

January 27, 2009 Medway Planning and Economic Development Board

Location: Sanford Hall, Medway Town Hall, 155 Village Street

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

ABSENT with NOTICE: Tom Gay

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant
Gino Carlucci, PGC Associates (consulting planner)
Eric Alexander, chairman of the Affordable Housing Committee

The meeting was called to order at 6:38 p.m.

CITIZEN COMMENTS - None

Public Hearing Continuation – Williamsburg Condo OSRD

Susy Affleck-Childs – Because Tom Gay cannot attend tonight, we need to reschedule this public hearing. I would suggest February 10th at 7:15 p.m.

A motion was made by Chan Rogers, seconded by Bob Tucker to continue the public hearing on the Williamsburg Condo OSRD to Feb 10th at 7:15 pm. APPROVED.

Andy Rodenhiser – We will be meeting with folks from the Medway Master Plan Update Committee at 8 pm.

Discussion on articles for 2009 Annual Town Meeting

Infill Housing

Eric Alexander – I am here pertaining to an article the AHC is working on – the article we are looking at is a proposed infill housing bylaw - as we hope folks will soon know, we are becoming a little bit more active – we are taking a look at bylaws and try to identify opportunities – what you have before you is an infill bylaw that would pertain to existing nonconforming lots in the ARII – primarily targeting some of the older neighborhoods in Medway with predominantly smaller houses and provide opportunities to construct affordable housing on those nonconforming lots

Chan Rogers – How is the word *infill* used in this context?

Eric Alexander – One of the things we have done, we have looked at some of the open lots in town to see if there are opportunities. We started to see some existing but nonconforming lots under ARII zoning that might be appropriate. We thought it might present an opportunity for more affordable units. We have the infill language – single family for rental or ownership capped at 3 bedrooms. Any proposals that came in would have to have approval of the Design

Review Committee (design) and Planning Board for a special permit – this is not a by right – single unit only per lot

Bob Tucker – What kind of percentage of cover on the property would be required?

Eric Alexander – That would be determined by what the neighborhood has – in terms of area, lot coverage – sensitive to

Bob Tucker - What is the lot coverage requirement now for an existing lot?

Susy Affleck-Childs – There is no lot coverage standard for residential zones.

Karyl Spiller-Walsh – Are there any legal ramifications? – Hypothetically – perhaps there was a disgruntled neighbor – Could there be any ramifications because of the original existing zoning? If we create an infill zoning we would be creating – suddenly you have a house on a lot that wasn't buildable

Andy Rodenhiser – If it is voted on at a town meeting, it is OK.

John Williams – Whether or not it met those thresholds –

Andy Rodenhiser – general premise of a zoning change as long as it is adopted at town meeting, it doesn't change the underlying use – Everything would be grandfathered. If there is a significant enough of a negative that somebody was denied the use of their property because of a zoning change, they can appeal the vote.

John Williams - You might go in the opposite direction. You could argue for the land owner that perhaps – there are current zoning restrictions now; perhaps a homeowner could have a case

Andy Rodenhiser – If town meeting approves

Chan Rogers – I think the case Karyl Spiller-Walsh is mentioning is more apt in a variance hearing

Gino Carlucci – If it is adopted at town meeting, the issue is the impact on the abutters.

Andy Rodenhiser – The fairness comes thru the granting of a special permit.

Bob Tucker – couple of questions – define *similar* as it pertains to item 9 d 2

Eric Alexander – It would be determined by the Design Review Committee and the Planning Board.

Bob Tucker – The Design Review Committee is not a decision making body but an advisory body to the Planning Board. Are you planning on revising their

Eric Alexander – The way we worded it is that it needs to be affirmatively recommended by the Design Review Committee to the Planning Board.

Susy Affleck-Childs – There is a companion article from the Design Review Committee to tweak their bylaw.

Andy Rodenhiser – The Design Review Committee is asking for their scope of responsibilities to be expanded. We asked them to come up with what – we knew they would be coming back before us

Bob Tucker – How can we review this without that to consider?

Eric Alexander – We wanted to craft this in a way to provide maximum protection for abutters and gave the town the most control over the development of non-conforming parcels.

Chan Rogers – Is this something that has been adopted elsewhere? It seems like it might be an ideal approach.

Karyl Spiller-Walsh – great concept – here is another hypothetical

Andy Rodenhiser – I have another question – similar in size and shape – in that scenario, is a rectangle similar in size and shape to a square – that seems subjective – perhaps we should use a lot shape factor –

Eric Alexander – We hoped to have some input from the Design Review Committee in making that determination.

Andy Rodenhiser – In looking at the inventory of infill lots, how many are similar in size and shape to adjacent lots.

Eric Alexander – We have looked at the overall number, but not yet individual lots in terms of similarity to adjacent lots.

Andy Rodenhiser – Is it likely we are writing something that can't be used?

Eric Alexander – I don't believe this would be useless bylaw

John Williams – Are we talking about people who live in ARII who could subdivide their land?

Chan Rogers – No, just existing nonconforming.

Bob Tucker – There is another option (as written in the draft) - If you had a large enough lot, you could subdivide it under ANR and make one of the lots an infill lot.

Eric Alexander – There are so many questions about similarity aspect. The intent is not for folks to create lots that are not compatible with the existing neighborhood. We are looking at creating units that are consistent

Karyl Spiller-Walsh – By definition is there a minimum size for an affordable house?

Eric Alexander – No. One of the barriers to affordable housing is the cost of land and the cost of construction. When you look around town, we wanted to look at possibilities. We wanted to craft a bylaw that took advantage of those circumstances.

Chan Rogers – The impediment is the high price of land, and this creates a piece of land that now becomes buildable.

Bob Tucker – under applicability, item #2 – lots/parcels that may be created – what criteria?

Eric Alexander – minimum of 6,000 sq. ft.

Bob Tucker – What would be required of the (remaining) base lot (once an infill lot was split off)? I would expect it would have to meet the minimum. That should be specifically identified in the bylaw. My concern is the (land where) the initial house exists. That area would have to meet the underlying zoning for the area.

Eric Alexander – I would disagree with that. We are talking about a lot in an existing neighborhood. Another example is a 12,000 sq. ft lot with a house on it. It does not comply with zoning – by creating two 6,000 sq. ft lots I would think that was OK as long as it was in a neighborhood that had similar size lots

Chan Rogers – I wouldn't think you would want to create two nonconforming lots.

Eric Alexander – You are not creating any more of an adverse impact.

Chan Rogers – I think you are by creating 2 nonconforming lots.

Karyl Spiller-Walsh – If a lot had 30,000 sq. ft., you can subdivide that into a conforming lot and the remaining land would then does qualify as an infill lot under this description

Andy Rodenhiser – I think what you are saying is that you don't think there is an adverse impact on the neighborhood.

Chan Rogers – I thought this would apply only to the non-conforming lots that already exist.

Eric Alexander – But we also thought it could apply to potential new lots as well.

Karyl Spiller-Walsh – Then you need another layer of zoning – an overlay that would call out – you are trying to make them all conforming – you need to do an overlay

Bob Tucker – I know there are some. I wonder if you wouldn't be better off with an overlay that is specific to certain neighborhoods. With this, you are creating a wholesale wherever there is AR2.

Eric Alexander – We want to avoid the premise of directing affordable housing to specific neighborhoods.

Andy Rodenhiser – I think you can do it in AR2, but if you are going to allow for it by ANRs, then in should only be in certain neighborhoods. – further delineation and specifications

Gino Carlucci – Maybe a way to accomplish everybody’s goals and Eric Alexander’s hope is to just add more standards. Like you can only do it if x number of lots within a certain radius are . . .

Eric Alexander – It seems like Bob and Karyl are concerned about increasing nonconformity.

Chan Rogers – I think you expanded your case by saying there could be two nonconforming lots.

Gino Carlucci – It would technically be legally nonconforming under zoning, but conforming to the standards of the neighborhood.

Bob Tucker – I don’t have an issue with that, but I am concerned about having a negative impact. If we are not careful, then we would get that rammed right down our throats.

Karyl Spiller-Walsh – By default it is directing affordable to smaller neighborhoods, as opposed to Bob Tucker’s neighborhood. What about areas where there would be an overage?

Eric Alexander – We want to make sure that we are not losing out on open space options either.

Eric Alexander – I think what I am hearing is that it might be cleaner to not include ANR lots in this.

Bob Tucker – I don’t think we want to allow people to make their existing residence nonconforming.

Andy Rodenhiser – Perhaps some look back provision

Eric Alexander – I am hearing it would be better to just eliminate the ANR piece.

John Williams – It would be good to understand the impact of the proposed law. as far as a comfort level with any new lots . . . if we applied a map – are we talking about 5 or 50 – a visual or a count – but we can do some additional homework?

John Williams – There are other ideas that I think we could do to increase affordable housing without going the new development route. Has your committee talked about using existing housing stock that is inching more and more close to becoming “affordable”?

Eric Alexander – We are trying to look at a variety of different approaches and that is one of the things we are examining. One of the silver linings of the drop in housing prices is that things are more affordable overall. Mass DHCD will absolutely have to adjust its pricing downward.

Eric Alexander – One of the things we are talking about – we have the new affordable housing trust and looking for opportunities to purchase the existing units and then do a buy down. There might be some need to rehab up to certain standards. That is definitely one of the options we are looking at.

John Williams – Are there any property or deed restrictions for maintaining affordability? I am still struggling with 30 years or perpetuity. I am concerned about that.

Eric Alexander – There are two things that affect the term of affordability. The financing program usually has its own standards for 30 years. Usually perpetuity is because a town puts that in place. We do need to discuss that in terms of what a homeowner can do in terms of building equity. Usually deed restrictions provide a cap. That is a discussion that we are going to be having as an affordable housing committee this year.

