

## **Medway Planning Board Meeting Tuesday, February 27, 2007**

Present: Andy Rodenhiser, Chan Rogers, bob tucker, john Schroeder, Karyl spiller-Walsh; Eric Alexander

Also present: Susy Affleck-Childs, Paul Carter/VHB; Gino Carlucci/PGC Associates; Adam Costas/Blatman, Bobrowski & Mead

Called to order at 7:03 pm

### **Citizen Comments**

Andy & ??? Avellino – we want to talk with you about changing the zoning – Commercial V

Andy Rodenhiser – to make it more congruent with what was proposed last time – the board would like to hear what you desire

John Schroeder – I think the Avellino family has a large interest in the C5 zone –

Chan Rogers – I don't think there is any question that the site should be developed commercially – an all night gas station and a 12 pump facility were just too much – definitely a business oriented operation – sooner or later that whole stretch of summer street down to main street will be business

Andy – I agree with you –how does the board feel about changing the zoning to make it by special permit with an automotive and drive thru use

Karyl - I want to go back to when we changed the zoning – willing to work with you and bend with you- you are what they want to see there - we need to talk some numbers – the town of Medway changes the zoning – I would consider myself to be an advocate for the site

Andy – help to determine what the scale should be – benefit to go into town meeting with a zoning change that would speak to the issues that were contentious beforehand – go to DRC and work with them on issues of size, scale, setback – size of canopies – we could have you work with our consultant to craft the language necessary – to make it an allowed use by special permit

Chan – something like a gas station should be subject to a site plan review –

Andy – with a special permit, you would be able to allow for other drive thru

Andy Avellino – a gas station is not our first choice – I think a gas station and a drive thru by special permit is all that is needed – whatever the DRC and the board feels – if somebody does come to us and asks then we can have an answer and give them size dimensions –

Karyl – the town will vote whether they want to see a gas station there

Andy r – town wants to see commercial development – benefit you guys and residents who would view some appropriate development there

Karyl – going to town meeting in hand with something to show them – show them what it could be – how good it could be

Andy – we would go to DRC and talk about scale

Andy r – Gino and myself could craft a timetable

Chan – it may be 4 months to town meeting, but these things need advanced time e

Andy r – neighbors will want to comment – we will do a public hearing

Bob – you have an idea of what some of the issues are – what wasn't discussed is permeability of the land – make sure you look at that

Andy r – we are looking forward to working with you, we have an aggressive time table – we have at least 10 items we are working on between now and then – some to tweak and some more complex things we are going to be working on

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**Sam Sicchio – informal discussion re: possible subdivision at 122 Summer Street.**

Sam – it is such a unique piece of property – the way it comes in, I wasn't sure what the options were – or how it works

Andy – is this an existing non-conforming lot - all you have is 15 feet of frontage

Sam – is it possible to make it a private way?

Andy – 40 feet row – it doesn't look like you have enough width

Karyl – is it a possibility to acquire some more width from the property next door?

Sam – it might be, are there any other options?

Karyl – is there a lot of wetland back there?

Sam – yes, thank you

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7:17 pm – Eric arrives

**River Bend ARCPUD Public Hearing**

Rich Cornetta - there is a new face to introduce – Paul Soughley, president of Abbott construction – what I would like to do is bring the board up to speed – at the last meeting we were discussing sequencing and performance guarantees – there was certain language in the draft decision re: minimum requirements for infrastructure before building permits – we needed to go back and take a look at our construction sequencing plan – to propose how we plan to build this

site in the interest of keeping stormwater management and erosion issues under control – I would like to let you know – I have had a conference with Susy and attorney Bobrowski to discuss language changes – also a conference between the engineers John Spink and Paul Carter to go thru nuts and bolts of what we want to do to iron out some issues – we also met Monday with Bob Speroni to discuss the proposed sequencing idea and how it will relate to permit and we had an opportunity – Paul was present at that meeting – nuts and bolts about how things would be done – I thought it was productive – I believe you have before you another revised decision with specific sections that speak to the timing – we have a couple of additional waiver requests – turn over to John Spink

Andy – Adam, are you up to speed

Chan – have you converted this to a plan vs. a narrative?

John – good evening – this is a 3 year construction project – I am going to go down thru the sequencing of how we are going to attack the site and make the drainage, stormwater work – roads, sewer, water and when we start to do houses – the whole process – primary road system is a bit more than a year – a house is a 6 month time –

Day 1 – site – send in silt fence and surround the entire working area – no hay bales, ConCom doesn't like them – at some time, we will use mulch tubes –

Next – we put in a short entrance construction road – take out the top soil, put in enough base for trucks – 100 foot of asphalt and 100 foot of rock – keeps the town roads clean –

Next – we start building the road to the drawing – we will cut a swath thru here of what we need to clear – construct temporary drainage system – goes to the wetlands – we do the drainage daily – the only utility in this will be the water – we have 2 wetland crossings – we have to get to the back section and across the wetlands –

Next – construct the crossing, culverts – as soon as we get just across we will put in the roadway berm and a set of swales to create a large detention basin inside the roadway – just a swath

Next – proceed with continuing the road to spec – as soon as we get to that point, we start to build houses

John – there is a club house and a model – when you guys execute the special permit with a covenant – we will put in that short road – pull a permit for the club house and we will give you a letter of credit for the full coverage of the rest of the job and services and roadway – full amount at that time –

Andy – when you begin to seek building permits? Do we have sufficient language?

