withdraw it?

ANDY RODENHISER – We should not put it on the agenda until he is prepared. Let’s not schedule anything until we have paperwork in hand.

Gino Carlucci – You have to act by October 31, 2006.

Susy Affleck-Childs – I would want to see stuff in hand here by next Wednesday, October 4<sup>th</sup> to put them on the agenda for the 10/10 meeting.

CHAN ROGERS – I think we should deny it now.

ANDY RODENHISER – it behooves us to

BOB TUCKER – When they are ready, let them come forward.

KARYL SPILLER-WALSH – Is it possible to have legal representation that night?

CHAN ROGERS – We don't have anything in front of us to approve. The plan doesn't adequately conform to approval not required.

ANDY RODENHISER – There is a difference of opinion on that.

CHAN ROGERS – There is not sufficient evidence. I move we deny the plan.

NOTE – The motion fails for lack of a second.

Gino Carlucci – Just one point, since it is not a hearing, you could wait and see if something comes in.

A motion was made by John Schroeder, seconded by Chan Rogers to put this matter on the agenda for the 10/10 meeting if we have something in hand from the attorney by the close of business on October 4<sup>th</sup>.

NOTE – Paul Carter leaves at Paul leaves at 10:25 pm

### ***Charles River Acres OSRD - Draft Decision***

NOTE – The board worked through the last few pages of the 9/6/06 draft.

ANDY RODENHISER - We have final authority to approve the project at the definitive plan stage. The potential exists for possible conflict re: item 4 on page 8. We are going to have to make sure that when we get to that bridge we are working OK. We need to be very clear about what we want in building elevations.

A motion was made by Chan Rogers, seconded by Bob Tucker to grant an OSRD Special Permit for the Charles River Acres project and approve the concept plan. The motion was approved by Rodenhiser, Rogers, Schroeder and Tucker. Karyl Spiller-Walsh abstained.

The final decision will be signed at the 10/10 Planning Board meeting. Susy will make all the edits as agreed to and distribute for final review.

### ***Pine Ridge Open Space Definitive Subdivision Plan – Plan Endorsement***

The Board reviewed a memo from Susy Affleck-Childs dated 9/26/06 re: status of plans and documents for endorsement.

KARYL SPILLER-WALSH – I can tell you about the DRC's intent. They had a general façade direction to go in that was OK. Each position of the units in the quad would be staggered. The drawings were computer projected.

NOTE – Susy Affleck-Childs showed Karyl the elevation drawing of the front façade that was included in the plans to be endorsed.

KARYL SPILLER-WALSH – Yes, that is what the DRC saw. We did not see any side elevations.

ANDY RODENHISER - It is clear we got a letter from the DRC, but it is pretty vague. As a board, what are we to use as a reference point? The DRC was agreeable with a one dimension drawing to base their recommendation on. If the DRC didn't require different drawings of different angles of the buildings, is it fair for us to do so?

BOB TUCKER – What is the need for additional views?

KARYL SPILLER-WALSH – There were none provided for the other elevations. This is a good example of what happens when we delay the design decision to the definitive stage.

ANDY RODENHISER – We are pretty far down the road to ask these guys to submit additional drawings at this time.

Paul Yorkis – I think this board has an obligation to be thorough and reasonable. I am going to let you know how I feel about this process. This board issued a special permit. That permit contained information and you voted and tonight you are discussing, absolutely wrongly, the need for drawings that were part of the special permit. You are going backwards. You are trying to go back to the special permit. The appeal period is over. We met repeatedly with the DRC and it was a benefit to our participation. The DRC also raised a question about sound attenuation for a driveway and that was unreasonable. There is a process that you have laid out. We have tried to follow the process to the best of our ability. It is unfair to say at this juncture that you wanted more drawings. If you wanted more drawings, you should have asked for that. But to ask for it now, when we are in the definitive plan process, I think it is unreasonable. I want to be fair and responsible in this community. We need fairness back from the board. I apologize if we have offended anyone.

ANDY RODENHISER – We need to talk about these things and the issues that have been raised.