John Williams – Why limit this to ARII and not include it in ARI zone? There is an equity question,

Eric Alexander – I am perfectly willing to open it up town wide.

Chan Rogers – It is a land cost issue.

John Williams - There is pain and concern about developing additional density within an already dense area. I just wonder as we look over the master plan summary, I think the second priority here is to preserve rural character and keep population down. Did you guys have any conversations with the Master Plan Committee?

Eric Alexander – I would be happy to open this up to AR1. Restricting it to AR2 is a nod to the efforts to preserve open space. This is a way to direct new development to where density is already present.

John Williams – How much density is enough and how much is too much? Will this be a burden on AR2?

Andy Rodenhiser – Why is this a burden?

John Williams – character change – extent and number of units – is this allowing my neighbor who has a half acre to put another house up – I think it can hurt a neighborhood

Chan Rogers- that is more likely to happen if you go to AR1

Karyl Spiller-Walsh – reference to the town of Taunton, and they were changing their zoning bylaw and changing zoning from ½ acre to 1 acre – people would come in and hundreds of people to file preliminary plans to protect

Eric Alexander – If folks like this –

Andy Rodenhiser – Could you have a look back date?

Karyl Spiller-Walsh – Is that legal?

Gino Carlucci – I have seen it done, but I have seen it questioned as being arbitrary. But the date it is passed is somehow more acceptable. That would be a question for Barbara Saint Andre

Chan Rogers – What is he suggesting?

Andy Rodenhiser – Karyl is saying, if this provision gets out, there could be a bunch of people who would come in and file ANR plans to create nonconforming prior to the town meeting when this would be considered.

Bob Tucker – People aren't going split off lots if they are going to be limited in what they can build.

Andy Rodenhiser – Who might buy one of these lots? Perhaps a contractor who suddenly has an obligation to provide affordable housing in a development, and could use one of these to meet his affordable housing obligation. Some of the densities you're trying to paint a picture of are not what we are talking about it.

Andy Rodenhiser – Does anybody want 3 deckers like Boston?

No

Susy Affleck-Childs – There are limitations on the total number of infill units – tied to 1% of the single family housing stock in town.

John Williams – I am leery on potential impacts on town. How dense is too dense? It does affect abutting properties. It is specific to one part of town.

Bob Tucker – I want to ask you about parking. You spell out some worthwhile things on parking. What is different between that and what is allowed for current zoning?

Susy Affleck-Childs – There are no parking requirements in either of the AR zones.

Bob Tucker – Why add provisions when there are none in the underlying district?

Eric Alexander – To minimize impact on abutters. The last thing we want to do – acknowledge that there are restrictions placed on these units – to minimize adverse impacts on neighbors –

Bob Tucker – I certainly agree with the idea of parking restrictions - I bet we have some parking restrictions somewhere. Wouldn't some of this be better off as guidance to the reviewing bodies vs. specific?

Eric Alexander – We did want hard and fast rules in some respects, parking being one of them.

Susy Affleck-Childs – In the AR2 zone – special permits for 2 families have parking requirements of 2 off-street spaces cars per unit

Bob Tucker – Okay, so there is some precedent.

Chan Rogers – Given the town is deficient in affordable housing I think you are looking at a good idea. I think you are on your way. I think the idea of creating two nonconforming is not

good. Also, as a committee, I wanted to ask you as a committee, how many affordable housing lots would you like to see created in the next 5 years?

Eric Alexander – In terms of number, I can't tell you. We are trying to get a handle on opportunities in terms of existing lots and possible opportunities to convert. If we increase affordable housing stock by one half a percent per year, we can hold off 40B units. But our resources as a town are very limited.

Andy Rodenhiser – You will probably hit a 2 year wall.

Mark Cerel – There will be a recalculation based on 2020 census so that will push up the number of units needed (and reduce your percentage) – When you approve a 40B project, there is a limited amount of time by which they have to be constructed for them to count. If they don't start building in a year, they come off the SHI – moving target

Andy Rodenhiser – The inventory that we presently have of 227, that probably includes the new 40Bs?

Susy Affleck-Childs – It does not.

Mark Cerel – Wellesley court case . . . re: affordability provisions . . . – to be safe you would want to state in any decision . . .

Bob Tucker – When you come back, please have an update that will blend in what the role of Design Review committee is.

Eric Alexander – We will be prepared to speak to that more definitely.

Andy Rodenhiser – Who did the work on the lot shape factor?

Susy Affleck-Childs – It predates me . . .

Gino Carlucci – A lot of towns have it . . .

Andy Rodenhiser – Try to look at something more on lot shape, please.

Proposal to revise Design Review committee bylaw. .

