

4-12-07

Informal Discussion – Neighbors at route 126/109
Restaurant 45 – 45 Milford Street

PB Members Present – Andy Rodenhiser, Bob Tucker, Chan Rogers

Also Present – Susy Affleck-Childs, Planning Board Assistant
Matt Lynch, MDN

Mrs. Alexander
Mr. and Mrs. Noturno
Avellino family members –

Chan explained intersection upgrade with MDOT – there will not be a separate left turn lane for eastbound route 109 turning northbound – it will be an on demand green light with the new system. We did do an adjustment last June with the existing hardware and there has been improvement since then. There will be a whole new traffic signal at this location.

Neighbor – there was a delay green in Bellingham at the strata bank location on route 126 that didn't work and they had to change in.

Neighbor – little tree road – there is still a lot of back up at this intersection. It isn't

Neighbor – traffic is only going to get worse

Bob – State has jurisdiction over this roadway

Neighbor – the commercial V as it presently exists, concerned that the intersection design didn't consider the possible future uses

Andy – the traffic counts are fairly light for this roadway

Chan – MassHighway won't allow a whole new intersection redesign

Neighbor – this is a disaster waiting to happen – if you change the zoning laws in Commercial V, it will make it worse

Andy – we are not talking about putting in a destination business – not a big box or a large shopping mall

Chan – he is saying it is inadequate now – he can't turn left from Little Tree Road onto Route 109 westbound

Mrs. Alexander – we have been here 40 years . . . and the width of the roadway hasn't changed at all during that time . . .

Andy – let's get started on this zoning discussion . . . the first few pages cover how the Medway zoning bylaw can be amended . . . then the next sheet is what the actual article is to make the addition to the commercial V text that will be on -

Question – 4,000 square feet size – seems big

Andy – we were concerned that we didn't want to have a little kiosk selling gas – wanted to have the good aspects of the convenience store – we took what was proposed and what items of it were opposed, we asked the DRC to look at this and craft something that would be more scaleable to the neighborhood and palatable and still support economic viability at the intersection of two state highways so the property could be used to its highest and best use.

Andy – New England architectural styles – guidelines – what gets built will have to look good

Neighbor – so it will look like what was proposed before

Andy – it could be a bank . . . there is no specific tenant right now

Neighbor – you are opening a can of worms that is huge – the canopy will have to be aluminium – there are no aluminum houses around here – it shouldn't be a Hess gas station

Andy – the Tedeschis on King Street in Franklin is viewed as a better looking option – look in DT Hopkinton

Andy – with a special permit, we

Neighbor –

Andy – if this amendment is passed, this becomes a possibility

Neighbor – any lawsuits on the first proposal

Neighbor – has the town looked into the health and environmental issues of a gas station

Andy – part of this meeting tonight is to help you understand how the public hearing process works – at town meeting, there needs to be a 2/3 vote in the affirmative.

Neighbor – hypothetically, if a gas station is proposed after this is approved, does the town look into the environmental or health effects?

Andy – you are welcome to put forth any evidence – introduce it during the public hearing

Andy – next Tuesday night is the public hearing on all the zoning articles

Andy – under a special permit, as opposed to a use allowed by right, there is more discretion

Andy – under the earlier proposal from DRAKE – difference of opinion on whether the use was allowed; the avellinos asked us to look at this zoning – we don't even have to give you notice – but we wanted to have this session – as abutters and residents, you are a minority in this town – we are concerned – I go thru this

This would allow the possibility of a drive-thru

Neighbor – my biggest concern – rustic and little tree – concern is about a gas station – health and environmental issues – there are health issues

Neighbor – where the dunkin donuts was used to be a gas station – I would be more concerned about that site

Andy – the underground tanks rules and regs are much harder, containment issues are so strict and stringent on that stuff today -

Neighbor – what role does the town have?

Andy – at town meeting to vote

Bob – I believe that is all state regulated

Neighbor – something here is going to make things worse – waiting for a disaster happen – this is something you can fix – come with me at 8:30 am to turn left onto route 109 – something over on this corner will just make it worse

Andy – the issue of you getting out of your street doesn't have anything to do with the zoning

Neighbor – gas station and convenience store will just generate more traffic

Andy – should we not issue any more building permits in town?

Neighbor – if this proposed change is going to make things harder

Chan – I have some understanding of the traffic problems in medway and thru route 109 – to route 128 – this is not going to stop any development at this corner – we are trying to put ourselves in a position to monitor what is done – if we don't do anything, people will try to go to the ZBA – we are trying to adopt zoning that we can control and be reasonable about what we can accept – the environmental problems you raise are not going to be meaningful – there are gas stations all over the state – we are trying to do the best we can

Neighbor – we are just talking about giving the property owner an option – the concern seems to be the infrastructure and the capacity of this intersection – yes we know the state is putting in sidewalks, no matter what goes in here, the state really needs to be involved in this – what is it going to take –one kid to get by a car

Chan – you have had one kid killed already on route 109 – you are not going to be successful in preventing development at these corners – we are trying to control or guide it so it doesn't interfere with your residences that are close by – whole new subdivision built after DD

Mrs. Alexnader – we have lived across the street from andy – there had been a gas station where DD is now – the road will be the same unless the people widen in –

Andy – the widening of the road isn't warranted today in the state's mind yet – regionally, we haven't developed enough

Neighbor – my comment, can the PB recommend to the state – I have seen the helicopter waiting for the ambulance to get thru traffic to get there – the state doesn't understand the urgency of what this intersection

Judy – I don't believe a gas station or a convenience store is going to create more traffic – I don't think it will bring people out of their way to this intersection . . . I am pleased if it can be brought down to 4 pumps

Bob – there was no justification in our minds for a bigger type gas station

Andy – some concern was that there would be trucks – thru the standards for curbing and radiuses and where the tanks are

Neighbor – it says 4 pumps – diesel?

Andy – typically you would

Bob – it doesn't preclude diesel

Neighbor – whatever goes in, are there bylaws, rules

Andy – that is all conditions that we can put on the special permit

Mrs. Alexander – we don't want 24-7

Chan – these are some things the PB is very concerned about

Neighbor – the floodlights

Andy – there is a bylaw, light spillover off the light has to be contained – they are not allowed to spill off the lot – they have to use light shields to direct light where it is needed.

Neighbor – would lighting be part of the process

Mrs. Alexander – lights shining thru to our home

Andy – a lot of conditions existed before proper planning techniques were in place

Neighbor – please do it right this time –

Andy – we have two design professionals, and two engineers – we want to communicate well with the community – we understand you are the most affected – much greater than somebody that lives elsewhere – all we can do is to try to be as considerate as possible – and as a board to function responsibly – knowing that development is going to occur – in some cases, you cannot stop what is an allowed use – what we are looking at here is to have some control – we have to increase our business properties – we strive for the highest and best use – needs to be aesthetically pleasing – we want to have a good looking town . . .

Neighbor – is the PB an impartial body? I think when some people come out in favor of a project, . . . we pay taxes, this is still important to us – you need to listen to some of our issues – maybe some are not within your control – we have as much a right as the avellinos do to enjoy our property – we just want the best – we understand the town needs some money – do we have to have a huge canopy? There are just some issues that need to be

Neighbor – I am hearing that development is going to happen no matter what

Bob – we are trying to convey back to you – by taking this approach and having a special permit process – it does get the PB involved – adequate design for lighting, drainage, minimize impact to abutters of the area - with a special permit we can impose conditions

Andy – an allowed use by right, they come to use for site plan approval, and we can impose reasonable conditions – we might grant waivers in exchange for doing things for the neighbors

Neighbor – it seems the entire reasoning for this is to allow a gas station

Andy – we had the guy who was asking for the zoning change told us the predominant interest was from gas stations – the development costs of this site are extremely high –

Neighbor – from the gossip, it was supposed to be a convenience store and a gas station and you would keep the florist in there – I work for the 99 Restaurant – they impact the residential neighbors – reduce property values

Andy – with due respect to everyone here, when those houses were built (little tree and rustic) many folks in town thought what were they thinking – you know what the potential is – you wonder why they did that – it is a neighborhood now – and now we have to deal with trying to work for the best interests of the property owners and the neighbors – land is the only resource we have in the town

Andy – this area south of commercial V – there has been some discussion about changing the zoning all the way down

Neighbor – we are concerned about what types of uses go in and traffic – our only recourse is working with the town – it sounds like the town is saying that a gas station

Andy – I would like to see a bank there

Andy – I have talked to both middlesex and digital credit union to consider a bank at that location

Neighbor – I would like the convenience store and gas station

Andy – I am trying to do my job as PB chairman to facilitate proper planning and to communicate well with you guys – these guys are the same way (Chan Rogers and Bob Tucker) – we are volunteers.

Chan – we didn't have to have this meeting and have a conducive atmosphere to hear you – that shows you what we are trying to do

Neighbor – passing this new zoning allows better control better

Neighbor – this article works in our favor as neighbors – it doesn't work as well for the avellinos

Chan – we felt we should go at this more methodically – and get your input

Neighbor – I would rather give him the freedom to do what he needs to

Chan – there are folks on summer street who have houses, who probably won't be able to sell to another residential user, they have a right to get the value out of their property

Mrs. Alexnader – if commercial v goes down summer street – would that impact our tax rate

Andy – it would effect – you are taxed based on actual use, not what the zoning is

Andy – any other questions or things we haven't hit on

Bruce – is there a major problem with traffic cutting through?

Bob – you should talk with the police department

Neighbor – it is not an accepted street yet,

Andy – I am almost certain that part of his decision is to put up no parking signs.

Neighbor – you are nickel and dimeing him to death – sometimes- drainage ditches have sunk – huge trucks in and out with stone, etc.

Andy – if it settles, it isn't done right – they have to meet specs –

Andy- we have rules and regs for how the street was constructed – those problems have to be fixed before the town will accept -look up at broad acres farm road – water problems up there – improperly constructed – the street will not be accepted until they are up to snuff – we hire VHB to inspect and follow the plan

Judy – how long do you let

Andy – in most cases, we have a cash savings account – this board is very adamant about holding their feet to the fire and not giving up

Judy – can't we cash in the bonds?

Bob – yes we can, but there is a litigation process

Chan – we are rigorously following thru –

Andy – thank you all for coming

Concludes at 8:28 pm