

Medway Planning Board Meeting
Tuesday, March 25, 2008
Medway Town Hall, 155 Village Street

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

ABSENT WITH NOTICE: Tom Gay and Bob Tucker

ALSO PRESENT: Gino Carlucci, PGC Associates; Barbara Saint Andre, Town Counsel;
Susy Affleck-Childs, Planning Board Assistant

The meeting was called to order at 6:33 pm by Chairman Rodenhiser

Public Comments – None

Andy Rodenhiser - Town Counsel Barbara Saint Andre is here to advise us on the issues that are before us related to the public hearing we will have this evening. This is a general discussion about exempt uses and what we can and cannot regulate.

Barbara Saint Andre – I hope you had a chance to look at the letter I sent. Generally under the Dover Amendment, you can look at parking and open space. What you have to be careful of – even where you can regulate – is that you can't impose restrictions so strict that they would prevent the use from being able to occur. Under the Dover Amendment, exempt uses are allowed anywhere in a town. Under your (zoning) bylaw, you did something which is an excellent way to approach it. It gives specific dimensional requirements for exempt uses - that is a good way to go about it. And then in V. P. 4, it provides for a referral to the PB for a limited scope site plan review process. It is site plan review, and it is still that process, but you not going to be allowed to go thru issues that you would for others. For example, you cannot require an impact report. I think you have a pretty good outline of where you have to go at this point.

Karyl Spiller-Walsh – In the state law, some of the determinations that you can regulate are bulk, height of structures and land coverage? Just starting with that alone opens up a grey and fuzzy area. What does that mean? What is land coverage? Is it the vision of roof lines would that have any bearing on bulk? With height, what would exceed the height?

Barbara Saint Andre – “Bulk” is a strange word I agree. Bulk and height pertains to how big the structure is – how tall – what is the scale – I don't know if you address that?

Karyl Spiller-Walsh – Is it a definition issue? What is “bulk” synonymous with?

Barbara Saint Andre – It is one of the areas you can regulate (per state law) but you don't have to do so.

Andy Rodenhiser – But our bylaw doesn't address the bulk issue.

Chan Rogers – That site normally could not be used for a commercial hotel. We don't have any regulations to control the bulk.

Karyl Spiller-Walsh – What does bulk mean? Is it in relation to other existing or is it what is allowed in the zone?

Andy Rodenhiser – Bulk is going to be determined by a court in an appeal of a decision.

Barbara Saint Andre – Bulk is the size. Right now, you don't have any requirements for bulk in V. P. You could consider amending your bylaw to do so, but you have to be careful.

Karyl Spiller-Walsh – My concerns relate to bulk and height.

Andy Rodenhiser – We can't address it if it is not in our bylaw language. We don't have anything to regulate "bulk" in our exempt uses section.

John Schroeder – Can one be exempt from environmental impacts?

Barbara Saint Andre – Certainly not from the state Wetlands Act but you cannot have require an environmental review for site plan review of exempt uses.

Chan Rogers - You don't have this argument in anything except an exempt use.

Andy Rodenhiser – This isn't a religious use.

Karyl Spiller-Walsh – It is an accessory use.

Barbara Saint Andre – In general terms, the building inspector, determines whether the use is exempt or not.

Andy Rodenhiser – A group may be a religious use, but the fact whether a particular usage of the property is or is not of a religious nature is determined by the building inspector.

Barbara Saint Andre – We have to distinguish between a religious organization and a religious use.

Chan Rogers – You could say it is like a campus, with a dormitory.

Barbara Saint Andre – There are a lot of cases involving schools where they have said that dorms are part of the educational use and therefore are exempt.

Andy Rodenhiser – What about issues of parking in proximity?

Chan Rogers – Usually our rules and regulations are related to aesthetics or safety. If they do something on the property who is responsible? They become responsible for anything that takes place no matter how well or poorly it is built

Barbara Saint Andre – A private land owner knows that they are responsible for what happens on their property.

Chan Rogers – The exempt use is responsible for whatever may or may not take place that may or may not be detrimental.

John Williams – The things we get to comment on – parking, open space, building coverage, what else?

Barbara Saint Andre – Yard size is one. Usually you think of setbacks from lot lines for this.

Andy Rodenhiser – Open space could be relevant to the yard.

Barbara Saint Andre – You could certainly regulate open space.

NOTE – Susy Affleck-Childs read the open space provisions of V. P. for religious facilities –

Karyl Spiller-Walsh – What does building coverage mean?

Chan Rogers – The size of the building as a percentage of the lot, the footprint.