Paul Yorkis – Every time a question is raised, it costs the applicant money in attorneys and engineers fees. Issues raised by your administrative assistant and planning consultant. It is escalating costs. When is it going to stop?

ANDY RODENHISER – I want to put this whole issue on pause. That is why it was my concern earlier tonight when we discussed the Charles River Acres project and waiting for elevations until the definitive stage. I am inclined to agree with you personally. When we have a letter that is somewhat vague, that is how we get into this deep water if you will. Let us work through these issues knowing we need to be fair to the community as well as the applicant.

Paul Yorkis - I would say to the board that the DRC never requested side or rear elevations. Karyl commented that certain aspects of the layout of each building we presented to the PB and the DRC were based on the topography of the site. We need to be amendable to the preferences of the individual buyers. It was not feasible for us to come up with all the different iterations. The DRC understood that and therefore there was not a request made of us. If a request had been made, we probably would have said there is no way we could have done that. We have changed the front façade.

KARYL SPILLER-WALSH – I thought that the DRC was extremely fair to allow those many subjective changes.

CHAN ROGERS – Karyl makes some very positive statements when she speaks, but we don't know how the other DRC members feel. I said earlier we cannot abdicate our authority to approve.

BOB TUCKER – Let me be real dumb, what is he before us for?

ANDY RODENHISER – Endorsement of a definitive subdivision plan.

BOB TUCKER – Did the board accept the DRC's recommendation?

ANDY RODENHISER – I believe so. There isn't much we can do about it at this time. I don't think we should ask them to come up with this at this time.

BOB TUCKER – We learn as we go forward.

ANDY RODENHISER – I would like to think we would be fair. Different interpretations of the definition of façade.

KARYL SPILLER-WALSH – We are being rushed to the special permit and then assume that the details and end product will be worked out during the definitive plan stage.

JOHN SCHROEDER – Getting to the OSRD special permit early is part of the appeal, but at the time of the definitive, it (the architecture) needs to be definitive.

Paul Yorkis – One of the things which we did with the DRC is we brought samples of a vinyl cedar shake siding. We explained to the DRC that we were using vinyl, but different types, and highlighting different areas with cedar shake. The feedback we got from the DRC was very positive about that. It helped us change the appearance and added variety. I felt that that happened because of questions from the DRC. We felt we were working in good faith with the DRC. There was never an attempt or effort on our part that we weren't going to do what we said we were going to do. The drawings show clapboards and textures. If it is the Planning Board's desire, and I am not sure it should be, the colors and materials could be specified. If that's what you want, you should communicate that. I would urge you to be very cautious, very careful with that. Things change. I don't think you want to get bogged down in changes and plan modifications in the future.

KARYL SPILLER-WALSH – That was our thought too to leave a little latitude.

JOHN SCHROEDER – colors should be different;

BOB TUCKER – Both John Claffey and Paul Yorkis have done buildings in Town and we haven't been disappointed.

Susy Affleck-Childs – But this could be sold and the new builder wouldn't be a party to any of the discussions or gentlemen's agreement.

CHAN ROGERS – I want to go back to Bob's original question. What are we being asked to do?

ANDY RODENHISER – They want us to endorse these plans. Susy has a list of questions whether they are ready or not.

Paul Yorkis – Let me address what is going on with the paths. Based on the CONCOM Order of Conditions and the overall discussion, there is an existing walking path that goes behind some of the abutters. That portion of the walking path will be returned to its natural state. There will be a new access created with some pruning shears and trimming back. It will open up the new path from the 3 parking spaces. I think what is described adequately represents what we will do.

ANDY RODENHISER – Condition #7 of the Certificate of Action requires there to be an easement over Candlewood Drive. They don't want to do this. I discussed this with Town Counsel. We could use the bond. The bond would not be reduced if the easement isn't provided.

BOB TUCKER – From a legal standpoint, could an easement document be prepared and placed in escrow and then be executed in the future?

