

Medway Planning & Economic Development Board Meeting August 5, 2008

PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, Tom Gay, John Williams,

NOT PRESENT: Karyl Spiller-Walsh

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

Chairman Rodenhiser called the meeting to order at 7:04 pm

Citizen Comments – None

A motion was made by Bob Tucker, seconded by Chan Rogers to go into executive session for purposes of discussing pending litigation with the intent to return to regular session.

Tom Gay arrives at 7:06.

ROLL CALL VOTE

Andy Rodenhiser – yes
Bob Tucker – yes
Chan Rogers – yes
Tom Gay - yes

The Board went into executive session.

The Board returned from executive session at 7:22 pm.

OTHER BUSINESS

Andy Rodenhiser - A problem has arisen relative to Blueberry Hill Road. There was \$25,000 received from John Claffey as part of the settlement of the Hartney Acres lawsuit (2004). Barbara Saint Andre went to do the title work and the fee in the road was not reserved. This subdivision goes back to 1985. There is \$5,000 in a bond that is to be refunded to the original developer (John Boczanowski). As a Board we need to decide how to proceed. We need to take care of legal matters.

Bob Tucker – Why does the town need to accept the road at all?

Andy Rodenhiser – In accepting the donation, the intent was to accept the street.

Susy Affleck-Childs – It was customary in 1985 to not reserve the fee in the road by the developer. I would expect that 90% of the roads in Medway have not been conveyed properly.

Barbara Saint Andre – He doesn't own the street.

A motion was made by Chan Rogers, seconded by Bob Tucker to rescind release of the bond.
APPROVED

Andy Rodenhiser – We will contact the developer’s representative (Paul Yorkis) about this.

Discussion on Proposed Zoning Bylaw Amendment Ideas

The board had a free flowing discussion of various ideas.

1. Mitigation proposals

John Williams – Should we have to do waivers at all?

Bob Tucker – How do we define excessively burdensome?

It was agreed to add similar language to the ARCPUD and OSRD sections of the zoning bylaw re: mitigation.

2. Commercial VI to Commercial I

3. Contractor’s Yards

We tried to go at this before.

Look at transformations we have had. A dairy farm that is now a landscaping business (in ARI) zone.

What constitutes agricultural/farm vs. what is a true contractor’s yard?

Chan Rogers - Isn’t this really an enforcement issue? These aren’t allowed now. .

Andy Rodenhiser – Do we want to be a more aggressive complainer on zoning enforcement issues?

Tom Gay – Is one of our goals to go around town and compile a list of non-conforming activities?

There are some junkyards around town – there are swimming pools.

Chan Rogers – I think we need to go to ZBA meetings and monitoring the ZBA meetings.

Andy Rodenhiser – Are we going to become the community’s mouthpiece for zoning enforcement?

Andy Rodenhiser – What is we get stomach aches over?? Do we want to be the

Gino Carlucci – With the new software, there will be a citizen portal for complaints.

Tom Gay – What kinds of things do we want to get into? How far do we want to take it?

Susy Affleck-Childs – How much do we want to do?

Tom Gay – I talk to newcomers who ask why we don't have covenants about cutting grass and maintaining property.

Bob Tucker – We have enough on our plate.

Andy Rodenhiser – Is this a priority for this town meeting?

Tom Gay – It has impact on too many other zones

John Williams – I don't see this as a major issue.

Andy Rodenhiser – I see enforcement as a major issue.

Bob Tucker – I don't think now is the time to work on this.

Susy Affleck-Childs – You could allow them by right in Industrial I, allow by special permit in AR zones with many conditions.

4. Town Center Overlay

Andy Rodenhiser – The DRC has had several discussion sessions regarding form based codes and talked about setbacks, curb cuts, building heights, and density.

Susy Affleck-Childs - There are some policy issues to discuss such as density and affordable housing.

Andy Rodenhiser – Gino, please sit with Karyl Spiller-Walsh to get her to tell you her ideas. I asked her to get in her car and take pictures of good examples of what she wants to encourage.

Chan Rogers – Several times we talk about things way too long when four of us are against something and Karyl is advocating for something.

Andy Rodenhiser – I see that my roll is to try to provide opportunities for all viewpoints to be discussed. Karyl does have some really good ideas that are hard to come out sometimes.

Chan Rogers – What we have on the plate for this town meeting is great. We need to be geared to have zoning activity for every town meeting.

Andy Rodenhiser – We need to start working on the next one.

Bob Tucker – We should take on what we do well.

Reports

Susy Affleck-Childs – Suzanne Kennedy announced her intent to move Fran Hutton Lee out of the Assessor's office and to have her work half time for us and half time for the Building Department.

Tom Gay – Pat McHallam and I have had some discussions about data. We have identified a couple of places. Conservation Commissions can get free GIS software. I have some other sources. We have gone through a few towns that have implemented GIS umbrellas over a lot of their operations.

Andy Rodenhiser – We have a letter from Mass Dev re: bottle cap lot project. The first meeting of the Oak Grove Task Force is August 19th. I spoke with Angus Jennings of Concord Square Development to help us with the grant applications.

Next Meeting - August 12, 2008 - Susy Affleck-Childs, Gino Carlucci and Bob Tucker cannot attend.

A motion was made by Chan Rogers, seconded by Bob Tucker to adjourn. APPROVED.

The meeting was adjourned at 9:09 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

**Medway Planning Board
August 5, 2008
EXECUTIVE SESSION**

The board convened in executive session at 7:07 pm.

PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, Tom Gay, John Williams

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

Barbara Saint Andre – The developer has a new attorney. I have spoken with him. They would only agree to a remand if we would agree to remove the condition. So, we are proceeding to pretrial conference which is August 13 in Dedham to talk with judge about the case

Bob Tucker - They agreed to the mitigation. It was part of dialogue on waivers. If they remand back, keep everything open for discussion.

Barbara Saint Andre - Question – Who will be the best witnesses for the Planning Board? Normally I would have your professional consultants and the chairman, but volunteers are always welcome. However, the court will not want to hear all 5 members of the Board take the stand and say the same thing over and over again.

Bob Tucker – I was looking at the mitigation in terms of the whole package.

Andy Rodenhiser – We talked about the impact of this development on the Senior Center.

Barbara Saint Andre – If they change their mind, they can't just take out that condition and expect to not have some impact on the rest of the waivers or the conditions.

Chan Rogers – They originally proposed a community center.

Gino Carlucci – The dollar amount (for the contribution to the senior center) was based on the same per unit amount determined for River Bend/Walnut Grove on the Charles.

Barbara Saint Andre reviewed the joint pretrial memorandum. The trial will probably take place in the fall.

A motion was made by Bob Tucker, seconded by Chan Rogers to conclude the executive session and return to regular session.

ROLL CALL

Tom Gay – yes
Andy Rodenhiser – yes
Chan Rogers – yes
Bob Tucker – yes

The executive session concluded at 7:21 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant