

January 30, 2007
PB Minutes

PRESENT: Bob Tucker; John Schroeder; Andy Rodenhiser; Karyl Spiller-Walsh;
Chan Rogers

Also present: Paul Carter; Susy Affleck-Childs, Adam Costas

Meeting called to order at 7:01 pm

Citizen comments – none

Andy – we will wait for Chan

Invoices

Plan Review – daniels village, marian, azz, xtra mart, fontanella ara – PGC – 450 –
motion by karyl, seconded by bob – all lyes Chan was not here

FY 08 Budget –

Andy – we met with Suzanne this afternoon and went over the budget – told her the
Financial Impact Statement was forthcoming . . .

Bob – any request to revise the budget

Andy – none, except that we will be adding in a line item for advertising for zoning
bylaw public hearings, rules and regs public hearings - transfer some \$ from BOS – will
review a history and come up with an amount

Andy – please review the revised financial impact statement – any comments

Motion to accept – karyl, bob – all yes

Eric arrives at 7:06 pm

River Bend ARCPUD and Definitive Subdivion Plan

Rich Cornetta, John Spink

Rich – we are still waiting for our principal . . .

Please HOLD

RFP for Engineering Services – new RFP to go out for a new 3 year contract

Susy – participation by DPS, concom, zba, boh and pb

John – why

Applegate Farm –

Wayne Vinton – letter received today re: fire alarm system – a fee of \$1,800 per alarm box – in lieu of – fee of \$3,600.

Susy – this is how this will be done here on forward – no sense to continue to install an outdated system – funds to be saved for future expense of new digital system – BOS has established a special account for this purpose

Susy – this is one of the last things we needed to get before endorsement - we can do that tonight later –

Email note to Suzanne Kennedy for town counsel assistance – re: how and when we can discuss - Suzanne authorized us to do so – susy forwarded to Barbara Saint Andre and will speak

Andy – Chan, did this capture

Andy – maybe she has some guidelines she has used in seminars or presentations she can email us – also, as part of their contract, they will be doing a training session for all boards on issues like this . . .

Susy – I will ask for a written response

Bob – what about Susy’s email on Friday re: individual members speaking to applicants outside the public hearing

Andy – Need to report out those conversations at the next public hearing – so people can be apprised of the status of things – as long as when we come back to the public session, we explain -

Andy – the issue is whether an applicant can lobby individuals of the board to take their temperature – inparticular when legal action has been intimated – twon counsel urges us to be very cautious – so as to not agitate the situation any further

Chan – when I got that notice, I hadn’t been aware – I thought I was the one person- I couldn’t imagine they wanted to talk about the public hearing because that is off limits – so I surmised that they wanted to talk about the alternatives going ahead – at least I felt somebody should listen – not me - because I didn’t know the applicant before the application came in – I feel we have an

Karyl – I don't know what he is talking about – has anything changed?

Bob – if you have a discussion with an applicant in between public hearings, then you should report that at a public hearing

Karyl – I am not sure I agree with that – I will call her to discuss this more . . . I think it would be very important for her to come in and give us a briefing on this matter

7:35 p.m. River Bend

Some discussion about street names . . .

Rich Cornetta – back before you and I believe with the help of Susy and Mark Bobrowski's office, we have reached a real substantive decision document – we would like to handout the affordable unit distribution – floor plan

Would also like to discuss phasing – Lee Bloom would like to address the board on construction phasing of the development

Handout – of map with areas divided – yellow is phase I – site work/road and drainage club house and the first part of 3 units on the right - the flats building is in phase 2/ site work and road and drainage/ and some of this could happen faster

3 phases – but predicated on sales

Karyl – is that a good idea? This is a one way road?

Bob – it would almost seem if you would want to rework this to fit into the

Lee – I will redo

Andy – the other concern is about the drainage – this may not be able to be segmented due to the drainage design

Bob – any runoff as you build it out in phases can't impact

Lee – I will speak with John Spink . . .

Andy – we need to have a discussion – how are we going to handle bonding?

Rich – under your subdivision regs, it seems to be that we are backing ourselves into a subdivision project – you handle that with a covenant and lot releases and a cash bond

This is 4.5 million in site work – to hold a developer to that kind of cash, we would propose providing a performance guarantee in the way of a surety – that would provide

you with more than adequate – and some phasing schedule we would seek release of some of the buildings

Rich – we may want to do the loop anyway in terms of construction vehicles in and out

Lee – I am sorry

Rich – your intentions are to create roads A and B and you would like to construct the clubhouse and the first triplex

Rich – I would see it as a partial release of the covenant -

Adam – it is a project here that is combining arcpcud standard with subdivision standard

Bob – why can't you treat it like a condo complex?

Rich – typically you don't have subdivision regs to deal with

Bob – looking at releases – CO for buildings and for basic infrastructure to service up to that point – I see it as seeing something we need input from bob speroni, also other input from others as to basic infrastructure

Lee – based on VHB's inspection schedule, you should have plenty of input –

Andy – you don't want to lock yourself into a situation . . . mechanism that maybe Adam could assist in writing a mechanism to allow for the release and construction and occupancy and dovetail with the phasing of the project

Rich – I think that does make sense – the way we see it working – at some point when the building permit are applied for and the CO – the master deed will be recorded creating the units – how do you release a covenant from the common area – it is a bit awkward – but maybe we can discuss that between us –

Adam - I don't know if there is something – but I can speak with Mark and see if there is something

Andy – I would encourage you to also include our building inspector

Chan – since there is no street acceptance, your sales will drive this –

Andy – is it safe to say that the board is willing to be flexible within the parameters of legality? We don't want to cripple you –

Susy – performance bond for the whole thing? And cash bonds

Lee – yes on performance bond . . .no cash bonds

Susy –

Eric – to be quite frank, I don't think it makes a material difference from the town's perspective

Rich- it is unthinkable to us that the project would not be completed – realistically, there is a difference between the subdivision when the town will own the road – it would be very unlikely you would want to go after the bond – their lender would jump in much quicker

Lee – Surety bond will accomplish the same thing –

Rich – this is something that we would want to be set for the decision –

Susy – I would want to involve our new treasurer in

Chan – look through for the critical path for the infrastructure that makes each piece whole

Andy – something else to consider for the board's discussion . . . what happens if this project starts and the RFP comes back and we go with a different engineering firm, how would we handle projects that are underway?

Susy – probably stay with the former consultant for existing projects and go with a new consultant for any new applications

Chan – we would probably be obligated to decide on one consultant to see a project through

Susy – this will mean we need to adjust the Bond section of the special permit – to only require a performance bond and not a cash bond . . . and to figure out how to

Melanie, susy, bob, rich and adam/Mark??

Lee – I will have to confirm this tomorrow - all grading and drainage and roads to be done as part of phase one along with some units - get it done and see how it performs – I believe that is how we will land

Karyl – I am comfortable with that

Andy – there are two issues we haven't spent much time on – bridge and the canoe launch - it is on the detail sheet on C40 – footbridge

John – technically there are 3 footbridges – near the river and both ends of the pond -

John – C46 shows the bridge and C47 is the canoe launch

Karyl – looks OK

John – canoe launch – no winner/summer

All set – can remove that from the decision . . .

Discussed Mark b obrowski's text on stormwater – page 16 – 5b

Eric – I thought we had some discussion on some language similar regarding the roads . . .

Bob – page 17 – item 11

Andy – maybe we should put in the comparable language that town meeting shall not accept the roads

Condition 4 a and b –

Andy – is there a problem with the mechanism with the registry of deeds? –

Rich- no that is not the problem. I perceive it that this is how it is customarily done – to ask us to do it in advance

Adam – OK as long as recorded prior to the occupancy permit

Rich – we can't sell the first unit without the master deed being recorded –

Continue to February 6, 2007 at 7 pm – motion by bob, chan – all yes
Goal is to close that night and vote on both . . . Sanford hall . . .

VHB last comments – will all be addressed and incorporated –

Discuss the CO estimate prepared by VHB – River bend

Chan –

Lee – it is a lot of redundancy because we are going to have affidavits, ass-builts, no public ownership – but you want the level of comfort to do it

Chan – I realize it is a bit of a catch 22

Karyl – does the number of visits seem excessive?

Eric – we either defer to our consultant or we don't – I am not in a position to second guess

Andy – there are over 80 visits here over 3 years –

Paul – there is a mile of roadway, 35 underground drainage systems, lots of sidewalk – 4.5 million in site work –

Bob – if we are going to do this for consistency, we have some sort of benchmark for doing this – I think we should revisit the policy all together

Bob – I think this is somewhat redundant system , I am not convinced with this application that we need to go thorough all this . . but I don't think it is an unreasonable estimate

Susy – lets not require full payment before endorsemtn? What about 1/3

Bob – could we estimate by phase

Eric – there are several policies on SOB – including the bonding, I don't think the context of a specific proposal is the time to do this

Andy -= unique nature of the drainaige system

John – and proximity to the charles river

Andy – customidal duty to protect the river as an asset to anybody who is downstream – we need to make sure this is done right . . it requires us to make sure it is – that is not tocast any asperstions – I think it is important

John – the drainge system is 2 line items here

Paul – detention ponds, headwalls, cultic units, frames and covers and hoods;

Paul- this estimate is based on the requirements of the subdivision rules and regs

Lee – I like the idea

Chan – I move we approve the CO estimate to collect on a periodic basis to be – eric – All yes . . . susy to bill . . . \$57,458.20

Andy –

Adam Costas – outside of a public meeting forum you sholdn't discuss – work sessions are OK – avoid appearance of impropriety

Adam costas – I am of the opinion that the board can still

Andy – we would like to know if we can talk about a project at a time other than during the public hearing

Adam – I am hesitant to advise you that this is OK – because of the impropriety

Adam – generics are OK – I will speak to mark – I don't believe it is illegal because it is a public forum, . . . there is a bit more concern about discussions with the applicant outside the public hearing –

Andy – we want to be considerate

Chan – we are trying to wrap too many things into one thing

Chan – outside the hearing but at an open meeting, we discuss the project, the applicaotn – they may not be in the room??

Adam – I don't believe that is against the letter of the law . . is it advisable, maybe not . . . concerns about appearance of impropriety

Adam – discussion by individual members of the board with the applicant? I believe you had said that Barbara advised that the member should give a report . . . I don't know if that is the letter of the law, she may be trying to protect the board . . .

Chan – suppose they want to discuss things that are completely extraneous to the particular application

Adam – if you are not in your capacity as a board member, you can discuss anything at any time

Chan – my whole process was predicated on my being the only person . . . I would respond to find out what he wanted . . . now that I know I was not the only person

Adam – there is no violation of the public hearing law when you have one on one meetings with applicants –

Chan – we have an obligation to try to make things happen in the best interest of the town

Chan – I would like to be able to respond

Karyl – or give ideas

Adam – to play devil's ad

Karyl – it is the informal discussion where the ideas are flushed out – doable or not, beneficial . . . most creative options for projects

Andy – this happens on an informal way, often before an application 0

Andy – we have to protect the institution of medway's govt – if you do have a discussion, then just report it back .

John – I don't think it is a stretch for us to do that

Adam – the appearance of this is what the concern is – why not report on it

Chan – my first reaction is to have them come in and speak to the board . . .

Adam – we will sometimes do a workshop session with one member of the board . . .

Paul leaves at 9:15 pm

Thanks

Karyl – I am afraid some of the better exchanges – they happen outside the public hearing – usually there is good communication among the board members –

Adam – you just

Andy – imagine if you are sitting in the audience and you don't know how this is going on re the process and you hear for the first time that some meeting took place and you don't know what went on, the immediate reaction is that something unfair is happening – so when we report back we dispel that notion immediately

Karyl – I used to be an applicant, I never felt that there was ever anything unfair, but there were often very differing opinions –

Adam – even worse, an abutter who is here regularly and they come and find out there is an entirely new proposal – suddenly they are wondering what happens??

Chan – I expect they are going to come in on Feb 13 to feel out the board on the acceptability . . . what opportunity would we have to discuss the potential for that site. We might want to discuss the potential for the site before they withdraw

Andy – they have many options . . .

Bob – the rules are pretty clear, play by the rules – play in the sandbox nicely –

Andy – certainly we know more now about our authority and I am grateful we have that knowledge

Karyl – it was pretty much as we thought, we just didn't have the luxury of an attorney to verify

Applegate Farm Definitive Subdivision Plan

Chan – motion to endorse the plans, subject to payment of \$3,600 for fire alarm and payment of legal fees – karyl –

Board signs the plans and the covenant

Andy 43D program – I want to meet with Gino – Friday, Feb 2

Master Plan Update – ideas

Karyl – I wonder if there is a philosophical change going on in the town

Gino – one of the tasks is to review the previous survey and see if there are new questions

Karyl – seems to be a premise toward a rural concept – maybe that has changed

Gino – 7 tasks –

1. review old plan and identify areas that need to be updated
2. citizens survey – review old one, prepare a new survey, conduct the survey thru mail and internet response – analyze results
3. do the first public forum – present results of the first two tasks and get input
4. update the data and maps on a GIS system
5. draft updated goals and objective and implementation actions
6. second public forum – and a new draft set of
7. finalize and prepare final document and print copies
8. present to town meeting

I prepared a budget - \$10,000

It could be a \$100,000 plan – it expands or contracts to fit the budget . .

Last time the survey was done by including it in tax bills . . . one way this time is to just send out a web site and folks could go on line and answer – probably want to do some sort of hybrid -

Andy - I like the idea of collecting survey data on an internet web site – neat way to develop an email list to blast out info to as things come up . . .

John – what is next??

Susy –

Andy – this could be a tool for all the boards

John – there is a perception tht there is a mistrust of the govt – best way to respond to that is to seek out citizen input

Andy – integrity of the survey needs to be preserved . .

Gino – personally, I don't hold too much stock in this type of survey that is open to all because it may not truly be reflective of the range of perspectives . – it is better if you select a random sample with everybody having an equal chance of being picked – that would be a more representative –

Andy – could you a combo – give everybody a chance to comment and then survey just a limited number

Gino – it would exceed the whole budget to do a survey

Motion to adjourn - bob – chan –

9:40 p.m.