

Tuesday, April 29, 2008
Medway Planning Board Meeting
Medway Town Hall – 155 Village Street

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

ALSO PRESENT: Susy Affleck-Childs, Gino Carlucci

The meeting was called to order at 6:35 p.m.

Andy Rodenhiser – We will be opening up a public hearing at 7:15 p.m. on proposed amendments to the zoning bylaw.

Appoint Beth McDonald to the Design Review Committee

Andy Rodenhiser – I can vouch for her integrity as well as her resume. She had been a candidate for a position with us. But she took a job elsewhere. She is very involved in lots of green initiatives, lots of certifications.

Karyl Spiller-Walsh – Having sat with her at DRC meetings, she is articulate, pleasant, outside of the box thinker. We are so lucky to have somebody with her expertise and focus.

Motion by Bob Tucker, seconded by Tom Gay to appoint Beth McDonald as an associate member of the Design Review Committee thru June 2009. Approved.

NOTE

Chan Rogers arrived at 6:40 p.m.

Gino arrived at 6:40 p.m.

Request for Site Plan Exemption for 167 Village Street/Dr. Carchidi

Andy Rodenhiser - Dr Carchidi, the dentist, bought the old ham radio building on the other side of Richardsons (on Village Street). The road next to Town Hall is Whiting Street. Because the back of this building is visible from Whiting Street, that triggers site plan review. He is looking only to remove the bow window and add a vestibule as a customer entrance.

Chan Rogers – I studied this and I move that the requirement for site plan review be waived. The motion was seconded by Tom Gay. Approved.

Fee Estimates

John's Auto Body Site Plan

Andy Rodenhiser – This is a relatively minor addition to an existing 4 bay building.

Susy Affleck-Childs – We will start the public hearing on May 13th.

A motion was made by Bob Tucker, seconded by Chan Rogers to accept the estimate of PGC Associates for \$____ for plan review services. APPROVED.

Bob Tucker – What are they looking to do? A butler type building?

Andy Rodenhiser – They want to add one bay to their building.

Commonwealth Capital Application

Gino Carlucci – There is a requirement of the State to have an updated Commonwealth Capital application in order to apply for grant programs.

Andy Rodenhiser – The updating of that, is that something if we vote tonight to authorize you to do this, can you wait on doing it until after town meeting?

Gino Carlucci – There is no deadline on it with the state.

A motion was made by Bob Tucker, seconded by Chan Rogers to authorize \$_____ to pay PGC Associates to update Medway’s Commonwealth Capital application. APPROVED.

Andy Rodenhiser – I would encourage you to read the directions about this (that were in your packet). You can see the forward type of thinking that the state wants to see from towns.

Gino Carlucci – By the way, in terms of doing it after town meeting, you can get points for implementing something that you were working on. For example, Medway will get points if town meeting passes the affordable housing bylaw.

Report of the Planning Board Assistant

INSERT

Karyl Spiller-Walsh – The DRC is sick of meeting at the senior center. We need to meet in town hall.

Andy Rodenhiser – There has been some discussion about using the old high school to make meeting space available up there for town boards.

Chan Rogers –As a member of SWAP and visiting the towns in the area, I can tell you that Medway has the least facilities. But I think some of these things will work out soon.

Site Plan Extension for Restaurant 45, 45 Milford Street

Susy Affleck-Childs – The applicant has requested an extension for completion of their site plan work to July 2009.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to extend the completion deadline for work at 45 Milford Street to July 1, 2009. APPROVED.

OTHER BUSINESS/UPDATES

Chan Rogers – impasse has been handled

Verizon poles at intersection – they are finally moving those poles – work cannot be completed until those poles are moved – and state approved the plan for a northbound left turn land onto route 126

Andy Rodenhiser – any word on other intersection

Chan Rogers - the guy is very busy - I am getting a layout of the intersection done by somebody
Jack Dillon – he is a sole entrepreneur who does work for Norfolk county – he has already prepared the warrant for the signal – this would be a trial first cut suggestion to show the church people - if we can implement signal changes – to make 109 eastbound turn have priority over southbound onto Franklin street – mass highway . . .

