

February 26, 2008 PB meeting

Present: Chan Rogers, Tom Gay, Andy Rodenhiser, Karyl Spiller-Walsh,

ALSO Present: Susy Affleck-Childs, Planning Board
Gino Carlucci, PGC Associates
Barbara Saint Andre, Petrini Associates

The meeting was called to order at 7:05 pm

CITIZEN COMMENTS – None

PUBLIC HEARINGS – None

Introduce New Tree Warden – Brutus Cantoreggi

Brutus – just wanted to come by and introduce myself – been doing this in millis for 5 years – umass Amherst – I am a member of the millis planning board – also DPW director of Franklin - I was going to suggest . . . tree requirements are very similar among towns – one thing that inworking with millis – developers ask for waivers from tree regs – one thing I would like to ask the board to do for these projects – instead of just giving them a waiver for trees – we ask them to donate trees to the town and plant a tree somewhere – we do a tree lottery and ask residents to apply – typically plant on the front of the property - usually towns just waive them - I can work to help identify where trees would go in a subdivision -

Andy – we would like to consider any best management practices – any bylaw ideas or text we would refer to us . . .

Karyl – I have 2 thirty year old trees that were donated back along time ago -

Karyl – we might call on you – if we have an applicant with existing trees –

Brutus – street trees are important to a town -

Chan – one of our biggest involvement is with our scenic drives in concert with subdivisions

Brutus – this is a stipend position - \$1500 a year no matter how often

Appointment to Master Plan Update Committee

Alison Slack – appoint – karyl, tom – now thru 6-30-09 - all YES!!

Introduce Jan Fish – FINCOM Liaison to PB

Andy – Welcome to Jan Fish, additional liaison from FINCOM to the PB

Bob – Welcome aboard

Larry – I did ask Wendy Harrington for time on the 3/12 agenda for us –

Barbara Saint Andre – Town Counsel/ Petrini and Associates

I understand we are here to talk about the proposal from the Marian Community – I do have a copy of the letter from the building inspector that it is an exempt use – I have a copy of the letter from Bill Proia –

I understand I am here today to discuss our authority, what we can and can't review

Barbara – the first thing – their attorney – under 40A section 3 – a qualified religious organization, you cannot prohibit that use, subject to certain regulations, etc. – that is it – and you can't use those as a means to deny the use – one of the whole issue is site plan review – I h

It is my opinion that you can have a limited site plan review – it can only be used to review the items you are authorized to regulate – if you look at your site plan review process – there are many items that you cannot

Karyl – the exempt uses as defined by our bylaw, have you found that they have some credence or ral

Barbara – it is an exempt use – therefore it comes in under section p of your bylaw – lays out the items for consideration – then it refers the project to go thru site plan review which includes items that are outside the scope of 40A, section 3

Chan – please repeat

Barbara – there are some things you cannot regulate or require – such as a fiscal impact report – you cannot ask or look for that - parking you can look at

Chan – this is more like a college – dormitory living space – they are creating this well off the highway – out in the woods – they have to access to the site, emergency services has to have access to the site – and there should be some overview for people living in the building – there should be some overview of this facility that will be built in a virgin setting – well removed – fire and police have to have access to the site – we are not regulating their use, but looking out for safety and the consequence of the use – am I right in assuming that we should be concerned about those issues

Barbara – fire safety, there is no exemption from fire or building codes – it will have to comply with all of those codes – you don't need to worry about that

Chan – one of the problems was getting a bridge across a rather wide water course – the original proposal was to make it one lane and to use traffic sign to provide for back and forth traffic – that was one of the schemes presently previously – there was some concern about how this would be reviewed – that is an example

Chan – do we have an exercise of control as to what is acceptable? Otherwise let m

Barbara – bulk and height of structures, there is a list of what we can regulate –

Andy – Wayne would probably have some say over access to the site – if they were to come back in the future for some other type of development

Chan – this has been an issue for 3 years – they maintain we don't have the authority

Andy – the concerns we had when the first application was before us were justified – this is an example use and we can only regulate within the confines of

Barbara – 40A , section 3 and the bylaw

Andy – if they seek to further develop the property in the future, the issue would be addressed then if it is no an exempt use

Chan – somewhere along the line, the town will inherit some responsibility for creating an unacceptable situation is such was to occur – my real question is how far should we be going to prevent anything that would be an unsafe situation – creating a residential

Barbara – I don't want to get into the specifics of the project tonight because I assume you will have some sort of public hearing – you cannot look at access issues for this project -

Bob – we go by the rules that are set forth and we live by them and everything going normal, they will build an acceptable access and egress routes – I don't see that we have a lot of purview over them at this point, if they were to change the use, it might give us another opportunity

Karyl – I have concern as a citizen and PB member, my main concern is stormwater management – it is on the waterway – whatever decisions that are made and structures designed by the marina community, it should not negatively effect the town – I have a lot of concern about that –

Barbara – stormwater management is not specified under 40A as one of the items you can regulate

Karyl – I do see parking is one of the things – I would be concerned

Barbara – I don't want to get into the details of the plans

Andy – if we are going to be looking at parking, wouldn't stormwater be a part of that –

Barbara – how many spaces, where is it located - parking, but as far as stormwater management – very limited review . .

Karyl – if they are not proposing a new parking lot and one is constructed after the fact, could there be any ramifications and what if there was an impact

Barbara – you do have the right to make sure they do have adequate parking for the project based on the criteria in your bylaw

Andy – if another application were to come in and things that were built as part of this, could the future permitting be tied to this?

Barbara – if some other development were to come in on the property, then at that point, if the road doesn't meet the criteria, then they would have to upgrade the road or other facilities to meet the criteria of the other permit

Andy – can we do testing in lieu of –

Barbara – I was speaking about a 10 foot road width – if the future had a proposal for 500 homes, then you could look at its adequacy

Chan – it could presumably be reconstructed to conform?

Barbara – a whole different type of use

Andy – board, does someone want to decide to not exercise authority over this

Karyl – I think it would be a good opportunity for the board to discuss the benefits of doing it or not doing it – what do we expect to reap out of that – I don't know if I have all the questions – if they are not proposing a new parking lot

Andy – you cannot discuss the project until we get into it

Karyl – that is a huge catch 22 –

Andy – they have requested that we waive the limited site plan review authority that we do have

Andy – we either have an application before us to consider or we have an incomplete – if it is incomplete, it is because of the fees – they have

Andy – if you want to move forward to have a discussion, . .

Kayrl – what do you feel

Andy – I think we should review to the extent we can – absolutely, unequivocally

Bob – there is enough questions – not that they would do anything to hurt their neighbors – I think we need to do our jobs, even on a limited basis –

Andy – we as a group thought it was important enough to establish bylaw provisions to have a limited review – I think it is a slap in the face to town meeting to not do this

Chan – I am very partial that they have made exemptions for religious organizations – I feel that should be adhered to – if we end up approving something that ends up being an unsafe conditions, then we should be absolved, - road – example – I want a failsafe resolution –

Andy – it will be a private street –

Andy – what is our liability on something that we don't have the ability to review

Barbara – town's liability is governed by state law – town is liable for negligence with a long list of exceptions – generally not responsible for failure to inspect - every case is different – have to wait until the facts come in

Tom – my feeling aligns with what bob said – agreeing that the use is exempt doesn't mean we shouldn't be looking at what the bylaw allows us to – the reality of the situation – no occupancy or use is perpetual – they all change over time – these things that were temporary or exempt uses have a way of being rolled into a different use – we should look at the things town meeting agreed we should look at and move forward from there

Motion to review the project in accordance with our regulations - bob,

Chan – question – applicant has asked us to review without any of our previous details –

Andy – the applicant is saying they should be excluded from any review - it is a place for people to stay in lieu of lodging facilities

Tom – seconded motion . .

Discussion . . . -

Tom – if it were a similar use by an organization that did not qualify as exempt, what would the general feeling about what we would be looking at -0 if it wasn't a religious organization, how would we approach that – would we still be looking at a

Barbara – it would be a full major site plan review

Chan – I would tend to proceed with a vote

Karyl – the town has taken the position that we are allowed

Andy – the article was approved by the AGs office

Vote – all yes . . .

Andy – how do you want to handle public involvement in the process

Barbara – I think you should have a public hearing

Bob – would this limited review format, is there any exceptions to take with abutter notice

Barbraa – the main thrust of the exemption is that you cannot prohibit the use, you cannot interfere with it, you cant use review items to deny the use – I believe you can do it thru site plan review, as long as you are not a special permit and as long as you cannot

Andy - full public hearing and notice – October 25th

Bill Proia – OK

Andy – in terms of looking at who will be involved? I am hearing from you that we would not look at stormwater drainage

Barbara – there may be some limited items – but as opposed to a full stormwater study of the site

Andy – the parking area goes – and how it would work – is that allowable?

Barbara – I think that would be pushingn it for a full stormwater management plan for a site – I don't know where to draw that line?

Andy – could we require them to submit a letter from the engineer that it works, and have it be stamped

Barbara – perhaps that is something we could consider – look at once we start to look at the plans

Karyl – what if their bulding is very near or to be built on top of waterways –

Barbraa – concom would catch that

Bob – proviiosn sin bulding code on foundation -

Chan – extend this to the construction process – I don't feel we have any right to review the construction process and the same applies to the road and roadw

Bob – in order to pull the permit, they have to have a licensed person to do the work – there are certain protections that are already there in place

Andy – within the limited review capacity - I can see that we are going to need you on a couple of occasions – can we charge review fees to offset

Barbara – I don't believe there is any exemption from consultant fees – but it has to be related to the project

Andy -0 we would ask you to provide us with an estimate, and Gion – it sounds like there is not going to be a lot of engineering

Chan – I don't see anything that would need engineering review barring anything unforeseen

Bob – we may see some things that may not work 100% and make those comments, that is just the difference in individual engineers that might review any document

Tom – some kind of validation of the various items that town

Andy – if we are going to use outside consultants, 2500 advance to be paid – are we going to require them to pay – do we need that money – so they would have a complete application- we would get an estimate from Barbara as to what she thought the cost

Susy – also need to have gino do some review

Tom – is there some % to look at

Bob – based on the review we have before us . . . based on limited complexity, I can't see us doing a lot of high cost consulting wise

Chan – my position would be no deposit - of all the organizations, a religious group I feel in that context there should be no deposit – surely a religious group would take care of it

Andy – they are exempt, therefore the limited review complies

Susy – you are obligated to pay your consultants

Moiton have the minimum plan review advance of 2500 – bob, karyl , tom, andy –
CHAN – NO

Susy – asking for relief on the application fee

Andy – I will share my dissenting view – I sat at the table with the BOS Saturday morning, on budget issues – they want us to raised the fees - the town of medway has an expense to be covered – we have 2 people here form the fincom – they have to deal with severe financial issues – I think it is important to follow the fee schedule that we have – I don't want to corrupt the process

Chan – I am doing this on the basis that they get a statutory exemptions

Larry Ellsworth – is the purpose of the regulation that provides for al imited site rview, is it an attempt to not intrude on religious or is it to take into consnideration the financial state of the organization

Barbara – it is really the former, it is to ensure the former – but that includes not imposing fees that are so burdensome

Barbara – the general filing fee is to go to the town – salaries, overhead

Andy – there are many times that we have applications that come in – it is important motion to approve the \$2,000 application filing fee – Karyl, - no I rescind that . . .

karyl – doe sit need to be fixed

andy – do you want to reject the application because the full fee has not been paid?

Chan – I thought we were putting up a base free plus a deposit to be drawn on for the consultants to use

Tom – what does it cover?

Andy – we are trying to recover the cost of the PB office thru our fees

Chan – the application fee – is an arbitrary amount – we voted that for a standard developer, not for a nonprofit

Andy – we did not distinguish that in our fee schedule

Bill Proia – we consider the application filed, that – the 21 days you have to determine whether the application

Bill proia – the application fee should reflect the costs incurred on the project – we would be willing to

Susy – it comes to us only after the building inspector refers it to us – that did not

Karyl – I thought we had a finding

Jim tusino – I am sure there is a lot of process – we filed the materials, we completed the application – we went thru our documents page by page – multiple copies as many as the bylaw – we delivered a copy to the clerk – we thought and we were on an agenda for a public hearing – by original schedule that was what we were shooting for – it was delivered – we want to figure out how to move this forward –

Susy – when your letter specifically asks the building inspector to find the bylaw invalid

Andy – relative to this fee

Chan – what have they paid in the past for fees

Susy – I don't know off the top of my head . .

Tom – this is a different project

Chan – if they were a for profit organization

Jim tusino – they will pay the remainder of the balance by Friday –

Bill proia – with the stipulation tonight that the application is complete to start the process tonight

Bill – I will be sending a letter to inspector on 21 day

Susy –

Barbara – I believe he said it was complete for starting the public hearing process – he just wants to get the process started – the normal process

Bill – if there is a request for information that is missing . . we know you have questions about it - we want to tell you about it within the legal framework

Andy – Barbara, anything else

Barbara – you need to start the hearing process – you look at the issues you are allowed to look at – get in/out from abutters, . .

Karyl – I think we are going to be having a lot of the word interpretation as we go forward – interpretation of the bylaw and the grey and fuzzy areas that may occur between what we have purview – I think it will be a creative process – a new one for the town – positive outlook that this will be a very fruitful process –

Barbara – the fact that this is the first time you have done this does f

Susy - generally, the concom uses the PB's peer review

Susy - we will be looking for a proposal from Barbara and Gino -

Barbara - leaves at 8:35 pm -

Bill - the new wetlands regs say specifically that the stormwater stuff has to be dealt with - they have jurisdiction over the whole site if any water is going in

Invoices to Pay

VHB - Construction inspections - \$290/94 - karyl, tom - all yes

WB Mason - office supplies - \$105.32 - general fund budget - karyl, tom - all yes

Registration forms for CPTC - 4 people attending at \$50 - \$200 - general fund - moiton by karyl, chan - all yes

Registraiton for OSC - Land Conservation = \$266 - karyl - chan - all yes

Chan - two things came up at SWAP

MAPC is doing a study of park and ride lots around - they have selected the KMART in milford as a candidate location - this is a real tribute to Paul Yorkis' effort over the years

Theother thing - includes paul in a sense but I was involved as well - SWAP has prioritied the reconstruction of route 109 between Holliston and Winthrop - needs BOS support - we are meeting with Dave D on this - dave suggests an open forum to discuss items of interst - underground utilities, lighting, paving - I would suggest the DRC get involved - dave and I both feel we should have some community input so they have some discretion - it would be like a public meeting - date to be detreminded - fo rhte PB to develop a concept - it hould be soon - we are trying to

Jan fish - this was done in millis, - contact the Millis board to find out how much over budget they went on that project - it was not fully funded - I want to make sure we do some due diligence

Chan - dave would like the PB to be the convenor of such a meeting -

Gino - SWAP put the Medway 109 project on the list - but nothing can go on without a design - it is probably at this point 10 years away from actual \$ -

Larry - how does the money work

Chan – town has to do the design – can be funded thru other sources – dave and I have to talk to the chapter 90 folks about funding – the quicker you get it designed and ready, the quicker it can get on the TIP –

Andy – water sewer meeting – was continued to Saturday – members of the water sewer board – I think they see what some of the business community and others in town have been seeking – allow for the utilization of pumps and force mains in the industrial park for the sewer system – IDC did a lot of legwork – cybex spoke and reiterated their willingness and plans to invest in medway with their expansion – 8 of the 11 property owners were in attendance – paul yorkis presented a written proposal – it may end up being an amalgamation of ideas . . .

Chan – one of the water sewer board members is not going to run, I have papers to do so
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Moiton to adjourn – 8:55 pm - bob, chan - all yes