

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

Approved 9-12-06

Planning Board Meeting September 5, 2006

PRESENT: John Schroeder; Bob Tucker; Chan Rogers and Andy Rodenhiser

ABSENT WITH NOTICE: Karyl Spiller-Walsh

ALSO PRESENT: Gino Carlucci Carlucci, PGC Associates; Susan Affleck-Childs Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:16 p.m.

DISCUSSION -- Planning Board Goals/Priorities

NOTE – Reference the previously prepared handout dated 8/25/06

ANDY RODENHISER – Any priorities for anyone?

CHAN ROGERS – I have no particular priority, but some are more compelling than others.

BOB TUCKER – The first item here re: streamlining the PB review and approval process is my focus.

ANDY RODENHISER – We need to set up the applicants for success. Our goal should be to provide a more streamlined approval process. Maybe we should send a letter out to them and set a new tone for our expectations.

BOB TUCKER – Do we need to announce it or just do it?

Susan Affleck-Childs – I think we may need some better structure to our public hearings

Planning Board Fees and Bond Schedule

ANDY RODENHISER – Our goal should be to sustain this department. We are providing a service for the applicants and to the Town. If you look at all the fees we have and charge we should be able to do that. What about a per meeting fee?

Susan Affleck-Childs – Maybe we could build in a reasonable number of meetings as part of the basic application/filing fee.

ANDY RODENHISER – That could include up to 4 meetings, for example.

Susan Affleck-Childs – We might want to think about a different number of meetings for various types of projects.

Gino Carlucci – You could have them pay a pre-application fee and then reduce that amount from the actual filing/application fee.

BOB TUCKER – Susy, do you keep track of your time?

Susan Affleck-Childs – Not at a really detailed time level.

ANDY RODENHISER – The law says we can charge up to our costs.

ANDY RODENHISER – How much more should we try to raise? Can we try to take in \$30,000 more?

BOB TUCKER – I think we need an incremental approach. We need to direct the applicants to become more professional and provide better products for our review. I like the per meeting charge idea.

ANDY RODENHISER – 3rd and 4th meeting is one price and 5th and 6th is a higher price.

JOHN SCHROEDER – That feels too complicated. When we go longer, how about an extension fee?

ANDY RODENHISER – Do we have a build out study?

Gino Carlucci – Yes, MAPC and the State did one in 2001 based on zoning considerations at the time. They deducted for wetlands, adjusted for roads. It is on the EOEA web site.

ANDY RODENHISER – What would it tell us?

Gino Carlucci – It would probably showed an ultimate population of 17-18,000. It also includes the number of school age children, water usage to support that, etc. There is a one-page summary.

ANDY RODENHISER – What would you expect to see us dealing with?

Gino Carlucci – More OSRD projects.

ANDY RODENHISER – DEP raised Medway’s water withdrawal amount but put some restrictions on the amount.

Susan Affleck-Childs – What about you get 6 meetings for the filing fee. If you are not done by then, then you have to pay a new filing fee.

CHAN ROGERS – WE should just raise our fees. If they have to resubmit, then they pay new fees.

BOB TUCKER – We could adjust our regs to specify that after 6 meetings, a new filing fee is required.

ANDY RODENHISER – Could we come up with some standard universal language for each filing fee? How much you get for the standard fee and so on?

Susan Affleck-Childs – I can play around with some language on that.

Susan Affleck-Childs – Maybe we shouldn’t agree to do informals for subdivision projects. I think people may do that to avoid filing a preliminary plan.

Gino Carlucci – I think it is not a bad idea to not do informals for subdivisions, but I think you should keep informals for special permits.

ANDY RODENHISER – I want to get the work of planning done. I want to get ahead of the curve.

Gino Carlucci – For an ARCPUD, if there is not to be a subdivision, then the fee should be comparable to a subdivision.

NOTE – Town Administrator Suzanne Kennedy joins the meeting.

ANDY RODENHISER – Suzanne Kennedy wants to find a way to cover the cost of the legal services we need.

Suzanne Kennedy - Susy and I chatted a bit last week. You have several sources of money.

NOTE – Susy provided a brief overview of our general fund accounts and our special accounts for plan review and construction observation.

ANDY RODENHISER – We want to raise our fees to try to cover more of our operating budget.

Susan Affleck-Childs – Some of the money we generate is for very specific purposes like plan review expenses and construction observation expenses of outside consultants.

Suzanne Kennedy – We have a very small limited funding for legal services - \$92,000 for this year and a good portion is going to labor counsel. Dick Maciolek is now special town counsel and he is charging us regular hourly rates. Could we take some of the money that you generate through filing fees, and send some of that to a special fund?

Susan Affleck-Childs – I think we can do it through the plan review fund and use it for outside consultants as long as it applies to a specific development project.

Suzanne Kennedy – Maybe we could create a special fund for legal services for non-project specific services that would be paid for out of a portion of the filing fee.

BOB TUCKER – It would make sense then we could get legal opinions, as we need them. We would be prudent in how we ask for those.

Susan Affleck-Childs – We are trying to UP our revenues and become self-sustaining.

ANDY RODENHISER – We had talked in one of our preliminary budgets to seek \$10,000 to try to update the master plan. .

Suzanne Kennedy – I will ask DOR if we can include a master plan in a bond sale?

ANDY RODENHISER – Do you have any priorities for us?

Suzanne Kennedy – I want you to have the services you need.

Suzanne Kennedy - Do you still want to have a workshop with the BOS on open space issues?

ANDY RODENHISER – Yes

Suzanne Kennedy – I will set that up with Jim Galligan.

ANDY RODENHISER - We need to develop an idea of what we want.

Suzanne Kennedy - When we put the budget together for next year, let's think about creating a special revenue account to be funded through a % portion of your filing fees that you could then use for legal counsel for non project work. I will ask about how it would have to be set up.

NOTE – Susy will further revise the proposed fee changes for the board's consideration.

Articles for October23, 2006 Special Town Meeting

The Board reviewed a series of warrant articles Susy had prepared for the October 23, 2006 special town meeting.

ARTICLE # _____: To see if the Town will vote to accept the provisions of Chapter 79 of the Acts of 2006, an Act Further Regulating Meetings of Municipal Boards, which allows a member who has missed one session of a hearing to continue to participate in the hearing and decision upon satisfaction of the stated conditions.

Motion to approve by John Schroeder, seconded by Chan Rogers. Unanimous vote.

ARTICLE # _____: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development, paragraph 11- Decision of the Board, by adding items (h) and (i) as follows:

- (h) Whether the OSRD is compatible with the existing and probable future development of the surrounding area and with the character of the adjacent residential neighborhoods;
- (i) Whether the OSRD's impact on abutting residential neighborhoods has been adequately mitigated.

Motion to approve by Chan Rogers, seconded by John Schroeder. Unanimous vote.

Susan Affleck-Childs – There are 2 options for the article on the license for Restaurant 45. I did a draft and then I asked Dick Maciolek for one.

Susy's Draft – 8/30/06

ARTICLE # _____: To see if the Town will vote to grant to PMAM Group, LLC of 45 Milford Street, Medway, MA a license and privilege to use 3,369 sq. ft of the land located within the limits of the Town's right of way at the southwest corner of Summer Street and Milford Street which is shown as the Proposed Easement on a plan entitled *Proposed Easement Sketch Plan* by O'Driscoll Land Surveying Co., dated August 21, 2006 and a legal description to which reference may be made for a more particular description of the licensed premises, both of which are on file in the office of the Town Clerk, to construct, maintain and use the premises solely for seven (7) parking spaces, existing signage, and landscaping.

Dick Maciolek's Draft – 9/1/06

ARTICLE # _____: To see if the Town will vote to authorize the Board of Selectmen to grant a license to PMAM Group, LLP a/k/a Restaurant 45, to use portions of the right of way in Summer Street (Route 126) and Milford Street (Route 109) for parking, signage and landscaping containing 3369 square feet which is shown on a plan entitled "proposed Easement Sketch Plan", dated August 21, 2005 by O'Driscoll Land Surveying, Co., a copy of which is on file in the Town Clerk's office.

