

March 13, 2007
Planning Board meeting
Sanford Hall

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

ALSO PRESENT: Gino Carlucci; Susan Affleck-Childs; Paul Carter

The meeting was called to order at 7:10 p.m.

CITIZEN COMMENTS

Joe Avellino, Medway Gardens
Paul Kenney, attorney
Bruce Fuery, realtor

Paul – based on the board’s recommendations from prior meeting re; changing the bylaw, we wanted to present some brief language for the board to review for what may be a good solution

NOTE – Paul hands out drafts – we propose a definition for a gas station/convenience store which presently does not exist in the bylaw – I took into account some of the concerns the board had re: canopy size – we suggest adding a definition to section II of the zoning bylaw.

The other two items are options;

- a. one to allow a gas station/convenience store with a drive thru facility by right
- b. or , same with a special permit from the PB – we would want to streamline the process by having the PB do the special permit instead of the ZBA, since we would have to be before you anyway for site plan review

Andy – the DRC has also been working on something with Gino . . .

Gino – I met with the DRC last night and we had a fairly extensive discussion on limits of what should be allowed – there are several concepts that are similar to what Mr. Kenney suggests – one of the additional constraints suggested by the drc was to limit it to 4 pumps – also suggesting a maximum 2200 sq. ft. for canopy size

Andy – do you think that these are comparable?

Gino – the version I passed out has more details especially related to the design of the structure, similarly with a drive-thru facility, compatible with new England style design – to include a roof over the drive thru window

Chan – why did you put a minimum of 4,000 sq. ft for the convenience store?

Andy – the concern was that there be a substantive convenience store and not just a tiny retail component

Paul – this type of use is a combination use

Karyl – we felt it should be something that is different than our current definition of an automobile service station

Paul – the reason I wanted to not be too involved in that was to see what you wanted - I think the two proposals mirror each other pretty well – I don't think we would have an objection to these kind of things – I think there should be a definition added to Section 2 -

Bob – not sure about 4,000 as a minimum size – maybe it could be less

John – how does the applicant feel about the idea of the canopy being located to the rear or the side of the convenience store?

Paul – people drive up the street and see the gas pump – if they are at the rear of the building, people aren't going to know they are there

Gino – that rear location is not a requirement, it is an option – if the canopy is in the front it has to be attached to the store; or it could be on the side or the rear if not connected

Karyl passed out a conceptual doodle prepared by Dan Hooper

Gino – the other image – the Tedeschi's on King Street in Franklin where the canopy is connected

Chan – I also question the issue of a minimum size vs. a maximum size – I would like to think about it some more – generally it is great

Andy – I think we also need to talk to the ZBA just to let them know where we are headed with this before we just charge off. We need to consider impacts and take into consideration their present authority

Paul – the other areas where you have drive thrus and service stations by special permit uses the ZBA – the planning board, in our opinion, is the better board to be in front of – standpoint of economical use of time – to have it be with the PB - clearly some discussion with the ZBA would make sense.

Chan – earlier you had indicated the proposed use and then you said a special permit – I think the board would only agree to do this in conjunction with a special permit –

Paul – that is why we presented two options – the PB is the policing agent for by right uses through site plan – you have the authority to put your stamp on it and the only way it would not be followed is if it was arbitrary, capricious , etc. – one of the other reasons is that the automobile service station is not allowed anywhere by right

Karyl – on the site, the only element on that site is that the drive thru and

Joe avellino – gino, say the gas station doesn't materialize there, would this allow a bank to come in?

Gino – yes

Andy – let’s continue to talk about this – if we can communicate – is there anything in Gino’s note objectionable?

Karyl – I think personally, anything visually that you have in terms of concepts of how something would look – if you have somebody who could provide a visual representation of how this would look – it would behoove you to consider having it at town meeting

Public Hearing Continuation – Daniels Village ARCPUD Special Permit and Scenic Road Public Hearings

Rob Truax, GLM Engineering
Jim Williamson, Barberry Homes

Rob – Paul, thanks for helping us out on this. Thank you for turning around your review so quickly.

BOB – 33% of the topics/questions were not addressed or partially addressed – that is unacceptable

Rob – we tried to address them all and Paul was not satisfied with what we gave him, and there are still some remaining issues we can discuss tonight. To say that we didn’t try to address his comments is not fair. I gave him a letter that explains how we addressed his comments.

Andy – it is imperative that we use our time effectively.

Rob – I thought we went through his letter thoroughly. We made massive revisions . some of these things, he still has issues with.

Andy – this is a work in progress.

Rob – it may take another round. I would really like to go through this tonight. We need some guidance on some of these things. Some of them we haven’t given information on floor plans, etc. – floors plans are still in process –

Jim – That is generally something we do with construction, blueprint drawings – I am not sure

Susy – you need to include elevation drawings and illustrative floor plans, lighting plan, and the building for mail, etc.

Andy – it is important

Jim – we have all that – I can get it to Rob.

Rob – we would like to go thru Paul’s letter dated 3/13/07

Bob – I am curious about the distance between buildings. I don’t want to lock you in.

Rob – 15-20 feet between the buildings – nothing less than 15 feet -

Andy – has the DRC talked about the setbacks?

Karyl – we are not too concerned about that

Andy – what I was getting from the DRC notes and from your email note was to put off doing the hardscapes between the 4 winthrop street buildings

Jim – we met with the DRC 2 weeks ago – overall, the architecture was fine – they focused on last 4 units on winthrop street and what would be going on between the buildings – we agreed to have our landscape architect Steve Cosmos look at this – he discussed this issue with the architect (Henry Arnaud). Steve felt it would be better to wait. He felt it would not be good to add anything in at this time – we sent an email along to the DRC indicating our promise to do something when the buildings are in . . .

Karyl – these are the four units we are going to be looking at – everybody who drives by – as described at the last PB meeting, our concerns are not so much with the individual unit architecture but the rowhouse appearance – there is a sense of what these are going to be like – as a effort of compromise we thought let's see what they can do in lieu of adding stone to the homes. lets see if they could do some sort of hardscape in between the buildings to add some relief to the sameness. I spoke to Steve Cosmos once and he understood completely what we were looking for. Yesterday, there was a communication that they would hold off but were OK to include a condition in the decision. Personally, I don't get what the problem is.

Jim – I don't think it needs any more relief. We have a fine architect and a fine landscape architect. They tell me this is complete. That the units should not be a lot busier.

Karyl – that is your opinion.

Jim – I asked Steve to talk with Karyl and make her happy.

Karyl – this isn't about making Karyl happy. I could be doing many other things. Gino, you were at the DRC last night. Do you have any comments re: other DRC members?

Gino – they were looking for some added element on the ground outside, as a compromise

Andy – can you be more specific about an element?

Karyl – stone walls in between the buildings. You need to be careful when you look at drawings that show lots of mature landscaping because they aren't really there – those tree canopies you see on the elevation sketches won't be there right away – lots of trees are going to be nuked – these 4 units are going to be very visible – that drawing shows a tree canopy in 15 years.

Rob – the mature trees out front will be staying.

Andy – Butchy can you possibly comment on this?

Karyl – we were looking for a comment for the scale on the canopy of the trees – how old do you think that they are in the drawing – I think those tree canopies are 15 years out –

Chan – read thru the list of existing trees that are in front that will be kept.

Rob – the stone wall in front of the houses is about 35-40 feet back from Winthrop street – the land does rise up – The tree line in front of the stone wall There will be a slight rise – houses are

120 feet back from Winthrop Street – he could have given us a typical landscaping plan for each unit

Rob – I personally wouldn't want to have any more stone walls

John – I am getting the distinct impression that you are not as far apart as you think you are – would a view from the street showing the mature trees be helpful?

Karyl – we are looking for something to do instead of changing the architecture even more – so the idea was to have something external – pediments or stone walls that might vary between the 4 units that would be visible from the street - they are going to need some sort of patio and have a distinction between the units – we encouraged them to come up with something more permanent than lattice

Andy – Gino, any ideas?

Gino – no

Jim – where are you talking about?

Karyl – in the yard area between the houses. The new landscaping to be installed will be lollipops

Jim – there are many trees that are going to remain in front

Rob – the trees listed on the plan are going to stay

Jim – steve cosmos thinks there is a lot there now – he is concerned that it would be too busy – we are looking to do simple new England farm houses with farmers porches and – I am at a loss to understand we are at such an impasse on such a particular project

Karyl – we are too, we think this is ridiculous

Andy – can you articulate precisely what you want, and what you are looking for?

Karyl – we have had a conversation with Susy, about the idea of the DRC having access to an architect to assist us and draw something to indicate what we are talking about – Ron Margolis and David Chilinski – excellent with site plan – both are on tap and willing to help us and come out and articulate _visually sketch – what we are talking about

Andy – is it an issue of screening or breaking up?

Karyl – the problem is the sameness, the same massing, same roof lines – it needs some elements of variations – it is the rowhouse effect of sameness

Jim – the houses are not set back the same

Andy – the DRC notes seem to say that you are OK with the architecture itself, - if we were to give these guys some direction, would some evergreen plantings work?

Karyl – I think the landscaping plan is pretty dense as it is – but it is planted all at once – everything is the same scale . . we are looking for more variation - some sort of relief to the sameness - Steve Cosmos has not done the job

John – it says here in the DRC notes the setback from the road is 16 feet - - what are they talking about ? that should be clarified.

Rob – That can't be from Winthrop street, I think it is from the side road.

Andy – how about a granite light post?

Karyl – possibly – we could make a list of what would work -

Karyl – there will be a contingency in the DRC's letter of recommendation regarding this issue

Chan - I would like to understand how much of the screening is going to stay – is that what you intend to leave there?

Jim – I would say those trees would stay

Butchy – when I went down and we talked, the trees that they told me are going to leave are tall enough to hide the rooflines of the new buildings – the naturalness of the whole thing is what is important there – you are not going to be able to see the roof lines – you might be able to see pieces of it – what is left in the front it goes up a little bit

Karyl – what is being removed in this area? Give us a quick presentation of what is going to stay on a plan

Rob –I can have Steve look at it and show on a plan what will stay

Andy – to move toward closure, if these guys have them all marked and they can show them and they can come up with 1-2 hardscapes - maybe that would work

Karyl – stone pediment with a light on top of it .

Jim – a granite type post in lieu of the regular posts

Andy – some effort

Jim – for the 4 houses, we will make the light posts granite –

Andy – it would be helpful if the DRC could give more specific ideas

Karyl – the idea is to make it look like 4 varied units –

Jim – I would like to keep them somewhat similar

Bob – it could just be the placement of the light post

Scenic Road Discussion

Jim – I did meet the tree warden – he has identified 6 trees on Winthrop Street he wants pruned – the budget for that is \$6600 – he showed me we will spend up to \$6600 dollars – he can be there to direct

Susy – will 6 trees use up \$6600?

Phil – I think that amount is a fair figure for tree trimming and they have to pay for police detail out of that as well -

Phil – I want to meet with company that will do the work so that we are on the same page –

Susy – time frame for doing this work?

Jim – to do within 30 days after appeal period for the special permit - it doesn't matter to us.

Paul – ALSO . . . traffic consultant recommended some advance warning signs for the intersection and some regrading to improve the site distance looking north.

Rob – that trimming should be shown on the plans along with the recommended signage . .

Butchy – most of the mature trees are not in the ROW. I don't know how far up the road they are going to go.

Rob – ALSO, we don't want to provide easements over the trails that are within the development part of the site – keep it private – allow for the conservation restriction only on the open space parcel.

Andy – so you intend for the public to not be allowed to walk within the development?

Jim - Ok for them to walk thru, but not with official easements

Karyl – what about if the condo association in the future could deny that?

Jim – OK with a public easement for the open space parcel.

Gino – I believe a private property owner is relieved of liability if there is a conservation restriction is involved and it is publicly accessible open space and if private property has to be crossed to get to the public space.

Rob – my concern is a liability issue . . . if there isn't one,

Karyl – I make a motion that we need legal advice before we take this conservation further – seconded by chan –

John – all of this land over here that will be the open space, isn't that what we are really concerned about?

Chan – we should bring in the folks that are part of the trail system to discuss this

Andy – kids will find their own way in if we don't give them one to use

Rob – I think Jim needs to get some legal advice – people are going to walk thru there anyways – are they on the hook for the liability?

Jim – we had some experience in Natick

Andy – before we close on this motion, maybe we should reconsider this motion and let them to get a legal opinion themselves

John – I think it would be very helpful to get a big picture of the overall trail route -

We could amend the motion so the applicant seeks legal counsel.

Karyl – the concern is that they don't want to propose easements through the property

Karyl – I withdraw the motion

Susy – I will ask Jim Wieler to attend the next meeting

Chan – I still feel like we want to have legal advice on this matter . . .

Rob Truax – Let's return to Paul's letter

8 foot radii –

Paul – use some turning devices –

Karyl – you are going to need a fire truck

Rob – WB 30 –

Subdivision issue

Susy – the special permit will specify that there will be a subdivision plan - 4 lots for the winthrop street dwellings, the rest of the development, and the open space lot

Jim – I will meet with the safety officer again on this revised plan . . .

Rob – we took out the detention pond that was in front and replaced it with a stormceptor – so we don't need that waiver . . .

7.7.2 p – we don't need a waiver on that anymore . . .

Retaining wall with guard rail –

Paul – I think the drop off is 7 feet - that will need a railing/fencing of some sort

Rob – we plan to use Versa lock for the wall – it is not visible from the street

Karyl – put a stone wall on top of the retaining wall

Paul – it needs a guardrail and a fence

Paul – the board prefers something other than chain link fence for what goes on top of the wall -

Aluminum fencing

Karyl – we are concerned about the inside

Rob – we will add it to the plans

TO DO – Call Wayne Vinton to set up a meeting of the STREET NAMING Committee

Jim – I want to talk to the Board about some of the expenses we are incurring . . . handout notes

Donation request on the senior center is \$108,000

Loss on 8 affordable units is \$1,400,000

Scenic road cost = \$6,600

Sloped granite curbing – \$102,082

Sidewalk for Winthrop Street - \$25,000 -

We would like to do cape cod berm at \$5/ft vs.\$17/ for granite curbing

Karyl – are there logical areas where this could be switched out?

Andy – how about you take the plan and show us where you would like to change over the curbing from granite to cape cod berm

Jim – yes, we can do that

Even our acquisition cost per unit has gone up because we had agreed to a minimum number of units with the seller.

Waiving the sidewalk requirement would be a help – wide range –

Andy – try to do a few things to help the Town with sidewalks – I am not suggesting we waive the sidewalk in its entirety.

1200 linear feet of sidewalk could be done elsewhere

Rob – we will do some sidewalk in between the roads - about 220 feet

Andy – we have said you can do an equivalent number of feet of sidewalk somewhere else in town . . .

VHB's estimate for 1200 linear feet of sidewalk would be much higher

NOTE - Phasing Plan presented by Rob Truax

Rob – thought process on phasing – we want to have the drainage in place

Susy- what type of performance security are you planning?

Jim – covenant and then an insurance bond

Chan – these things still have some work to do . . .

another full plan set to be submitted . . . for discussion at the april 10th meeting

the trees that are flagged are staying - orange

Continue to March 27 – DRC, trail issues/legal; sidewalk estimate - 7:15 pm

Public Hearing Continuation – River Bend Village/Walnut Grove on the Charles ARCPUD Special Permit and Definitive Subdivision Plan

Andy – We have received a request from the applicant to continue the public hearing. The draft decision was provided to their lender who needs more time to review.

A motion was made by Chan Rogers, seconded by Bob Tucker to continue the public hearing to March 27 at 8 pm. The motion passed unanimously.

A motion was made by Karyl Spiller-Walsh, seconded by John Schroeder to extend the deadline for action on the definitive subdivision plan to april 30. The motion was unanimously approved. .

Short break at 9:25 pm

Paul Carter leaves at 9:25 pm

Public Hearing Continuation – Swenson Granite Site Plan

Scott Herrick, GM of Swenson Granite
Rick Merrikin, Merrikin Engineering

Rick – there were two issues – the DRC review and whether some of the display items were in the 10 foot easement. They have agreed to move anything within the easement area.

Bob - have they done so yet?

Rick – I wasn't sure if they were actually over into the easement.

Scott – when they widened route 109, everything looked like it was closer – if there is some that are encroaching, we will move them back . . .

Rick – the other item is the DRC comments

Acknowledge the DRC's recommendation – dated March 7, 2007 – read into the record . – attach and make a part of the record

Scott Herrick – We can't turn the building – personally I don't see that turning the building is in the budget – creating a courtyard – we can't go back any further due to setback requirements. – we also can't bump the building back – the first drawing does show a dropped the roof line and the front is pushed back a foot or so to create a little shadow -

Karyl – we thought this would make a huge difference; I am surprised that they didn't go a little bit further. Do you have the original drawing with you? The DRC suggested some very reasonable ideas that would have made a big difference . . . the drawings don't show the roof differential

Scott – you are discussing remodeling the entire existing building as well

Scott – the project is nearly \$100,000 – turning the building 90 degrees is not in the budget

Scott – having an overhang over the entrance at the end would be good

Scott – I guess I would say arguably, this is one of the best sites I see along route 109 – we try to run a clean beautiful location - it is the best site on route 109. there has to be some continuity with the existing building – it is a business. Re: buffers – we use a lot of granite on the site – I think what we are asking for here is a little room to expand our office – we can't do the offset suggested because that includes the handicap access area.

Karyl – how many Swenson Granite locations are there?

Scott – 8 . . newest one in opening in Rhode Island - our quarries are in New Hampshire and Vermont – we stay local . . .

Bob – is this built yet?

Rick – no

John – so everything on here is agreeable except turning the addition and not moving it back?

Karyl – because you can't go back, you could go forward and move the parking area

Andy – this is just a 460 foot area -

Karyl – this is an opportunity to really showcase the site . . .

Rick – I think the only comment he has agreed to is to put the overhang over the new entrance

Scott – I think Gary Jacob was interested in a new entrance on the site

John – not enough roof pitch to adjust the roof line,

Chan –I say lets get this done

Karyl – I think this is an opportunity for the kind of site it is . . I would like to be alleviated of the pressure – I will go along with what the rest of you agree to.

Andy – the landscaping in the grass strip on route 109 – how much of a cost impact would that be to do what the DRC asks

Scott – we screen the detention pond with the fencing

Karyl – the fencing does not screen the detention pond

Scott – I think we would have to take some measurements to see what would last out there

Andy – some type of compromise? Some shrubs in the grass strip??

Andy – are you Ok with the porch detail?

Scott – on the new addition only – not on the existing structure – it won't work

Gino – in your revised plans, are you showing pervious pavement?

Rick – I did put a sign; we are only going to pave it if the building inspector requires it

PB condition – use pervious paving if Bob S requires it to be paved . . .

Gino – one other comment . . I had suggested re: drainage that some sort of letter be provided by the consulting engineer to indicate level of impact.

Rick – I will do that.

Motion was made by Chan Rogers, seconded by Bob Tucker to close the hearing. The motion passed unanimously.

Invoices

\$506.25 - PGC Associates – Plan review services – Plan Review Revolving Fund
Motion by chan rogers, seconded by john, all yes

\$112.50 – PGC Associates – Consulting services – GATRA and zoning – General Fund
Motion by chan, seconded by john – all yes

\$112.50 – PGC Associates – Pine Ridge – bonding discussion - Construction Observation Fund
Motion by Karyl, seconded by bob – all yes . .

\$ 649.48 – Petrini & Associates/legal counsel – Applegate Farm – review of legal documents before plan endorsement - Construction Observation Account
Motion by chan, seconded by karyl – all yes

\$588.35 - VHB - Plan review services – Plan Review Account
motion by karyl, chan – all yes . . .

OTHER BUSINESS

Andy – we have a resume of Mary Chaves, Planning Assistant in Bellingham. She is willing to help out while Susy is out for surgery. She seems amply qualified

Karyl – the last time when susy was out it was chaotic it was very difficult

Motion by Bob tucker, seconded by Chan Rogers to retain Mary Chaves as an independent contractor to work in the PB office while Susy is out for surgery. All yes.

Susy will forward resume to Suzanne and prepare contract.

Medway Gardens/Xxtra mart site plan – refund balance of plan review fees

NOTE – Susy provided spreadsheet showing the funds received and disbursed. When the Plan Review fees were paid, it was handled 50-50 by Medway Gardens and Drake Petroleum.

A motion was made by Chan rogers, seconded by bob tucker to refund \$1,388.75 to Drake Petroleum and \$1,388.75 to Drake Petroleum.

Susy – The other question is what sort of time frame do you want to have for your agreement to waive the application/filing fees in the future? The Avellinos have asked how long they have?

A motion was made by John, seconded by Karyl to waive the site plan application/filing fees for a future project on the medway gardens site for a period of up to 2 years from the date of the 2007 town meeting. The PB will apply the application fee paid by Medway Gardens in 2006 toward their part of fee for a future project and the same for Drake Petroleum if they reapply. But the Drake Petroleum portion of the application fee would not be credited to another applicant. All yes.

Country View Estates - Broad Acres Farm Road –

Memo from Dave D’Amico regarding flooding concerns on Route 126/Summer Street of runoff from Broad Acres Farm Road due to a poorly functioning catch basin.

NOTE – Forward to Paul Carter for his information/inspection.

NOTE – Ask Dave to keep track of his expenses so they could be deducted from the bond.

NOTE – letter to Greg

Finances

Andy – Susy and I had a conversation today with Melanie Phillips, the Treasurer re: our revolving funds. We have been taking votes and authorizing expenditures from these accounts for plan review and construction observation services. In actuality, the bills are being paid from the general fund. Internally, what hasn’t been done is to transfer funds from the revolving

accounts to the general funds to cover those bills. This may go back 4-5 years. They are now reconciling those accounts. This is FYI only. It is a matter for Accounting and the Treasurer's office to work out.

Andy – I asked Susy to give us some info on our other two special accounts – the sidewalk improvement and scenic road tree accounts. There is \$ 37,088 in the sidewalk fund with another \$23,000 forthcoming. These are funds to be used to construct sidewalks needed in town, through the BOS and DPS.

John – I like the consistency and fairness the way this is applied to all applicants –

Bob – WE also need to work on a policy regarding performance guarantees for condo projects . .

Chan - the senior center has an addition planned. it is out for bid. they have an architect who has designed the building and plans. It went to the DRC for review and the DRC has asked for some changes – that will cost time and money – the building has to be virtually completed by the first of July to use the state grant money

Andy – we don't even have a site plan application yet

Karyl – Missy D said the \$200,000 from the state can be used get the foundation in and could be spent on architectural fees

Chan –You are going to cripple the senior center? You aren't sympathetic.

John – The Town has to follow the same rules as private applicants. We have to follow the process.

Chan – in the first place, you could have the DRC not review it

Andy – we would love to have the site plan application so we could get to work on this

John – how many times has the high school fence issue been brought up?

Andy – the point is that people throw it back in our face when the Town does poor design, poor use of materials, poor concept – are we going to say that because somebody has made a faux pas here about the site plan process that we are just going to not do it?

Karyl – FYI . . the PB was instrumental in getting \$200,000 in contributions toward the senior center addition and there will probably be more.

Andy – Chan, no one is suggesting that we are unsympathetic.

John – I want to go on record and say that your statement that I am not sympathetic to the senior center is inaccurate.

Karyl - me too

Andy – me too

John – you cannot set up a set of standards and then not have the town follow them

Chan – I think there is reason for the town to give them some room – to follow the DRC's requirements would make them have to change the design – do you want them to lose the state funding?

Chan – I can't believe the DRC would make any comments about this at all.

Andy – we will wait for the site plan application and then proceed.

Susy – Missy is bringing their architect to the DRC meeting next Monday night to work on this some more.

Committee Reports

John – CPC – we had applied for some funds to restore the cemetery but that was declined – we are seeking a clarification on how much CPA funds we have. Re: 2B Oak Street – there are really interesting facts about the building that came out from the Historical Commission. Also, the Historic Commission is moving right along on the proposal for a historic district in Medway Village

Chan - SWAP will be considering the 2030 transportation plan at its next meeting – no major projects in our area . . looking for improved service on Worcester and Franklin commuter lines which may necessitate more space at south station . .

Karyl – I think most of what we are going thru with DRC has been covered

Andy – thanks to the DRC and Gino for working on the zoning ideas for commercial V.

NOTE – Andy distributed drafts of the PB's 2006 annual report. Members are to review and get back to susy with comments.

NOTE – 4 PB members and Susy will attend the Citizen Planner Training Collaborative conference in Worcester on 3/17.

Motion to adjourn

10:45 pm