Adam – there is a timetable on page 24 – explains – initially the covenant and then convert to a letter of credit

Andy – I want to be sure we have adequately addressed – so when you go to get the building permit, there isn't a time bomb to blow up

John – VHB will be out there and VHB will keep you apprised and give you its OK - see section 22 of the decision –

Adam – we will probably want to polish some of the language

Paul – the sequence starts on page 24 and 25 and then more detail on page 26 – 27

Rich – that is correct. .

John – the road gets ahead of the houses and we would probably pull three permits at a time –

Next – we start from the top and come down the easterly drive – build the road to spec, keeping the construction control in the drainage at all times – make it work each day before they leave the site – get to the crossing – land is not cleared until it is really time to build the house – do the drainage around house is in place when you start to put in the building pad – sequencing is construction drainage road, individual drainage, then pad for houses –

At this point we have a loop road and all the utilities done – we can manage this and do individual drainage systems for the interior houses –

Chan – later, you should have a composite plan - ultimately you have to have a plan to show the work to date when you go to pull the permit – I want to see a plan of what is done when you seek the first permit –

Clubhouse and first set of units is after the first 200 feet

Bob – handy to have

John – at each one of the building permit pulls, VHB will clear it and tell us and then we tell bob Speroni

Rich – bob will come out and

John – after the loop road is done, we start down the outside and then at the most southerly –

Bob – I think it is a vast improvement – shows some forethought – congratulations

Andy – I have great sympathy for your excavator

Susy – I would like to see a visual element of this to have in the file

Rich – once we have completed certain sequencing and VHB has done their review and says this part is done,

Rich – bob Speroni, indicated he wasn't so much concerned with the infrastructure –

Andy – so Paul can reference them as building # such and such on Parkwood drive

Paul – when we look at the decision – the general understanding – you aren't going to ask for a building permit until the road is built up to binder and drainage and utilities up to that unit – I

would say past the unit – and the second basic – you are not going to ask for an occupancy permit until all the road is in and final drainage for the whole loop – make sure there is some language for signs and stops signs – and provide as-builts for things along the way for the occupancy permit – this is good and shows a logical sequence e- I want to have those minimum things very clear – building permit and what as to be done – occupancy permit and what has to be in place – explain the process -  
VHB to PB and PB –

Rich – we would want to avoid having to keep coming before you –

Adam- it wouldn't be necessary for them to appear before the board – they could provide the paperwork to the board – it would have to happen as a decision of the board, but the applicant

Lee – from the time VHB comes out and inspects and then a PB authorization

Susy – roughly 2 weeks

Andy – are we adequately addressing how we would handle notifying board – we are dealing with this now as condominiums – we are cutting our teeth on this now –

Chan – is a letter of credit going to be acceptable

Andy – treasurer has OKd it

Susy – there would need to be an agreement to go along with the letter of credit –

Bob – I feel much better – this is a vast improvement – thought about what the drainage impacts are – that is what we were really after – thank you for stepping up to the plate

Karyl – could you go back to me – to the swales and drainage before you put it in any units P-3.5 – how will that work

John – there will be a road berm and detention basin berm – swales will direct water southerly – big forebay –

Karyl – it has a separate function in the initial stages to direct the water down

Paul – as part of that, you may need to design some risers with some overflow to direct water to the detention area for the temporary measures

Paul – there are some specific language suggestions

Rich – we understand the language needs to be polished a bit more –

Chan – what language are you talking about?

Rich – the language that is in there – the sequencing section –

Andy – pages 22-27 to

Rich – we have been working on this and agreeing to stuff up until the sequencing plan and the performance guarantee – we will work with Mr. Carter, and Adam Costas, to make sure

Adam – please email your comments

Chan – pages 14 and 20 have some inconsistencies between them on boats – prohibited outright vs. permitted by special permit?

Chan – question on page 23/top paragraph concept that the town would pick up and remedy any defect in the infrastructure construction – I can't believe the town will do it even though the money is available

Rich – I believe you are reading from the performance guarantee section – it is allowing the town the authority should the developer not carry out the work – this is from the subdivision

Chan – the town is not going to get into the business of doing this work -

Andy – let me pose this question, what if the developer goes bust in the middle of the project, and there is work left undone –

Chan – emergency situation – OK, but the town is not going to finish off a project that is left unfinished –

Andy – I can imagine a scenario where they have half sold – and they go bankrupt - there might not be enough of a condo association

Chan – the town might have to go in and fix up something in an emergency, I am sure the town is not going to want to go in and

Andy – are you making a suggestion we change something –

Chan – I haven't heard how this will be consummated

Rich – if I understand your comments, I don't know if they are directed to the applicant as to the other members of the board – policy discussion with the board – more of a hands off approach and not get involved in a performance guarantee – this language has been inserted in the text of the decision because of your subdivision regs – if that is different, then certainly we want to here – this language is not an obligation, but it allows the town to go after the letter of credit

Chan – the town is not going to help a developer complete the project – they are going to look for somebody

Andy – are we comfortable

John – yes

Bob – yes

John – yes

Eric – yes

Chan – no - every bit of it can't be looked at like a standard subdivision

Rich – we had a couple of additional waiver requests –

See handout dated 2-26-07 from Spink -

5.20.2 a)

5.20.2 b) – to allow for a letter of credit in lieu of a cash bond

Rich – I was looking at this, in the section on condition #20 – in calculating the amount of the performance guarantee – we are suggesting 10% plus inflation

Susy – Paul does the bond estimates – how to handle

Rich – we will withdraw that particular matter

Bob – I want us to be consistent

Eric – I move we accept the waivers as presented tonight for 5.20.2 a) and 5.20.2 b) – seconded by Karyl - - Chan, Andy, Eric, Karyl – all yes –

Chan – after the sequence on construction, there is a section on fire protection, I would like to pint out – is the fire chief

Rich – we would like to nail down the language for both decision – cert of action and special permit – at the next meeting, I envision having a document that is almost ready to be signed – close the hearing, and perhaps sign that night or shortly thereafter –

Continue to 8:15 on March 13 – motion by Chan, seconded by Eric – all yes

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**Invoices**

Motion to print envelopes – FSU - \$74.92 – general fund account – Karyl, Chan – all yes

Motion to approve payment of books – to SEAC - \$61 – come from general fund – all yes  
PAS report on performance guarantees

Motion to approve payment of \$250 – CPTC – general fund – motion by Karyl, b ob, all yes

VHB – Plan review fees – 3811.38 – Plan Review Revolving Account – funds paid by applicants for the review of plans – bob, Karyl – all yes

VHB – CO - \$ 1480.21 – Chan, john – all yes – Karyl recluse . . .

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8:30 p.m. **Marian Community ARCPUD Public Hearing** –

Bill Proia

Rich Coppa

Bob asked to make a brief statement

Bob Tucker – I have had a number of emails concerning this applicant over the past few days – I have reviewed a good portion of it already, and I have a couple of concerns – certainly the PB gets picked on for the timeliness of review – is the adequacy of responses to the questions and comments provided by our consultants a- when we ask our consultants to make comments, we expect they are taken seriously, responded to in full and in a timely basis – when I get a document that lists out 29 addressed comments, \_\_\_ partially addressed and \_\_\_ not addressed at all. I find that unacceptable. I don't think we should be wasting any time with this applicant until they can answer the questions and comments – we are owed a reasonable response and take action – thank you.

Andy – I have to echo what Bob has said – I have taken telephone calls from future residents of your community asking what is happening – I have tried to explain what is going on – but I think you have a duty to perform on your end as well and communicate back to your buyers – it is not entirely this board's fault that we are the stopping board – we are trying to be cooperative and helpful – you are your own worst enemy

Bill Proia – I didn't know about what communications you are referring to?

Andy – he is referring to the VHB review letters

Chan – I would like to follow up with Bob said, I think you are obligated to either accept the comments or indicate that you need relief – I am trying to urge them to properly respond to the comments

Andy – we have a town meeting coming up – we are literally going to have to meet around this project

Bill – I hear you, my personal apologies for our delays - I did have a chance to speak with Bill Drexel today – he believes there are some formatting issues that the info may be there but is hard to find – Bill Drexel says the work has been done – there are certain things that need to be done – I know how busy you are and how accommodating with your schedule – Rich Coppa is here – I had no idea that you were getting calls from the future residents – we have let them know that there is a lot of work – it takes both sides to make this work

Andy – let's go forward from here. . and see what we can get through tonight

Bill – I am going to pass out a conservation restriction and master deed

Bill – we heard the comments about the bridge – and you asked for a different design – we have looked at more of a wall design

Andy – this hasn't been to the DRC has it?

Bill- no , we wanted to get your feedback – stone piers and concrete wall with some inlaid panels – colored concrete cast in place with a finish on it – the issue we had with that is expense – that is probably a \$50,000 expense – we also wanted to go back and improve the last design which



was a guard rail fence behind it – John came up with a detail for us – a guardrail – timber with a black aluminum fence behind it rather than a chain link fence as we showed last time – it would be like the CVS bridge at Medway Commons with a timber guardrail – price differential is probably half – since this has been accepted by the board at other locations, we hoped it would be OK for you –

Paul – where would the parapet be?

John – still a short parapet on the side,

Bill- we would like to do the CVS type fencing with a timber guardrail

Andy – is there a drawing of that

Paul – but the bridge has a retaining wall – how would this wooden fence go on a retaining wall?

Andy – how is this going to work

Bob – can we defer this over to the DRC and they do a good job at it – we are wasting time

Chan – this is a not a matter of aesthetics but what is acceptable highway wise

Andy – the building inspector has told us that we have no jurisdiction on the construction

Bob – there are mass highway dept regulations – they have to follow those anyway , it will ultimately come down to an aesthetic issue – there are a number of ways to build these – which one of these methods – which ones are we going to recommend be built in this town –

Paul – one thing about a wooden guardrail – I understand it is preferred from an aesthetics perspective – this is an incomplete detail – we really need a better –

Paul – wood posts, wood block – but the guardrail itself from a safety point of view should be steel, particularly where there is a drop off – the board may prefer a cortan option – at this point the board doesn't really have a proposal – how does this go together and be constructed is not clear

John – may I come back at this a different way – the structuring of the fence and wall will be structurally sound according to MassHighway – what we – we have somebody wanting this kind of wall – we can design all three – the question is we can give you anyone of those three – what is called out is a cortan steel guardrail

Eric – I think it would be more productive to go before the design review committee, a committee to which we defer

Chan – all I am saying –

Bill – I think john put his finger on it – we can design it to meet the crash standard, we are just trying to get a sense of the board – it sounds like you would rather us go to the DRC

Paul – I don't know how you are going to design a guardrail to connect to a parapet wall –

Karyl – lets make it clear – this applicant and the DRC have had peripheral discussion about what the bridge will look like at the very early stages – with use of stone and that is what we would tend to go toward – we have also said that retaining walls will firstly look at stone – look at faux stone – there is no misunderstanding here about what has been suggested here – the ball is in their court – they are appealing to your sensitive that this would be less expensive e- our goals are a little bit higher to see a better facing

Andy – I think I would suggest that it is the board’s feeling that you review the bridge with the DRC.

Bill – we wanted to talk about the tree warden’s visit to the site –

Rich – We had walked through the wood s- he observed the trees that would be saved and taken down – he said he thought we were doing minimal disturbance – he suggested we contact Norfolk county aggie school to see if there might be a project on woodland management – if that is possible, we would pursue it with them

Bill – is it his practice to send something to the board?

Andy – he would meet with Susy

Bill – we will get back in touch with him and ask him to do so. .

Bill – update on the other appearances before the other boards in town

Rich – full set of plans will be submitted to the BOH and VHB’s rep Brian Lynch will review

Paul – what is the status of whether they are a public water supply –

Bill – we submitted

Eric –DEP is unwilling

Bill – they just don’t do it – if you have a public water supply, then you have to get a permit

Bill – BOH has asked

Paul – my understanding is that the BOh still wants to get something from DEP

Andy – can you draft us a letter

Bill – I can send you a copy of the letter we sent to DEP back in the summer –

Andy – and commit to us that you believe

Paul – didn’t you submit some condo documents to DEP or legal review – because that is the basis for your belief that you have private wells

Bill – we sent a letter to them stating why we believe we are private - the regs say if you have a public water supply then you have to get a permit –

Paul – whole different set of criteria for public water supply –

Bill – I think Susy can attest to the comprehensive nature of the DEP folks that were there – we had a thorough review with them and provided the info we have requested – if we had a public water supply, we would have to

Andy – give us a copy of that letter – we will consider that

Susy –

Chan – the DPS must come up with a salting plan and he can't salt within a certain distance of private wells. .

Paul – they are showing the wells on the drawings –

Bill – if there is more info you need us to show

Paul – I understand the sewer design still is not completely shown – I assume that will be part of submitting the septic systems – perhaps the water department should review the plan s- BOH says the wells are not approved –

Andy – read comments from BOH note from Bill Fisher –

Bill – if he means DEP hasn't made a determination on public or private, we will talk that through with BOH – but if it is about the separation of wells and septic

John – I don't think there is any jurisdiction this for water/sewer

Paul – I am mostly concerned about the gravity sewer issue

March 19h BOH – Monday

Bill – I will send you the

Andy – I will go to that. . Let me know the time.

John – we have not yet submitted a notice of intent to ConCom – we have been talking with them – at this juncture our wetland crossing is under 1500 sq. ft – significantly reduced from when we started – we will probably within the next 3 weeks file it – waiting for one last round of VHB reviews –

Susy – so maybe April for a ConCom

Bill – the ZBA, we have the comments back from Paul on the flood plain, john has some things to respond to Paul's letter –

Susy – I can't remember, did you withdraw?

Bill – yes,

Susy – so we will start over

Bill – comments I heard loud and clear on expectations of performance and response – the intent is to respond to comments we didn't ask for waivers on. .

Paul – one of the comments relates to the ConCom filing – you need to show grading for the emergency access

John – there is a wetland crossing, etc. . . . .

Paul – the plans were quite a bit more readable – better presentation all around d- there are some half sizes of the plans for the board – there needs to be some work done on the drainage 0 if the board want some to go into more detail. .

Andy – it is our desire to just kind of wrap this up. .

John – the next time VHB reviews your plans and writes their comments and it says partially addressed or not addressed, will you fix the plans before we see it again? We just want the questions answered – we rely on Paul – that is the information we need – I wait for him – rather than this half information, please answer their questions before it comes back here

Bill – I went through the letter – there was a lot of specific about what was missing and how to fill the need. . We don't intend not to – our intent is to submit a package that is responsive –

John – when VHB writes a letter and says there are problems – address them – I don't want to see it

Bill – or if we have gone as far as we think we can go, and then we can hash it out

John – coming to solutions together. .

Bill – we will as a team go back –redouble our efforts in that area

Bill – mitigation – I generally

Andy – I think we want to see more of what is happening here

Bill – I want to tell you about one change – we aren't proposing anything more for lot 3 – the idea here is that we would develop a small piece of that in the future – you had asked us to relook at reconfiguring this – we heard you say that you felt there weren't any broad open space near the town fields – so we still want to be able to do that – the path running through lot 3 is still on the table and is shown in the conversation agent

Nancy Maxwell, 20 Diane Drive – I am concerned about lot 3 and the buffer zone – I just want to know –

Bill – there is nothing proposed on lot 3 right now with this ARCPUD

Nancy Maxwell – our property lines are pie shaped

Bill – the general point – we are not doing anything on lot 3 right now – in the future, if we do anything, it would be on the down side of the ridge on the north side – the ridge would create a natural buffer - a lot of that land just can't be

Andy – so you would be willing to entertain a deed restriction on lot 3

Bill – there are members of the community that want to live on lot 3 – we would file under the open space bylaw – you would review it under those standards – even saying that there is nothing on the table –

Bill – there were some comments about impact on the soccer fields – the ridge would be a natural buffer –

Nancy Maxwell – 300 years old pine trees and uplands

Bill – the chair asked about a deed restriction -

Andy – if we are not linking the two, how can you represent to us – would you consider a deed restriction?

Bill – we had it on the table before, I remember

John – lot 3 is not on the table

Karyl – I notice it is being called lot 3 again. . . we are talking about the same piece of land – the applicant owns it and we do have a right to express our interest because it abuts our soccer fields – it should be a buffer – very important to us and it is something the applicant could provide, it would be difficult to come back in with an OSRD because you will have to use the ARCPUD infrastructure to get to it – it is on the table as far as I am concerned

Paul – the 22 foot wide road has been extended to the emergency access –

Andy – still to be gated

Paul – and the road would still to be one way beyond the parking area up to the emergency access. .

Bill – with that lot 3 discussion, I wanted to talk about another issue you had – devotional area – a question about whether it can be part of the Arcpud open space e- we are saying yes – we understand that adding it to the ARCPUD open space that would improve the overall open space proposal – we are making that offer – we are going to include it – we would like to categorize it as a passive/active – for picnics, gardening, walking, benches – we have a list of the kinds of proposed uses in that space –

Susy – how big is that area

John – pretty close to 10 acres -

Bill – it would not be part of the protected under the conservation easement –

John – the special permit would designate it as open space

Bill – we don't plan to build any structures on it – we could have some conditions related to that –

Adam – we had a discussion a few months ago – I think they are saying it would be protected open space (x, y, z activities) but not pure conservation easement –

Karyl – I wanted to ask Adam about anything that I said about lot 3 that

Adam – in my opinion, you can't require the applicant to do so, but you can ask for it – when that time comes,

Adam – ok to express that now

Nancy – I appreciate you thinking ahead about the future plans – speaking for the neighborhood, we are tax payers too – I want to make it that it works for everybody – abutters and town – it needs to be put into play – if you have to put open space in here for the wish list so we can be happy neighbors – so there is not ill will – somehow it gets written that that access road will always be gated – our great fear is that 5 years down the line when you come in with the OSRD, that you will say the gate has to be open and access thru our neighborhood – I think you have to do that give and take – I wish it could be 300 feet –

Bill – we don't know what it will be – we haven't designed it – what you have expressed – we want to be good neighbors – we are going to be there a long time – we are being sensitive – it is give and take –

Nancy - it is helpful to be up front and to put all the cards on the table -

Bill – it would have to be a special permit to do the OSRD –

Nancy – I am asking it be in writing

John Fernandes, I represent an abutter – we have been monitoring these meeting, my client has authorized us to do a similar review – we have not invested that kind of effort because you were still looking for more information – as this is starting to take more traction k, it sounds like we are going to begin our review – then we would present something to you from our perspective – I think we are ready to start making that kind of analysis

Bill – we have been in touch with John and his consulting engineer and providing him with the info

Karyl – John, do you have any opinions or observations?

John – at this point, I don't. I would like to withhold those comments until I have some engineering review and looked over some of the legal issues that have

Nancy Maxwell – re: the wells, do you have an impact plan on what is going to happen to the aquifer – that is my concern – what about the impact on the abutters

Andy – I think you will need to go to the BOH meeting

Bill – what we are doing – we are complying with all the applicable regs and rules -

John – we need two weeks to address VHB comments –

Andy – I would suggest that you work this out with Paul

John – my commentary – we pick a date and if we can't make it, we request an extension

John Schroeder – will you get a bridge design to the DRC –

First Monday in April for DRC –

Eric – April 10 at 7:15 pm to continue

Eric leaves

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### **Swenson Granite Site Plan Public Hearing**

Rick Merrikin – we have an application here for a very small addition to the Swenson Granite site at 10 Main Street – basically, what is going to happen – on the existing building – a little extra office space – they aren't intending to increase the business – just going to be added on to the end – in conjunction with that, I understand Swenson owes the building inspector a handicap space and ramp so that is why –

I got the letter from PGC Associates – I did prepare a short response to his comments –

Rick –there is no change in the site other than for the landscaped area next to the building – edge of gravel would be the same- no pavement – no additional landscaping or drainage is planned – we have ConCom approval and zoning approval as well –

I will go thru Gino's comments really quick

It was allowed by variance by the ZBA in 1996 and it was updated shortly

The drainage – we did drainage calcs and there was no change in the runoff because the roof area was so small. It is al pervious surface that helps.

The stream running thru the site is kind of an interesting situation – what Gino is referring to – before they built this building – there was a drain that Rosenfeld built thru t he property – 18 inch pipe – when we did the original building - . . . we did at the time submit a letter to the selectmen from 1996 – there was no question – it was a construction thing s- it is a catch basin instead of a manhole – my guess is that we put a new precast structure in there and specified it have a sump,

The 8-9 parking spaces – when we did the existing conditions plan, there are no lines out there because it is gravel – we simply took the amount of space in front of the building in – we just guessed

Gino – my comment is that you showed it on the exiting conditions plan -

Rick – the question about the impervious – when I was talking to Bob Speroni, he said he might require the handicapped space to be paved. What he said, is if he does require it, it supersedes the PB –

Andy –what would you do for asphalt if required?

Rick - we could use a pervious pavement – there are some soil cement mixtures

Rick – I did add the gravel drive from mark road

Rick – as far as the landscaping around the edge – they may be stocking things closer to the property line – remind them they need to keep 10 feet off the property line –

Rick – I changed hay bales to mulch tubes for ConCom

Rick – I think that does it – the rest of Gino’s

Rick – I did make these changes I referred to and will give that to you tonight.

Andy – right off the bat, comment #9 from – they were supposed to install some landscaping

Karyl – it is right on route 109 – I think with some modified landscaping plan and some minor architectural improvement s- I think this should go before the DRC also –

Bob – are you matching window types and siding

Karyl - I think it could b e improved a little bit

Monday DRC meeting - . . .

Bob – the only thing I would say if they made a commitment back in 1996 to do the landscaping – they should show some good faith –

Karyl – use their product

Gino – on the catch basin in the middle of the yard back there - the 1996 letter does refer to a . . . but it is in the middle of a grassed area – maybe more important, it was supposed to be checked annually –

Bob – I haven’t seen any floods – if you offered that info up on their behalf –

Susy – we could require it be cleaned out and provide an inspection report to us as part of the decision –



continue to March 13, at 9 pm – Karyl, bob

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### **Pine Ridge – Continued discussion on performance guarantee**

Paul Yorkis  
John Claffey

Susy - there is a revised bond estimate from VHB, I forwarded that to John and Paul and asked them to look at alternative forms of performance security

Paul – I do want to express to the board and Susy and Paul, our appreciation for positive dialogue regarding this – I think everybody so far has been willing to look at this in the broadest possible sense – I want to state that for the record

Paul – I would like to review this letter – this project has been and will be inspected by VHB; the applicant has a series of private agreements with the abutters – the applicant has a bond in place for candlewood drive – refer

Andy – there is a big difference between 60,000 and 158,000 bond estimate –

Chan – this is not like a subdivision – I feel that what he is proposing is reasonable and what is acceptable – these are brand new concept s- the point I am making – the cost of whatever you charge the developer is going to be added on to the sale price

Andy – what cost

Andy – the tri party agreement would not be an expense to them – it ensure that the actual infrastructure gets built –

Chan – I am very adamant that we are being very unfair to these type of developments when we stick to the old type of subdivision bonding – they have an incentive to finish the job, it is part of the b business of selling the product – we should be willing to adjust to the new concept – I feel to ask for a bond for this much is unreasonable –

Bob – whatever we do, we have to be consistent, = I would tend to agree – I would be willing to start working on some additional language for our regs to break out private ways – I think it is something that is lacking – I think Paul has pointed it out and is thinking we have other applicants pint it out as well – I am very concerned bout being consistent – it would not be appropriate for us to be other than consistent

Chan – this is a different type of development –

Bob – I am talking about other private developments

Andy – river bend, Daniels village, and Betania are all projects – these

Andy – we already have an approval that is in the works so to speak – what are we going to do when other projects come in –

Chan – even more justified for river bend than it is for here

Andy – I am noting your objection

Chan – I am trying to convince you that this is being fair to the buyers of the property- you are really talking about the buyers having to pay more for no reason –

Andy – I don't see this as being a kick in his butt – I feel that we have an obligation and responsibility as a board to make sure they are built properly and correctly? Chan, are you going to guarantee this?

John – how is it different from a subdivision

Chan – the infrastructure is not going to be accepted by the town. You have safeguards that the

John Claffey – I was listening tonight – and I know you talked about a

Andy – river bend is \$4.5 million performance bond

John – that wasn't part of any of our discussions before – my financing is in place now – for me to go back now, unfortunately we are the first one in this kind of project – if I go bankrupt, the bank will finish it – for me to go back to the bank now, it will take 30-45 days. I wish we had talked

Karyl – how did you arrive at \$60,000?

John – half of Hartney. .

Paul – the revised estimate – \$70,000 is in the road & infrastructure

Andy – I would hope this bond doesn't include the work on the private property

Paul Yorkis – half of the entryway landscaping is on private property and half is in the right of way . . .

We could separate out –

Paul – we tried to do looking at it from a board perspective – we understand your sensitivity to the landscaping

Bob – john, when you get to the point of completing the landscaping, where will you be as far as the road work,

John – binder is down now, structures are in, pond has been crated and loomed – it needs to be hydro seeded

Paul – one part of the drainage system there is a swale, etc with the landscaping

Bob – you would be holding two buildings captive

John – I would even throw in to have the island landscaped at that time

Bob – I am trying to be flexible and creative here. . maybe if we use it as a mechanism to hold off

John Schroeder – any phased . . .

John Claffey – the minimum it can go down to is 35,000

Susy – per the subdivision rules and regs -

Karyl – I am recusing. .

Gino – no comments

Chan – the applicant has stated the bank becomes an entity – I feel plenty of safeguards are in place – his real incentive is to sell those units – I feel

Bob – I also am looking at this from the perspective – if the town

Andy – landscaping is probably

Karyl – keep in mind that the approval of this was dependent on

Paul – half of the entrance abutter screening is \$9,000 – that could be removed

Chan – what is the value of the unit?

Paul – the value of a building is \$1.6 million (4 units)

Andy – how is a building of value to us –

Bob – road and drainage and impact to the neighborhood – I don't want to flood the neighbors –

Andy - I am thinking about risk. .

Paul – I understand members of the board concern about risk and certainly the financial institution that is involved with this project was willing to take a risk and agree to fund this project –

Andy – their reward is the interest

Paul – their reward is making money – you speculate what will happen if the project I think holding back two buildings is substantial – we have looked at this from a community perspective – we have tried to come up with an amount of money as well as a procedure to keep money in place and come up with benchmarks – and also communicate to the building inspector that two of the 5 buildings –

Paul – there is a substantial interest in this project – people want to see something until it gets built – we can build until there is a bond –

Paul – I don't think it is possible to be perfectly consistent with all projects – some projects have more community impact – it is fair to say you want to be generally consistent, but I don't think you can be perfectly consistent with each project – you will have OSRD projects which are not condo projects – I want to be fair to the applicant and the community and I was trying to reach that and that is what the letter is trying to indicate

Gino – this is a question for the applicant – is the issue with a letter of credit solely the timing problem?

Paul – that is part of it, it is a very complex process – it is much more involved – there is an additional sizeable cost to do that and redo

Paul – if the board would agree to something this evening, we could submit a building permit application and in real estate, time is of the essence to get started.

Chan – I move we accept the approach recommended by the applicant in the letter dated 2-27-07  
+++- . . .

John – I don't feel like I have enough info to make a decision

Chan – I think you have more than enough security – the bank will pick it up – this is the first of a kind of a unique project – there are a lot of people throughout this area – Medway will be one of the first type of communities to have this type of project come on line –

John – you are incorrect – I AM considering that this is the first project of this type – I am not concerned about this project failing, but the next one – I want to make a decision that is defensible and applicable to future applicants – I want to take all those things into considering – I did hear the applicant when he said it was not discussed

Andy – there was condition #19 from the subdivision decision regarding the bond

Paul – we are concerned about the mechanism for releasing it

Andy – we can easily work out the mechanism

Karyl – if I could ask for Susy – she had done some research – this is not so new in the surrounding towns - I was going to ask Susy in her research -

No second – dead motion

Bob – I would think we need to establish a policy

Chan – I object that we can establish a set policy because each project is so different – this developer should be penalized

Bob – we need to look at this with level heads – we aren't going to do it sitting here right now – we need to look at what we have in front of us –

Bob – I don't know enough yet about this to make a decision

Paul – I sympathize with the board about playing favorites – I respectfully request – this is an approved project, the board has learned as a result of this project that there are some inconsistencies

Andy – I would say there is a timing issue – we should have approved the bond estimate before

Paul – the ground rules for bonding that your consulting engineer follows are appropriate for conventional subdivision, but may not be appropriate for one of these kind of projects – I am trying to differentiate that – my request would be – recognize where we are but also – I would be happy to work with the board to help you set up some parameters to develop a policy – I am trying to not get this project trapped in the abyss of how do we do something in the future. . I understand the dilemma – but we have a dilemma also

Chan – Gino, what experience do you have in the area – what are other towns

Gino – I believe it varies but I believe most towns bond the amount of work remaining – maybe not the landscaping for the individual units,

Andy – is OSRD unique

Gino – no, it is not the fact that it is an OSRD, but it is an issue of being a condo project which is also not rare or unusual –

Paul – the two things together are inconsistent with your board's policies

Susy – in the absence of new rules and regs and policies for a new program, we default to our existing policies

Andy – we are talking about \$158,000 –

John – I am proposing \$60,000 that I don't need back until the very end – I think it is fair – I am not asking for a penny of that money back – if this proposal is good for the board, that is what I would like to do . . . if it isn't

Bob – in reading thru the comments provided by various towns to Susy's inquiry - what I am seeing here – the majority of the towns do require a performance bond of some level – those that don't regret the fact that they didn't have one and have taken steps to remedy that – and I agree that a performance bond is needed – the issue is what is the amount – I have seen everything to cover including everything and others only doing roadwork and drainage – I want to make sure the neighborhood is taken care of – and don't have water coming thru – those are the big picture issues I am concerned with – I think we have to look at in this case, the builder, the fact that he is the first one before us in this situation, he hasn't the luxury of learning as we have as we go thru – I think we need to give them some leeway – I am not sure what that dollar amount should be- I like their creativity – and willingness to have a hold on that last two buildings – I still think that that may be a workable solution – it may be an initial answer – I think we need to step back and take a look at this – in my view I can't give you an answer tonight – as a board we need to get together and have a bull session and come up with what is reasonable

Karyl – I kind of agree with the applicant, I have recused from voting – I think that there are specific instances in every project that are going to be inherently different and should be taken into consideration – I think it would be a good idea – to run it by town counsel to hold buildings – with accepting buildings as quasi collateral –

Chan- this is a very small amount – there is a safeguard – if he can't sell until he builds a building,

John – as Bob was speaking I was totaling up the numbers here – I came up with around \$67,500 for pure infrastructure items – roads, curbing, back out landscape items,

Andy – can you see where the need would be to make mention – you may end with a development that could sit there for 2-3 years and the landscaping not being done until the end – in a proposal, maybe you put it in such that there are some incremental improvements that happen along the way –

Bob – one of those responses did mention landscaping not happening until the very end – if you base the bond amount on the primary infrastructure and then hold onto it until the end, it does reduce the amount of upfront bond money – it is only there for protection purposes, – if we hold there until the bitter – I know they are going to want their \$60,000 back – I am not a friendly person when it comes to reducing bonds –

Paul – the reason that we said 3 buildings and hold the 2 until the landscaping is done – we heard you – nothing can happen to those last two buildings until

Bob – I feel that Paul and John have been very responsive

Andy – what if he decides he would sell this off to another developer – we have a responsibility

Paul – the bank regulations –

They are using Strata bank -

John Claffey – I understand the drainage is roughly 70,000 – if we could increase it to \$70,000 but I would propose that -0 if that what would satisfy the board – I know there is no mechanism to release the money – I would do exactly as outlined

Andy – I appreciate the gesture,

I Chan – move that we accept a \$70,000 bond for this project - as outlined – seconded by Bob – I think it is consistent with the rough numbers we worked up for infrastructure –

John – for the sake of being accurate – I would like to have an accurate number that we arrived at logically – make the number for the infrastructure – and apply the % contingency on that

Paul – \$70,953 if you take out all the landscaping – no contingency –

No reduction and held to the end

Andy – I would like to have the entryway landscaping for the ROW done before the second building permit is issued – that way the landscaping is off the table -

All in favor – yes – Karyl recuse

Susy – there will need to be an agreement to go along with this . . .

Chan – I apologize to all members of the board – I act like a first sergeant – I do feel we made the right decision

Paul – I know this was a spirited discussion tonight – I want to extend my thanks to the board – I think these are important to our community – I restate my willingness to have a workshop meeting to go over this –

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**Revised ANR plan for 127 Holliston Street - approved**

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**Discussion on 2007 Annual town Meeting** – a list of several items

Handout dated 2-22-07

Bob – look at noise decibel levels to add to the zoning - put this on our list -

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**OTHER BUSINESS**

Karyl – handed out her letter to the PB re: communication with the DRC

Andy read a letter from Karyl to the PB re: DRC process . . .

Chan – the DRC is ideal for handling commercial developments, office, industrial, etc. – when you apply this to

Chan – what ever you take to the DRC, they will want to change it – I urge you to be careful – zoning does not allow you to be subjective in your requirements of developers – that is absolute – that is the way laws are made – case history – planning boards have been sued where they have been forced to do that - be careful or it will bite you -

Karyl – we do have the right to make these requests when a special permit

John – the DRC has a specific idea of where they want to go with it . . .

Karyl – I think we may need a letter from the town attorney –

Andy –

Motion to adjourn – 12:15 am

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