

May 1, 2007

SPECIAL PB Meeting

Sanford Hall

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

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant; Gino Carlucci, PGC Associates; Paul Carter, VHB, Inc.; Adam Costas, Blatman Bobrowski and Mead

Meeting was called to order at 7:07 p.m.

CITIZEN COMMENTS – None

Reconvene Public Hearing Continuation on Zoning Bylaw amendments

Andy – We will move that into recess and reconvene later after the PH continuation on River Bend is finished. – estimated to be at 8 pm

Invoices

\$15.73 – FEDEX – bob, chan – all yes - General Fund

\$228.79 – WB Mason - - karyl, chan – all yes – General Fund

\$ 52.50 – Petrini & Associates – CO - legal work for countryview estates to review the proposed new stormwater operations and maintenance plan proposed by the Streifers as part of the settlement with Greg Whalen. – karyl, chan – all yes

Other Business

Letter from William Proia representing Marian ARCPUD – status report – delay in submitting revised plans per the agreed upon schedule – shall we still come on May 8th?

Andy – We have a letter/status report from attorney Bill Proia re: the Marian community's ARCPUD project. They are scheduled for a 5-8 public hearing but won't be ready to submit the revised plans per the agreed upon schedule. They ask if we still want to meet with them to discuss other matters or continue? I would suggest that we wait – BOH has informed us that the pine grove may be needed for septic

It was agreed that we would continue the public hearing till June 12th

Eric Alexander – who can vote on the Marian project?

Susy – Andy, Chan, Karyl, John and you

7:15 p.m. – PH continuation – River Bend Village/Walnut Grove on the Charles

Rich Cornetta – happy to report that we have come to terms without lender as to their concerns about the special permit – I have reviewed the most recent version dated April 26 – it has incorporated all the suggestions of our last meeting – we don't believe we have any further information to provide to this board and we would request

Adam – I have reviewed the latest version – essentially a cleaned up version of the previous version – sections 20 and 22

Andy – susy, you will remove the text in the highlighted sections

Susy – yes . . . will do so.

Adam – eliminate 12 c as it duplicates 6 c - all agreeable

Susy – need to vote on FINDINGS – starting on page 6

Chan – move approval – eric – all yes . . . on the FINDINGS !!!

Chan, eric – to approve special permit as presented and amended – all yes . .

May 8 to address the subdivision decision

Motion to close the PH on the ARCPUD special permit only – chan, karyl – all yes

Continue public hearing on the subdivision to May 8 at 7:20 pm

7:35 pm Adam departs . . .

7:35 pm. Eric departs –

OTHER BUSINESS

Discussion on DRC meetings with applicants before application is filed

Karyl - a lot of meetings were held with DRC during a preapplication stage – midway gardens, we don't have much leverage at that time – what do you think about limiting the number of drc meetings before an application comes in – had another situation last week where a pre-applicant came back without making any progress, actually it went backwards - so my question to you is should we put a limit to the number of meetings the drc would have before an application . . .

Bob – I think it would be wise for the drc to establish its own limit - want to get people into the right ball park – I would support something like that – I think the drc should decide amongst themselves – suggest 1-2 meetings – if you are serious,

Andy – I object to when they come into the PB and say they have been meeting with the DRC for months . . imagine you feel like you are wasting your time

John – I agree 100%

Chan – that is fine for that situation – there may be other situations tht need more time

Andy – drc is in a better

Karyl – moving backwards is not an option – wasting time and our hands are tied because there is no application . . . if we have fees so we can hire a consultant

Andy – there has been a discussion of getting some more people on the drc –

Chan – the medway gardens site was a complicated site and it may take longer

Bob – I wouldn't limit the number of pre-meetings to the applicant vs. limiting the number of meetings re: the concept they are bringing in there at the time – 1-2 meetings per type of application

Andy – what had happened with the gas station – informal meeting happened here, referred to the DRC who met with them 11 times – by the time they came back to the PB, they felt they were all done with the DRC . . .

John – the drc guidelines are going to be available to these applicants upfront – they really have one meeting before coming in

Karyl – there is nothing in any of the applicants that we are asking for that is magic – simple rudiments only –

Susy – maybe also require tht the designer attend the informal

Karyl – but sometimes the designer isn't really that helpful –

Andy – leave it up to you guys to decide – leave yourself open – but 1-2 is reasonable

Put this issue on agenda for DRC –

Susy – MBC rep to the DRC – we need to reactivate

Andy – micky whitney might be interested in serving on the DRC. She has mentioned it to me before. (NOTE – Mickey is a mortgage officer at Medway Coop Bank).

Andy – medway business council wants me to come before them to present our warrant articles . . . call Dick Parella to see when Andy should do that.

Chan – both Gino and I attended the MAPC Futures Plan this morning – tied to the initiatives to change the zoning and subdivision statutes - the engineering profession council chose not to take (ACEC – business organization --) decided to stay neutral – great plan;

Chan – patrick's people came out today with a new way to finance schools – small towns use big lot zoning to keep kids out of town –

Bob – no reports

John – CPC – we discussed 2B Oak Street – current thinking is to keep it intact and get it to the point where a nonprofit could take it over and bring it to the next level – we have the grant for \$200,000 from the state – look at putting that money into the barn to make it leasable – find or create an organization that would take it over – what level do we need to get it to be able to turn it over to such a group – example in Medfield –

Andy – would it be

John – no, the non-profit would raise money privately to continue the rehab effort . . .

Karyl – how would it be used?

John – barn could be used for functions – fairly substantial – in fairly good condition

Karyl – community flea markets would be neat

John – talk of a gazebo going in on the property in back near the pond – serve as a gathering place – also handicap access restroom –

Karyl – architectural

John – the firm that was brought in to assess the structure is very committed to historic preservation

Karyl – it might be a good idea to evaluate it architecturally to see if keeping the appearance externally

John – they are looking at making the barn be a more open space – the building is very important historically – there are some very nice details . . .

Gino – 43D update expedited permitting program – they asked for 3 additional explanations to our proposal – they wanted to add a minor task to identify additional sites, also a scope of services for consultants that would be involved, and also info on how the technology estimates were derived – meeting next week with the interagency permitting board – they were only asking for further site selection to be included in the work plan . . .

Gino – has that been forwarded to April yet?

Susy – no, I can do that this week

Andy – please say that the basis for the numbers are actual estimates . .

Gino – I wanted to check back with the technology estimate – I would suggest in the transmittal email we explain how the numbers were derived –

Gino – they want this back first thing tomorrow morning – I will send it to April tonight -

Susy – Gino and Andy will go to the inter-agency meeting next week.

Andy – here is a copy of the grant proposal if anybody wants to look at it

Chan – dave got a report from a traffic engineer on the highland, franklin and main street – recommend a different phasing scheme – he wants me to look it over – then they would have to hire a reprogrammer – Norfolk county engineer –

Andy – having the intersection at the community church – reprogram the signal so the eastbound route 109 traffic would have its own phase to turn left

8 pm – 2 minute break

Reconvene public hearing on proposed Zonign Bylaw Amendments

Letter from neighbors on little tree road – list out all parties – dated April 10, 2007 – enter into the record

Chief Vinton has written the PB on April 25 – enter into the record

Board of Health memo from Bill Fisher – April 17th – enter into the record . . .

Motion to enter all letters into the record – karyl, bob – all yes.

Motion by karyl – to waive the reading of the letter from the neighbors – bob – all yes,

Andy – we will be meeting with town moderator mark cerel to go over these articles

Susy – I have the text for two minor tweaks as recommended by town counsel – for articles 38 and 41.

Motion by chan to amend as suggested by susy. karyl – all yes.

Chan – I move we approve all the articles in their totality, as revised, seconded by bob

Andy – any objections

None

All yes . . .

Karyl – there is a proposed OSRD of which the septic system is going to be put in the only area of the site that has trees – as we see these projects come in, at some point we will need to relook at it again. Clarification – not yet proposed, but it is one I am aware of, I saw the plans.

Chan – you are anticipating that this will happen

Karyl – it is not an application yet, but it is happening

Chan – I would think the board has the authority to address that . . .

Andy – what is your point ?