Susan Affleck-Childs – I would ask that you allow me to blend them into one article. There is language from each one that I like.

Motion by Chan Rogers, seconded by John Schroeder to approve a combined article to be prepared by Susy Affleck-Childs. Unanimous vote.

ARTICLE _____: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section V. Groundwater Protection District, paragraph 6. *Use Regulations*, a) Permitted Uses, by deleting item 6) in its entirety and replacing it as follows:

- 6) New construction, subject to Section B. Prohibited Uses and Section C. Uses and Activities Requiring a Special Permit.

Susan Affleck-Childs – This was requested by Mark Flaherty of the Sewer/Water Department to clarify that all new construction (not just residential development) in the groundwater protection district is allowed, subject to the list of prohibited and special permit uses.

Motion by Chan Rogers, seconded by Bob Tucker to approve. Unanimous vote.

ARTICLE _____: *To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section V. Groundwater Protection District, by deleting in its entirety paragraph 4, Establishment and Delineation of Groundwater Protection District, and replacing it as follows:*

- 4. ***Establishment and Delineation of Groundwater Protection District:*** For the purposes of this district, there are hereby established within the Town certain groundwater protection areas consisting of all Department of Environmental Protection approved Zone II recharge areas located within the Town of Medway’s boundaries, which are delineated on four (4) maps. These maps are entitled:
 - a) “Medway, MA Zone II and Zone III Delineation”, prepared by D.L. Maher Co., and approved by the Department of Environmental Protection in October 1998 (Well #2);
 - b) “Zone II Delineation, Well #1 and Well #3, Medway Water Department, Medway, MA”, prepared by Tighe & Bond, Inc., and approved by the Department of Environmental Protection in August 2001;
 - c) “Bellingham, MA Conceptual Zone II – Wells #7 and #8, Zone II and Zone III Delineation”, prepared by Anderson-Nichols & Co., Inc. and approved by the Department of Environmental Protection in November 1992;

- d) "Wellhead Protection Zones – Medway Production Well No. 4", prepared by Haley and Ward Inc., dated February 25, 2004, and approved by the Department of Environmental Protection in

_____.

These maps are hereby made part of the Town Zoning Bylaw and are on file in the Office of the Town Clerk.

Susan Affleck-Childs – Again requested by Mark Flaherty. This adds two more areas to the Groundwater Protection District (items c) and d). I will get the date that DEP approved map d).

Motion by Chan Rogers, seconded by Bob Tucker to approve. Unanimous vote.

ANDY RODENHISER – We will need to do a public hearing on the zoning articles.

Susan Affleck-Childs – Let's plan to do the public hearing during the first meeting in October.

Other Business

BOB TUCKER - Where do things stand with the site plan work at 2-4 Main Street? It is now September 5. Is the work done? There is still stuff is still piled up in front. The lighting installation is a problem. I am concerned about light spillage onto the street.

Susan Affleck-Childs – I suggest we draft a letter to Bob Speroni as the Zoning Enforcement Officer to check on the status. All site work was to be done by September 1st. But we had agreed he could have until October 15, 2006 to do the as-built plans. If the site work isn't done, the site plan decision provided that the temporary occupancy permit for the tenant could be revoked.

Motion by Chan Rogers, seconded by Bob Tucker to send a letter to Bob Speroni re: the incomplete site plan work at 2-4 Main Street. Unanimous vote.

ANDY RODENHISER – We are going to need another meeting to finish this discussion on goals and fees.

The Board gave Gino Carlucci the go ahead to start work on Priority Development Grant activities for the Route 109 Redevelopment Plan.

A motion was made by Bob Tucker, seconded by Chan Rogers to adjourn the meeting. Unanimous vote.

The meeting was adjourned at 11 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant