

Medway Planning Board Meeting October 14, 2008

PRESENT: Bob Tucker, Chan Rogers, Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay
Gay, John Williams

ALSO PRESENT: Susy Affleck-Childs Planning Board Assistant
Mark Louro, VHB, Inc.
Gino Carlucci, PGC Associates

Chairman Rodenhiser called the meeting to order at 6:47 pm

Citizen Comments – None

Speroni Acres Subdivision

Lou Caccavaro, attorney for Owen Sullivan
Owen Sullivan, developer

Lou Caccavaro – I am the attorney for Owen Sullivan. Thank you for having us. Mr. Sullivan came to me about a year ago and asked for assistance in getting his performance bond released. What I thought best to do was to send a statutory notice to the town asking for you to tell us why you think we are not ready. Since then, we have had a number of exchanges as to what the issues are to satisfy you to release the bond and street acceptance. I think I sent correspondence to Susy Affleck-Childs back in February.

Susy Affleck-Childs – I had understood that you wanted to speak with the PLANNING BOARD about the recent construction inspection invoice that I had sent to you.

Andy Rodenhiser – There is a letter from you dated September 16th asking to meet with the board about the invoice. What is it that you take umbrage with?

Lou Caccavaro – What is left to be done is a review of the drainage study and plans by your engineer. That should only be a few hours. And for town counsel to review documents. Do you want to confine our discussion to just the monetary questions? I was hoping to take a global view of the project.

Bob Tucker – If we start on the monetary, it will get back to the global status.

Andy Rodenhiser – The concern of the Planning Board is that there needs to be at least \$3,000 maintained in the account.

Mark Louro – Typically we prepare an estimate of my understanding of the work that needs to be done. We also consider the history of work to be done. If there is a scope issue that you feel doesn't apply, I would be glad to adjust it.

Lou Caccavaro – My hope was to come in and talk about the issues globally. This has been pending for 10 years. I want to find a non controversial way to deal with this.

Andy Rodenhiser – There has been plenty of correspondence with the town. The Town has to put forth the money to pay the consultants. This is a rule that is being applicable to all subdivisions.

Lou Caccavaro – Are the issues appropriate (to the amount invoiced)? We respectfully suggest not. The only thing that is left is for the engineer to look at the report. All these things that are in the invoice, I don't know why. I don't know why this is an adversarial relationship.

Andy Rodenhiser – This is 10 years old and it is not done.

Susy Affleck-Childs– Mr. Sullivan's record on paying bills is not stellar.

Andy Rodenhiser – You characterize that this is adversarial thing when in the first instance tonight, you said you made the application under provisions of state law.

Susy Affleck-Childs – Mark has indicated we could eliminate the bond estimate and inspection as long as Mr. Sullivan does not want a bond reduction.

Lou Caccavaro – I did under state law what I am required to do.

Susy Affleck-Childs – He is correct. It is just that that process is not what this board is used to. WE have been thru this a lot with other attorneys.

Lou Caccavaro – I apologize for my predecessors. My hope is to come in and extend to you our offer to do what you want us to do. We will pay the appropriate costs.

Bob Tucker – We could take out \$1035 of the invoice for a bond reduction. I don't see any other wiggle room.

Andy Rodenhiser – Is your client amiable to reducing the amount by \$1,035?

Lou Caccavaro – I would like to discuss with him tomorrow and then register our decision. We will correspond tomorrow with you.

Request for Bond Reduction – Ishmael Coffee Estates

Paul Yorkis, representing Granite Estates, Inc.

Mark Louro – The only outstanding issue is related to Parcel A.

Andy Rodenhiser – Paul and I had a conversation. He was upset with the outcome of how to handle Parcel A. There are endorsed plans that show Parcel A as an open space parcel. The subdivision decision said Parcel A was not to be open space. One idea is for Parcel A to be included as part of the roadway layout so it is not a stray piece of land but then it would need bounds located and legal descriptions changes.

Paul Yorkis – The applicant doesn't care what happens to the parcel but it has financial impact on the applicant. If it is to become part of the roadway layout, new bounds have to be installed and now you are escalating a cost and there is not a lot of free cash floating around.

Karyl Spiller-Walsh – What was the intent for Parcel A?

Mark Louro – Initially parcel A was going to be conveyed to the adjacent property owner (Mrs. Bates). But that would make her lot not conform to current zoning so we didn't want to do that.

Paul Yorkis – Are the bounds required?

Marks – A bound is required at all curvature points.

Bob Tucker – They would have to be there.

Mark Louro – There is only one bound now. IF Parcel A is made part of the roadway layout, they would have to install 3 bounds and the plans would need to be revised and the legal description changed.

Andy Rodenhiser – Could we accept a waiver on this requirement?

Bob Tucker – Who owns parcel A?

Paul Yorkis – Granite Estates Inc. We are trying to be responsible and at the same time, it is expensive what we are being asked to do.

Gino Carlucci – Why not have the Town accept it as just a parcel of land, not as “open space”?

Paul Yorkis – ConCom does have responsibility for some open space but not all open space.

Andy Rodenhiser – Could we recommend that parcel A be owned by the town just as land, not as open space?

Chan Rogers – I recommend we accept parcel A as property, but not as “official open space”

Bob Tucker – Is everything done?

Paul Yorkis – We are gathering letters from town boards/departments.

Mark Louro – How do we want this to show on the as-built/street acceptance plan?

Susy Affleck-Childs – Parcel A is not to be designated as open space parcel.

Mark Louro – I have also asked them to show all the easements on the as-built plan. There is plenty of room. I think there was a concern that there wasn't enough room. All street acceptance plans should show the easement lines. They need to be defined.

A motion was made by Bob Tucker, seconded by Chan Rogers to reduce the Ishmael Coffee Estates subdivision bond to \$40,000. Unanimously approved.

Andy Rodenhiser – Are you resolving issues with ConCom on Parcel D?

Paul Yorkis – That is in progress. We are trying to please all boards in the community.

Public Hearing – Site Plan Modification – The Little Gym, 74 Main Street

Arthur Gould – NACOB KNOLL Realty Trust, property owner
Jeff Harrington – The Little Gym

NOTE – Attach public hearing notice.

Andy Rodenhiser – I call the public hearing open on the Little Gym site plan modification. Does anybody have any questions? Has the DRC commented?

Susy Affleck-Childs – The DRC met with them, but we have not yet received the DRC's letter of recommendation.

Karyl Spiller-Walsh – The DRC had made some comments before in June 2007 (based on an informal discussion at that time). Mr. Gould is happy with the design using the dormered peaks. There were some comments on the concrete wall and wanting them to make it into something or face it or do some plantings.

Arthur Gould – We believe the plans as drawn will enhance the center itself and make it prettier.

Andy Rodenhiser – Gino Carlucci and I met with the Goulds about the overall CI plan and there is some receptiveness on their part. There is a lot of positive stuff happening and they are amiable to the idea of a cut thru road to connect out to the bank's property and out to Holliston Street.

Gino Carlucci – I faxed my review letter to the Goulds.

Karyl Spiller-Walsh – Are you proposing additional signage?

Arthur Gould – No. I think that sign will stay as is. We wish it would be more visible.

Jeff Harrington – Nothing is to be done on the gable end.

Arthur Gould – We are looking into some other avenues for the concrete wall - removal, veneer or do nothing. It is under advisement.

Karyl Spiller-Walsh – That is an opportunity there. It would look a lot better.

Arthur Gould – When the solarium was new, it looked good. But it has become hot in summer, cold in winter, and leaks all the time. Each year it becomes more offensive in appearance.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to approve the plan as submitted. Unanimous approval.

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Approved 10-28-2008

Bob Tucker – When do you expect to build?

Jeff Harrington – I want to pull permits before Christmas. When can this be filed?

Susy Affleck-Childs – You could vote on written decision at the next meeting – October 28th; I could file it the next day then there is a 20 day appeal period before we can endorse plans.

It was agreed to hold a special meeting on October 21 to vote and approve a decision.

Jeff Harrington – I have waited a long time here.

Andy Rodenhiser – We are trying to smooth out the process and to have a single point of contact to go thru. We are in that process now. There are still some modifications that need to be made to Susy's position. Once those changes occur, it was intended to eliminate some of the cracks that people fell into. Please accept my apologies for whatever discomfort this caused you. We are trying to make the process better.

A motion was made by Chan Rogers, seconded by Bob Tucker to close the public hearing. Unanimously approved.

Susy Affleck-Childs – By having an extra meeting on October 21st, I can file the decision on October 22.

Tom Gay – This doesn't change the roads; there is not a change in footprint, or square footage. This seems like an awful lot of process to make a minor change.

Bob Tucker – We had another example Verizon to just change a door.

Karyl Spiller-Walsh – We did spend a lot of time in the informal discussion (June 2007). We talked about the façade and what it could be. We thought it was an opportunity as it faces the street. They came up with a simple solution, not offensive.

Other Business

Roadway Layout Recommendations

Susy Affleck-Childs – I recommend the Planning Board approve laying out the roads for Freedom Trail and Ishmael Coffee Estates as shown on the recent as-built/street acceptance and recommend such to the Board of Selectmen.

A motion was made by Bob Tucker, seconded by Chan Rogers recommend roadway layout for Freedom Trail and Independence Lane. Unanimously approved.

Commercial District I – Training Re: 40R

Andy Rodenhiser – We had talked about doing a workshop for DRC/PB/Bottle Cap Task Force – a day long workshop on a Saturday to teach us about 40R/S and form based code so we can be more informed.

Susy Affleck-Childs – I have a proposal from Concord Square Development to conduct such a workshop for around \$8,500.

Karyl Spiller-Walsh – We need to learn about what it is, does, and then the PLANNING BOARD can move forward.

Bob Tucker – Susy did tell us there is a lot of info on the internet. There is a plethora of information.

Susy Affleck-Childs – I would want you to do some reading before the workshop.

Andy Rodenhiser – We can them to provide us with a suggested list of reading.

Bob Tucker - Do we need to get bids?

Gino Carlucci – Under \$5,000 you can use your own judgment.

Karyl Spiller-Walsh - Who is this firm (Concord Square Development)?

Andy Rodenhiser – I have seen Angus Jennings at CPTC workshops. They have helped towns put together 40R districts. They will do the workshop for less than their cost. They would hope to curry favor with us to be the front runner in the future.

Bob Tucker – We would be foolish not to do it.

Karyl Spiller-Walsh – We need to get the knowledge.

Susy Affleck-Childs – I recommend we direct \$1,000 for the workshop - \$500 from our general fund contracted services and \$500 from Priority Development Fund grant for the Medway Town Center overlay.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to approve spending \$1,000 for the workshop. Unanimously approved.

Community Preservation Committee Report

Bob Tucker – The CPC discussed 9 Walker Street as a possible site for AH. We need to go take a look at it.

Susy Affleck-Childs – The Affordable Housing Committee made simple request to CPC for \$500 for title work on the property, hopefully to verify that the Town owns it.

Bob Tucker – The committee is looking at whether it is a buildable lot.

Public Hearing – Zoning Bylaw Amendments

The public hearing was opened at 8:02 pm.

Karen Johnson, Charter Realty and Development – We are developers of Medway Commons. I am here to discuss Article 20. Susy Affleck-Childs was kind enough to send us the proposed district change (from Commercial VI to Commercial I). The area is essentially Medway Commons and 3 small parcels at the corner of Main and Holliston. First, I just have a question. Why is this being proposed for a change?

Andy Rodenhiser – It was our intention to clean up what was disparate and no apparent reason to have varied zoning districts. We want to make it easier to develop.

Tom Gay – It seemingly made no sense to have varied commercial districts.

Karen Johnson – We would like to give you our perspective. I applaud your efforts. You have made a tremendous amount of progress in the past few years with process improvements. My only reservation is how this may have a detrimental effect on Medway Commons. What we have right now is a site plan approval and we have gone thru 3-4 different iterations (modifications) of your bylaw. We have built out our property under that site plan approval. By making these changes, it creates nonconforming conditions for us on the property. Specifically, even though a “shopping center” was added several years ago to be allowed as a special permit, we were approved before that. The new commercial designation provides for drive thrus as a special permit. Now our two drive-thrus become pre-existing nonconforming uses. However, there are things that happen over time, when you lease a property for awhile. When you go to refinance, you have to redo a zoning analysis. This change creates another level of uncertainty for us. I think my primary concern here is that we were not made aware of the changes in the Commercial I zone that you sponsored last spring and now you want to apply them to our property. We oppose the wholesale change from Commercial VI to Commercial I but we like some of the provisions you have done - positive changes with the parking standards. We didn't have any opportunity to comment on the changes during the spring. So do we support the change in designation? No, we do not support the change because we didn't have the opportunity to comment on the new Commercial I provisions.

Andy Rodenhiser – What do you find problematic?

Karen Johnson – The drive thru issue. Whenever you deal with a special permit, it is a whole different dynamic. The other issue is that you have a PLANNING BOARD process for site plan approval but then a special permit process with the ZBA. I would suggest that you have the special permit authority rest with the PLANNING BOARD. You make the use operational with site plan standards. It is also hard to take a use that was accessory and now make it a special permit. What are the criteria for a special permit review for drive thrus? Some towns have strong concerns about stacking distances, the location of menu boards, stacking lanes, etc. In some cases, you may have drive thrus that are not covered by a DRC review and you need to deal with noise, etc. In terms of how it effects us. The changes made certain things we have today nonconforming. That creates problems for us down the road. I understand the desire, but what do you really gain by changing it?

Andy Rodenhiser - Uniformity and ease. I don't think we want to do it at the expense of a hardship on you guys, but at the same time, is the greater good being served.

Karen Johnson – In the Commercial VI district right now, you have a 50 foot buffer requirement along the southern perimeter. You would lose that provision with the new Commercial I. I understand the desire to clean up, but you need to take a closer look at this. However, we thought some of the newer allowed uses were a benefit.

Karyl Spiller-Walsh – As future potential development concepts, did you find the setbacks for the corner properties OK?

Karen Johnson – Our only interest in those parcels at the corner would be to add to them to our site.

Karyl Spiller-Walsh – One of the things we haven't flushed out completely is that we have a new regulation about building height, to allow 60 feet to encourage architectural variety. Could that mean that those 3 buildings on the corner could go that high?

Tom Gay – The 60 feet height still has to meet lot coverage requirements.

Andy Rodenhiser – I happen to agree with you about drive thru special permits. It would be better to link them to PLANNING BOARD review.

Tom Gay - We are playing advantages and disadvantages. We like the better parking and more occupancy. If the process can improve at the next iteration that would still give some consistency throughout.

Karen Johnson – We weren't part of that earlier process of discussing the new Commercial I. We are not in favor of changing the district. Is it really a consistent commercial district throughout? There is less depth on the commercial district on the west side of Holliston Street vs. the east side. The Commercial VI district as it exists today is very different. We do have more depth here. The character of the development is distinctly different. Sometimes uniformity makes sense when you have similar areas. But in the older commercial district you have older developments and more nonconformity. You may want to provide incentives to upgrade the Commercial I.

Andy Rodenhiser – The zoning that this board proposes is to try to move a vision forward and the fact that these are small parcels doesn't mean that somebody won't buy up the corner. We don't want to be the stopping board; we want to be the economic development board.

Karen Johnson – You may want to do different things in different area. We just don't want change. For us, any change that is perceived to take away or change our rights is seen as problematic.

Karyl Spiller-Walsh – It creates a hardship for you?

Karen Johnson – It creates difficulties and inconsistencies for us. It creates problems for us if we had to go to refinance or sell our lease. If you had to look at it and pull back, why really have one uniform district when you have distinctly different types of development?

Andy Rodenhiser – Say it is 6 months from now and town meeting time. The area is now Commercial I. What would you say to us about how Commercial I should be fixed?

Karen Johnson – Now you have a site plan process with design review. When you take a completely separate process with the ZBA for a special permit, you lose out when the special permit and the site plan are not connected. The ZBA is not part of the site plan discussions. I would suggest you keep it as a separate district. The benefits we see in the new Commercial I are the parking and broader uses.

Susy Affleck-Childs– I think Karen is saying they would like to see Commercial VI tweaked a bit, especially for parking.

Karen Johnson – You might want to have a standard that all drive thrus need to have special permit and then establish drive-thru special permit standards.

Karen Johnson – Special permits are recorded. It creates clarity and certainty and that is what you want.

Andy Rodenhiser – I believe Joe Musmanno feels that applicants prefer a disinterested third party to issue the special permits and that it isn't good to combine special permits with site plan review.

Karen Johnson – The best comparison is where you were 3-4 years ago. We spent so many months going over site plan issues with you and then it went to the BOS (for the final decision). So much is lost between the 2 boards. You are supposed to be looking at a use thru the special permit process but you cannot take land use and separate it essentially from performance standards as well. I just wanted you to understand where we are coming from.

Susy Affleck-Childs – Are you communicating directly with the Cassidy family about this matter?

Karen Johnson – We have not yet.

Chan Rogers – Who do you represent??

Karen Johnson – There is an underlying fee owner (Hidden Acres Trust/Cassidies). We have a long term ground lease for 20 acres. We are the landlord.

Karyl Spiller-Walsh – I appreciate your insight and clarity.

Karen Johnson – I can put it in a letter for you if you want.

Chan Rogers – I would like to point out that the solution may not have to be achieved before we pass this at town meeting (11/10/08). There is plenty of opportunity to refine what we have done, assuming it passes.

Karen Johnson – I will only say, I don't think this is accomplishing what you are trying to accomplish. By passing it, you are pushing at the edges. From our perspective, it does create

problems for us. We would be glad to help you rewrite commercial VI or to tweak Commercial I.

Chan Rogers – I feel you have made a good point that we need to make some changes. I would like to do that after town meeting. I don't feel it is a fatal flaw in what we are trying to do. I feel that would be backing off our initiative to postpone this.

Karen Johnson – Once it does pass, what momentum will there be to fix things for spring town meeting?

Chan Rogers – I feel we can make adjustments later.

Tom Gay – I think the momentum is there. We went this far to clean up fragmentation and then we can address new items next time.

Karen Johnson – My only comment is do you really feel from a planning perspective that what you have on the west and east side of Holliston Streets really uniform? It is newer (on the east side). There may be things you would want to do in Commercial I. How do you encourage owners to make some improvements without having to comply with current standards if something was built new?

Susy Affleck-Childs – That is what the proposed town center overlay is all about.

Andy Rodenhiser – Does the board have any other questions?

Karyl Spiller-Walsh – I think the board has to consider in recommending this change what we have to gain with what she says she will lose.

Chan Rogers – I feel a temporary interruption with this would set us back. I feel that your issues are minor compared to what we are trying to achieve.

Karen Johnson – I understand your perspective. It is only our property and 3 other very small parcels. I am not seeing what you gain in the short term by making this change.

Chan Rogers – I don't see a change that can be tweaked at this point.

Andy Rodenhiser – Could you give us a bullet list of negatives and then a separate list, if you are to be in Commercial I, what would you want to see? We appreciate your input and coming out here tonight.

Andy Rodenhiser – We will pause the public hearing at this time. There is no one else to comment. We will return to it after we finish up some other business.

NOTE - 8:45 pm – The tape stopped recording.

Country View Estates/Broad Acres Estates – Status Report of Road Conveyances

Mary Lou Whelan
Ted Cannon, attorney

Mary Lou Whelan - Out of the 24 parcels (on Stable Way) we have 22 deeds (to convey part of land back to Greg for the road). Diane Borgatti has not yet given her deed. She feels she is losing frontage, she wants confirmation from Barbara Saint Andre (Town Counsel) that she is not. Diane won't give it to me. Everyone else has signed. I just realized that 34 Stable Way is an empty lot owned by the Bullards. I will need to contact them.

Re: Ken McKay's lot (Broad Acres Farm Road). To the right of the sewer easement is a pedestrian. It cannot really go down the centerline of the sewer easement. The actual pedestrian walkway is closer to the driveway and not actually in sewer easement.

Andy Rodenhiser – This easement does not really yet exist. It hasn't been recorded yet. There is a 36 inch wide walkway that Ken wants to control. He makes a lot of good points.

Ted Cannon – I spoke to Ken McKay as well. He likes what is there on the ground now. He can live with it. He doesn't want it expanded or paved.

Andy Rodenhiser – What is on the ground now is outside this easement. Also, the decision needs to be reflected upon. Ken McKay thinks the town will come in and make it big and pave it

Karyl Spiller-Walsh – This path is a preexisting pathway. The kids use it to cut thru (between neighborhoods).

Chan Rogers – The PLANNING BOARD can sign the plan and that could be recorded.

Andy Rodenhiser - The (actual) path does not follow the plan.

Bob Tucker – I hear another issue that the easement may not even (officially) exist.

Andy Rodenhiser – Ken wants to work with you guys to resolve this.

Ted Cannon – I will address that with Ken and work this out.

Andy Rodenhiser – Ken could be an obstacle to you with getting the easement. All we care about is enforcing what is shown on the plan.

Ted Cannon - Other than the Borgatti deed and the other deed as well as the drainage easements we have to finalize, we are done. We would like to ask the board to consider a bond reduction. There is a total of \$75,000 being held. Approximately \$35,000 was held because of the litigation with the Streifers. That has come to an end. We would request a bond reduction in that amount.

Marylou Whelan – We spent the money to do the work on the Streifers property. We have a letter from a lawyer in Boston. The statute of limitations has expired. There was no settlement.

NOTE – It was agreed to put this matter on the agenda for the next meeting on October 28, 2008. The attorney's letter will be forwarded to Town Counsel.

Bob Tucker – We need to know that the lawsuit is concluded one way or another.

Ted Cannon – We will give you the letter for town counsel. But we will not get anything from Mrs. Streifers attorney.

4 Main Street Site Plan – Phase 2

Bob Potheau, owner/developer

Bob Tucker – I did visit the site and discuss the project with Bob Potheau. I do have some photographs that I took here courtesy of my cell phone. There are some changes that took place that are different than the approved site plan. Just a summary of those items – in front of the building itself, the elevations were raised approximately 2 feet. To accommodate that, they increased the height of the retaining wall by approximately 2 feet.

Bob Potheau – I believe the site plan that you signed off on is the same height.

Bob Tucker – He did add a retaining wall at the west end of the building to account for different heights in the parking area. I don't see any issues with that. As a result of increasing the height of the parking area in front of the building, there are some changes that occurred. A set of stairs was removed (not constructed) as they were not needed. Wheelchair accessibility was also modified to account for the change in elevations. On the original (approved) drawings, there was a set of stairs that went from the east end of the parking lot to the Route 109 side walk. Those stairs were deleted. We did talk about the retaining wall design. Bob Potheau had indicated that he did submit to the building inspector a revision to the retaining wall design to address additional reinforcing that would be required. I did look at the fencing that runs along the top of the retaining wall along the east side out to Route 109. It does wrap around. It is approximately 4 feet or less at the end of the drop off.

Bob Potheau – Everything was done to the building code.

Bob Tucker – With the finishes, it is evident there is a change on the front façade. In my own opinion, it is better. In lieu of using metal on the upper half (of the façade), he went with brick from floor to ceiling.

Andy Rodenhiser – I thought the whole reason we couldn't talk about the façade was because it was prefabricated and that was the way it came.

Bob Tucker – The question I had is why these changes didn't come back to us for approval along the way. When I asked Bob Potheau, he indicated he wasn't directed by the Building Inspector to come back to us for approval of changes. So there are changes from the original design that had been approved. His drainage system is in and installed pretty much to plan with the exception of some rim elevations.

Susy Affleck-Childs – Plus there is the sign off from Rick Merrikin, engineer.

Bob Tucker – So I will do a write up on this.

Susy Affleck-Childs – Our focus tonight is just on phase II completion and the as built plans.

Bob Potheau – When I came before this board to talk about the façade, we talked about the short wall. The board asked me to make that wall with the same stone that is facing the street. With the façade, we ordered the expanded metal and got a sample and we put it up and it looked like a hacked up piece of tin. It looked like pieces of patches. We decided to go with the brick. It was more expensive to continue the brick, but it is certainly more attractive than patches of tin.

Andy Rodenhiser – Is it prefabricated?

Bob Tucker – It is assembled on site. The size of the metal panels was not friendly with layout of the windows.

Tom Gay – It is a system that is made to go together.

Bob Potheau – I stopped the tin in shipment because it was so bad.

Andy Rodenhiser – How come you didn't inform the board?

Bob Potheau – It would have stopped the process. I am fraught with abuse here. Do you prefer the tin or the brick? Every time I come in here I am treated like a criminal. Coming back in would have put the project off. I could understand your displeasure if I went from brick to tin. I have guys working there everyday. It was an on-site change. There are certain things that have to be done (in the field).

Andy Rodenhiser – My point is that there is a process here and you are not done yet with the development. There hasn't exactly been a full exposure and it causes problems.

Bob Potheau – I believe that certain things become minor changes. We didn't do a structural change; everything is as per the blueprint. If I couldn't have come to the process, this is a change after I ordered the material. We started to put it (tin) up and it looked terrible. The brick is on the brick is on the plan (for the lower level).

Andy Rodenhiser – I am just asking you to respect the process.

Chan Rogers – Just stop it the two of you.

Andy Rodenhiser – Bob Tucker, where would you like to go with this?

Bob Tucker - Maybe we need to fine-tune some of our regulations. I wouldn't disagree with some of the things Mr. Potheau has done. If you have to go back to the building inspector for a revision, he does do a pretty good job of kicking things back to us for concurrence. In this case, it would not have had to go back to the building inspector for a change from the metal to the brick.

Andy Rodenhiser – When you add a wall or take away the stairs, then you have to go back to the building inspector.

Bob Potheau – I am not sure if the height of the retaining wall is 4 feet or less. I don't know.

Bob Tucker – You raised the ground 2 feet; you had to raise the retaining wall as well.

Bob Potheau – When we met last time, we did not really have a discussion on the sign plan. I was told we would do that.

Andy Rodenhiser – I hold you to a standard.

Susy Affleck-Childs – I need to clarify something from the last meeting. I was mistaken re: October 21st being the completion date for the façade work. I went back thru all the decisions and that date only applied to the Phase 2 site work.

Andy Rodenhiser - Phase 2 is done when the façade work is done, site improvements are completed and there is a master signage plan. Are you comfortable moving ahead with the master signage plan without having addressed your plans for Phase 3?

Chan Rogers – I am.

Tom Gay – I am.

Karyl Spiller-Walsh – I am.

Bob Tucker – I would say yes, if we can help push things along.

Andy Rodenhiser – Without knowing what the deal is with phase 3, I don't see how we can look at signage for the whole area.

Bob Potheau – I agree with that.

Chan Rogers – The master signage plan was reviewed (by the DRC) and they took a position on it.

Karyl Spiller-Walsh – Te took into consideration that phase 3 is not done. It is an integral part of the whole site. What happens to your entire master signage plan if he razes that building which he promises to do? That would be a great spot for a development sign.

Bob Potheau – When this started before the DRC, my memory of that is that we didn't talk directly about razing the Phase 3 building (in the middle of the site). We didn't talk about that until about a year ago. But the total site plan that we talked about for phase 3 was to keep the building, do a new roof and use a stone look. I have the right to keep the building there. I would like to take a hard look of what happens for safety with signs.

Bob Potheau - There is no timetable for phase III. On October 28th I would like a discussion about phase 3 but I will not have a specific proposal. We always told the board it would be last piece.

Susy Affleck-Childs – That phase 3 area (in the middle) is really 2 buildings. When he talks about tearing that down, it is just one of the 2 buildings, not both of them.

Bob Potheau – There isn't much we can do to that building in the middle. It is built on an angle to the road. So I am in agreement with the DRC and the PLANNING BOARD that not having that building there would be the most attractive thing.

Tom Gay – Does the site plan show the 2 buildings?

Bob Potheau – It shows as one building.

Chan Rogers – The best thing to do is tear the building down but that we cannot make you tear the building down.

Bob Potheau – But you might be able to talk me into this.

Andy Rodenhiser – We could make the site plan signage conditional on that building being removed. Why don't we suggest a signage plan based on the building being gone?

Karyl Spiller-Walsh – Otherwise there is an option A and an option B.

Bob Potheau – I am going to be looking for some relief on the signage from the ZBA. Let me ask for it as a whole . . .

Karyl Spiller-Walsh – Keep in mind, when Mr. Potheau came before the DRC on the master signage plan, he came in with some concepts. It was not a formal discussion. We identified what we felt was missing. He was kind of proposing that those big white signs in front would be development signs. We suggested they looked like wall signs. There was confusion as to what they were presenting. There was no signage program.

Bob Potheau – I have a lot of problem with this discussion right now. The signage plan is for discussion on October 28. It is not on the agenda for tonight. On October 28th, we will talk about a master sign plan with option A (tearing the building down). I would like to get input from you and see how we feel. I believe that is the option you prefer the most. Does that satisfy you to have that discussion on the 28th of October?

Tom Gay – I am OK with having that discussion.

Susy Affleck-Childs – For your info, the change of the zoning (where this site is located) to the new Business Industrial district included different sign regulations. They are more restrictive.

Bob Potheau – We will pursue this to the ZBA. I want to work with the board and look at safety and what is aesthetically pleasing.

Karyl Spiller-Walsh – What he is talking about was a real concern at the DRC. There is no internal flow within the site. The difficulty is on your shoulders is to prove how the signage will work.

Andy Rodenhiser – There are multiple curb cuts that don't have common access. Had there been a development proposal with a true master site plan, this wouldn't be an issue.

Bob Tucker – We learn as we go along. What we did 3-4 years ago and what we do today may be entirely different. We need to keep an open mind and go forward.

Susy Affleck-Childs – Please submit what you want us to look at before the meeting.

Bob Potheau – It will be the same thing that I had give you before for the master sign plan.

Informal Discussion – River Bend ARCPUD Site/Village Street

John Spink and Dave Harrington – Coneco

John Spink – We are hear to tell you what is happening and where we are at and discuss what can we do here. Once upon a time, 1999, we came in and started working the site. There is an approved permit for a 125 unit ARCPUD. We are kind of looking at the OSRD except that it doesn't economically work. Under your bylaws, we would be allowed to have 72 units (including 11 affordable) with 11 more market rate bonus units (for a total of 83). Monetarily that is a loser. We have come to ask you. We need 107 units to make it work (80 market rate and 27 affordables)

Andy Rodenhiser – That would require a bylaw change.

Susy Affleck-Childs – Or a variance from the ZBA.

John Spink - Would you guys be willing to modify the zoning for this parcel to go to this kind of number?

Bob Tucker – Personally, I didn't like what you ended up with before with all the grading.

John Spink – (For this latest version), we have gone to all duplexes and triplexes.

John Williams – Is there sewer is running thru?

John Spink – Yes, the main trunk.

Karyl Spiller-Walsh – Why would the town be interested in this? What do we gain?

John Spink – Tax dollars and affordable units.

John Williams – I think it is a negative for the town with the school children.

Karyl Spiller-Walsh – I see less open space with this proposal than there was with the ARCPUD.

John Spink – It is the same open space as the (approved) ARCPUD.

John Williams – If you look at the master plan, this would be a huge tax burden on the town to employ such a development in Medway.

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John Spink – Are you saying that no houses can be built in town?

Andy Rodenhiser – What is in the best interests of the town?

Tom Gay – The only advantage I see, is that we would be getting some affordable units.

Andy Rodenhiser – Putting some affordable units would be required whatever type of development.

Tom Gay – This is a significantly higher percentage of affordables.

Chan Rogers – What does the plan show?

John Spink – 7 triples and 25 doubles and one single (72 total)

Karyl Spiller-Walsh – It is not like we are gaining any open space over the ARCPUD plan.

John Spink – We are still at the same public access, trails, canoe launch, etc.

Andy Rodenhiser – With the ARCPUD, there was \$200,000 for the senior center.

John Spink – That is off the table.

Susy Affleck-Childs – Who is the developer?

John Spink – Orchard Knoll.

Andy Rodenhiser – The wetland area needs to be subtracted out in the formula.

John Williams – I think we had an ARCPUD in two weeks ago. We were talking about the possible number of units. I would want to see what the maximum number of units could be on this site (as a conventional subdivision).

John Spink – The formula for the ARCPUD was 176 negotiated down to 125.

John Williams – But you said you want to do this as an OSRD and there is a formula. I would like to see that formula information.

John Spink – If we bring that plan into you, we will do that.

Gino Carlucci – You said the open space is the same as the ARCPUD, but does that meet the OSRD standards??

John Spink – It does meet the OSRD standards (at the 72/11)

Andy Rodenhiser – I can't imagine the open space you show meets the formula.

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Gino Carlucci – The minimum required open space cannot have more wetland% than the entire parcel has.

John Spink – I understand that. It is fine.

Andy Rodenhiser – As a conventional subdivision?

John Spink – 38 or 39 single family homes. Financially, it cannot be done, today or even a year ago.

John Spink – What is your sense?

Karyl Spiller-Walsh – No

Bob – No

Chan Rogers – No

Tom Gay – I don't have an issue with it. Although it is a higher percentage of housing, I see some good stuff there.

Andy Rodenhiser – No

John Williams – No

Karyl Spiller-Walsh – The arcud that had been approved had a certain ambiance and quality. It had enough affordables in it. It reflected the quality of the site which is irreproducible. This kind of housing you show could be a 40B project. It doesn't seem to meet the integrity of the land as the ARCPUD did. There is no advantage. There is not more land (open space). What is there in it for us? I don't see better. I see worse.

John Spink – Thank you much.

Invoices

Community Newspaper Company - \$427.80 (General Fund – legal advertising for zoning public hearing). Motion to approve by Bob Tucker, seconded by Chan Rogers. Unanimously approved.

Tyler Technologies - \$4116 (43D grant – first installment on new MUNIS software). Motion to approve by Bob Tucker, seconded by Chan Rogers. Unanimously approved.

Susy Affleck-Childs – We have an estimate for the new computer server to go along with the MUNIS software. It is for \$8,736 from Whalley Computer Associates in Southwick, MA. They are a certified state vendor, so we don't have to go thru a formal bid process. I would like your authorization to proceed and place the order. Motion by Bob Tucker, seconded by Karyl Spiller-Walsh to authorize purchase. Unanimously approved.

Back to Zoning Amendments Public Hearing

Andy Rodenhiser – Hearing Karen Johnson's concerns, what do you think?

John Williams – I thought she said she would be giving us her bullet list.

Tom Gay – I don't think this is as big a deal as she is making out to be.

John Williams – I heard it is inconvenient.

Tom Gay – I think we need to wait for her specific comments.

It was agreed to hold off on Articles 20 and 21 until the next meeting.

Andy Rodenhiser – Let's go back to the other articles.

Article 15 - No comments.

Motion by Bob Tucker, seconded by Tom Gay to recommend approval of Article 15 for the 11-10-08 special town meeting. Unanimously approved.

Articles 16 and 17 – No comments.

Motion by Bob Tucker, seconded by Karyl Spiller-Walsh to recommend approval of Articles 16 & 17 for the 11-10-08 special town meeting. Unanimously approved.

Article 18 – No comments.

Motion by Bob Tucker, seconded by Tom Gay to recommend approval of Article 18 for the 11-10-08 special town meeting. Unanimously approved.

Article 19

Tom Gay – I am concerned that we should go further (to enlarge the district). Why not the Lincoln Street area? Also why the newer house at Winthrop and Main Street?

Gino Carlucci – The bylaw applies only to property with Main Street frontage.

Motion by Bob Tucker, seconded by Chan Rogers to recommend approval of Article 19 for the 11-10-08 special town meeting. Unanimously approved.

A motion was made by Tom Gay, seconded by Karyl Spiller-Walsh to continue the public hearing to 8:30 pm on Tuesday, October 28th. Unanimously approved.

REPORTS

Tom Gay – The GIS Task Force has met twice. There has been a lot of research done on prior proposals.

Andy Rodenhiser – What is GIS?

Tom Gay – GIS allows you to base decisions on geography vs. tabular data alone. There were several proposals in the past. We have looked at them and have agreed to the approach of a staged look see at GIS data layers. We have the ability to do some simple scenarios. We have looked at some money ideas. Also there are some components that could be tied into the 43D grant (plotter/scanner and server). There are some real possibilities of moving this forward and

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putting the foundation pieces in place. We need to get it in the pipeline (with Capital Improvements Planning Committee).

Chan Rogers – I attended the last Capital Committee. We did discuss this at that time.

Chan Rogers – The Route 109 subcommittee submitted the “need” and “initiation” forms to MassHighway. Judi (LaPan) worked on it. It would cover Main Street from Holliston Street to just beyond Franklin Street. \$ 9.6 million.

MEETING MINUTES

September 23, 2008 – Motion by Karyl Spiller-Walsh, seconded by Andy Rodenhiser to approve as presented. Approved.

A motion was made by Karyl Spiller-Walsh, seconded by Bob Tucker to adjourn the meeting. Unanimously approved.

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant



TOWN OF MEDWAY
Planning Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Cranston (Chan) Rogers, P.E., Clerk
Karyl Spiller Walsh
Thomas A. Gay
John W. Williams, Associate Member

September 3, 2008

TOWN OF MEDWAY PLANNING BOARD
NOTICE OF PUBLIC HEARING

Williamsburg Condominiums - Open Space Residential Development (OSRD)
Application for OSRD and Affordable Housing Special Permits

In accordance with the Medway Zoning By-Law, Section V. Use Regulations, Sub-Section T. Open Space Residential Development (OSRD) and Sub-Section X. Affordable Housing and the provisions of Massachusetts General Laws, Chapter 40A, Sections 9 & 11, notice is hereby given that the Medway Planning Board will conduct a Public Hearing on ***Tuesday, September 23, 2008 at 7:15 p.m. in Sanford Hall at Town Hall, 155 Village Street, Medway, MA***, to consider the application of Broad Acres Management Trust of Millis, MA for an Affordable Housing Special Permit and an Open Space Residential Development Special Permit and Concept Plan entitled *Williamsburg Condominiums Open Space Residential Development Special Permit Concept Plan* dated August 20, 2008, prepared by Faist Engineering of Southbridge, MA.

The applicant proposes to develop an eighteen (18) unit condominium community on a 13.86 acre site at 66A, 70, 70R and 72 West Street. The property is located on the north side of West Street across from Holbrook Street in the ARII zoning district. Owned by the applicant, the site is comprised of four (4) parcels - Medway Assessors Map 2 - Parcels 7B, 6-1-B, 6-1-2, and 6-1-3. On site features include wetlands, a tributary to Hopping Brook, a vernal pool, wooded areas, open fields and stone walls.

The proposed development is to be comprised of three (3) triplex buildings with nine (9) townhouse units, four (4) duplex buildings with eight (8) townhouse units with attached garages; and one (1) detached single family home. Three (3) of the eighteen (18) units will be affordable. Units will have 2-3 bedrooms. The proposal includes stormwater drainage facilities including low impact features, sub-surface infiltration systems and surface storm water basins. The proposal includes approximately 8.7 acres of dedicated open space to be publicly accessible. Site access from West Street is proposed to be provided via an eighteen foot (18') wide U-shaped one-way private driveway running approximately 1134 linear feet.

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The applications and plans for the Williamsburg Condominium Open Space Residential Development Special Permit and an Affordable Housing Special Permit are on file with the Medway Town Clerk at the Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m.

Any person or party who is interested or wishes to be heard on this proposal is invited to review the plans and express their views at the date, time and place so designated for the public hearing. Written comments are encouraged and may be forwarded to the Medway Planning Board at 155 Village Street, Medway, MA 02053 or emailed to:
medwayplanningboard@townofmedway.org.

Andy Rodenhiser
Planning Board Chairman

To be published in the *Milford Daily News*: Tuesday, September 9, 2008
Monday, September 15, 2008

cc: *Planning Boards* - Bellingham, Franklin, Holliston, Milford, Millis and Norfolk

Medway Town Officials/Departments – Board of Selectmen, Board of Assessors, Board of Health, Building Inspector/Zoning Enforcement Officer, Community Preservation Committee, Conservation Commission, Design Review Committee, Fire Department, Police Department, Public Services Department, Town Administrator, Water/Sewer Department, Zoning Board of Appeals.