Paul Yorkis – I would like to give you a different approach. The Planning Board is going to issue a certificate of compliance for as-built plans for this project. At that time, you are also going to want the as-built plans for Candlewood Drive. He is obligated to complete a whole host of things that he is responsible for doing as part of the approval. So to me, when you agree that the Village of Pine Ridge is complete, it also means that all of the other things are completed. It doesn't mean that the town has accepted the road, but that it is understood to be in acceptable condition.

Susy Affleck-Childs – What if Candlewood is not accepted? The general public will not have any right to drive on Candlewood to get to this open space.

ANDY RODENHISER – What can you do?

Paul Yorkis – I would say it is there already. When the Planning Board recommends that the way be accepted, it is out of your hands.

ANDY RODENHISER – Is the board comfortable with that?

CHAN ROGERS – Yes, if there is unfinished work and it is covered by the bond.

Paul Yorkis – It is my understanding that the Planning Board does not release the bond until street acceptance.

John Schroeder - What is the reason they don't want to do it?

John Claffey – I don't want to be held responsible for people coming onto my property during construction.

Susy Affleck-Childs – I don't want that either. I just want to make sure that the public has access to town owned land if the street acceptance doesn't occur.

KARYL SPILLER-WALSH – They are both right.

BOB TUCKER – I don't have a problem for what they are proposing. We are still holding their money

Paul Yorkis - It is to the town's fiscal benefit to have as many public streets as possible. The residents would like to have the street finally accepted.

ANDY RODENHISER – Do you want to vote on this? Are we OK with this as long as we have adequate security?

JOHN SCHROEDER - Based on recommendation of Town Counsel, I am OK going ahead.

KARYL SPILLER-WALSH – I move that we secure an easement beginning when Pine Ridge has been finished until the date when Candlewood is accepted as a public way as a means of access to the open space.

There was no second to the motion. The motion fails.

ANDY RODENHISER - He does not want to put an easement in escrow

Susy Affleck-Childs – The Planning Board listed this in the Certificate of Action. They chose not to respond to it at all. So then I notice that nothing has been provided. If they had a problem, you should have addressed it and not just ignored it.

ANDY RODENHISER – What about putting up a fence at the site to keep public out?

Paul Yorkis – But eventually people will be living there during construction.

ANDY RODENHISER - Condition #14 to make clear that the road and stormwater system are privately owned and operated. Town Counsel says the master deed adequately addressed these things. My point to town counsel is that we have residents that come in and want their street accepted. Mr. Maciolek disagreed. He feels it is the job of the buyers to understand. Paul says he will always inform buyers.

Susy Affleck-Childs - Is there any reason to not include reference to the roadway and stormwater drainage system as being part of the common area in the master deed?

KARYL SPILLER-WALSH – I think they should be included.

ANDY RODENHISER – This is a legal matter. You have to decide whether it is adequate or not.

ANDY RODENHISER – I agree with Susy. I feel we are fairly restricted on what we do. It is a problem.

ANDY RODENHISER – Does anybody here feel they have the expertise to deal with this – what is the board's preference on condition #14?

KARYL SPILLER-WALSH – I would like to include them in the list. It just makes sense.

ANDY RODENHISER – Paul, do you have any objection to that?

Note – Paul Yorkis did not object.

Paul Yorkis – I would ask the board to endorse the plan and hold it until Mr. Claffey can provide town counsel with an easement which would reflect granting the public the right to go over Candlewood when the Planning Board approves a certificate of completion on Pine Ridge. We will also make the other changes in the master deed to include Pine Ridge Way and the stormwater drainage system as part of the Common Area and Facilities.

The Board agreed.

ANDY RODENHISER - I want to thank everybody for hanging in here on this.

NOTE – The Board signed the Pine Ridge Open Space Definitive Subdivision Plan.

ALSO – The Board signed one new sheet for the Restaurant 45 site plan re: handicap access to the outdoor deck between the restaurant and the new commercial building.

A motion was made by Chan Rogers, seconded by Bob Tucker to adjourn. The motion passed unanimously.

The meeting was adjourned at 12:30 am on 9/27/06.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant