

May 8, 2007

PB Meeting
Sanford Hall

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

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant
Paul Carter, VHB, Inc.
Adam Costas, Blatman Bobrowski & Mead

Meeting was called to order at 7:14 p.m.

Andy – congratulationsto all the canddiaqtes who won and thanks to all the candicdaes who ran – bob tucker was elected and karyl spiller walsh was reelected

Citizen comments - none

7:15 p.m. – Betania II – to be continued at their request to June 12, 2007 at 7:15 p.m. – we will discuss the flood plain issue later tonight so they can go before the ZBA for their flood plain special permit – we will discuss that around 8:30 p.m. – we have to craft a recommendation to the ZBA –

Andy – I guess the first order of business – traditionally after the election we reorganize ourselves and the job of chairman, vice – chairman, clerk - no second – motion dies

Chan – I move the present officers be retained in the current configuration . . .

Andy – does anybody want to do my job

John – you are doing a fine job

Kayrl – I nominate AR as chairman – seconded by chan, bob – all yes . . .

Andy – I am happy to do it, I enjoy

Karyl – I nominate john schroeer asw vice chairman of the PB – seconded by Bob

Andy – are you interested in oding this?

John – yes, I will tell you that I do not have the time or energy to do the chair’s job and if this is a move toward that, I can’t commikt to that –

Andy – unless I get hit by lighitneing, I have no intention of stopping what I am doing -

Yes – all . . .

Motion by Karyl to nominate Chan Rogers as PB Clerk, seconded by john d

Chan – I accept, I feel it is a demotion, I am aware of that – I thank you for any consideration – I do feel it is a demotion, but . . . it is not the first time I have created some acrimony on the board – I will proceed on my own agenda

Bob – I think everybody’s opinion is important – I like the board’s diversity – I think that is what makes this board as equitable as it is . .

Karyl – I think it is some time for some new blood – nice to have some fresh blood

All in favor – all yes . . .

Susy – next step is committee liaison assignments jwhile I am gong

7:25 pm – River Bend/Walnut Grove – Definitive Subdivison Plan

Susy – chan, andy and Karyl to vote on the subdivision decision

Rich cornetta – may 1 vs. mary 1

Also a discripenacy on deadline – on 5 years vs. 3 years . ..

Adam – I have copies of the exact decision you have with some redlines in it – I have

Chan – I don’t think the town is going to step in and perform the maangemetn if the developer fails to perform such – I just point this out – I don’t have a solution

Bob – haven’t we used in the past . . . the town would want to make sure there is no negative impoact to the town infrastructure and to that extent we would want to make sure there is sufficient obnd maintained –w e jkust went through that with John Claffey

Chan – I am looking –

Andy – digging down Mohawk – this is referring the bond and what the cost to complete is . .

Bob – I think this is an area where we need to consider more in the upcoming year . .

Andy – with more and more condos . .

Chan – if the devceloepr fials, somebody will tgake over in bankruptcy –

Andy – in that period of time, if there are units sold,

Bob – we need to have a sufficient obnd to cover theotwn’s needs –

Andy – I think this is all

Chan – I think counsel should review this . .

Adam – this is common language and used in decisions like this – it is not ideal I will agree – you are right it is a private development and in the vent a banruptcy it would not be thetootowns choice to use fuinds – whatever is left unfinished affects the town’s infrastructure – it may be necessary for the town to take certain steps in between – the town has the resources it would need to perform –

Susy – this simply enables us to be able to handle maintenance

Bob – we want to be able to handle the basic safety

Karyl – the PB

Adam – this is protecting the town so it doesn't have to take a leap of faith – provides the resources to perform any necessary measures – it doesn't bind the town to compel the development – what the town would do would be decided at that time – goal of town and applicant is not to go bankrupt – this is a protective provision

Susy – I think the language should not be changed – it is the same as was in the special permit

Susy – ask you to look at the project evaluation criteria on page 14 – you should vote on that before you vote on the whole certificate of action . .

Chan, karyl – all yes - on project evaluation criteria

Karyl, chan – all yes – on decision

Note to everybody re: 5/11/07 session in Westborough

Motion on PGC – bob, karyl – 3200 – contracted services – for Smart Growth

\$131.25 – PGC – zoning public hearing – general fund – consulting services – chan, karyl – all yes

8:00 p.m. –Public hearing for the proposed design review handbook/guidelines

Gary Jacob and Dan Hooper – from the Design Review committee

January 29, 2007 version –

Gary – Dan did a lot of the writing in the end – he took it and brought it together – I appreciate that on Dan's part

Andy – I think within our 43D grant application, we have included some monies to put some pictures and illustrations to go with this to help with the overall presentation

Dan – on the scale of overall completion – we are at 3.5 on a scale of 10 –

Gary – there is a lot more we can add depending on how far you want us to take it

Dan – illustratively is what I was referring to – it is void now – at some point, sooner rather than later – we will want to include some graphic elements

Andy – Paul Yorkis had asked that some type of illustrative aspects of the things that seem to be subjective be included at some point – I think it will be certainly helpful to provide

Andy – is there anything substantive that we should have in there before we adopt this – does it not include something major?

Gary – I think we covered – with use – I think the document has evolved – I don't think there are any major voids – I suppose we could try to do some more with low impact development with best management practices – there is a big learning curve there - there is a reference on the DRC's web pages to LID stuff – we could make some more references – a few typos can be readily fixed –

Bob – as soon as you start to use this you will find changes – periodically updated

Dan – editorial curve will be steep at first – you asked if anything is missing?- probably in the residential component of part 2 – we are starting to see more OSRD projects – we don't have too much there – the guidelines that I worked from – I grouped them for the now into a macro heading –

Gary – page 8 recommendation

Bob – I think it is tremendous – something that is needed – I anticipate that this will be one of the things that Susy will hand to them – hopefully, it will eliminate many questions

Gary – there is also a link on the drc web site to just the sign guidelines right now.

John – I think it does do an important thing – it replaces the first meeting with the drc –

Karyl – hopefully a time saver

Chan – I think it is a very important document for commercial and industrial development – I have no comment with any part of this applying to residential applications whatsoever –

Gary- we don't get much of anything for standard subdivisions -

Karyl - it is where it needs to be at this point – good point of departure

Paul Yorkis – I would like to read this into the record – addressed to the chairman – attach and make a part of the minutes.

1. add to responsibilities that drc shall not recommend specific professional consultants (architects, engineers, etc.) and product vendors
2. add sample drawings to the handbook to reflect the design criteria

table of contents page should be labeled as such – and assign page numbers

there are some inconsistencies between table of contents and actual sections – I think it would be good to – minor in substances but important to avoid confusion s

observation – I have serious concern – the guidelines as written for architectural features seem to imply that all residential subdivisions are subject to the review of the drc. The zoning bylaw and subdivision rules and regs do not give any authority on this for conventional subdivisions. I don't believe the Planning Board has that authority and therefore the drc does not.

karyl – I am not familiar with that element of the zoning bylaw, shame on me –

andy – what chan says frequently is that we cannot impose architectural standards – bob Speroni has told us how that we cannot interfere with the building code.

paul – there are different kinds of residential subdivisions – when the PB is acting as a special permit granting authority for osrds and as part of that review process, you look at architectural design of the residential structures

andy – let me ask you, where is it specifically that it is implied?

paul – in residential section of the guidelines . . . architectural features – seems to imply that all subdivisions will be reviewed by the drc

andy – where is it implying that all plans?

Paul – under heading of subdivisions and residential proposals – it doesn't say special permit proposals, or make reference to special permit – I am concerned when things are not clear –the more upfront I can be with this planning board to try and avoid differences of opinion

Kalryl – I think that is a good pint

Rachel Walsh, drc – the reason why I believe it is acceptable to put in those terms – the drc is an advisory committee – we only have an advisory capacity unless there is a special permit required – we would like to have any subdivision care and maybe take some of our constructive criticism – strictly up to the person whether they want to include – meant to be a helpful process of all

Andy – state on the front page of the document something like what Rachel was saying

Bob – this is a guidance set of documents - not a procedure- that the drc can use to communicate

Andy – if we were to state something right on the cover – these things apply under what circumstances - note that these are encouraged but not required

Paul – I would be concerned about the last statement – in the special permit granting authority which the pb has, the drc is a required step in that process – but separate from that, but by the nature of single family residential subdivisions, the PB and the applicant can seek assistance from the drc on the housing styles and types but in terms of the actual subdivision which are covered by the subdivision rules and regs, that is separate from this section – that is why I was calling this out – you ask the drc for input on landscaping and site issues on conventional subdivision –

Rachel – however, applicants only come in front of the drc once referred by the pb to us, if it is not a required aspect of a regular subdivision, they would not be referred to us

Bob – your charter says that anybody can ask for input

Gary – change the name to design review handbook!!

Paul – I would appreciate it if no one would interpret my comments that this is an inappropriate document –

Andy – we need to sharpen the tool for you

Paul – let me ask a question. if a conventional subdivision were to come before the PB, would the PB refer the subdivision to the drc? The point I am trying to make is that this board may refer a conventional subdivision to the drc for evaluation of certain proposals within that subdivisions, but not the dwellings – but these design guidelines do not clearly communicate that distinction . .

Bob – I think this will be a dynamic document for years to come . . there may be a retitling that may be done . . I am not sure what the answer is

John Spink – the only comment – in general practice in Massachusetts – a subdivision plan shows a foot print only for the house location – the building inspector looks at the structure –

Andy – we have a zoning bylaw re: retaining wall – it would get referred

Rachel – regular subdivisions are not the only thing that is not referred to the drc – to say conventional subdivisions are not subject to drc . . . say what is involved vs. what isn't not

Dan – I understand the authority aspect of the issue here – I think we are losing the fact that these are guidelines – if we can clarify in a disclaimer – don't be misguided that you are followed - you are not required – the PB may require compliance – this is meant to define a little bit what Medway is, and what it will look and function like . . I don't know – on that particular question – there may be a bit of a disclaimer that we can put in – something that we – all of this stuff is just a guideline –

Andy – maybe we can put in a disclaimer and draft something to give to paul

Dan – there is something to be done

Gary – lets clear up the table of contents, I have one bouncing around my brain right now – primarily used for these purposes . . .

Andy – after talking with you the other night, the state ethics commission has a complete document that covers all of these items, that addresses –

Susy – please don't limit this too much on product ideas

Andy – paul doesn't want us to be in the business of telling developer to use a specific product

Paul – I think the intent of having . . . if you have five different types of vinyl siding in terms of texture without specifying a specific product or manufacturer that would be fine – as soon as you start naming particular manufacturer, especially if you are naming only one . . I am very concerned about guiding applicants to one single supplier

Andy – I think we share your concern

Bob – point well taken

Chan – I would like to point out, Paul’s comments fit with my experience – 40 years ago on a planning board I served on a PB, we collaborated with PBs in surrounding towns, we found that this problem was not only insidious, several towns were sued because towns tried to make developers follow specific design guidelines - that is all I want to say

Karyl – it is nice that this pb does not do that

Andy – any more comments on the guidelines?

Karyl – I have a comment on this letter from Mr. Yorkis – it is probably my understanding that Mr. Yorkis had an experience with the drc involving myself – the assumption that anybody on the drc or the pb is going to recommend any individual is erroneous – it won’t be done – it is unethical – it has not happened and will not happen

karyl – it might be nice to include the design guidelines to note that the drc may be able to hire a consultant of our choosing to assist us in reviewing projects

Andy – he is not accusing anybody - he is concerned that this matter be addressed – whether the drc ever sees fit to hire an architect – I don’t know that that has any place in the guidelines

Gary – we could put in a statement – that the drc does not recommend any specific professional

Andy – I think that is what he is looking for.

Karyl – we encourage applicants to bring in their architect

Gary – another little change that we might want to make is to be more specific

Dan – I would be hesitant to add a negative overture to this – I would rather stay with the encouragement element – don’t mention what we don’t do – if it became an issue –

Susy – two different things – operating policies vs. design guidelines

Andy – why doesn’t someone make a motion - . .

Bob – let the drc make some of these initial modifications and come back to us. Then after that, an annual update

Karyl – this has already gone thru a lot of revisions. we have arrived at this plateau – this does represent a culmination of a lot of thoughts – this is a substantive product and it gives us some basis, and I don’t think there is an immense backdoor of modifications that are hammering to come to this

Dan - recommendation – since the changes as I am hearing them tonight seem to be minor in nature, if it is a two week, we can come back with changes that reflect tonight’s edits

Chan – that is sort of what I would like to do – important to get these implemented as soon as possible – I think you can take the account of what is heard tonight – you could come back

8:50 p.m. – Betania II flood plain proposal - not part of the ARCPUD public hearing

John spink
Rich coppa
Bill proia

Bill- thkas for making time to talk aobut his – we are tryingotfinish up our flood plain submittal so we can ask you to make ar eocmmendatin to the zba under the zoning bylaw to construct in the flood plain- we received vhb’s letter of nov4 – we responded

Paul- I received their revised submission this morning – still a couple of items – in the last review I was looking for ino on the railing, bridge parapet – still looking ofr info on status of chipstone sidewalk – still some issues – on page 7 of my letter and detail sheet #6 – The previous version of these plans had a different bridge parapet than this – I think there was some disucsn with the drc – so I wanst’s ure of thw qatustsu – thisis what these plans show – relative to the culverts themesleves –

John – we worked out ad esignwith the drc

Paul – wooden guard rail extends past the curb line – one issue is you are losing your 22 foot clearance –

John – what we are here for tonight is to talk about making a reocmendaiton to the zba for their jurisdicaton to allow the bridge intheflood plain – all the items you are bringing up are more pB issues – not really in the scope of what the zba needs to decide – their jurisidlatoin of

Andy – aren’t they looking for a reocmmendatin from us that the construction is OK

John – they are only looking

Bill – will the proposed project alter the flood plain

Pual – this issue relates t owhat the width would be – to maintain the 22 feet, it would have to be 25.5 rather than 25 – it is a detail, but it effects whether there is guardrails being used – there are no dimensions shownon this plan – it looks like it oculd effect the sidth - \

Paul – there is no railing proposed, if you look at page 8, the queston is whether this will be handicap accessible? They state they wil meet with the diaciblity comjmisosn – depneidng on how the obard wants to handle it – that could be a conditions –

Paul – it appears the plans have been inconsistently revised – I realize there wasn’t a lot of time to fix things

Paul – looks like they propose not ot have steps – need more details to show how oit would be accomplished – that is the other comment I have

Bob – what criteria does the PB use to make its recommendation?

Susy - the bylaw does not provide any guidance to us on that matter

Bob - I need to take a look at the plans myself

Karyl – paul has told us there are elements within the plan that are inconsistent – width would effect the flow of the river . .

Bill – we are just here to keep this moving forward – what is missing

Bob – we need time to look at the drawings

John – as a general comment, it seems like anytime we meet, that there are 2-3 little details that you ask us to postpone – let’s have all of the details addressed and not sidetrack and say it doesn’t apply – these things could effect the flow of water –

Karyl – they are thinking what do we think about the width of the road? Then where are we going to put the structure of the guardrail? That changes things

Bob – give us something we can look at and study first – to me, the letter I get at a meeting does not provide adequate review for this board to make a decision

Chan – I see an elevation here for the bridge, but I don’t see where the footbridge fits in and the plan doesn

Bill – this was worthwhile –

John – we have gone to the DRC and gotten this basic view structure solidified with the stone wall and railing and that runs – bridge is actually 32 feet – the culvert is in the riverfront zone

John – we have gone to the building inspector with the question whether there has to be have to have pedestrian fencing on the side of the roadway - NO, unless there is a pedestrian walkway on it per mass highway standards

Bill – this part of it is perfectly in the PB’s jurisdiction of the arcuad special permit – which pieces of this could effect the PB’s recommendation to the ZBA on the flood plain

Chan – does the design work

John – that is settled

Paul – yes – but what is going to happen with the pedestrian component – you don’t have the details resolved about how you are going to attach it to the structure or cantilevered off of it – that is how it relates to the pedestrian bridge-

Karyl – is it the PB’s responsibility to waive the width of the crossing of the road . .

John – currently the design is for a 22 foot wide roadway – face of curb to face of curb -

Andy – is the roadway going to get wider to accommodate the 22 feet between guardrail

John – I say no, it will fit within

Paul – that detail needs to be corrected and the dimensions need to be shown

Andy – I am hearing there is not adequate detail showing how the sidewalk will be supported – Paul is saying it is not addressed in the drawings

Karyl – I am still grey and fuzzy on the 22 feet

Andy – they will make the guardrails narrower

Bill – the width of the culverts are already 25 feet and we have submitted data on that basis – we need to show Paul that we are not encroaching on the 22 feet

Paul – do you want to use wood for that beam – what size – you may have to back in with steel – there are no dimensions on there – that needs to get resolved – it could potentially effect the width – they need to detail how the pedestrian bridge will be cantilevered off the bridge

Chan – who set the 22 foot limit of the culvert

John – that was agreed to over time

Chan – wasn't that implied that you had to have 22 feet for the roadway width?

Bill- yes

Chan – I am trying to satisfy the point that Bob made that there are insufficient plans – where is the pedestrian bridge on

Andy – do you think on June 12 we can deal with this?

Karyl – getting back to the issue, do we recommend that it would not affect the flood plain – can they prove the new design for the pedestrian bridge

Andy – they are saying that the structural soundness is up for the building inspector

Bob – in the absence of any guidance from the Zoning bylaw on how to review, the gates are wide open

Bill - splitting hair here – I think there has to be something submitted that gives you some kind of comfort but more detail and consistent with what has been submitted so far – you want to see it is a reasonable design that it can work without having an impact on the flood plain – is that fair?

Andy – the issues that are governed by the building inspector – just highlight the section that pertains to the building code –

Bob – I will do my own review once I see the drawings

Karyl – in our minds, whatever level of comfort – you have to get pedestrians across there someone – if it works, and we deem it to be structurally sound, I don't see how the bridge would be a negative impact on the flood plain

Bill- the recommendation can be however qualified the board wants it to be in effect – there will be some assumptions made – how many are you willing to make- based on this design and this proposal, we don't believe it will have an impact but these are our questions and concerns

Chan – I am still trying to get a basic understanding of the basic design . . . of this bridge . . . you can't tell where the pedestrian bridge is . . . I agree the plans are not complete as Bob said.

Andy – Chan, what info do you need to give the ZBA a recommendation

Chan – this system is not a very efficient method for doing what you want to do . . . I think the VHB folks would have to have that info

Bill – they have that piece of it

Paul – we have reviewed that – the thing that is missing is that you haven't shown it is constructable – showing parts of this doesn't give the PB enough information –

Andy – you have done the math

Paul – we have reviewed

Chan – I think the concept will work, but the details aren't there to approve it . . . – the waterway opening is a critical component of whether it is feasible

Andy – can we count on the fact that you will address this on June 12?

Paul – you need to detail the railing and the pedestrian bridge

Bob – convince me you can build it

Diane Maxwell – on page 7 on VHB letter – have they addressed something specific?

Paul – we have addressed the hydrology matter . . .

Bob – why was this even on the agenda? I haven't reviewed it

Chan – I think we need to have some sort of policy as to what we as members are going to review – or are we going to depend on VHB? The board needs to deal with Bob's concern

Andy- you are just sick of having your time wasted

Bob – absolutely . . . without having a chance to look at drawings ahead of time – without having a chance to review - I don't intend to reengineer or reperform Paul's review, as far as I am concerned there is nothing wrong with another set of eyes taking a look at issues - Paul might miss something . . . I am not expecting Paul to address everything – some of the finer or aesthetic details he is not going to focus on – I would expect VHB to address ADA issues.

Andy – as a policy matter, we should decide on very definitive time lines –

Karyl – it is an issue for the DRC too

Chan – I don't want to spend my time doing vhb's job – I feel it was proper for VHB to handle it this way – but if 2-3 board members aren't comfortable with that, we have to do what a majority wants to do – they didn't have a finished plan

John – I think bob likes to look at the plans – I don't – I am like you I count on VHB – I want them to address the issues the VHB has identified – plans are in a constant state of flux –

Paul – these are the comments on the plans they gave me this morning –

Karyl – right now, none of us has any of the details

Chan – the applicant has done a very poor job of processing what they want to do – that complicates my desire to streamline –

Andy – they are employing a design build process concurrent with their applications – they are designing as this application process is going – they are constantly temperature checking what vhb wants and what the PB wants – this bridge thing is at least one year ago . . .

Andy – before we put them on the agenda, we have an opportunity to make sure to have the plans in hand so we can review them ourselves

Jim Williamson – Barberry Homes

We got Susy's draft, I reviewed it with our attorney; she edited it and susy has reviewed her edits – it still isn't done – we are coming in for may 17th – we would like to address any issues

Done . . . for now . . .

Reports -

Andy met with mark cerel on the warrant articles – what we have done is grouped them in like batches so we are discussing them together - . . .

Swenson Granite site plan

Gino – really close – remember they said they would do plantings between the detention basin and the street – they show only part – similarly the 10 foot landscaping buffer around the perimeter – they show only a few plantings in the front – no indication on the rest of it for the perimeter the issue on the handicap parking spaces – they don't specifically say what they are going to do – I didn't see anything - they did provide a letter about inspecting the detention pond – nothing confirmed that it was cleaned but the report said it was cleaned –

Andy – it is disappointing to see that they haven't really addressed some of the issues from the original plan –

Gino to handle the issues such that he can bring it back for endorsement - with rick merrikin - . . .
. . .

Chan – BSCE is having a technical discussin of expedited permitting program – I will attend – ACEC had a discussion on the proposed community planning act and its impact on housing costs and they decided not to take any position because their clients are private developers – they are letting their business side take over their professional engineering perspectives

Andy – positive note – we received draft report on mill reuse and TND proposals

Gino – I spoke with john greene today, new owner – he wants to add some parking near Lincoln street and convert some tohosuing – he is very interested in this mill overlay district

Andy – should we do this as a 40R

Gino – we are alsolooking at this as a 40’’R – I need some info from him as to how much housing would go on this site – it would have to be 20 units an acre for multifamily for 40R – originally he weanted to add a new building to the back of the site – but when I talked to him this morning, he feels there is a third floor of the mill where he could put in some studios and one bedroom aparment s- set up something with him for Tuesday, May 15th –

John – some talk on 2B oak street to reopen an entrance to Main Street across from the Mill.

Motion to adjourn – karyl -= bob – 11:30 pm

Chan – midway rep to MAPC is open – appointed by the BOS –