Gary Jacob – Design Review Committee Chairman

Gary Jacob – The Planning Board had asked us to look at our bylaw. We are trying to take on some additional design support. Based on the bylaw as written, perhaps we should not be advocating for some activities. As we have become more mature as a committee and gotten more people on that have more experience, it has evolved. This is part of that process. One of the things we were talking about several weeks ago, one of the ideas we spoke about with you, was to consider updating the town seal. Perhaps that was beyond our scope as the Design Review Committee is presently authorized. These changes allow us to be an advocate for change and look to the future and see where improvements – we would still be advisory

The verbiage here is what is proposed to change – really only one big change is “d. 5” to add “advocate for good designing municipal programs and capital projects” - the first four items in “d” say what we have been doing - the primary change is to allow us to advocate for changes – whatever other board we might go to – they can still

Gino Carlucci – The first line of “e” is crossed out. I would put that back in.

Bob Tucker – Expand on that to lead into this section. Add “e” to the beginning of the new “d”.

Eric Alexander – Would it be helpful for Gary to hear what we are proposing? Clearly there needs to be some better communication between us. We have been looking at a bylaw to allow for development of infill lots in existing traditional neighborhoods. We have language in it to require an affirmative recommendation from the Design Review Committee.

Gary Jacob – That is definitely a change for us.

Andy Rodenhiser – expect then there is a conflicting bylaw to the contrary

Chan Rogers – I don’t think you neuter them

Bob Tucker – I agree. There have been some cases where we have not agreed with the Design Review Committee’s recommendations.

Mark Cerel – If you make Design Review Committee positive recommendation a requirement

Eric Alexander – I think we can craft better language that accomplishes – The intent was never to take away authority but to make sure there is some positive input from the Design Review Committee.

Gary – You have text about meeting design guidelines. Those are mostly for new construction. We talked about having special neighborhood guidelines for 40R. We might have to modify the design guidelines –

Susy Affleck-Childs – some additional text to add to the design guidelines

Gary – The Design Review Committee is to be advisory unless except as stated otherwise in town bylaw . . .

Bob Tucker – If you start listing specific sections of the zoning bylaw, that will become a nightmare logistically in the future.

Mark Cerel – The authority shall be advisory in the following specific -

Chan Rogers – We should not abdicate our responsibility. The original concept is that we were going to

Eric – We were try to communicate in our bylaw is a very high degree of agreement. We don't want to overlook

Andy Rodenhiser – generally OK with the changes –

Yes . . .

Gary – would we need to have a hearing?

Susy Affleck-Childs – no

8:10 pm –

Jim Wieler, Dan Hooper, Bill Wright, Mark Cerel

Jim Wieler – Good evening. Master Plan is the second committee most of my members sit on. some had conflicts tonight. A couple of weekends ago we compiled the first draft of the Master Plan. The plan moving forward is to publish the full plan for Master Plan Committee members' comments, and I hope to get that out to Master Plan committee and to Gino Carlucci for review. And perhaps to the Planning Board, too, and have Susy Affleck-Childs coordinate the compilation of comments back to us. We would then incorporate those comments and prepare a copy for review by Mark Racicot at MAPC and any other outside reviewers. at some point we are going to have a public hearing, and you will folks will vote to accept it, and then publish it, and go to town meeting for a ratification vote. That is the plan over the next couple of months. There are some bits of data we have to get right. we have had great success putting the document together – pretty much concurrence on all the goals. we have had teams of authors. most everybody has read most of the sections. What you have before you is a list of implementing actions. We have over 250 different actions – a lot for the Planning Board. What isn't on this chart is the last column which was a date for implementation.

Jim Wieler – there are some acronyms –
CPC – Community Preservation Committee
OSC – Open Space Committee
EDC – Economic Development Committee
OGTF – Oak Grove Task Force

Bob Tucker – So you will have some consistently in how you refer to various groups

Jim Wieler – So, what would you like to do?

Andy Rodenhiser – How did you come up with the goals?

Jim Wieler – In the process, we looked at what the survey said, the current state of the town, and then based on that info we came up with overriding objectives.

Our moderator, Mark Cerel, has suggested clearer language throughout

Andy Rodenhiser – If I could bring you backwards . . . Can you just go through the genesis of the formation of the committee and how the surveys went out, for people at home's edification, for how we got there, how many people participated, and how it has evolved into this list of things?

Jim Wieler – This Planning Board asked a group of us to form a Master Plan Update Committee – we looked at the 1999 plan with people who had been involved. One of the things we did in 1999 is that we did a citizen survey. – Great idea – So the first thing this committee did, we came up with a survey. we got it out in January 2008 with the town census. We compiled the data. We got 39% of all surveys back. We had far fewer with the on-line survey. it was more cumbersome – statistically significant – we did very well with response rate – We had a great response and we have used the survey results

Results - One was that people are very concerned about water quality and quantity. – Also, that Medway is a very proud town. People like the rural nature and community feel. They are concerned about schools, and concerned about growth and taxes. A lot of concern about town management –

Based on that survey, we started writing. There are 7 sections. We assigned two authors to each section. Those authors went to their various committees. We have representatives of many boards on the Master Plan Update Committee. They went back to their boards and pulled together data on the current state, and we looked at survey data and discussed where do we have to go. So that was the genesis for the writing of the goals and actions.

Each section has a background, a discussion on what we did relative to 1999 plan, what the 2008 survey tells us, and then a list of recommendations.

There are some that are repeats. There may be an action item in the land use section that is repeated in another section. Should we keep those repeats in for emphasis purposes?

Bob Tucker – Wouldn't some of the goals be slightly different?

Susy Affleck-Childs – The same strategy may accomplish multiple goals.

Jim Wieler – Boards may have a slightly different take on them.

Bill Wright – At least none of the goals are contradictory.

Jim Wieler – One of the items that was repeated ad infinitum in various sections of the 1999 plan was to hire professional planning help.

Mark Cerel – We need to be careful in how we talk about managing growth.

Dan Hooper - I think manage is an appropriate word; control, NO.

Andy Rodenhiser - I prefer looking at something like this and then establishing our priorities around the list.

Jim Wieler – I will say, one thing you could do for us is to look at relative priorities. The priorities we established are not rooted in workload sensitivities of various boards/departments.

John Williams – If you are looking at the survey results, there are some that are more important to Medway citizens than others. Maybe what you do is take your best shot at looking. We could look at your guidance.

Jim Wieler – But a lot of these are at such a level of detail. Generally these are a level or two down from the survey input.

John Williams – Is there a synopsis in the text of what the general opinions were?

Jim Wieler – you may find – the survey is a high level and these recommendations are pretty detailed

Andy Rodenhiser – I expect if things are on this list, they are a priority.

Jim Wieler – What is achievable?

Mark Cerel – Some of it is being imposed on towns from without – stormwater, water, federal and state mandates.

Dan Hooper – In that same vein, some of the actions are in response to feedback from the specific committees and staff at town hall and boards. We are represented by so many committees on the Master Plan Update Committee. The survey provides an overall direction. We tried to get down to implementing actions.

Mark Cerel – People were experiencing negative water quality at the time of the survey (winter 2008).

Chan Rogers – What you are discussing is the basic reason for having a Master Plan.

Jim Wieler – For example, there is an open space recommendation to establish a maintenance schedule for open space areas. That wasn't specifically asked about in the survey.

John Williams – I am trying to use this material and info as a guide for decisions we make – do the people really want x or y or z.

Mark Cerel – committee takes into account all the input from the survey and committees, also some consensus –

John Williams – So these actions are not necessarily all from the residents?

Bill Wright – Sometimes priorities have to be sequential to meet the goal – example - identify parcels before purchasing

Dan Hooper – I would also add – these implementing actions have evolved over meetings. The priorities frankly could be construed as very individualist. I have not read other sections' priority

listing to see what they viewed. In each section, we authors established the priorities. If you have comments on priorities, I hope you will let us know your thoughts. But if you have questions, feel free to ask. Overall, the priority ratings are a very low priority for us.

Andy Rodenhiser – need to look at what is achievable, and the time frame, and what is cost to the community or the availability of resources

Dan Hooper – Right now, these are the Master Plan Committee’s priorities.

John Williams - With the survey data behind you, don’t be afraid to explain what it says.

Jim Wieler – This is a Planning Board document. Almost all the other boards have seen the list. we need your input. I think we have done a decent job in terms of presenting it. please funnel your comments through Susy Affleck-Childs. There are a couple of things I included last minute . . . things that happened since we started the process. I added in working with Bellingham. I had a great conversation with the Bellingham Planning Board. Things like that if there are things you know you are working on, things that we ought to put in here that support a goal.

John Williams- I would like to go back and refer to the raw data that the 38% of the citizens filled out, and come up with some sort of ranking. I think it is our duty to fulfill the input from the residents of Medway. If we could peel away some of the special interests, and focus on just the quantitative lists, that might give me that priority.

Jim Wieler – I think I gave you the raw data. it is on the web site, and I had a briefing package that I gave to the Board of Selectmen with the strong signals. We left the data to the authors of each section. You may want to look at the survey data as you do this.

Jim Wieler – In the package the online survey was very interesting. – some clear signals –

John Williams – I know the surveys that went out in the email. Is there any way to merge the two?

Jim Wieler – We have. The mail-in was a list of what people consider important and what are they satisfied with. The on-line version was about priorities of action items.

Jim Wieler – We also compiled the write-in comments. Dan Hooper did that. You learn a lot from those – across – taxes, water, schools, financials, rural character, pride

Dan Hooper – Also, people feeling safe . . .

Karyl Spiller-Walsh – Where did rural character rank?

Jim Wieler – Very high. Also people feel very safe.

Andy Rodenhiser – Let Chief Tingley know. That is good.

Jim Wieler – WE asked about importance and satisfaction . . .

Jim Wieler – Important but not satisfied is the library.

Susy Affleck-Childs – I would like to talk about an implementation strategy – how to get the buy in from the various boards and committees? Some towns have a master plan implementation committee.

Andy Rodenhiser – Don't a lot of things that are happening in here have standing in the court?

Mark Cerel – Points for state grants and funding. There has been some deference from DHCD to a town's Master Plan.

Jim Wieler – Many items were given to the Planning Board in 1999 by sheer force of momentum. This is a Planning Board document, but we give actions to the Board of Selectmen.

Bob Tucker – Is town meeting approval required?

NO

Mark Cerel – A board can attempt to do something

Andy Rodenhiser – Do you think that we need some language within the charter to reference this for all boards to take direction or guidance from the master plan?

Mark Cerel – I don't think you need to do that. The problem is that each board has its area of responsibilities to begin with. There is the classic example of planning boards across the state that were so busy responding to development pressures that they didn't have time to plan – the Board of Selectmen have been responding to fiscal crises - I don't know what the answer is.

Jim Wieler – We haven't gone to the Board of Selectmen yet on their actions . . .

Mark Cerel – There are many that fall under the planning board.

Phil Giangarra – How do we get the individual members of the town to study the proposal that the Master Plan Committee comes up with so that somebody doesn't stand up at the town meeting? Are we going to publish it and promote it so that people will read it ahead of time?

Mark Cerel – It is not a legal requirement that town meeting vote. It is something statutorily that the Planning Board votes on. That being said, you can publicize it and makes copies available. It is up to individual people whether they want to get involved or not. We can make it as easy as possible for them.

Jim Wieler - There will be a public hearing with the Planning Board.

Karyl Spiller-Walsh – I don't see why it has to be adopted.

Chan Rogers – It gives weight if the town meeting adopts it.

Karyl Spiller-Walsh – What does adopt mean? Is it a promise?

Karyl Spiller-Walsh – It is roadmap. Is it a document that becomes dogma –?

Mark Cerel – It is a guideline

Andy Rodenhiser – Going to town meeting with the plan is also a way to share the Herculean effort of those involved.

Mark Cerel – Maybe that provides an impetus to people to step up.

Dan Hooper – In 1998 it was what got me involved. Jim Wieler was my daughter's soccer coach. I was involved in nothing at that point. I went to meetings for 1.5 years.

Andy Rodenhiser – I would like to see us develop a newsprint book of the plan

Andy Rodenhiser –How much did it cost when we did it in 1999?

Jim Wieler - \$900 – Milford Daily News printed it for us

Andy Rodenhiser – What about doing the same thing this time, and have them print it for us?

Jim Wieler – I think it was an insert in the Gazette.

John Williams – I am having trouble distinguishing between what is here as a result of the actual resident surveys and what may be special interests and important to individual board members – I remember in the 1999 plan there was a goal for Oak Grove area to be used for industrial area and now we looking at it being used for housing.

Jim Wieler – The only part that came from the public was the goal to diversify the tax base.

John Williams – If we are going to adopt and use this, there is what we think is good for the town. What were the responses from the actual citizens?

Jim Wieler - We got a C with how we are doing in commercial development.

Mark Cerel – This is not a mandate.

Chan Rogers – It is a guideline.

John Williams – I am looking for some comfort that this is what the town wants.

Mark Cerel – I look at the survey as taking the pulse of the town, to give us a framework, to be guided by how people feel. The fact of the matter we can probably differ on various items – but there are some mandates that we have to address one way or another and we need to try to get control of them

Dan Hooper – In the same light, if the survey came out and commercial/industrial development was a high priority, and we did not address those goals, then we wouldn't be doing our job.

Mark Cerel – People fill out a survey largely based on their perceptions. People think in terms of self interest. People think commercial industrial is good for tax base.

Karyl Spiller-Walsh – Isn't there a conflict?

Mark Cerel – It can't be driven by only what the survey says – The committee takes into account what people have said, but that is just one element

Dan Hooper – Yes, but it is the primary driver. So we are involving the citizens at large

Mark Cerel – It ties in now . . . this is the ultimate opportunity that is living in a small town – all kinds of opportunities – and responsibility to get involved and make things happen and if you don't, you have nobody

Karyl Spiller-Walsh – John Williams' question is what trumps what?

Chan Rogers – It is a planning document . . .

Jim Wieler – Economic development –

Andy Rodenhiser – People don't care.

Jim Wieler – We make it hard. We need to celebrate some victories. Get more involved is the message.

Jim Wieler – We still have a little more work to do.

Andy Rodenhiser – Amazing work. You guys should all be commended. The town owes you a huge debt of gratitude.

Mark Cerel – We need 100 more people like Jim Wieler.

Jim Wieler – It has been a great committee . . .

Jim Wieler – There needs to be a public hearing or a series – do we somehow put it up on the web site – solicit comments –

Gary Jacob – You were asking how to get this out to the public. Maybe we could have out by the clerk's office – and have it on the Planning Board web site –

Andy Rodenhiser – I would like to mail it to every resident.

Jim Wieler – We inserted it into the Gazette at that time.

Mark Cerel – They used to own their own presses.

Phil Giangarra – It will cost the FINCOM this year \$2,000 to \$3000 to print the booklet for the annual town meeting – about \$4,500 with postage – it is expensive –

Jim Wieler – How to get a hard copy out to everybody?

Andy Rodenhiser – There has to be a way to piggyback onto something that is already going out.

Mark Cerel – There is an issue of permission to include something with the tax bills

John Williams – We can note that the full text is available on line

Mark Cerel – or prepare an executive summary

Jim Wieler – maybe include a summary in the FINCOM book

Jim Wieler – You have to ask where is the value in mailing it to every household.

Mark Cerel – Issues arose recently about the CPA value to the community, and there was a lot of discussion out there and questions. Yet for as long as there has been a COC, we have included information in the annual report for the town – and yet questions were asked by a range of people which made it clear that people don't

Jim Wieler – executive summary would be

Dan Hooper – we have

Phil Giangarra – If you printed say 50 to 100 copies – distribute around – senior center, town hall, library and maybe the police station – where people might – at least people who don't have computers have – I don't think you need 3,4000 copies in their sleep

Andy Rodenhiser – anything you need –

Jim Wieler – more time in the day – I think we are doing pretty well- great committee

Jim Wieler – if you want to learn about the town, read the Master Plan.

Andy Rodenhiser – I remember when I got the plan in the mail, and I was blown away. It took on a whole new meaning when I first got on the Planning Board.

Mark Cerel – The credit you all need to take is how many action items were accomplished

Jim Wieler – And we need to get the other boards just as engaged as the Planning Board. Inter-board communication is better than it was.

Jim Wieler – I hope to get you a copy of the text by the end of this week, and get it out to you.

9:23 break - . . . back at 9:29 pm

Continued Discussion on Annual Town Meeting articles

Handout an overview of articles for town meeting

Next handout is a calendar

Adult Entertainment Draft – revised draft

Bob Tucker – I thought we had talked about changing it to 1000 feet so there could be more than one establishment in this zone. We don't want to let the courts be able to tell us they could go anywhere.

Gino Carlucci – If one were to open in the middle of the district, it would not be possible to have another one if the separation distance was 1,000 feet.

Change in item #1 – switch to 500 feet

Phil Giangarra – Instead of allowing this use in that zone, could you do it as an overlay for the adult entertainment?

Andy Rodenhiser – What would the impact be?

Gino Carlucci – If the underlying zone were expanded, then the overlay would . . .

Bob Tucker – If there was an increase in size to the district, we would need to revisit those requirements.

Andy Rodenhiser – We could take his recommendation and make it an overlay district now and then never have to deal with it again.

Phil Giangarra – you fix the boundaries of what parcels?

Andy Rodenhiser – Could we do a text based overlay district?

Bob Tucker – I think going this route is best for now, but further down the road if we expand industrial I, we can revisit boundaries then.

Chan Rogers – I think this is a paper exercise that is necessary to prevent courts dictating.

A motion was made by Bob Tucker, seconded by Chan Rogers to file revised adult entertainment bylaw for the 5-11-09 town meeting based on Gino Carlucci's draft dated 1-23-09 with the change to 500 feet. APPROVED

Economic development committee bylaw –

Susy Affleck-Childs – I prepared this draft. It would be helpful to have something to give the new economic development committee while they are getting started.

A motion was made by Chan Rogers, seconded by Bob Tucker to submit an article to establish an economic development committee as written in the 1-26-09 draft for the warrant for the 5-11-09 annual town meeting. APPROVED.

Street Acceptance

Andy Rodenhiser – We have not discussed a floor on the Broad Acres Farm Road bond reduction. Do we want to have a floor on this because of some of the new developments that are being identified by Town Counsel? – In particular that detention basin up there on Streifers' property, and even the public presentation access – the plan did not show these items. The plan may need to be revised. All those lots got sold without the pedestrian pathway noted – That may need to be removed from the plan – simply – Board of Selectmen discussion on February 2 re:

Chan Rogers – My understanding of the easement is that if it has been in use 7 years, you cannot take it away. The old English law applies.

Bob Tucker – If he had sent out notices to the people that were using it . . .

Andy Rodenhiser – My point in all is that Barbara Saint Andre is suggesting a different higher standard for deeds and easements. It is a bigger problem at Broad Acres Farm Road than ICE

Karyl Spiller-Walsh – The level of legal thoroughness we are now employing is a much greater degree than when the subdivisions came in years ago.

Andy Rodenhiser – The Board of Selectmen is the authority for having jurisdiction over streets

Karyl Spiller-Walsh - I don't think the entire burden should be on the developer in these cases at this late date

Andy Rodenhiser – At some point, we need to address whether we are going to accept Broad Acres Farm Road. – need to address this after the policy is determined by the Board of Selectmen

Bob Tucker – It really isn't up to us

Andy Rodenhiser – Once the Board of Selectmen makes its policy, and then he can come to grips with what he can do.

Susy Affleck-Childs – I want to give you a heads up that the neighbors on Kingson Lane (private way) may be coming in with a request for the town to accept the street.

OK to submit street list for the warrant

OSRD Changes

Gino Carlucci – Susy Affleck-Childs and I met on Friday as a follow-up to our meeting last week and discussed many ideas for improvements.

NOTE - Gino Carlucci talked the board thru this new draft of the OSRD bylaw – dated 1/23/09

Gino Carlucci – Text for 2 b re: contiguous parcels was revised

John Williams – it works for me

2 d) – add a minimum lot size of 8 acres as John Williams had recommended last week

4 a)

5. four step design process – to require them to show illustrations of the 4 step process

Bob Tucker – why do we require a Landscape Architect?

Gino Carlucci – more sensitive to land design issues vs. just road engineering perspective

Chan Rogers – I think state law will allow a substitution (of an engineer) even if you specify it. –

Bob Tucker – Anybody that could stamp something like this is somebody who would be considered OK

Chan Rogers – State law trumps it.

Gino Carlucci – That is true for a conventional subdivision.

Bob Tucker – At the conceptual level, engineers don't like to stamp anything in the first place. Very seldom would you get an engineer to do this.

Andy Rodenhiser – What about an existing conditions plan?

Bob Tucker – That is different. A surveyor could prep this.

Andy Rodenhiser – But a surveyor might not be specific on the land features.

Susy Affleck-Childs – You can reasonably expect a landscape architect is prepared to handle this kind of work.

Andy Rodenhiser - Just having a surveyor – I don't want to rely on them to do

Karyl Spiller-Walsh – Don't forget that the Design Review Committee and the Open Space Committee visit the site. You want somebody to locate those items

Bob Tucker – My concern is asking for a concept plan to be stamped.

Bob Tucker – I am not sure if a Landscape Architect is allowed by law to stamp a plan of this nature

Andy Rodenhiser – Don't we want to have it have more weight?

Gino Carlucci – I think the important thing is to document the 4 step process

Bob Tucker – I think we should have Tom Gay have a shot at looking at these. Do it at our next meeting.

John Williams – I like to thank everybody for listening at the meeting, and for Gino Carlucci for his professionalism and workmanship. The question I had was about the housing mix where I suggested 50% single family or a preponderance of the type of housing unit within the area. I had suggested revising 10 f re: mix of housing.

John Williams – I was thinking that in the single family housing units, I think what this law does, it tries to preserve that whatever is built is for the long term, doesn't become an eyesore – one of the things I like about single family homes is that property owner has rights to do what they – when you get too much of one single type of housing, you may run the risk of not having enough diversity and enough single family units to not run down the neighborhood

Andy Rodenhiser – It is interesting that you referenced the property owners' rights. What about the property owner that is coming before us for a permit to develop?

John Williams – I think it is consistent with having a Design Review Committee.

Andy Rodenhiser – Or the Planning Board?

John Williams – I understand there is no support right now; I am OK with moving on. I have made my philosophical points.

Karyl Spiller-Walsh – We still have conventional subdivisions in town.

Andy Rodenhiser - OSRD was adopted to create open space and to do that, the houses have to be clustered.

Andy Rodenhiser – We will revisit this with input from Tom.

It was agreed to go ahead and submit to the BOS, but there may need to be a few more changes after Tom has reviewed.

Signage for Business/Industrial zone

Susy Affleck-Childs – I have prepared something that strikes a balance between the signage allowed in Commercial I and V.

It was suggested to meet with Bob Potheau, one of the owners to review.

Agreed to go ahead.

Andy Rodenhiser – Joe Avellino called me re: Medway Gardens site. He is looking for some direction for increasing the number of pumps in the Commercial V zone. He wants a minimum a 6 pumps for 12 filling locations. He was supposed to provide some information. Has he done that?

Susy Affleck-Childs – He called and said it wouldn't be available for tonight.

Andy Rodenhiser – Right now it allows for 4 pumps for a maximum of 8 filling locations. I think we should preclude above ground tanks or have them buffered –

Chan Rogers - Above ground tanks should be screened.

John Williams – I think it should be allowed to be the same number of pumps as the other locations in town.

Phil Giangarra – I have a comment on the energy station at Holliston and Route 109. It is not a good situation there.

Susy Affleck-Childs and Gino Carlucci to work on text to revise Commercial V to clarify a maximum of 8 filling locations and to require screening.

Consensus was that the PB is not interested in expanding the number of filling locations at this site.

MINUTES

It was agreed to hold over consideration of the minutes of the January 13, 2009 meeting until the February 10th PB meeting.

A motion was made by Chan Rogers, seconded by Bob Tucker, to adjourn the meeting.
Approved.

The meeting was adjourned at 10:58 PM

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant