

**December 15, 2009
Planning and Economic Development Board
Sanford Hall, 155 Village Street**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, and Chan Rogers

ABSENT WITH NOTICE: Tom Gay

ABSENT WITHOUT NOTICE: John Williams

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Development Coordinator
Gino Carlucci, PGC Associates
Dave Pellegrini, Tetra Tech Rizzo
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:10 pm.

BOARD BUSINESS:

ANR Plan – 36 Broad Acres Farm Road/34 Stable Way:

The ANR plan was submitted to the Board on December 10, 2009. Colonial Engineering of Medway prepared the plans dated September 10, 2009 for applicant and property owner Dorothy Bullard. The location is 36 Broad Acres Farm Road (Country View Estates subdivision). The Assessor's Map # 5 Parcel # 22-31. The total acreage of land to be divided is 44,091 s.f. The Zoning District Classification is ARI. The frontage requirement is 180' and the area requirement is 44,000 sq. ft. This way was shown on a Definitive Subdivision Plan entitled Country View Estates that was previously endorsed as an approved plan by the Planning Board on 11-30-99. The applicant's plan combines Lot 31 A and Parcel A as shown on said plan to create a buildable lot. The property straddles the town line with Holliston.

PGA Associates prepared a memo dated December 11, 2009 for the Board to review. The memo had been forwarded to the applicant's attorney, Paul Kenney. There were four areas, which needed to be addressed.

1. Section 3.2.3 requires that a signature block must be on the upper right side of the plan.
2. Section 3.2.3 requires that the zoning district be shown along with the dimensional requirements.
3. Section 3.2.6 requires that the abutters across the street from property be shown on plan.

The applicant's engineer had revised the plan. Mr. Carlucci reviewed the revised plan and communicated to the Board that this plan also needs endorsement from the Holliston Planning Board. The plans will need to have two signature blocks indicating the Town of Holliston and the Town of Medway.

Chairman Rodenhiser mentions that the applicant should get the approvals from Holliston first. The Chairman checks to make sure that member Rogers is all set with the plan.

Member Rogers notes a discrepancy in the Lot number.

On a motion made by Chan Rogers, and seconded by Bob Tucker, the Board voted unanimously to endorse the revised ANR plan.

The Planning and Economic Board expresses their condolences to the Gay family for their recent loss in the death of AnnLouise Gay, Tom Gay's mother.

Williamsburg Condominium OSRD Definitive Plan – Public Hearing Continuation
The Chairman reopened the Public Hearing for Williamsburg Condominium.

Member Tucker clarified that the correct number of members present to vote on this application is four. Those members are Karyl Spiller-Walsh, Andy Rodenhiser, Chan Rogers and Bob Tucker.

PGC Associates provided a memo dated December 14, 2009. The memo indicated that the revised Definitive Subdivision Plan with the date of November 30, 2009 was received. The Chairman noted that based on Mr. Carlucci's comments, things have been done and reviewed. The Board is comfortable with everything with the exception of the waivers.

Mr. Yorkis provided a letter dated December 15, 2009 informing the Board that specific measures will be taken to ensure that per capita water use remains below 65 gallons per day. The letter addresses the intent of the water conservation requirement in the OSRD special permit.

Mr. Carlucci suggests using Native Plants that do not need a lot of water.

The Landscape Engineer was not present, but the use of Native Plants has been recommended by the Open Space Committee. A revised list has been created and was presented to the board.

The Chairman read condition number eight (from the special permit decision) about the stone walls. The plan now indicated which stone walls are to remain, and which are to be removed and which will be relocated.

Mr. Carlucci noted that the plan was recently revised and now shows the labeled stonewalls.

The Engineer noted that the play area would be moved to another location.

Abutter - Jeffrey Swenson, 68 West St.

Mr. Swenson wanted to know what was going to be done with the stonewall entrance. The Engineer communicated that the stone wall will remain as is. The Landscape Engineer will be planting evergreens, which will be 8 to 10 ft. Those will need to be maintained by the Homeowner's Association.

The Board discussed the waiver request for Partial Bond Release. The Applicant wants the ability to get a bond reduction once the work is completed.

Affleck-Childs informs the Board that based on how the State Subdivision Regulations are written that the town is obligated to reduce the bond commensurate with the amount of work remaining to be completed.

The Second Waiver Request includes the applicant being able to use NGVD 1929 to avoid conflicts with the FEMA 100-year flood elevations. The Board is comfortable with this.

The Third Waiver Request is to allow one building permit for 1 duplex building with an agreement not to request an occupancy permit until such time as the base coat of the road is installed. The engineer wants to also put in some infrastructure. They also want to remove the topsoil and place on the basecoat of gravel, and make sure that the conduits are in place. He will then apply for the building permit. They would like to build the first model unit. This would be built as the first unit on left or right from the entrance. They would also like to install the street signs as soon as possible. The Engineer is looking to start clearing the site and roadway as quickly as can. This would be before the decision is issued.

Affleck-Childs is concerned about this work taking place prior to the definitive plan decision being rendered. The plan probably will not be endorsed before the work he is describing begins. What does the Board want to consider in regards to pre-construction work/meeting?

Mr. Yorkis addressed that most of the work done will be in the soil. He indicates that currently, the lot can be cleared without any permits from the Board. They have no interest in doing any work that needs inspection. There will be no infrastructure work done at this point. The timing of this would include closing the public hearing in January, with a decision issued shortly thereafter. The goal is to comply with the intent of the Board and the Rules and Regulations. He would like to be able to work as quickly as possible. The weather needs to cooperate. The stock piling of soil, and moving of stone walls can begin at any time. A month is an important period of time. Mr. Yorkis would like to be allowed to do this. All permits in regards to stormwater will be ready in a week or two. Mr. Yorkis is comfortable with having a Pre-Construction Meeting with the Board on site.

Member Tucker explained that another situation and subdivision has not gotten the necessary inspections and has not completed the required work. He does not want this to happen again.

Chairman Rodenhiser is concerned about protecting the public roads when soils are being brought into and out of this project. The process needs to be followed. He would like to set up a pre-construction meeting.

Mr. Pellegri reminds Mr. Yorkis that the erosion control measures need to be set up and inspected.

The Chairman asks Mr. Rogers if he has anything to add.

Member Rogers reminds all that the applicant will not be seeking "Street Acceptance"; this will be a "Private Street."

The Chairman gave a synopsis of the discussion, noting that the applicant is comfortable and ready to do work prior to getting the approval. The applicant has agreed to put himself at risk by starting prior to acceptance by the Board, thus putting the responsibility on him. Mr. Yorkis is reminded that if there are any changes to the plan prior to Board's decision and endorsement, it would be the applicant's responsibility to fix this.

Member Spiller-Walsh reminds the applicant that they do not want to hear Cease and Desist if things start to go wrong.

Member Tucker feels that the small amount of work that needs to be done is very little risk as long as the abutting property and West St is protected. The infrastructure will not be going in now.

Mr. Yorkis informed the Board that he is working with the lead designer from NSTAR. He has been in communication with her and she is waiting to have the approved Definitive Plan. No pipes can be put in until the plans are approved. In Medway, NSTAR is the lead utility.

4-Foot Sidewalk:

Mr. Yorkis wanted to discuss constructing 4 foot sidewalks within the development instead of 6' feet to minimize impervious surface. Mr. Pellegri noted that the Town would not be plowing this street or clearing any sidewalk. The Board is comfortable with 4 feet sidewalks. Mr. Pellegri has a question about connecting sidewalk with the connecting street, which is 6 ft. Mr. Yorkis did speak with the DPW representative and the curbing has been approved. The survey work was just done to check the measurements. Mr. Pellegri will follow-up on this.

Open Space Committee Letter:

The applicant is agreeing with the Committee's recommendations for the plant selection. The highlighted areas in green are native plants. Hopefully, the Open Space Committee can check to make sure this is ok. A letter from Open Space Committee will be provided to inform them of the change to the plant selection.

Affleck-Childs informed that there was a good meeting of the Street Naming Committee. It was voted unanimously to name the Subdivision in Williamsburg Way.

Mr. Yorkis requests that any of the consultants' comments be available by January 5, 2010 so that he can respond appropriately before the next public hearing.

Affleck-Childs reviewed the timeline for this project. The intent is to hopefully close the hearing on January 12, 2009. The Board would then need to vote its decision at either the January 19th or 26th, 2010 meeting.

The Ground Water Mounding Analysis Book was submitted by engineer Faist to Mr. Pellegri.

The public hearing on the Williamsburg Condominium definitive plan will be continued to January 12, 2010 at 8:15 pm.

Development Status Reports: (Country View: Applegate: Birch Hill)

Birch Hill:

Affleck-Childs drafted a letter dated December 11, 2009. The letter is in response to the inquiry made by Ellen Rosenfeld about the Birch Hill Subdivision Bond. The letter references four areas.

1. A Letter/Certificate of Completion Compliance must be signed by the developer and signed and stamped by the engineer noting that the subdivision infrastructure has been completed in accordance with the approved/endorsed Definitive Subdivision Plan.
2. The deed and/or proof of recording the conveyance of Parcel 15 B to the owner of Parcel 14 B must be provided to Petrini & Associates.
3. Street name signage at the intersection of Ivy and Hunter Lane need to be installed. Tetra Tech Rizzo will not sign off on the project until this is complete.
4. The Medway Department of Public Services/Water Sewer identified two areas, which needed to be addressed. The first is that not all of the hydrant gates on Hunter Lane are exposed. These need to have proper risers installed and visible at road grade. The second issue is the street sign for Ivy Lane.

The Planning and Economic Development Board concurred that it will not release the bond funds until these issues are resolved.

Country View:

Consultant Pellegrini went out to the site and needs to provide a revised estimate for pavement, berm and current damage. He is suggesting that the cracks may need to be sealed. The cracking was observed but is noted in the estimate. The other issue is the settling of the sidewalk. The new estimate will be provided at the end of the week. Mr. Pellegrini will check with DPW to check if they have any issues.

AppleGate:

There will be a Preconstruction meeting with the AppleGate representatives on Thursday, December 17, 2009 at 11:00 am. Chairman Rodenhiser will be attending that meeting.

Affleck-Childs wants a procedure put in place for the Preconstruction Meetings. She will research if there are any current guidelines being used in other towns.

Mr. Pellegrini met with the new DPW Director Tom Holder and it is the thought that hopefully the Departments can work together to make the process work better for the Preconstruction meeting.

Priorities for 2010 Annual Town Meeting Zoning:

Affleck-Childs created an updated list of the ideas for Zoning Bylaw Amendments & Other possible Town Meeting Articles.

The Chairman noted that where it references model, the documents would be drafted as a starting point. He commends Affleck-Childs for putting together such a good working document.

The Chairman comments the work of both consultants. He wants to make sure enough money is allocated for next year's budget. He asks Affleck-Childs if she could put together an itemize list of current expenditures for the planning and engineering consultants (who did much work in reviewing the Conservation Commission's proposed rules and regulations). The Finance Committee also needs to be informed about this. The work that both Consultants have done with multiboards needs to be communicated to the Board of Selectmen. Affleck-Childs will check about what needs to be done in regards to the contracts for the Consultants.

The Board felt it would be beneficial to set up a meeting with the various Boards; more specifically with the DPW, to see where Rules and Regulations could be bridged or matched. It was noted that there needs to be clear language about the jurisdictional limits. Affleck-Childs wants to also get clarity if the DPW wants Tetra Tech to do inspections on their behalf. It is important that Developers know that Tetra Tech is working as a consultant on behalf of the Town and not just for the Planning and Economic Development Board.

Green Community Initiative

Mr. Carlucci informed the Board again that there are five areas in which the town needs to take action in order to become designated as a "Massachusetts Green Community". Such designation puts the town in a position to apply for grant funding for alternative energy projects. Planning and Economic Development has been assigned the lead role for two of the areas. The two areas are:

- 1) Adopting "as-of-right" siting for energy-related facilities
- 2) An expedited permitting program for such facilities.

It is the opinion of Mr. Carlucci that the Town has already met these two criteria. Currently, Industrial I and III Districts allow as-of-right permitting for manufacturing facilities. The second criterion is met since the approved Priority Development Sites (PDS) under the 43 D expedited permitting program include parcels within the Industrial I and III Districts. Mr. Carlucci feels that the Town can increase and get a higher priority in the energy grant program by making changes to the zoning PDP's. Cybex is currently the only site along with a portion of the bottle cap lots in Industrial III District. The Board could improve their position by including the remainder of the Industrial III District parcels as Priority Development Sites. Another step taken could be adopting a change in the uses allowed in the Industrial III and I Districts to name research and development facilities for energy or other types of research and development as allowed uses. The third step could be to specifically name "Solar Electrical Generation" as an allowed use. The Industrial II District at West and Summer Streets already allow "Electric Generation" as a by-right use. The last step could be to adopt a zoning provision allowing solar and/or geothermal facilities in residential zoning districts with specific conditions.

Affleck-Childs presented the Board with a packet about wind power. She suggested that the Board keep an open mind when looking at this. Along with this was a Model Amendment to a Zoning Ordinance or Bylaw: for Small Wind Energy Systems. The Massachusetts Division of Energy Resources prepared this document. The Board felt that the Special Permit with specific conditions would govern this.

Member Spiller-Walsh does not like the thought of wind power for the Town of Medway.

Member Rogers wants to know why a person cannot put up Wind Power now.

Affleck-Childs explained that there is a good possibility that someone could do this now. It could only be in an Industrial Use area. The Board was informed that a property owner (Dick Steinhoff) has shown an interest in wind power for a likely AUOD project at 146 Main Street. There needs to be steps taken for the permitting process.

Mr. Carlucci will present a model draft document for these items including definitions.

Chairman Rodenhiser asked member Rogers if he had anything else to add.

Member Rogers noted that the school has already taken steps to be a “Green Community” with solar panels.

The Board then changed their discussion to the priority items for zoning bylaw amendments for the 2010 town meeting. Member Tucker would rather spend time on immediate issues such as “Homebased Businesses”. The Board has already started this and we can finish it quite easily. His opinion is that the Board should set priorities and accomplish those first before starting something new.

Member Rogers feels that “Wind Power” has as much importance as the “Homebased Business”. He feels that both can be accomplished simultaneously.

The result of the discussion was to have Affleck-Childs and Mr. Carlucci create model language of noted Bylaws. These will be sent to members for review and comments. The Board will be responsible for creating their own individualized “Top Ten” pet projects. This will be given to Affleck-Childs to compile.

Agricultural Commission Exploratory Meeting:

The Board would like to set up a meeting with members of the Agricultural Community. Affleck-Childs shared that she has a contact name of someone from the State who gives presentations to communities who want to consider establishing a local agricultural commission... The Board will be the leader on the movement of this. The Chairman spoke with some members of the farming community and they are very interested. This meeting could tentatively be set up for the last meeting in February.

Minutes: (December 8, 2009)

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Planning and Economic Board had voted unanimously to accept the minutes from December 8, 2009.

Revisions to Medway Land Subdivision Rules and Regulations – Section VI. Administration – sub-Sections 6.7 – 6.9 (pp.38-43):

Member Spiller-Walsh recused herself from the meeting at 10:15 pm before the discussion concerning the revisions to the Rules and Regulations.

6.7 As-Built Plans:

It was recommended that language be change to indicate that those streets to be accepted by the Town and the official street acceptance/roadway layout plans can be combined into one plan set. Affleck-Childs explained that the language should also include that the as-built plans shall be prepared in conformance with the specifications for as-built plans that are included in the Subdivision Rules and Regulations which are in effect at the time of submittal. The Board was in agreement.

6.8 Procedures for Street/Infrastructure Acceptance:

Affleck-Childs recommends that a note be added to this section explaining that this does not pertain to streets that are intended to be permanent private ways. The Board was in agreement.

6.8.1 Legal Description, Deeds & Easements:

Town Counsel recommends that the Board not require formal legal descriptions, but make reference to a plan that showing locations and dimensions. It was also advised that the Board no longer require developers to convey full title in the streets to the Town, but to convey an easement. Language should also be included making it a requirement that all taxes must be current on any parcel being conveyed to the town. The Board was in agreement.

6.8.2 Street Acceptance Fee:

The language of this should include that funds paid to a 53 G account/revolving fund may include but not be limited to just engineers but could include other outside consultants such as attorneys. The Board was in agreement.

6.8.4 Review by other Town Boards/Depts for Street Acceptance

Affleck-Childs explains that the regulations cannot require other boards/departments to act on an application or provide comments. The Board may ask them to review, but they are not required to. It may be the Town's best interest to establish a Street Acceptance procedures/policy. The Board was in agreement.

6.8.8 Roadway Layout:

Affleck-Childs recommends that language be added that the Planning and Economic Development Board provide the Board of Selectmen with a roadway layout recommendation. The current language needs to be changed indicating that the Board of Selectmen will vote on roadway layout. The regulations cannot commit the Board of Selectmen to approve roadway layout. The Board was in agreement.

6.8.10 Town Meeting Acceptance:

The regulations cannot commit Town Meeting to accept streets. The language needs to state that Town Meeting will vote on street acceptance. The Board was in agreement.

6.8.11 Recording Fees:

Language should be added to this section to clarify that the developer pays for the recording fees through the funds paid to the 53 G account. The Board was in agreement.

6.9 Final Release of Performance Guarantee:

It was recommended that the Board eliminate requirement for “street acceptance” prior to release of performance guarantee. The Board was in agreement.

Member Rogers wanted to know if it was time to leave. The Chairman asked if Rogers needs to take a break from this Board. Rogers responded that his opinion is not taken into consideration. He communicates that he has written everything that the Board is discussing for the Town of Hingham, but the Board doesn’t want to listen. The Chairman states that this is Medway and we may do things different than Hingham. Rodenhiser continues stating that it is getting harder to work in this environment. Affleck-Childs asks if Rogers can stay until the next section is finished. The Board continues to move on to discussing Construction Standards.

Section 7 Construction Standards:

The Board reviewed the construction standards. Discussion revolved around looking into what waivers have been granted in the past.

The Board felt it would be beneficial if the Town Attorney comes in to explain the benefits of having a developer just convey an easement to the town. Mr. Carlucci added that some of the definitions need revising.

The Board was also in agreement that once the Board votes to accept any changes to the Rules and Regulations, it would be beneficial to invite the Developers and Town Departments/Boards in to inform them of the changes.

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 11:00 pm.

Future Meetings:

The next meetings scheduled are: **January 12, 19 & 26, 2010.**

The meeting was adjourned at 11:00 pm.

Respectfully Submitted,


Amy Sutherland

Meeting Recording Secretary


Edited by Susy Affleck-Childs
Planning and Economic Development Coordinator