Karyl Spiller-Walsh – If there is an inability or lack of desire to include parking at the site of the building, can there be some kind of disclosure or contingency in the plan process that will go with the land so that the parking will not just appear at a later date (without being reviewed)?

Barbara Saint Andre – If I own a piece of property and want to put in a new parking lot, would I have to go thru site plan review in Medway?

Gino Carlucci – Could there be a condition of an approval, to have to come back?

Barbara Saint Andre – You can certainly put on reasonable conditions as long as you put them on the key things you can address.

Other Business

Andy Rodenhiser - Susy, did you speak with the applicant for Daniels Wood II about continuing the public hearing?

Susy Affleck-Childs – Yes, I did speak with them about continuing the hearing because one of the members who needed to participate in the hearing is not able to be here tonight because of business. We need to have a discussion on April meetings. I would ask you for a special meeting on April 1 to meet with the Industrial Development Commission to review the economic development related zoning articles. We could also do the Daniels Wood hearing that night. I also need you to have a special meeting to do the zoning public hearing. I missed a deadline for getting copy to the newspaper in time to publish a hearing for April 8th. Would you consider April 15? Andy cannot attend on April 22? Also, the annual town meeting is May 12, not May 19 as I had originally understood.

Andy Rodenhiser – The meeting we had with the selectmen to review our town meeting articles was very well received. The way they were presented (with a summary cover sheet) was very good. I would suggest we post them onto the web site in this fashion. Much thanks to Larry Ellsworth (FINCOM) who suggested the format to be used.

Route 109 Reconstruction Task Force

Karyl Spiller-Walsh – We have two people from DRC going to lecture in Boston tomorrow by Paul Lukez who wrote the book *Suburban Transformations*.

Chan Rogers – Everybody is focusing on the aesthetics on Route 109. There should also be somebody like myself who is interested in traffic signal improvements. I am heavily involved

with Summer Street and Franklin Street, if we load the committee up with 100% aesthetics folks, we'll miss out.

Andy Rodenhiser – I see you there already helping out. It is a natural fit.

Chan Rogers – I brought this whole thing to Town from SWAP. And we do want to address it but I don't think it will take 6-8 years if we can move ahead now.

Andy Rodenhiser – The BOS would like it to move faster as well.

Karyl Spiller-Walsh – This lecture by Paul Lukez is not about just aesthetics. He addresses tunneling devices and berming, some very interesting concepts.

Chan Rogers – When is it?

Karyl Spiller-Walsh – Wednesday at 6 pm at the Boston Public Library.

Invoices

Reimburse Susy Affleck-Childs for notary public stamps. \$56.60 from our general fund Office Supplies budget. Motion by Chan Rogers, seconded by Karyl Spiller-Walsh. APPROVED.

Petrini and Associates for legal review of the EnerGov software contract. \$245 from the 43D Expedited Permitting grant. Motion by Chan Rogers, seconded by Karyl Spiller-Walsh. APPROVED.

Public Hearing – Marian Community Retreat Center/Lodging Facility 7:15 p.m.

Andy Rodenhiser – I will call to order the public hearing for the Marian Community Retreat Center/Lodging Facility. I have a prepared statement to read and then we will begin.

NOTE – The prepared statement is attached.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to dispense with the reading of the public hearing notice. APPROVED. The notice is attached to these minutes.

Bill Proia – Good evening, I am Bill Proia of Riemer and Braunstein, representing the applicant. Thank you for the statement. I will go right to the site plan. This shows the entire parcel of land. We will construct a 72 room double occupancy retreat center. The idea is to construct a two way traffic road, 9 ft wide made of bituminous concrete with a one foot berm on either side. There will also be a sidewalk on south side of the road all the way to the retreat center (from the main building).

Additional parking will be provided as shown to the south of the existing parking field and to the north of the spiritual center and a couple of spaces at the retreat center. We have made some changes to the handicap spaces so they are right in front of the building and then we have a few spaces off to the side for shuttle parking.

There will be a gravel road surrounding the building so public safety vehicles have full access. We do have an email correspondence from the Fire chief and he said it was fine.

Chan Rogers – The black line on the drawing you are referring to . . . is it the property line?

Bill Proia – Yes, but we don't show the entire site on this.

Bill Proia – One of Gino Carlucci's (planning consultant) observations is that the aisle in the new overflow parking area is unsafe. Normally it would be a 25' aisle. That can be accommodated; it can be shifted to make that work. Similarly, he had mentioned there were no parking space dimensions shown on the plan. We would do 9' by 18'.

Bill Proia – The Marian Community has been having retreats since the beginning. The issue we are having now is that off site lodging isn't working. We want to accommodate those people on site. We have been finding that the existing parking areas have easily accommodated the retreatants when they come.

Karyl Spiller-Walsh – The parking spaces for the sculpture area are not included in the your parking numbers, is that correct.

Bill Proia – Yes. That is separate.

Gino Carlucci noted concerns about 2 way traffic on the circle at the spiritual center. It is already set up as one way traffic circulation around the loop.

Another comment was that there was not anything shown on the plans about lighting.

There is existing lighting in the parking fields. It is adequate.

Andy Rodenhiser – And there are lights in the grass areas now.

Bill Proia – Lighting for the parking at the dormitory will come from the building itself.

Gino Carlucci – I also had a comment on the parking being added at the north of the spiritual center building. It seems like an awkward interface with the roadway.

Bill Proia – There are a couple of ways we could deal with that. We feel we have an overabundance of parking. But maybe we could reconfigure that. It might eliminate a couple of spaces but safety would be better. That would be a good solution for that.

The stormwater question we have already addressed. In January, there were new stormwater regs adopted by DEP. Anytime an NOI (notice of intent) has to be filed with a CONCOM, the stormwater standards have to be complied with. That does not apply to just within the standard wetlands jurisdictional scope of a CONCOM but for the entire area. The drainage that goes with the project will be reviewed by them.

Chan Rogers – I don't know that Conservation Commission's interest in drainage is the same as ours. They are more interested in the drainage as it effects or pollutes the wetlands.

Bill Proia – None of the runoff that will be created can go anywhere except to the wetlands.

Andy Rodenhiser – My only concern is not necessarily for today, but if there were ever to be another application to come before us (to develop another part of the site), I would want to see

the drainage analysis backup data. In the interest of economy for yourselves I would hope you would take that into consideration as you construct this.

Bill Proia – We are designing this so that next steps could be made. A good example is the bridge. Last year, we had to go to the ZBA for permission to build in the flood plain. The design that was approved is the design you had seen in the last go around (with the ARCPUD application). It is the same plan. Whether the bridge will look exactly the same from the ground up, I don't know, but the culvert system as engineered is how we will proceed.

Karyl Spiller-Walsh – While we are sort of on the subject of the wetlands. . .in looking at the map (aerial photograph) I made a few phone calls to others who may have looked at the aerial photo of the site plan. The black shapes that are on the aerial view are water? Is that correct?

Bill Proia – This does not show delineation of the wetlands, it is just a picture of them.

Karyl Spiller-Walsh – Are those dark areas water or rocks?

Bill Dexter (Northwest Engineering) - Some are vernal pools, but there are some black splotches that are shadows.

Andy Rodenhiser – We should count more on wetland maps (than aerial photographs).

Karyl Spiller-Walsh – Which I have from some of the former plans. What is this shape (pointing to an area near the dormitory footprint)?

Bill Dexter – That is wooded area. It is not water. We didn't put any of the dormitory near water.

Bill Proia – It is the roadway construction that triggers the Notice of Intent with CONCOM (not the building).

Andy Rodenhiser – It is not called out as to what that is.

Bill Proia – It is not water.

Chan Rogers – If it were water, the CONCOM will be directly involved.

Bill Proia – We wouldn't put it on water.

Bill Proia – Regarding the 10 foot strip around the building – the tree line is not being changed – we are compliant with the 10 foot vegetated buffer . . #9 – I have addressed with my comments

Gino Carlucci – There was no info shown on grades or construction for the road.

Bill Proia – The sidewalk will be bituminous concrete construction.

Gino Carlucci – One parking question is the fact that the parking is not close to the building (dormitory).

John Williams – Based on the square footage of the building and the number of employees, do you have enough parking?

Bill Proia – Yes. That is shown on the plan. Regarding the distance from the parking areas to the retreat center, we deliberately did that. The idea here is spiritual and spatial removal. People say goodbye for the weekend. We will have attendants to help people with their bags and parking. The idea is to be immersed in the experience. We don't want parking around the retreat building. We want to keep the land pristine right around the lodging. We want to limit the impacts. It fits into the spiritual motivation and it makes sense from a land development perspective.

Andy Rodenhiser – Gino, did you have comments on the sidewalk and lighting?

Gino Carlucci – I didn't know that it even was a sidewalk!

Bill Proia – It is 4 feet in width.

Gino Carlucci – It will have to have handicapped provisions so that wheelchairs can pass each other.

Andy Rodenhiser – Do you intend to show that?

Bill Proia – Anything that is required outside the zoning bylaw like ADA will be shown on the plans given to the building inspector.

Barbara Saint Andre – ADA requirements and AAB requirements, building codes, fire codes – they have to comply with absolutely all of them.

Chan Rogers – Your not showing them doesn't preclude you from having to be compliant.

Bill Proia – I know that. All those things are independent of what this board does.

Andy Rodenhiser – Our concern is the transgression of people from the building along the sidewalk. That is our scope.

Bill Proia – I don't disagree that the building code and ADA has to be complied with.

Chan Rogers – The only reason for the discussion, we don't have the plans to tell us that.

Andy Rodenhiser – What we have been given is fairly limited in terms of what you are planning to do. We want to be fair to you and we want to do our job.

Bill Proia – We will comply.

Barbara Saint Andre – It is a more basic question. You have mentioned a few revisions tonight. I was assuming that you have a copy to submit to the board, so they can refer to it?

Bill Proia – Any revisions obviously we would give you. . . yeah.

Chan Rogers – Presuming we approve it, doesn't mean the other requirements aren't enforceable.

Bill Proia – Yes.

Andy Rodenhiser – We just have to write a good decision that includes all these stipulations in there.

Bill Proia – All state, federal, and applicable local rules, even if you didn't put that in there (the decision), it would still have to apply.

Karyl Spiller-Walsh – To whatever extent if it is a site plan review will a final site plan be submitted to ConCom and the Board of Health? It does need all of them on the final site plan at whatever point you choose to present to us. We would like to see if you have already come to a decision.

Bill Proia – I disagree that the site plan will show everything we have to comply with (with all the boards). Is it going to show everything? No. Is it going to show the building plans? No.

Bill Proia – It (the site plan) will show whatever you can regulate.

Andy Rodenhiser – He has no intention to do anything more than what he has to.

Chan Rogers – What we can regulate is miniscule compared to the overall requirements that are applicable by the other agencies so to speak and I appreciate that you can't possibly show all that on a plan.

Bill Proia – Even if we wanted to, we couldn't do it. It just won't be under a sort of umbrella package. We will get you copies of the other approvals and plans.

Karyl Spiller-Walsh – Why isn't there an overall package that makes one statement as a finished product?

Barbara Saint Andre – Even for regular site plan review, you don't have building code drawings. But you would certainly have more than what you have here, there would be more detail, but you would never have the building code plans.

Chan Rogers – I am not uncomfortable with this.

Bill Proia – By not showing it on this set of drawings, it doesn't mean anything. We are trying to get to that level of detail that we have to provide and is necessary here. It (the site plan) certainly wouldn't reflect every other body of regulations that apply to this project except in a condition (in the decision) that the project has to comply.

Karyl Spiller-Walsh – To revisit this, at the end of the review by Board of Health and ConCom, won't there be a finished product that shows everything?

Andy Rodenhiser – There might be a drawing that is submitted to ConCom, that could be submitted to us.

Andy Rodenhiser – We are asking for an updated drawing.

Karyl Spiller-Walsh – Once they go thru ConCom, will there be a culmination these findings incorporated into a plan?

Barbara Saint Andre – If they leave here next week with an approved site plan and a bunch of conditions from you and they go to ConCom and they say no you can't have parking there, depending on what happens, they will have to come back to modify site plan approval, so at some point there will be a final drawing.

Karyl Spiller-Walsh – There will be some addendums that will have to go along with the plan, or some findings, some kind of a final product.

Bill Proia – Do you mean an as-built plan once the project is done?

Andy Rodenhiser – Karyl, I am losing you.

Karyl Spiller-Walsh – Will there be some kind of a plan showing all the changes that have been flushed out?

Andy Rodenhiser – They will have to come back for a modification.

Barbara Saint Andre – The final plans are what go to the building inspector. He is the final spot.

Bill Proia – Bob Speroni has to enforce everything. He will see the site plan, he will see the Board of Health plan and that approval, and he will see the ConCom approval.

Chan Rogers – We are not going to have such a plan at the time we make our decision. So we can't worry about the total encompassing plan that Karyl is talking about. We have to make a decision before that.

Bill Proia – If the board would like a copy of what we submit to the building inspector, we can drop it off.

Karyl Spiller-Walsh – The town should know what is being done. As long as Susy has a copy of the finished product.

Andy Rodenhiser – Any other board questions?

Andy Rodenhiser – Any public questions and comments?

Nancy Maxwell, 20 Diane Drive – Where is the statue? I am questioning about blasting for the construction and for the wetlands what I am thinking about is the road salt.

Andy Rodenhiser – Has blasting been taken into consideration?

Bill Proia – We are not going to talk about wetlands issues here.

Jim Tusino, project manager - A lot of care was taken into the siting and position of the building. Test holes were done to avoid ledge. There will probably be no blasting for the building but there might be some blasting for utilities. The position of the building was to have the least impact on resource areas, to leave them intact. The building is outside the (wetlands) buffer zone. The only thing that triggers the NOI is the road and utilities.

Larry Ellsworth, 148 Holliston Street – Is this an appropriate forum for ask about the use of the site? Can you tell me your expected demographic – ages, disability, etc. What I am driving at is

that it is about 1700 feet from handicap spaces to the street. I worry about access for emergency vehicles - a winding road in the winter, some slick night. I am also curious why it is sited so far from the main road. I am curious about the right side of the Y intersection and what you anticipate the use there is for?

Bill Proia – I am not going to answer the demographic question. I expect all kinds of people will come - young, old, short, fat, skinny, athletics, etc. All are welcome.

Bill Proia – The setting was picked to accomplish our purpose which is to remove people as far as possible. This is a faith based, loving community. If people need help walking, they will be helped. The harsh model that you have won't apply here at all. The building is where it is because we think it is the best place for people to have this experience. We have accommodated changes suggested by the Fire Chief.

Bill Proia – The Y (intersection) is the existing sculpture garden. I invite you to go up there. It is a gravel road right now and a gravel parking area. It is nothing new. It has been there for quite some time. It is integral to the spiritual mission of the community.

Larry Ellsworth – I merely want to comment that my view is not harsh. I want to make sure that any occupant has access to emergency care. It seems a long way.

Barbara Saint Andre – I am still not clear about lighting along access road from parking lot to retreat center.

Bill Proia – Nothing planned except for posts on the bridge.

Karyl Spiller-Walsh – What will the maintenance issues be at the center? Is there on site provisions for food?

Bill Proia – There is a small limited service kitchen in the retreat center for a cup of tea or snack with a refrigerator. The main building has a full service kitchen.

Karyl Spiller-Walsh – Just for definition and clarity, would it be appropriate to call it (the retreat center) an accessory building to the main center (spiritual life center)? Is it sort of an accessory to what you already do?

Bill Proia – I don't think so. There is some teaching and meeting space in the retreat center. To me, it is a comparable principle use structure.

Barbara Saint Andre – I was trying to figure, the new building is basically a place for people to sleep. Then there are programs, meetings, spiritual gatherings at the building up near the street.

Bill Proia – Some activities could happen outside. There could be discussions at both facilities. The whole site is the classroom and the retreat happens everywhere.

Barbara Saint Andre– All the new parking spaces you are putting in will be paved?

Bill Proia – No, it is not going to be paved, it is hard packed.

Barbara Saint Andre– Are there existing catch basins right now in the existing parking lot.

Bill Drexel – It has some catch basins. The grass area will be used for overflow parking, but it will be designated as grass overflow parking.

Barbara Saint Andre – The reason I am asking is that I could envision that you might have 72 rooms full. Could you then be having another event in the main building?

Bill Proia – We applied the current formula of parking for our main space. There was no formula when we first built.

Barbara Saint Andre – The other parking area adjacent to the building would be what?

Andy Rodenhiser – The overflow parking would be a grassed area and the parking near the sculpture would be gravel.

Jim Tusino – That will be bituminous concrete near the sculpture garden. We need a hard surface to fulfill ADA requirements. The balance of overflow parking will remain earthen surface.

Andy Rodenhiser – Is it plowed?

Jim Tusino - They plow it if they need it.

Jim Tusino – When they use auxiliary parking, they have a host of volunteers that actually park the cars and they fill it up the parking area.

Jim Tusino - There are about 125 active members who volunteer.

Barbara Saint Andre – As far as the parking near the new building, there will be handicapped parking? How many?

Bill Proia - 4 spaces.

Barbara Saint Andre – There was some mention of shuttle buses? Is there a drop off location?

Bill Proia – Yes. The road is paved. The emergency route behind the building is gravel.

Karyl Spiller-Walsh - The dark area, is it water? Or is it a valley? Will you be filling it and having a retaining wall?

Bill Proia – There could be and along the roadway.

Jim Tusino – When we positioned the building, we did a tremendous amount of wetlands research.

Andy Rodenhiser – Are there any other questions?

David Travalini (CONCOM Chairman) - They have presented nothing to us yet

Bill Proia – The ConCom can ask for full compliance with stormwater regulations.

David Travalini – Since the PB has generally required stormwater analysis for project, we have essentially asked you to do that but we will have to do that now for this project.

Bill Proia – I have a question, there wasn't a mechanism for the ConCom to hire a consultant . . . that had been an issue before. Is there a 53G account?

David Travalini – Part of our rules and regs is that they have to hire consultants to document.

Nancy Maxwell – Compared to what was presented before, I think this is better use of the land. It is a good use. It is gorgeous land out there. I hope as a taxpayer that somehow the town and its various boards and the Marian community can come together and find a way to make this work.

Andy Rodenhiser – This does not preclude them from coming back with what they had proposed before.

Nancy Maxwell – I understand.

Susy Affleck-Childs – Any intentions on open space connections as had been discussed during the ARCPUD review?

Bill Proia - We will not have any open trails available to the general public.

Karyl Spiller-Walsh – In a discussion of good will, etc. in the former ARCPUD project, when Mr. Coppa came in with some ideas on design, the DRC was able to give him some suggestions. Would you consider that for this? The DRC is available.

Bill Proia – We have an architect. You could make some comments. We would not want to have to do anything that is tied to an approval or would slow up a decision.

Andy Rodenhiser – Should we close the public hearing tonight?

Susy Affleck-Childs - I would suggest you leave it open for one more session to give you some more time to think and have questions to pose and gather information.

Barbara Saint Andre – Once you close the public hearing, the time for receiving information is over.

Bill Proia – Could we do a modified closing and keep it open for written comments?

Dave Travalini – They are doing a crossing here and it looks like they are close to a vernal pool.

Chan Rogers – I have no reservation about closing the hearing.

Jim Tusino – Against the advice of counsel, I want to tell you that time is of the essence with this. I have tried to do whatever I can. She (Sister Margaret) needs to move the project along. She has a time schedule that is important to her. Time is of the essence. We can't file with ConCom until we are done with you. We will provide as an as built. We need the dimensional approval. The project cannot wait.

Andy Rodenhiser – It is not our intention to make you wait until the end of the maximum allowable time.

Andy Rodenhiser – We are very limited in our ability to review this. This is a foreign procedure for us (to review an exempt use). This is new for us. We want to be fair to you guys.

Bill Proia – It is a shock that the bylaw exists at all.

Andy Rodenhiser – I am surprised you said that.

Karyl Spiller-Walsh – The descriptions we are allowed to consider by the state are ?????

Barbara Saint Andre – My position is that the provisions were passed by town meeting and approved by attorney general and we are going forward. The board has kept in the scope.

Bill Proia – We would appreciate it if you would close tonight.

Jim Tusino – There will be a meaty review by the ConCom, and by the building inspector.

Chan Rogers – All those groups make their decision. All those apply no matter what you (the PB) do.

Andy Rodenhiser – My only concern is that I know Karyl will have questions after tonight. If we close the hearing, we won't be able to ask those questions.

Chan Rogers – I don't see what kind of information we are looking for.

Andy Rodenhiser – We can't accept other info after the public hearing is closed.

Barbara Saint Andre – Once the hearing is closed, you cannot receive any additional information. But when you are putting together a list of conditions, you can ask them about something but they can't provide new information.

Andy Rodenhiser – Can we keep the public hearing open for deliberations?

Bill Proia – A good compromise would be to keep it open to discuss a draft decision.

Barbara Saint Andre – You have the right to impose reasonable conditions.

Susy Affleck-Childs – We intend to invoke Mullins rule (for absent PB members Tom Gay and Bob Tucker). Are there any issues on closing the hearing or not with that?

Barbara Saint Andre – No. You can close as long as they have time to review before you deliberate.

A motion was made by Chan Rogers and seconded by Karyl Spiller-Walsh to keep open the public hearing and start to work on the decision with the intent to make an earlier decision and to make a decision as soon as possible. APPROVED.

Andy Rodenhiser – Dave, is there anything else? Could they file with you (CONCOM)?

Bill Proia – If you are going to shift the road or the building, then we would have to change the plans for CONCOM. Are you saying the road is OK?

Jim Tusino – I can't get a building permit without site plan approval.

Jim Tusino – What could you possibly say that you don't like about the proposal? What type of things?

Karyl Spiller-Walsh – I don't know yet. I may have other questions.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to continue the public hearing to Tuesday, April 1, 2008 at 6:30 pm. APPROVED.

NOTE – Susy will begin a draft decision.

Public Hearing Continuation – Daniels Wood II Definition Subdivision Plan 8:48 p.m.

A motion was made by Karyl Spiller Walsh, seconded by Chan Rogers to continue the public hearing to Tuesday, April 1, 2008 at 8:30 p.m. APPROVED.

Discussion on one lot subdivisions

John Williams – We are linked to the master plan. I think the term for the “betterment of the town” applies. There is a conflict here in our responsibilities.

Karyl Spiller-Walsh – The master plan guides the development of the rules and regs we use. The rules and regs reflect the master plan.

John Williams – Can he use the land and develop the lot without permission of the board?

Chan Rogers – We want to avoid unnecessary pavement so it makes sense to waive full road construction.

It was agreed to continue this discussion on April 8th when the other PB members will be in attendance.

Zoning Bylaw Amendments Public Hearing

The board set the public hearing for Tuesday, April 29th at 7:15 pm.

Other Business

Karyl Spiller-Walsh distributed the new DRC brochure.

Susy Affleck-Childs – I think it is time to revisit our board liaisons functions. Too much is falling on Andy.

John Williams – Bill Wright of the IDC contacted me.

Susy Affleck-Childs – Please note the new Development Handbook, it was in your board packet. We have received some comments requesting some revisions and Gino is making those. Once complete, I will repost it to the web.

Susy Affleck-Childs – We finished up the 2007 Annual Report. Thanks to Andy Rodenhiser for his work in getting in written.

A motion was made by Karyl Spiller Walsh, seconded by Chan Rogers to adjourn.
APPROVED.

The meeting was adjourned at 9:20 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Opening Comments – Marian Community Retreat Center/Lodging Facility Site Plan Public Hearing

Andy Rodenhiser

3/25/08

Good evening,

We will now open the public hearing regarding the Marian Community's proposed retreat center/lodging facility at 154 Summer Street.

For the benefit of those present in the audience, I would like you to be aware that this meeting is broadcast live on local cable access and is taped as well for rebroadcast.

I am Andy Rodenhiser, chairman of the Planning Board. I would like to introduce my fellow Planning Board members who are here tonight – Karyl Spiller-Walsh and Chan Rogers and Associate member John Williams. For business reasons, members Tom Gay and Bob Tucker are unable to attend tonight. However, they will review the videotape and meeting notes and participate in future meetings.

Also at the table with me are Town Counsel Barbara Saint Andre, our planning consultant Gino Carlucci, and Planning Board assistant Susy Affleck-Childs.

The legal notice for this public hearing was published in the *Milford Daily News* on March 11 and 17th. Copies of the public hearing notice are available for your review.

On March 4 and 10th, a public hearing notice was sent by certified mail to the owners of property in Medway and Holliston located within 300 feet of the Marian Community's property. You are probably here because you received that notice.

May I have a motion to dispense with the reading of the official public hearing notice?
Thank you.

On your seat is a general handout that explains the public hearing process. I encourage you to read it and take it with you when you leave.

I would like to review with you how the public hearing will proceed tonight.

The applicant's representatives will introduce themselves and make a brief presentation to describe their project.

That will be followed by questions from the Planning Board.

Our planning consultant, Gino Carlucci, will summarize his review comments and questions.

Then the public will have its opportunity to speak. All speakers and responders will be recognized by the chair. Please raise your hand. When called upon, please stand, state your name and address so our secretary can have accurate information for the record. You may offer comments, ask questions, or read a prepared statement. If you have a prepared statement, please provide a copy to our secretary.

Any comments from Town staff or other boards will then be entertained.

As we proceed thru the evening, if anyone has a specific question for the applicant, I will allow the applicant's representative to respond.

We will then return to Planning Board members for any general comments.

Based on the information gathered and comments received tonight, we will determine our next steps.

The applicant before us this evening is the Marian Community, a private association of the Christian faithful, recognized by the Roman Catholic archdiocese of Boston. They plan to construct a retreat center/lodging facility on their property at 154 Summer Street to be used by guests who attend retreats and programs at their main building – the Spiritual Life Center.

Religious facilities are one of the exempt uses protected by the state zoning law. Generally that means that an exempt use can locate in any zoning district in a community. Medway Building Inspector Bob Speroni has made a determination that the use of the premises by the Marian Community for a retreat center/lodging facility is exempt under the state zoning law.

However, state law does provide that exempt uses may be subject to limited and reasonable local regulation. Section V. P. of the Medway Zoning Bylaw, approved by the June 12, 2006 Medway Town Meeting, provides that exempt uses are subject to certain dimensional requirements as well as site plan review upon referral by the Building Inspector. Again, Mr. Speroni has referred this project to the Planning Board for site plan review.

Because this project constitutes an exempt use, the Planning Board's scope of review is limited. We cannot require strict adherence to the standard site plan review regulations if such would prevent the religious use from functioning or would impose such an unreasonably excessive cost that the use of the premises for the religious purpose is effectively denied.

We are following the steps of the standard site plan review process. It is our goal to have a thoughtful review of this project and to generate as much information as possible.

With that, let us begin.



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*

March 3, 2008

**TOWN OF MEDWAY PLANNING BOARD
PUBLIC HEARING
Chapter 40A, Section 3 - Exempt Use Review
Marian Community - Betania II Retreat Facility**

The Medway Planning Board will hold a public hearing on Tuesday, March 25, 2008 at 7:15 p.m. in the Sanford Room of Town Hall, 155 Village St., Medway, MA to conduct a Section 3 Exempt Use Review of the Marian Community's proposal to construct a lodging retreat facility at its Betania II property, 154 Summer Street/Route 126 in Medway, MA.

Located in the AR-I zoning district, the 109 acre property is shown on Medway Assessors Map 8 as Parcel 54. It is bounded on the west by Summer Street/Route 126; on the north by property owned by Summer Street Equities, LLC/W. A. Wilde Company; on the north and east by property owned by James L Carr, Jr.; on the east by property owned by the Town of Medway, Marian Community, and Jonathan & Kristen Lake; and on the south by land owned by the Town of Medway, Paul and Kathleen Yorkis, Sean & Margaret McCarthy, William & Lynne Conroy, Jeffrey Griglack & Leslie Reid, and Mohammad Shahidi.

The proposed lodging retreat facility and certain site improvements are shown on *Site Plan Drawing Set (6 pages) – Retreat Center, Betania II, Marian Community, Medway, MA* dated January 30, 2008 prepared by Coneco Engineers & Scientists of Bridgewater, MA and on *Retreat Center Plans (5 pages)* dated December 10, 2007, last revised January 28, 2008 prepared by **Avis Modular Homes and Guaranteed Buildings Inc. of Douglas, MA.**

The plans show a 3-story, 32,094 sq. ft. lodging retreat center to be comprised of 72 double occupancy lodging rooms, each with its own bathroom; 2 custodian/caretaker lodging spaces; related gathering, conference and classroom space; a limited service kitchen; and ancillary storage, mechanical and supportive space in the basement. The retreat center is to be

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medwayplanningboard@townofmedway.org

constructed in a wooded area in the north central portion of the site, approximately 1261 feet east of Summer Street. The plans show approximately 1180 linear feet of roadway connecting the existing Spiritual Life Center to the new lodging retreat facility and the addition of 115 new parking spaces (85 to be located south of the Spiritual Life Center's existing parking lot; 27 to be located directly adjacent to/north of the Spiritual Life Center building; and 3 handicap spaces to be located adjacent to the new Retreat Center).

The Planning Board's review of the Marian Community's Betania II Retreat Center will be conducted pursuant to M.G.L., Chapter 40A, Section 3 which defines and provides for the reasonable regulation of exempt uses, and the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Subsection P. Exempt Uses which authorizes the Planning Board to conduct a Section 3 Review in accordance with the provisions of Subsection C. Site Plan Review and Approval. The Marian Community Inc. is a non-profit religious corporation duly organized under Massachusetts law; it operates as a public charity pursuant to state and federal tax law. The Marian Community is recognized as a Private Association of the Christian Faithful by the Roman Catholic Archdiocese of Boston. State and federal laws provide deep and broad protection to land and structures used for religious and educational purposes. The Medway Building Commissioner has determined the Betania II Retreat Center to be an exempt use. The scope of review allowed to the Planning Board is limited to certain reasonable regulations and matters of critical municipal concern.

The Marian Community's application for Site Plan Review for Chapter 40A, Section 3 Exempt Uses and the Betania II Retreat Center plans are on file with the Medway Town Clerk at 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. Interested persons and parties are invited to review the plans, attend the public hearing, and express their views at the designated time and place. Written comments are and may be sent to the Medway Planning Board, 155 Village Street, Medway, MA 02053. Electronic communication may be directed to: medwayplanningboard@townofmedway.org.

Andy Rodenhiser, Chairman

*Legal Notice to be published in the **Milford Daily News** – Tuesday, 3/11/08 & Monday, 3/17/08.*

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

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

NOTE – On October 23, 2007, the Marian Community withdrew its application to the Medway Planning Board for a special permit to construct an Adult Retirement Community Planned Unit Development (ARCPUD), a residential neighborhood for members of its faith community age 55 and older to be located on its Betania II property.