

April 1, 2008

Planning Board Meeting

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

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

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

CITIZEN COMMENTS – None

PUBLIC HEARING CONTINUATION – MARIAN COMMUNITY RETREAT CENTER LODGING FACILITY

Bill Proia, Riemer and Braunstein
Jim Tusino, GBI

Andy Rodenhiser – The Board had a presentation last week. We decided to keep the hearing open and to work on the decision and ask for information and input as we were crafting the decision. Bob Tucker and Tom Gay were not at the last meeting but they are here tonight. Because of technical problems with the taping, they were not able to review it a tape of the first meeting, but they have reviewed the meeting notes. So, Bob Tucker and Tom Gay cannot vote, but they can participate in the discussion this evening.

Items to enter into the record:

Email note from Fire Chief - ATTACH
Letter from Sergeant Jeff Watson - ATTACH
Letter from Jim Wieler, Upper Charles Conservation Land Trust - ATTACH

Andy Rodenhiser – Any comments or responses?

Bill Proia – We really addressed the open space issue last time. I don't really have anything more to add. This is a new use of the property for us too. We don't know exactly how it is going to play out. We don't know how it will function. I am not going to make any commitments for reservation of open space or public easements. We can revisit this with Upper Charles folks and the Open Space Committee to see how it functions.

Andy Rodenhiser – Is it safe to say we could expect fences would not be erected? Would someone be denied access if they were to walk on the property?

Bob Tucker – They are looking for a willingness to discuss it as we go along. You understand where you are located. We discussed a pathway in the past. Certainly, we would look very favorably on being able to discuss that option and leave the doors open for those discussions.

Bill Proia – This is a completely different context and use and focus and function and purpose for the land. I am not sure how compatible these things are. With the ARCPUD, it was a different situation. I want to be sensitive to my client. We just don't know if that is a possibility.

You do see how much land is being preserved. It is of value to us to preserve it. It fits in with the programs we are having there and the retreat focus.

Karyl Spiller-Walsh – Maybe I missed the whole thing last week. Would you refresh me what did we discuss last week? Not one thing comes to mind.

Bill Proia – It was asked to me directly if the Marian Community was prepared to restrict or designate some open space for a trail system.

John Williams - It seems like in the plan for the ARCPUD, there was a plan for an interconnecting trail. What is your position on preserving the trail link? Are you against it?

Bill Proia – I think I answered that. We are not building it out to connect. We are not building on it. It will be used by the visitors as part of the programs we will be running. That is all we have planned right now.

Susy Affleck-Childs – What are your plans for water and sewage treatment?

Bill Proia – We are working on various options – wells or public water and I don't have any specific plans for that. They are in process and being explored. The same for sewage. We are looking at connecting with an existing system or do something on site. We want to keep all our options open.

Nancy Maxwell, 20 Diane Drive – When the existing retreat center was built, the septic system I know can handle more than what that building uses. I was wondering if that capacity will suffice for the usage generated by the new center.

Bill Proia – No. Additional capacity has to be developed somehow. I don't know the exact amount of addition.

Bob Tucker – I think you are required for the building to have its own stand alone system.

Andy Rodenhiser – The Board of Health would regulate this. Because this is an exempt use, our limit of review is fairly succinct and that is not one of the areas we can look at.

Bill Proia – It depends on what regulations we trigger – DEP and/or Board of Health.

Karyl Spiller-Walsh – In having time over the week, I had a self revelation. I feel that the Planning Board and the Town of Medway have a number of serious concerns. These are usually managed by the site plan process and the rules and regs. In this case, they are not applicable because of the exempt use. The concerns that all of those procedures cover would then become by default the responsibility of the applicant. My gravest concern is the polluting that might happen to Chicken Brook. By default, the applicant has then taken on the responsibility of water retention, detention, infiltration, all of those issues that will cause the runoff waters to not infiltrate the surrounding water. I would like to see some kind of testing mechanism that could happen during the development process to flush out any polluting that might happen as a result of the development process and the maintenance of the site as it is up and running. I think there should be a list of concerns that will follow from us to the Conservation Commission and Board of Health.

Andy Rodenhiser – We can send a letter documenting our concerns to both the Board of Health and ConCom, but for our decision we are limited.

Karyl Spiller-Walsh – I understand, the proof will be in the pudding.

Chan Rogers – We have no control over water and sewer – I think we are wasting time.

Bill Proia – I would like to respond. We are not exempt from environmental statutes or regulations. We have to fully comply with those in our design and operation.

Andy Rodenhiser – Karyl, your comments are driven around stormwater?

Karyl Spiller-Walsh – And drinking water and their septic invading the river ways. Those are my personal concerns. Those concerns need to follow along to the other boards.

Bill Proia – The board should participate in all the other processes. You heard the ConCom chairman say they will pick up the stormwater review.

The Board reviewed the Draft Decision.

Chan Rogers – Good job.

Tom Gay - After reviewing the transcripts of last week's meeting, it seems like everything is covered.

John Williams – I concur.

Karyl Spiller-Walsh – It is pretty simple, you are OK with the document?

Lighting

Bob Tucker – I would agree with all that but I would like to see some minimal amount of walkway lighting.

Barbara Saint Andre – What would be a reasonable? There are lots of different ways to do it.

Bob Tucker – Downward facing, maybe a 5-15 lumen illumination.

Bill – may I suggest this . . . how about if we

Jim Tusino – Low level pedestrian lighting, 5-15 lumens is reasonable, downward directional. I am happy with that.

Andy Rodenhiser – And to whose satisfaction?

Bob Tucker – Come back to us.

Bill Proia – Let officer Watson do it.

Tom Gay – Anything per ADA?

Bob Tucker – Personal safety and aesthetically pleasing are important.

Parking

Bob Tucker – For parking, locational suitability is in the eyes of the owner. With the lighting, I find it acceptable.

Stormwater

Bill Proia – We feel it is not applicable.

SECTION VII. – WAIVERS

Karyl Spiller-Walsh – We shouldn't waive the construction standards.

Andy Rodenhiser - While they are an exempt use,

Barbara – these are part of the site plan review – are you anticipating that they will

Karyl Spiller-Walsh – I see that we are waiving the functioning of the engineering or are we waiving the presentation of the plans/info?

Chan Rogers – We don't have the jurisdiction. We are absolved.

Barbara Saint Andre – Are you expecting that they will come back to you?

Karyl Spiller-Walsh – No, I do expect that the end product will be a clean site, developed correctly, and everybody is going to be happy and Chicken Brook will not be polluted

Andy Rodenhiser – All that will happen at ConCom.

Karyl Spiller-Walsh – We are not involved in the process.

Andy Rodenhiser – We can't waive an authority we don't have.

Susy Affleck-Childs – I think you are waiving the standards.

Barbara Saint Andre – You are only waiving your standards. When they go to ConCom, they have to comply.

Bob Tucker – Should this list (of waivers) be shortened up?

Barbara Saint Andre – I think what Susy is trying to show is the coverage.

Tom Gay – In the introduction to the waivers, I would include a little bit more at the beginning to explain why there are so many waivers because of the exempt use.

Bill Proia – Your bylaw and your Site Plan regs specifically say if anything in here violates section 3 of 40A, maybe it would be easier to say if it is not addressed here it is waived. I have done that before.

Andy Rodenhiser – That seems kind of dangerous.

Barbara Saint Andre – The way it is set up here is fine.

A motion was made by Chan Rogers to approve the waivers. The motion was not seconded.

Karyl Spiller-Walsh – I would suggest we change the name to stormwater design.

A motion was made by Chan Rogers to waive the drainage standards. The motion was not seconded.

Specific Conditions

Andy Rodenhiser –How do you propose to handle the parking? Will you paint lines on the grass?

Karyl Spiller-Walsh – I don't think we should have any concerns about that. I would have concerns if they start to pave the parking lots and create water runoff.

Karyl Spiller-Walsh - Have a condition that they would have to come back.

Andy Rodenhiser – If ConCom was to tell you that you had to have paved and separators, then you would have a different condition.

Bill Proia – What would your jurisdiction be?

Bob Tucker – Changing from a pervious surface to an impervious surface.

Barbara Saint Andre – If ConCom makes them change something, then they would have to come back to you.

Andy Rodenhiser – His point is that because it occurs with ConCom, it is not for us to worry about. But if it affects the travel to the facility, we would want to look at it. Because parking is not being paved right now, there is nothing to look at.

Barbara Saint Andre – I am not sure you want to discuss in advance possible modifications. If ConCom was to make them do something that is particular to stormwater, then ConCom has the purview, but if they wanted to change something that is in your purview, they would come back.

A motion was made by Tom Gay and seconded by Chan Rogers to close the public hearing. The motion was approved.

*****Conroy – 51 Alder Street

Motion by chan to approve, seconde3d by tom gay – all yes

Susy – comments from Bob

Review town Meeting articles with IDC

Bill wriight, kelli ployer, dave harrington, rick Kaplan

Andy Rodenhiser – 43D Priority Development Site – add some area in the medway industrial park and the oak grove bottle cap lots – town owned property

John williams – is it possible to get grant money to research those

Andy Rodenhiser – yes. . we are eligible for a grant from mass development once we designate these areas –

John – we have to do this first

Andy Rodenhiser – we may go to BOS Town Meeting to sell some of this and then use that money to buy up other properties

Karyl – which of the lots that

John – of the remaining bottlecap lots, what does the town own?

Andy Rodenhiser – we looked at what was most plausible in the industrial zone . . that is where we drew the line

Bill – how long does 43D last

Andy Rodenhiser – indefinitely . . .

Gino – there is a minimum of 5 years . .

Gino – my understanding is that the state does not like groups of parcels with donut holes . . . however, on the other hand, I understand that some town, maybe Sharon, they worded it in such a way, it let all the parcels be eligible subject to the owners agreeing so theoretically you could get the other owners . . .

Gino – we have to submit the priority development site to the state for the actual desintion - it might not be any problem at all

Bob – do the word engineering to include the other non town parcels –

We have to identify the specific parcels – 9 more to add . . .

Karyl – are there some of these that are willing to sell to the town?

Andy Rodenhiser – Mr. Williams owns

Chan – isn't it possible for the town to take by tax title

Bill wright – what is wet?

Gino – the mass GIS map shows that none of it is wet –

Andy Rodenhiser – stall brook is right along there

Bill- I think it is great

Change residential uses in CII to ARII - 22 parcels

This is to clean up

Doesn't effect assessment

Create new business/industrial I district –

Dave harrington – I had a thought on this one – you had a maximum height of 40 feet in this zone . . where it is right along route 109, might somebody want to do a 60' digester

Gino – that is the same as the other commercial zones

Bill – drive thru via special permit

Karyl – there have been some discussions with DRC – 40' limitation – do we have any vision for this area – what type of buildings would we want to see – what the architecture and use might be – I thought we came up with conditions that we were putting –it might be too rote and archaic in their limitation – prevents any kind of architectural tower that might be a great office building – I had questions on the setbacks, maybe they are too constricting . .

John – wouldn't they then come to the planning board to make an adjustment?

Karyl –

Andy Rodenhiser – what are you proposing to change?

Karyl – I am delinquent

Rick – are you saying there should be more or less

Karyl – in the case of a special permit, every single place is site sensitive, there're might be some instances where we would want to see a side or rear access –

Kelli – so you are saying loosen it up a little bit

Karyl – more special permits and –

Rick – my putting it in I think you are opening

Bob – if you put it anyh closer to the street, I think you are sking for trouble?

Karyl – what kind of trouble

Bob – traffic

John – why not keep it consistent with our other rules

Karyl – just because it is what we have done doesn't mean we should continue to do it – do a site evaluation in each case . . .

Gino – one way to address that . . you could always – leave setbacks as they are and allow for changes via special permits

Andy Rodenhiser – the purpose of this meeting is to apprise the IDC . . – we are going to have a public hearing – would you be willing to present an alternative – you need to be specific – cite where the changes

Bill wright – are these guidelines based on retail being there – is this geared toward encouraging retail

Andy Rodenhiser – it adds the ability to add retail –

Bill Wright – the major change is adding the retail uses

Under item L – on special permits – what was the thought process on doing those as special permits

Andy Rodenhiser – somewhat controversial uses and zba wants to retain its

Bill – would it make sense to simplify this one?

Andy Rodenhiser – this zone might be good elsewhere – 126 toward Bellingham

Karyl – board, I am sorry that I haven't flushed these issues out . . what would be better for the future of the town – you don't always see it until the project is in front of you – you don't always know – why put things in there - it comes to you when it comes to you

Andy Rodenhiser – it would behoove us, if you have specifics to recommend

Amend Industrial I zoning – addresses contractor's quarters to put them somewhere – there is no place where they can legally function – and the other is to have sales and storage of building materials

Kelli – this gets contractor's yards out of our yards?

Rick – it should be allowed in that area

Andy Rodenhiser – we can't enforce until there is a place for them to go

Sign Regulations for industrial zones –

Allow for projecting signs – seems practical

OK

Create new Commercial I by blending in Commercial II and a small portion of ARII –

Karyl – I want to go to the assisted living facility option as a special permit – some of our concerns about the pros and cons of such a facility – as I brought this up to the PB – if you were going to consider a spot in Medway, a piece of land in Medway, where would it be? Probably not in the location where it is going to be proposed? But given that there is some interest, what can we do to make an assisted living facility a gem and important building and site – being a very key piece of land – being a special permit and assuming the applicant has very good concepts – we had a lot of things we were talking about – consideration of existing topography – we talked about the 50 foot setback – part of this facility might want to come right out to the street – maybe the best access for assisted living would be from the back

Dave – I have a question on a height limit? Why have it

Karyl – I am talking about this site – maybe this is too limiting – let's think more outside the box – towers, staircases or elevator shafts – more than

Rick – anything that is more than 40 feet would be out of character for this area – I don't think it should be higher than

Karyl – we need to think beyond today . . . I am not suggesting we add another 3 floor of beds –

Andy Rodenhiser – what are you proposing

Karyl – remove height limitation and setbacks

John – if a developer came

Andy Rodenhiser – we could say . . . add no height restriction to the assisted living facility . . .

Karyl – I don't even like referring to side yards, front yards, rear yards – it calls it out as being –

Chan – front yard is where you have frontage . .

John – could you leave it open for negotiations

Karyl – if it is in the bylaw,

Andy Rodenhiser – you would make it part of the condition . . .

Bob – I am not in favor of reducing setbacks at this point

Chan - you are proposing some wide sweeping changes . .

Gino – I think chan hit the point – karyl is talking about some very sweeping changes – very favorable – a lot of this is the direction we were heading in with the overlay district that would allow the flexibility –

Karyl – I am requesting that we delete some things –

Andy Rodenhiser – couldn't we do that thru the 40R overlay district

Tom – I am not sure I am willing to sign up for eliminating setbacks

Karyl – we may have an applicant . . . what can it be like? What

Tom – we need to be very careful and stage the way gino has suggested – it can be changed again

Karyl – we may

Andy Rodenhiser – at a midway business council, Ann Sherry representing midway coop – when we discussed redoing CI and CII in November, she said specifically that the bank may have a tenant to do this – and further there was a meeting here at town hall when they came in to discuss – there is no place in the bylaw where assisted living is allowed

Rick Kaplan – even taking setbacks out of it, there are coverage ratios – they can only develop a certain amount of property

Karyl – on this particular site, this has some very unique characteristics – difficult but interesting – it is terraced and goes up a high – maybe entering from the back – make landscape features an integral part of the site – it might be a good idea to enable the building to go up against the sidewalk

Andy Rodenhiser – thru the special permit process we can catch a lot of that . . . terracing and arch features

Andy Rodenhiser – wh

Karyl – I would like to delete the 40' height restriction

Chan – that would be a fatal mistake,

Bob – there needs to be some kind of vertical limitation

Karyl – do you think 40' is enough

Bill – three or 4 stories with a flat roof . .

Karyl – what do you want to see . .

Rick Kaplan – height is very interesting, setbacks

Bill – I think there needs to be a maximum height

Karyl – I am the first person to say that buildings should be done in character – let's not cut off our nose – a little bit bigger pictures

John – I don't see how we can have it both ways . .

Karyl – we are not looking for a 10 story block

Andy Rodenhiser – is there a way for us to allow

Kelli – no rental or useable space could be over 40'

Gino – think about the change that you made in the industrial III zone – standard height and higher by special permit

Gino – put it in 2f) – maximum 40 feet or up to 60' by special permit from PB

Bob – no useable space above 50 feet

Karyl – when we were working on design elements – some of the most interesting sites are assisted living

John – limit it to architectural accents

Tom – I don't think I would want to be that restrictive

Chan – no

Bob – not sure

Karyl – I want to see it on a case by case

So no . . .

Andy Rodenhiser – is board prepared to abandon setbacks

Karyl – I disagree

Tom – I don't think the town has been ill served by having setbacks

Karyl – I think they are too limiting . .

Andy Rodenhiser – can we put aside time . .

Bob – I want setbacks to stay where they are . .

Karyl – I would do a dog and pony show to try . .

4/1/08 Notes

Daniels Wood II – Public Hearing Continuation

Paul DeSione
Fred Sibley
Dave pellegri

Paul – referring to TTR comments, - we will include leaching area to be 12” minimum above water table – bob speroni

Second thing was another comment from TTR re small detention are – parcel A – 11,979 – it will be owned by fred or whoever buys the lot

Third ting – re subdrain – we couldn’t find it . . that owner should keep it open – rick merrikin detemriend that pipe should be an 8 inch – mr. allen has graded it so the water does go thru there now – he doesn’t feel it is going to be a problem – it is about a 1.7 foot lower – Rick took into consnidration a lot of area to do the drainge calcs . .

Bob – so you are going to replace it with an 8 inch . .

Karyl – what happens to the landscaping we talked about?

Paul –he is not going to cut any trees there

The road/todd’s driveway is 12 feet now and we are looking for a 14’ width with a T turnaround

Bob – where it is 2 lots, if you don’t have a problem with the exsiting drainge - do you think there is additional stormwater issues you want to look at

Dave – I don’t think it will be an issue -

Bob – where is water going when it hits the stone wall?

Paul – I had a hard time finding the pipe when I was out there

Bob – in a 100 year storm, is there

Bob – the 4inch pipe is already there – you are saying you are going to replace it with an 8 inch .
. I don’t want to create problem

Paul – Rick

John – why ask for a waiver . . .why not just do it

Bob – any additional stormwater management that should be done for this?

Dave – we are looking at the issue whether there is an impact for increasing the pipe

Paul – we can supply info to you

Chan – typically you go to 4-8 inches

Fred – I kind of don’t think it will really matter . .

Chan – have you observed the condition at the end of the 4” pipe – it might be full of debris and not functioning

Paul – I had a hard time finding it there today – he has to keep it cleaned out . . .

Chan – I think our engineer should have gone out and looked at this . .

Todd allen – I put the drain in – I think it is a 6 inch

Paul – no, it is 4 inches

Todd – it is working fine now – it was eroding my lawn – no water going down the driveway now . .

Bob – I just want to make sure, the town’s engineer needs to look at the calcs to make sure is OK and no negative impact – we need his review

John – it protects you guys because board did its due diligence – I don’t see the benefit in waiving

Paul – we have the data and we have it =

Bob – you had already done it . .

Paul – I think rick addressd the TTR questions . . .

Susy – 5.7.24 – re: trees to be retained . . should they be tagged?

Fred – I don’t think there is any special trees

Paul – it is a young woods – 8-10 years . .

Fred – you had mentioned planting – try to maintain character of wooded area –

John – keep intact the prior decision

Tom – I am not happy about waiving the 18’ width of the roadway

Paul – get a review letter from wayne vinotn

Dave – there is a crown in the road . . you could flatten it out or keep it and have the curbing

Andy Rodenhiser – I would suggest that the cape cod berm stay to protect the road . .

Fred – wouldn you need a berm only on one side?

Fe more edits

Keep hearing open for letters from Wayne & jeff

Continue April 8 at 8:30 pm – motion by . . .

Waiver Discussion

John – what is justification for waivers -

Karyl – sometimes waivers make the site better could it be better? We need to catch up . . .

Tom – I would have to have a discussion about the other guy . . . transformation of a new England town based on an overlay - Onuma . . .”bimstorm”

Karyl – lukes is thinking so far beyond where we are now

Motion to adjourn – bob, chan

All yes

10:15 pm