Karyl – this is only a comment – about something we are going to be dealing with - I don't feel the new OSRD text will address my concern –

Andy – I am not following this

Bob – if this article is approved – article 37 –

John – I have this question

Bob – are we

Gino – suggest eliminating “serving the OSRD”

Motion by Chan to exempt article 37 from the prior vote – karyl – all yes - SO IT IS OK TO Discuss

ARTICLE 37 –

Paul – what is the concern? Karyl is objecting to the fact the item 2 is mounded

Karyl – no, I didn't understand surface vs. wastewater and stormwater -

Bob – wastewater is septic

John – add wastewater to item 2

Chan – it would be appropriate to remove wastewater from #1 and then add wastewater to item 2

Paul – take out the word mounded

Karyl – I don't want these underground

Andy – when we talked about this didn't we also talk about doing this similarly to the wetlands

Karyl – as it is written now, I am happy with this

John – I understand if this is the consensus of the board. But I want to be clear that you do not want to allow any wastewater treatment of any kind in an OSRD and ARCPUD? is that how you feel? The spirit of the OSRD and the ARCPUD is to encourage cluster development – if we make it too restrictive, we will end up with conventional development – I am trying to walk a fine line to encourage people to use OSRD path and protecting the open space – I thought we had found a compromise – but if you guys feel that you don't want to include it . . I am ok with that.

Karyl – it does make a very big difference in the practical cases we have already seen – where the open space has been changed by the nature of the septic system –

Motion for PB to recommend amending article 37 by eliminating “wastewater and” in item #1

and to eliminate the word “mounded” in item #2. – KARYL, CHAN – ALL YES

MOTION TO EXEMPT ARTICLE 41 FROM PRIOR APPROVAL – ALL YES

MOTION – SAME FOR ARTICLE 41 AS FOR 37 – ALL YES –

CHAN – in general, andy will bde handling these at town meeting ?

Andy – yes, susy and I will be working on this.

Chan – I move we approve all the proposed articles as amended – chan

9:00 pm – 2 minute break

DIUSCUSSION - COUNTRY VIEW ESTATES SUBDIVISON

Andy - It being 9 pm – we have got country view estates subdivision

Greg Whelan – I have a couple of plans from Paul Desimone re: the easement – which paul says do not have to be endorsed BY THE pb

Ed denn, attorney for the sTreifers – in court the parties reached a written settlelment agreement and dismissed the lawsuit – the plans depict the terms of the settlement agreement – one of the provisions is to move the easement line – we need approval of the PB to do that – other questions asked by the board were whether the town needed to own the land the detention pond is on – Town Counsel Barbara saint andre does not recommend acceptance of this particular idea. She has reviewed the prosed O & M plan and does not recommend acceptance either.

Susy – So it defaults to the original O & M plan from when the plan was approved

Ed Denn – we may be comfortable with that

Ed Denn - asked us to prepare an easement agreement –

Greg – this is a joke – I can’t believe there is an esemetn in this town that has a 1 million insurance policy

Andy – this is before us to

Susy – we need to find the O & M plan from the original plan

Bob – is this the same drawing that VHB reviewed before?

Paul –

Andy – I am of the belief that if lawyers are involved, and a million dollar policy, there shold be a fence

Ed – the fence issue – concom wanted to have a fence to preserve the pond itself, they backed off of that position – it is the homeowners preference to not have the fence and I don't believe Greg wants to pay for

Andy – would the property owner be willing to sign a release for the town

Ed – I would have to discuss this with my client –

Greg – I don't believe there is a fence in town around ponds – why would we do that?

Andy – it states there could be 18 inches of water –

Greg – this easement agreement is ridiculous

Ed – this is my suggested agreement

Karyl – here is my proposal –

Greg – I have two other retention ponds in the subdivision that have easements – I will produce those documents for you

Karyl – the landscape treatment as proposed is good – fencing is contributed artificial –

Greg – there are two others ones that are all grown

Bob – I don't see a need for a fence

Paul – it is just a liability issue that you might want to consider

Greg – before Paul came along, the detention pond was an issue with Mark for a long time and he never brought up the fence issue

Ed – to Paul's defense, the original design was a hard slope –

Karyl – the PB hasn't had the benefit of counsel - is there a liability issue for us?

Ed – the only issues to be hammered out with town counsel at this point – what operations and maintenance plan does there need to be and what type of drainage easement does there need to be – we may have some differences of opinion on what should be in those documents – we are not inflexible – the easement agreement and O & M plan that we proposed are simply those we obtained from our consultant

Andy – I think the town is exempt from some of these situations anyways . . . and if it is not required,

Paul – it is up to the board

Andy – we have taken reasonable measures . . .

Ed – concom has approved the plan you are looking at

Chan – as to the fence, the abutting land owner is the most effected by this – I say it is a non-issue – the O & M plan is the developer’s responsibility until the street is accepted

Ed – it makes sense to involve everybody in the process

Bob – what are we looking at tonight?

Karyl – the land owner gets some more back yard because the easement is moved and the pond is moved back – that is a tremendous value to the homeowner. How far back?

Ed – probably about 35 feet -

Chan – more like 60-70 feet

Karyl – is the original O & M plan irrelevant now because of the changes in the design?

Ed – has anyone seen the old O & M plan –

Greg – I need another month for the land to dry out before I do any work.

Paul – all the other comments have been addressed

Andy – is the board OK with letting the fence go

YES – all agreed

Andy – are we OK with moving the easement line?

Karyl - Greg, does the easement line change effect you?

Greg – no, it just bothers me

Paul – I don’t believe that Dave D’s comments have been fully addressed

Ed – I believe dave Faist has been in touch with him and worked that out. The plan reflects what Dave d anted.

Susy – the plan we have predates Dave D’s memo.

Bob – I want a letter from Dave saying whether this is acceptable – he needs to close the loop –

Greg –

Bob – my suggestion – some closure is needed from dave d’amico – let them go away and take care of what they need to – get comments from dave – determine which drawing is up to date – then come back to us when they are ready – we are muddying around in the slop pile right now – I am not in a positon to recommend, vote, on what we doing righ now.

Greg – it seems like Dave D and dave Faist (Greg’s engineer) need to come to a meeting of the minds –

Karyl – we need to be brought up to speed on something . . .

Chan - if dave's concerns may not have been satisfied –

Andy – we need a letter refering dave's satisfaction with the revised plan –

Greg – I think this could be easily handled – dave faist could ask dave damioc to sign off on the plan - the new plan is 10/18/06 – that is the most recent one –

To do

Get sign off from dave

Look for O & M plan

Greg – Paul DeSimone says this type of plan does not need PB endorsement -

Susy – I just want to make sure that something is recorded

NOTE - Bob Tucker departs @ 9:45 pm after receiving a phone call

Question for town counsel – does the new easement plan need to be signed

Greg – ed, do you want it to be signed ?

Ed – OK by me

GREG – I will have Paul D add a signature block for the PB signature to the drawing of the new easement line.

Greg I will work . . . on an alternative easement agreement

Ed –

June 12 to revisit all this –

Country View Estates . . Station 15+00 on Broad Acres Farm Road

Greg – I will do it the way dave d'amico wants it to be done

Paul C – I got a revised plan from David Faist this afternoon – I believe it reflects what dave d wanted – 5/1/07 date on revised plan

Get a sign off from paul carter on the new plan

Get a sign off from dave damico on the plan changes . .

Greg – I hope to get this all wrapped up for fall town meeting to accept the street.

Andy – ALSO – I am concerned about the catch basin right out at BAF road and summer street - right at the edge of the sidewalk –

Greg – this is a major problem, there are kids playing down there

Andy – when it flooded out to summer street, people were freaking out

Greg – I understand what you are saying . .

Andy – it is not working . . .

Greg – I can lower that but that is the way I was told to do it . .

Paul – that catch basin it wasn't on the original plan,

Greg –it is something we worked on because it was a problem area

Andy – I have been watching it – people call

Chan – have the VHB guy go out and look at it.

Paul – it is not an easy fix – it is right at the back of sidewalk

Andy – right at a busstop – it may need a railing . . .

Greg – I don't know how it can be fixed - there is too much water coming down . . there is too much ice coming down – I don't think it will make any difference – I will do that . . no problem

–

Karyl – jack lydon is going to have to go out

Paul – somebody is going to have to design it for us to review it

Karyl – back to the drawing board –

Greg – there is just too much water is coming down from there –

Chan – I think this is a dangerous situation – if this isn't fixed, we will take the bond

Greg – I know what has to be done there

Morgan Heights subdiviiosn –

Steve Kenney – attorney

John Ryder - developer

NOTE – Steve Kenney distributed Declaraiton of covenants and restrictions .signed by the board in 2003 – Susy passed out copies of the certificate of action

Private way – the road has not been completely finished at this time – john has been living in his home he built on lot 3 – he wishes to sell lot 3 and move and build a home on lot 4 – john went to get a loan and the bank said he could not get a loan without a release from the PB because of the language in the covenant.

Karyl – what needs to be done to finish the work?

Steve – roadway and drainage issues – there is \$12,000 being held by the town

Steve – we don't see john as a third party buyer . . he needs a sign off form the board to be able to get his financing in place to build on lot #3 – once he gets the construction of hte home done, he will finish the work on the road.

Steve – back in 2003, there was a document that I prepared . . . a sample certificate of compliance that deals with paragraph 15 in the covenant – it may have to be modified in whatever way you wish

NOTE – Bob Tucker returns around 10:15 pm

Andy – what do you want us to do?

Steve – sign off so John can get his financing to build a house onlot#3

Karyl – he has some water issues – one thing that has happened is that the PB's standards for a country roads have changed – but the drainage design wasn't completed as shown on the plan.

Paul – I wasn't part of the original review of the design.

John – I have the binder down, and have loam and seed – there is no erosion going on –

Paul – there is no berm – I understand there was a lot of discussion about the drainage design when this was originally approved - I believe the design shows 2 feet of crushed stone on the side – I took a look at the old inspection reports – the last one shows there was some erosion at the edge and it wasn't clear how the water was getting to the systems and it was running into the wetlands – I think the other thing that was mentioned is that this wasn't not constructed as a T but as a bulb

John – it was done as a hammerhead . .

John – I am not asking for my money back, I just need to get out of my current house

Steve – to appease the closing attorney, but not have the board make any missteps, would the board certify that the it does not consider john ryder to be a third party?

Paul – it is not clear how the water gets into the system . .

Karyl – it was a really horrible water design

John – but it works just fine . . . come up and take a l ook at it

Andy – are you intending to put the berm in?

John - yes, if I put the final coat down now, it will just get trashed during construction

Andy – why didn't you do anything in the 2 years ?

John – I just lived there – I was trying to sell off lot #4 – it has dropped off in value – I am trying to

Karyl – I suggest Paul talk to mark louro

Susy – need to see what the cost of the remaining work would be

Kenney – it was the expectation that lot 4 would sell

Paul – susy mentioned that concom had been out there

John – yes . . they were out to check things out –

Susy – I undersand you had a very frank discussion with dave travalni about the drainage design

John – yes we discussed some things

Paul – is there a utility pole that still needs to be moved here?

Andy – has it been moved??

Susy - did you come here thinking that the board would sign a release tonight?

Steve – I wasn't sure what form of document – board does nto consider him to be a third party buyer – release lot 4 from the original convenat and ocnditons - but keep it in place for other third party buyers

Karyl – that is not the point – the idea was that the water issues would be completed before that lot was transacted . . bite the bullet

John – financially, I can't handle the burden right now

Chan – paul should come up with an estimate on what the cost is to be

Andy – is there money to pay for Paul's time?

Susy- yes, we do have construction observation funds.

John – I can't sell my house, I have to downsize the whole operation – and get something I can fit into . I am open to any ideas you have

Chan – have paul check the estimate to finish the work – maybe there is enough

Steve – maybe we could work some additional amount into a construction loan or an insurance bond

John – I could do an insurance bond –

Andy – let's find out how much it would all cost – when you see the estimate it will be much more than it would cost you?

Andy – could we have jack look at the existing conditions and do an inspection and then prepare a bond estimate . . .

Andy – what kind of time frame

Paul – 2 weeks . .

9:15 pm – on June 12 –

Steve Kenney – thanks for hearing us out . .

Moiton to adjourn – 10:35 pm