INVOICES

Reimbursement to SAC for books - \$26.40 – Books/Resource Materials – bob, Chan Rogers – all yes

VHB – Speroni Acres and Country View –construction - \$345 – from our revolving fund. - Karyl, Chan Rogers – all yes . . .

TTR – Franklin creek construction observation - \$3163.34 – Karyl, Chan Rogers – all yes.

Construction Observation Reports

Andy Rodenhiser – On Country View Estates, are we talking with Dave D’Amico?

Susy Affleck-Childs – Yes.

Tom Gay – Where is Evergreen Meadow?

Susy Affleck-Childs – It is off of Lovering Street – Iarussi Way

An email went out to us and others re: the possible sale of properties along the railroad right of way . . .

BIMSTORM

Tom Gay – One of the connections I have thru the National Institute of Building Sciences and the Building Smart Alliance is a firm in California. They do a program called a BIMSTORM. This is a design exercise on a world wide forum with a whole different way of approaching things. They take an area that needs to have its use and layout redesigned based on a program or desired outcome. We have been talking about an overlay district up on Main Street. I spoke with the guy that runs this about doing a BIMSTORM for a small New England town. They are now studying the site to see if they would be interested.

NOTE – The board took a brief break at 7:08 p.m.

Public Hearing – Proposed Amendments to the Medway Zoning Bylaw

7:15 p.m. – The public hearing was opened. NOTE – Attach Andy’s opening comments.

Andy Rodenhiser – It is nice to have Gino with us at the table.

A motion was made by Chan Rogers, seconded by Bob Tucker to dispense with reading the public hearing notice. APPROVED.

Andy Rodenhiser - I would like to recognize that our town moderator, Mark Cerel, is in the audience tonight. Let's go with Article 27 first. Bob Speroni is here.

Bob Speroni - Thanks for inviting me. Susy explained that there might be some questions on this article. How we got to where we are tonight? This deals with non-conforming uses. This particular article deals with pre-existing non-conforming lots that were created before zoning and which do not meet current criteria (setbacks, area, frontage, etc.) It was always generally thought if you had a nonconforming lot and structure, it could be rebuilt or expanded if the setbacks were not changed. There was a court ruling that unless the local bylaw had specific language so as to not make it more nonconforming, you could do it as long as you went up and didn't change the footprint. In 2002, we passed a change to the bylaw to allow this for one and 2 family dwellings. This has gone on for 6 years. After the first of this year, the SJC ruled on a court case with Norwell that if the lot was undersized, it would need a special permit to rebuild. This case was prompted by the mansionizing that has been going on in some communities. The issue to decide is if it would be more detrimental to the neighborhood. I was informed of the change by town counsel and I asked her to look at our bylaw. In her opinion, our bylaw was not adequate to continue. The purpose of this amendment is to (add the language) so we will be able to continue on what we have been doing. It is simply adding a reference to nonconforming lot size. This deals strictly with one or two family dwellings.

Tom Gay – Does it mean there will be any less ZBA action? What does it change?

Bob Tucker – Right now after this SJC ruling, if somebody came in (with a pre-existing non conforming lot) and wanted to put on a deck they would have to go to ZBA. If we don't do this, it will make for more special permits. I don't see any issues. I think it is a good move to make the clarification now. It gives you the flexibility to do what you want.

Andy Rodenhiser – Bob, thanks for coming in tonight. Any public comments on Article 27?
NONE.

I am going to poll the audience to see what articles you have comments on.

Article 21 - yes
Article 22 – yes
Article 23 – yes
Article 24 – yes
Article 25 – none
Article 26 – yes
Article 28 – none
Article 29 – none

ARTICLE 21

Andy Rodenhiser – This proposes to change the zoning of 22 parcels in the Commercial II district to ARII. This is a developed neighborhood. The zoning should reflect the usage. It is recommended in the master plan. This is a clean up of the problem.

Chan Rogers – This change preserves the integrity of the neighborhood.

Comments from the public - None

ARTICLE 22

Andy Rodenhiser – This creates a new Business Industrial Zoning district on the east side of town. It establishes a new district for nine parcels of property and amends the zoning map.

NOTE – Attach Overview Sheet.

Karyl Spiller-Walsh – I would make a recommendation to delete letters d) and e) which refer to the setbacks. I would not recommend any setbacks. I would recommend a site study and have appropriate setbacks determined on a case by case basis. The language now is too mechanical and not site sensitive. It is artificial. The requirement for landscaping next to a residence is inadequate.

Andy Rodenhiser – All the parcels in the proposed new district are now industrial.

John Williams – I don't know about removing the language all together. I can't really think of any reason why you would allow a setback less than what you have now. I think keeping it in there provides a clearer document. I don't see the logic in this (removing the setback requirements).

Karyl Spiller-Walsh – I can imagine that there may be some instances where you would want the building to be closer to the road. I see it as an advantage to the town. There may be situations where we would want more landscaping. I think it is narrowing and limiting as to what those buildings could be. I have given this a lot of thought.

Chan Rogers – I am surprised that after careful deliberation we proposed this article and now, this is the first time I have heard this concern.

Karyl Spiller-Walsh - We have discussed this before.

Tom Gay – I struggle with eliminating setbacks at all. But I wouldn't be averse to having some minimum standards.

Karyl Spiller-Walsh – Once we have these in the bylaw, the special permitting starts after the description in the bylaw.

Tom Gay – I also have an issue that this is where the town line is (with Millis). Do you want to allow for a building to be right in a corner? I don't.

Mark Cerel, 6 Franklin Street – Speaking as the moderator, it is my understanding that the warrant has been finalized. The zoning articles are out in the Finance Committee's report. It is my understanding that these articles are sponsored by the PB. There are an extensive number of zoning articles for town meeting. I will have serious problems if you get into dramatic last minute rewordings. As a result of citizen comments, if you see some things that need to be clarified, that is fine. But if you start to do substantial changes to the language, it raises some issues on notice. I will leave that to town counsel but too many changes will place an article in jeopardy. To ensure a quorum, I am prepared to go directly to the zoning articles first and then go to the budget. That will require continued cooperation with me. I hope we understand each other.

Karyl Spiller-Walsh – That crystallizes a lot.

Andy Rodenhiser – If there is that much of a concern, there is more to gain to pass it in its present form and then make a modification to it in the fall.

Karyl Spiller-Walsh – I understand and I think that is a good recommendation. As we creep slowly into the next articles, I have a lot of concerns with that based on the same issue.

Edward Ball, 7 Industrial Park Road – My question is whether the purpose of the change is for this area to expand for use for retail businesses?

Andy Rodenhiser – Yes.

Edward Ball - Are these the only parcels are going to be affected?

Andy Rodenhiser – Yes.

Edward Ball - Why not the rest of the parcels in the (industrial) park?

Andy Rodenhiser – Retail on Route 109 makes more sense. It was requested by some of the owners. The back lots don't lend themselves to retail.

Edward Ball - How high are the buildings?

Andy Rodenhiser – 40 feet, then same height as presently allowed in the Industrial I district.

Edward Ball - I realize there is a request for these particular nine parcels. If any body at a later date wanted to add, could that be done?

Mark Cerel – You can add to the district at a future time.

Chan Rogers – Originally, the request was for a smaller area and the PB enlarged it

Vincent and Heidi Sia, ___ Main Street – Our parcels are in Industrial I but are used for residential. Swenson Granite is behind us and Rosenfelds use part of this area. We have some concerns about protection for us with this change. How would this change affect us in terms of our living space? We will live there.

Andy Rodenhiser – The preexisting use that you enjoy now you can continue to utilize. Your taxes would not be changed as you are taxed based on use, not zoning.

Heidi Sia – what they put up a fence or a row of trees or some type of barrier – now that the use of land is going to change or rezone

Gino Carlucci – Swenson would have to come in for a change in use or need a site plan

Andy Rodenhiser – Have you tried to work with the Rosenfelds?

Heidi Sia – He was digging sand right at our property lines. I couldn't open the windows.

Andy Rodenhiser – The single best advantage to you is your resale potential . . . the uses that would be afforded to you in the future. I think the best you could do is to try to work out something with the Rosenfelds directly.

Heidi Sia – Thanks.

Andy Rodenhiser - Any other comments on Article 22? - None

ARTICLE 23

Andy Rodenhiser – This adds two new by right uses to the Industrial I district

NOTE – Attach Overview Sheet.

Andy Rodenhiser - Any questions of the board? Any from the public? None

ARTICLE 24

Andy Rodenhiser – This creates a new Commercial I zone

NOTE – Attach Overview Sheet.

Andy Rodenhiser - We want to provide for connectivity between Main Street and Pond Street and allow for same uses on both sides of Route 109 and make it easier for businesses on parking standards.

Bethany Bartlett from Sherin and Lodgen – I represent the owners of the Medway Shopping Center. We have one concern on the parking and one other question. It seems there is a difference between the draft version we were mailed and the one we received tonight on who handles the parking special permit.

Susy Affleck-Childs – It is as you have it tonight . . . if there is a special permit for use, that same authority handles the special permit for parking.

Bethany Bartlett - Our major issue is with the parking. Basically, if the new off-street parking requirements are enacted as stated, we will be out of compliance immediately. We did come to the last public hearing (fall 2007) and did suggest a change. We are back to reiterate our concerns. The PB seems to be in favor of using useable floor space instead of gross floor area to determine the amount of parking. We would suggest that instead of one parking space per 200 sq. ft. of gross floor area, you go up to one space per 300 square feet of gross floor area or use one space per 250 sq. ft. of gross floor area and remove the specific parking provisions for restaurants based on seating and number of employees.

Gino Carlucci – You mention a parking study. I would like to see it.

NOTE – Bethany distributed a handout with some info from the parking study.

Bethany Bartlett – We did this study several years ago in 2003/2004.

Karyl Spiller-Walsh – Are these numbers based on businesses there now?

Bethany Bartlett – Yes.

Andy Rodenhiser – One space per 200 sq. ft. is pretty standard for retail. In a mixed use environment like that, there may be some shared parking going on. How dramatic a change would that be to go from one space per 200 sq. ft to one space per 300 sq. ft?

Gino Carlucci – That is a dramatic change.

Andy Rodenhiser – The mix of tenants is important.

Bethany Bartlett – We understand that you are looking at an overlay district?

Andy Rodenhiser – There is a ton of area behind the building that isn't used. We would like to see a pad site developed closer to the road and to see the plaza renovated or eventually replaced. That is part of this BIMSTORM idea. We are trying to provide lots of different options and avenues for you to make investment in this property.

Andy Rodenhiser – Mark, is this a dramatic change in terms of approval?

Mark Cerel – There are two issues. One relates to how zoning gets approved and ultimately how the Attorney General's office will view it. How much of a change is made after it goes into print? The second part is the procedural one. It is my having to deal with a whole bunch of changes within each article and trying to keep town meeting moving along. As far as when you get over the line, that is Town Counsel's call. I will not second guess her on that. If you come in with a whole bunch of changes on different articles, that could be difficult.

Bethany Bartlett – It could be as simple as substituting 300 sq. ft for 200 sq. ft.

Chan Rogers - That seems pretty straight forward –

Andy Rodenhiser – I don't want to have this overall bylaw rejected because of a change.

Bethany Bartlett – We have a tenant turn over coming and we are already out of compliance with the parking.

Paul Perrier, Director of Property Management for Medway Realty LLC – Right down the street (at Medway Commons) is one space per 300 sq. ft of gross floor area.

Bethany Bartlett - We would like to see 300 feet useable.

Andy Rodenhiser – Any comments on **ARTICLE 25**? None.

ARTICLE 26

Andy Rodenhiser – overview – there was a meeting that took place on April 15 – with Andy, Susy, Gino, Eric Alexander – Paul Yorkis and Greg Whelan to brief them

You have the notes from that meeting – Andy Rodenhiser - . . . have some notes from a meeting that Susy, Eric and Gino and I had with Greg Whelan, Paul Yorkis and Ralph Costello re: affordable housing

Karyl Spiller-Walsh – I am not too sure on this – there is a huge discomfort level on the feasibility of attaining what we are trying to – I don't know if it is flushed out enough – I see it as maybe a detriment – the economic times, because of the cost of land – I think it will slow development substantially

Paul Yorkis – reside at 7 Independence Lane in Medway – first of all I would like to commend the PB for taking the initiative to try to develop an affordable housing bylaw for our community – I have maintained for a number of years, a position that this community, if it is going to be successful needs to have a variety of housing types and pricing so that any person who would like to live in that community can do so and we are not in a position of not enabling a person who grew up here to afford to live here – I am somewhat concerned with the moderator's comments about changes . . . Because I think there are some significant questions that I would like to raise as well suggestions – it is important that the town move forward on a bylaw of this type

- I. D – suggest the term “high quality” be removed – that is a building code issue, not a zoning bylaw

IC – change accommodations to types and also to recognize that all types of residents need

Paul – in making changes – I understand your concern – how does it work if there are substantive changes –

Mark – there are 2 issues – substantive and procedural – if it is changing too much the AG is the ultimate decision – and then procedurally how will it be handled at town meeting – and we have to work our way thru that – the more time consuming and complicated it becomes in the context of a meeting that is there with other business . . .

Under maximum affordable purchase price – change text to does not exceed –

Just questioning the number of 3 lots – why that number?? I don't know what is magical About three –

I would also raise the concern about whatever that number is going to be – some situations with ANR lots may not be able to be made into more lots

On page 4 – item 9 – cash payments to be provided . . . how is this value determined? – Who is going to determine, how and what is the process – trying to raise some sensitivity to a process so that whatever you decide it is a clear and transparent process –

Karyl Spiller-Walsh – there were some of the fuzzy things I had some difficulty with – who will do that

Andy Rodenhiser – the PB because it is a special permit – we would ask you to provide some information to address

Paul– in establishing value, there is a variety of different ways to do that – which is the value being established for and what is the basis for that value – I think you need to define that up front

Tom Gay – isn't there a formula

Gino – some easy language changes. . . we could make an easy fix . . .

Mark Cerel – the process in terms of the public hearing tonight – in the context of – the purpose is to vet proposed zoning changes so the PB can adopt a position on the bylaw and make that recommendation to the town meeting – this really isn't the forum for refining things and having a give and take discussion – one would have thought you would be dealing with a fairly final version at this juncture – not a rewrite of any significance

Karyl Spiller-Walsh – this is the time when the words come out of the woodwork – I think

Andy Rodenhiser – we need to decide whether to move forward or withdraw and make corrections – not all legislation is always perfect – just like anything, the time that is allotted for these things – no one really starts to participate until we get close – this is something that people who are following it are passionate – there are a fair amount of people that don't participate until the 12th hours.

Mark – the other point to be raised, there has been very little court guidance on the legality of this as a whole – you need to be fairly assured that this is

Andy Rodenhiser – she has reviewed this article and we have adopted some of her suggestions –

Mark – under DHCD – affordable housing is based on 80% of median income for a family of 4 – that number of standardized –

Andy Rodenhiser – the issue is how to value land or payment in lieu –

Mark – it is fairly standard process – it is not like you are creating the wheel here

Under item 9 b – off site – at the current time, the town's zoning bylaw requires a special permit from the ZBA for duplexes – it is not a matter of right – if an applicant were to propose to the PB that they were going to build two affordable units offsite – they could not build them offsite without going to the ZBA – that is a substantial obstacles

Item 9 b 4 – suggest removing in no case . . .

9 c) donation of land – this is not in the PB's sole discretion . . .

Chan Rogers – use of the word “sole” is redundant – the PB

Susy – the town is not an entity to whom

Paul – I am concerned about a process that requires another entity to take action –

Andy Rodenhiser – that is why there are multiple options

Paul – the earlier comment that I made – there are some hurdles –

Page 5 – item d 1 and 2 – I am concerned – real estate market - the focus of this is on median sale price of new market rate single family homes – I would suggest that it not necessarily be new – just

Item #16 – it relates to the severability clause – I was suggesting that language be added to include the AG if they struck a provision –

Mark – I suggest you discuss this with the town attorney – I am not sure I would put that kind of language in it

Andy Rodenhiser – thanks Paul

Andy Rodenhiser – anything from the public – any comments

Susy – to email

Tom Gay – some of these changes

Karyl Spiller-Walsh – the proof is always in the pudding – until we

Article 25 - OSRD – summary of changes. .

Any questions –

Any public comments? - None

Article 28 - summary of changes

Any comments from the public – none

Article 29 - summary of changes

Any comments from the public?

Mark Cerel – are you talking about a sign projecting into the right of way?

Andy Rodenhiser – no

Mark – I would ask that you have a brief report prepared – suggest one recommendation letter on the public hearing and get it into the record

Suspend the public hearing – until about 9:20 pm and then we will return

Daniels Wood Certificate of Action

The board voted and signed certificate – check document in meeting file for details on votes.

Return to Public Hearing on zoning articles

ARTICLE 24

Chan Rogers – Your question on the parking is that you would prefer what?

Bethany Bartlett – You are proposing one space per 200 sq. ft of useable floor area. That makes us out of compliance. If you moved it to 300 sq. ft. of useable footage would work for us.

Karyl Spiller-Walsh – How many parking spaces are you presently off from compliance?

Bethany Bartlett – Around 300 short, if not a little more.

Karyl Spiller-Walsh – Is the question about ratios or the number of businesses competing for parking space?

Andy Rodenhiser – I have heard you say that there are businesses with off-setting demands.

Bob Tucker – I would be receptive to hear comments on offsetting demands for parking.

Andy Rodenhiser – Does your parking data include the rear parking spaces?

Bethany Bartlett - We have a map of the parking on site.

NOTE – Bethany provided the PB with a map.

Bethany Bartlett – With the new general parking regulations that you approved (November 2007) we could get about 35 more spaces in by specifying some as compact car spaces.

Tom Gay – Even if we make the change, they would still be under.

Karyl Spiller-Walsh – Philosophically, shouldn't we be looking at a newer concept/plan to redevelop this site . . . in the bigger picture of planning?

Andy Rodenhiser – These provisions are for a much bigger area than just this site (Medway Shopping Center)

Karyl Spiller-Walsh – But the bylaw affects the site.

Bethany Bartlett – Some prospective tenants don't want to go thru a special permit process for parking relief. Our problem has historically come in with food establishments. We would like something similar to what is allowed at Medway Commons. About 45,000 sq. ft of space is closed at night time after 7 pm. That helps with the restaurant uses.

John Williams – Do you have long term leases?

Paul Perrier – We have all kinds of lease terms.

Andy Rodenhiser – The market will impact the parking.

Chan Rogers – I have never seen that lot anywhere full.

Bethany Bartlett – People from Drybridge park in our lot. I have never seen less than 200 spaces available

Chan Rogers – I think we should adopt something that recognizes that our requirements are overlay strict.

Tom Gay – I believe changing to one space per 300 useable is reasonable.

Gino Carlucci – If I remember correctly, there are some properties across the street that do not comply now. This may make them ??????????

NOTE - Everybody agreed to switch to 300 useable.

Karyl Spiller-Walsh – Article 24 I have concerns about on many levels. There are many facets to it. All the facets are not necessarily clearly related to each other. I have a concern. I am not proposing that we eliminate the article. I do foresee a lot of difficulties that will be dumped on this board such as the inclusion of the assisted living residence facility under 1. k). This use is not allowed anywhere in town right now. I think this could be a beneficial use but in terms of time we have no time to rewrite these bylaws and make them more acceptable and in accordance with the smart growth techniques. We are reworking the existing bylaw and applying it to the new Commercial I zone. I have a concern that when you have a setback requirement off the street from a given road, I feel it is limiting. The location of this site is difficult and challenging, right across the street from Dunkin Donuts. That is a disaster area in my opinion, if you are having vans that carry people needing assistance. If the bylaw says 50 feet, I think the application will come in with a setback of 50 feet. In some of our earlier designs we had alternative access routes for this site from the back. If these setbacks are instituted at this time, it will be very restrictive.

Andy Rodenhiser – Does anybody else have a concern about what Karyl has brought up?

Chan Rogers – I don't have any feelings about this.

Tom Gay – Every piece of property has setback requirements. Those are put there for a number of different reasons. One is to provide the internal travel lane. If there isn't any setback requirement, an application will come in with no setback. That opens the door for what we don't want. I understand your point but I can't support it.

Karyl Spiller-Walsh – This site is so unique. It is very special. It has characteristics including a wooded area and a stream going thru it.

Susy Affleck-Childs – Knowing how Karyl felt about this, I spoke with Town Counsel this morning. I have some suggestions for additional language to allow the special permit granting authority to vary setbacks in the instances of special permit uses. Handout.

Tom Gay – I would be ok with some criteria to do this.

Bob Tucker – This list not complete enough for criteria. There should be more.

Andy Rodenhiser – Karyl, if you feel strongly, perhaps you could come up with some language on this.

Karyl Spiller-Walsh – I would have to design the site. This is the same issue that we started to discuss with Medway Shopping Center. Conceptually as planners, we have been talking about bringing the (building) footprints closer to Route 109 and have parking behind or on the sides. What we are doing now is a 50's approach to site design. The bylaw is perpetuating archaic standards.

Chan Rogers – You ought to go to Walpole and look at some of the assisted living places – it doesn't mean every person that visits needs assistance.

Tom Gay – We can't have the bylaw written to cover one use that is allowed under special permit. Remember the 80/20 rule. Let's try to build some flexibility into the special permits.

Bethany Bartlett – Would an assisted living facility be subject to site plan review? Wouldn't that be addressed there?

Karyl Spiller-Walsh – Yes, but usually what we get is very rote.

Andy Rodenhiser – Any other issues?

John Williams – A general comment. I am not sure that changing the setbacks would accomplish what you would want to do.

Karyl Spiller-Walsh – Because of habit, setbacks were established before there was such an option for special permits. What I am proposing is completely consistent with smart growth.

John Williams – I think it is dangerous to do it (eliminate setbacks) with a general stroke to apply to all parcels.

Andy Rodenhiser – Karyl, I would really suggest that you take the effort to do this.

Karyl Spiller-Walsh – I think my only recommendation would be to delete it completely.

Chan Rogers – To take the setbacks out would be a disaster.

Tom Gay – I can't vote for that.

Chan Rogers - Andy, you stop us from talking and you don't stop her (Karyl). You cut me off.

Karyl Spiller-Walsh – I have had to wait an hour – quite frankly, I am sick of your comments.

Chan Rogers – I have equal time. I am not supportive of an amendment to get into the special permit stuff

Tom Gay – If it is worded in such a way, I could consider it.

Bob Tucker – What we are all looking at is to have this written is to allow the special permit to allow for a variance in setback. You don't want to tie the hands of this board to only be able to look at one criterion.

Andy Rodenhiser – Karyl, you need to take some responsibility to come up with some possible criteria. You have to come up with some text.

Susy Affleck-Childs – Town counsel will not support this change without any criteria for allowing variances.

Andy Rodenhiser – Any other comments on Article #24? None.

A motion was made by Bob Tucker, seconded by Tom Gay to continue the public hearing on proposed amendments to the Medway Zoning Bylaw to Tuesday, May 6th at 7 pm.
APPROVED.

A motion was made by Tom Gay, seconded by Chan Rogers, to adjourn the meeting.
APPROVED.

The meeting was adjourned at 10:08 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant