

July 14, 2009
Medway Planning and Economic Development Board
Sanford Hall, Medway Town Hall, 155 Village Street

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

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:05 p.m.

Good evening - welcome – July 14, 2009 meeting –

CITIZEN COMMENTS - None

Public Hearing Continuation – Daniels Village ARCPUD

Andy Rodenhiser - Betty McCall Vernaglia (property owner) is here – I understand you want a continuation of the public hearing.

Betty McCall Vernaglia – I did hear from Greg Caparossi at The Trust for Public Land. We are scheduled to talk this week. I would like to pursue this with him. Thanks to John Schroeder. I had never been aware that this could be an opportunity for me.

The public hearing was continued to Continue to October 13, 2009 – 7:15 pm at Sanford Hall

Meeting Minutes

June 9, 2009 – A motion was made by Karyl Spiller-Walsh, seconded by Tom Gay, to accept the June 9, 2009 minutes. The motion passed unanimously.

June 16, 2009 – A motion was made by Karyl Spiller-Walsh, seconded by Tom Gay, to accept the June 16, 2009 minutes. The motion passed unanimously.

Reports of Task Force/Groups

Chan Rogers – I met with the Medway Business Council on June 25 – we did a presentation on the Route 109 reconstruction. Two things came out of the meeting – the manager for the Verizon facility in the Industrial Park asked about having a traffic light at Trotter and Milford Streets, and in discussing this with him, it was primarily for the benefit of the exiting traffic onto Route 109 in the 5:15 pm time frame. A traffic signal light at an intersection can be an expensive proposition – \$25,000 to \$50,000. I didn't say anything at the time. I took his request under advisement and I asked Dave D'Amico to check with the police department to see if they could have an officer there for 10 minutes everyday at night, and that tends to back up the traffic. There is no problem in the morning.

Andy Rodenhiser – I know there was a design for a light there at one point in time.

Chan Rogers – Putting in a light to deal with high demand for 10 minutes a day is quite a bit of money, and a nuisance for the rest of the day.

Chan Rogers – Also, a resident of High Street really got upset about the idea of a light change at Franklin, Milford, Highland, and Main Streets, and he thought it would do everybody in who has free reign right now. I assured him that people would not be inconvenienced by this prospect; otherwise I thought the meeting went quite well. People were supportive and appreciative.

Andy Rodenhiser – Any concerns expressed by the businesses relative to construction and access?

Tom Gay – there was a lot of talk about the need for new curb cuts. There didn't seem to be major concerns. The bigger concerns were about past history. I thought that the general reaction to the plan and discussion was very well received. Some stated it was overdue.

Chan Rogers – I felt attendees were anxious to have something DONE!!!

Tom Gay – I think, in general, people were pleased about the new ideas, agreed it was a treacherous stretch of road – people agree time is right and it needs to be taken care of.

Andy Rodenhiser – any talk about setbacks

Tom Gay – no

Andy Rodenhiser – Karyl Spiller-Walsh, is there anything from DRC?

Karyl Spiller-Walsh – no

Susy Affleck-Childs – I would like to have a discussion with them . . . re: their proposed amendment from the floor at town meeting re: DRC bylaw change. That caught us by surprise. I want to understand the concern.

Andy Rodenhiser – Let's post it as a joint meeting.

Chan Rogers – I understand DRC has had some difficulty at the Senior Center in terms of meeting space.

Karyl Spiller-Walsh – The DRC is now meeting in the guidance room at the high school – it is nice, but no square tables, or conference room. But the tables don't rock like they do at the senior center

Chan Rogers – the only other meeting room in this building (town hall) has been usurped.

Susy Affleck-Childs – WE have been very busy with MUNIS permitting. WE are scheduled to go LIVE the end of August.

Request for bond reduction for Franklin Creek Subdivision.

Susanna Vajentic representing Wood Structure Construction.

Dave Pellegrri – Marko Vajentic called us and asked us to review the site again. He asked us to look at it in terms of some changes- loam and seed, water services, and underground utilities; and Susy Affleck-Childs asked that we add some legal fees as we are now doing with all bond estimates. I now have a better idea that really needs loom and borrow – there are some areas where the trees will stay. 2 out of 3 water services were installed and underground utilities are all connected and in. We recommend a new bond amount of \$46,983.

Andy Rodenhiser – Susanna, any objections?

Susanna Vajentic - NO, we are OK.

Andy Rodenhiser – Does the board have any questions?

Susy Affleck-Childs – The original bond was for \$78,675; we did a reduction in August 2008 to \$59,621.

A motion was made by Chan Rogers, seconded by Tom Gay, to approve this bond reduction of \$12,638 (to \$46,983).

Karyl Spiller-Walsh – I am choking on the contingency. I think it is a lot.

Tom Gay – Without the contingency, I wouldn't second it, I don't know that I am comfortable with complete % reductions.

Dave Pellegrri – even if the % complete is wrong, there are always things THAT COME UP.

Andy Rodenhiser – is this an industry specific form you are using for the bond reduction?

Dave Pellegrri – I thought it was similar to what you were used to (with VHB).

Andy Rodenhiser – Maybe add a column to add the previous value.

Dave Pellegrri – We can do that. Absolutely.

The motion was approved.

Susy Affleck-Childs – I will contact the bank and notify them that they can reduce the loan amount.

Country View Estates - Ted Cannon

Andy Rodenhiser – Dave, would you give a brief report.

Dave Pellegrini – when we came on with the project, there was a bond release request. We went out and did a site visit. Dave D’Amico and Jimmie Smith informed me about the water issues at the end of Broad Acres Farm Road (at Summer Street) and we noted it in our inspection report. When I looked out at the site a little closer, it was nothing that it could have been other than a capacity issue. I looked at the culvert. The culvert that is there now is 21” inch. It is called out on the existing conditions plan. I talked to Susy Affleck-Childs. The plans show 21” and then there was a note indicating it was to be upgraded to a 36” culvert. Susy Affleck-Childs did find the original subdivision decision from October 12, 1999 and it indicates the culvert would be enlarged to 36”.

Susy Affleck-Childs distributed a copy of the decision

Dave Pellegrini – I spoke with VHB. VHB indicated that there was no reason for it to be eliminated. They had come on board after the drainage had been installed.

Andy Rodenhiser – Is it in their punch list?

Susy Affleck-Childs – I don’t recall that it was.

Andy Rodenhiser – I think I remember some discussion about you guys saying the state had taken it over.

Dave Pellegrini – I think it is all connected. As part of the Summer Street construction they installed catch basins. If it was just at the end of Broad Acres, the water goes over the crown. The state-installed catch basins aren’t working because they are going into a 21 inch culvert.

Karyl Spiller-Walsh – any clogs?

Dave Pellegrini – I looked, I didn’t see anything, and Dave D’Amico had one of the state guys look and he didn’t see anything either.

Dave Pellegrini – I went back and looked at the drainage reports. The original analysis did not call for any expansion of the culvert size.

Karyl Spiller-Walsh – It was clear on the plan that it was to be larger.

Dave Pellegrini – the modeling showed flooding, but the original plan showed no change to the culvert.

Susy Affleck-Childs – PMP was the former engineer. I expect that probably during the review process, it was decided to upgrade to 36”.

Andy Rodenhiser – Ted, can you explain why it wasn’t done?

Ted Cannon – no, Greg Whelan had no idea why it had not been installed. He wasn’t aware of the problem. But he did recall this. But he wasn’t sure why it hadn’t been completed.

Andy Rodenhiser – is he going to correct it?

Ted Cannon – no, I don't believe he has the present capacity to do that.

Karyl Spiller-Walsh – I am wondering why, when we had that conversation with the photographs and we were including the manhole discussion and ice all over Summer Street and it was a real danger – the entire cross of Summer Street was sheer ice – it was a topic of discussion, how were we going to solve it. Nobody brought it up at that time.

Tom Gay – all that was said is that it appears to be inadequately sized.

Andy Rodenhiser – if he doesn't have the capacity to address it, - it may involve some type of claim against VHB for not having called this out, maybe some insurance claim back against Greg Whelan, and ultimately the town will do what it has to do to protect its interest. It is cheaper and easier to deal with this now.

Ted Cannon – if he could do it, Greg would do so.

Andy Rodenhiser – general rule is that the state does not allow the town to disrupt the road for 5 years after it is paved.

Chan Rogers - for the state to have redone Summer Street, they should have done some kind of analysis, and I don't understand why they didn't discover this problem.

Karyl Spiller-Walsh – it would be interesting to see if Jim Wieler remembers anything about this.

Tom Gay – it bothers me that VHB was the reviewer of the as-builts, and was the designer of the Summer Street reconstruction

Susy Affleck-Childs – some history here . . . Greg Whelan did road construction work before the PB even approved the plan.

Karyl Spiller-Walsh – I remember discussion with VHB about the manhole cover and some concerns about the sink level. Something was not set in correctly.

Andy Rodenhiser – that will all fall apart.

Chan Rogers – that condition is creating a damn to prevent flow.

Andy Rodenhiser – that is a separate problem from the culvert. But now that structure cannot drain.

Karyl Spiller-Walsh – there was so much focus on the manhole that the conversations about the culvert were really minimized.

Andy Rodenhiser –whatever surface water may have drained off Route 126 is going off proportionally, and is being added to the 21 inch pipe.

Karyl Spiller-Walsh – was it sheeting in the past rain storms recently?

Dave Pellegrini – I didn't see

Tom Gay – the last ones were so hard I had canoes on my street.

Chan Rogers – the theory is that it only occurs once in 100 years.

Ted Cannon – I have an idea as I learn more here. I will check with Greg Whelan and get back to Susy Affleck-Childs to try and see what will be done. He is in a tough spot. He would like to get this done and move on.

NOTE - Andy Rodenhiser distributed Draft motions dated July 14th from Barbara Saint Andre.

Andy Rodenhiser - it is important to note it might be a good idea that we have a more thorough and complete review of what is going on relative to the other side of the road, and have Dave do a complete and thorough analysis of that – if we are going to adjust this bond, we are going to do it once and do it properly with an engineer's pencil relative to what should and shouldn't be considered.

Chan Rogers – In view of what we found, I find this statement here to be in order.

We could authorize Dave Pellegrini to do a review and to look at it more closely, and based on a report that comes back we can decide.

Susy Affleck-Childs – I added 25% to the Paolini construction estimate. It comes to \$50,546.25

Karyl Spiller-Walsh – If it was working, we wouldn't care.

Andy Rodenhiser – Dave, have you seen this estimate yet? Does it seem reasonable?

Dave Pellegrini – yes

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh that the Medway Planning and Economic Development Board finds that there remains outstanding work to be completed in the Country View Estates subdivision to install a 36" culvert under Summer Street as set forth in the Subdivision Decision dated October 12, 1999 and as shown on the endorsed Country View Estates Definitive Subdivision Plan, and that the Board adopts the construction estimate dated July 7, 2009 prepared by Paolini Construction for the Medway Department of Public Services to install a 36" culvert under Summer Street in accordance with the Board's Subdivision Decision and its Subdivision Rules and Regulations, and that the Board finds that the amount of subdivision surety required under G.L. c. 41 §81U for the Country View Estates subdivision totals \$60,000, and hereby requires the applicant to deposit additional surety with the Board in accordance with the Subdivision Control Law so that the balance of the surety held by the Board will equal this amount, said additional surety to be deposited with the Board immediately.

Discussion

Karyl Spiller-Walsh – this is such an unfortunate calamity.

Chan Rogers – if the state had done its work, they would have found the problem.

Karyl Spiller-Walsh – I see a lot of little responsibilities that were lost. I see VHB had some responsibilities, because of all the difficulties the site was facing, they overlooked this piece

Andy Rodenhiser – that makes them culpable.

Andy Rodenhiser – Greg came in, and said everything was done, and asked for his money back.

Dave Pellegrini – I was just trying to think through everything in terms of the cost – if that was going to be constructed, it may need additional permitting with ConCom . . .

Karyl Spiller-Walsh – it bothers me a lot that once the road is surfaced, we are not allowed to dig it up.

Chan Rogers - now that the state is culpable there is some urgency to fix the inadequate pipe.

Andy Rodenhiser – maybe they would do a different process.

Chan Rogers – they could jack a pipe under that.

Karyl Spiller-Walsh – Would the state do the work?

Chan Rogers – it would be their contractor.

Andy Rodenhiser – ultimately there is a source for this – errors and omissions insurance

Karyl Spiller-Walsh – but that takes time

Decision – all yes – The motion was approved.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh that the Board hold a hearing at its next meeting, scheduled for July 28, 2009, as to whether the Country View Estates Subdivision is in default under the Subdivision Control Law and the Board's Subdivision Rules and Regulations, for failure to complete the construction of ways and installation of municipal services in accordance with the Board's Subdivision Decision and the Subdivision Rules and Regulations; and further to send notice by certified mail to the developer Greg Whelan/Broad Acres Management, and to the holder of the subdivision surety, Charles River Bank of the scheduled hearing. The developer will be given the opportunity to be heard personally and/or through counsel at this hearing as to whether the subdivision should be found to be in default and whether the Board should take the surety

that is being held for the subdivision in order to complete the construction of ways and installation of municipal services in accordance with the Board's Subdivision Decision and its Subdivision Rules and Regulations.

Vote – The motion was approved unanimously.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to authorize Dave Pellegrini to develop a further bond estimate for other issues

Ted Cannon - scope??

Andy Rodenhiser – follow wherever it takes him to address these issues. We want to resolve the problem

Susy Affleck-Childs – it should include the manhole issue as well.

Chan Rogers – that was a Mickey Mouse solution. They need a better resolution.

Andy Rodenhiser – maybe it needs a different type structure – or just a ton of rip rap. That is what we are authorizing him to look at because it is connected.

Chan Rogers – Andy Rodenhiser has several times described the situation – a ditch that comes down, goes into a funny kind of CB which is into a culvert under Broad Acres and literally they took out some brick to reduce the invert level so the water would flow.

Andy Rodenhiser – it actually goes under the cast iron grate, so the benefit of the mesh is not there.

Chan Rogers – it is truly a Mickey Mouse solution to a drop inlet type catch basin.

Andy Rodenhiser – they set the structure too high, and it wasn't low enough. It was set too close to the road, and it was – they probably hit rock . . .

Ted Cannon – clearly there is a defect in the culvert. Install that and see how it works.

Dave Pellegrini – it gets complicated when we broaden the scope. If you want me to look at the capacity of the 36" it would get us to a huge drainage analysis

Chan Rogers – go up to District 3 (Mass Highway) and check with them if any hydraulic analysis was done on that culvert crossing. they are supposed to look at all of the culverts when they are going to redo a road.

Andy Rodenhiser – Does that mean, the analysis would be done on the basis of the 21" pipe?

Chan Rogers – the analysis should tell you what size the pipe is needed.

Dave Pellegrini – I am pretty sure

Andy Rodenhiser – A 25-30 acre area is served by the crossing

Dave Pellegrini – when they designed the drainage systems, I believe they assumed a 36 inch pipe because that was what was shown on their existing conditions plan.

Chan Rogers – look at the drainage analysis at the field office.

Andy Rodenhiser – we are looking for you to review the inlet side of the pipe to the outlet side on the other side of Summer Street which would have been the developer's responsibility. From that point on is really the state's issue. Rick Merrikin is the engineer of record who performed the engineering, and stamped it, and is responsible for what happens downstream.

Dave Pellegrini – with that, I am assuming that Rick Merrikin modified his drainage calculations to account for the 36" larger pipe.

Chan Rogers – Greg Whelan presented plans for a subdivision, streets, lawns and houses instead of woods and natural state, so there is going to be lots more water coming down faster. that is the condition he had to work with. it required a 36 inch pipe, and that was new condition that was decided

Andy Rodenhiser – PMP was the engineer at the time that identified the issue.

Dave Pellegrini – I haven't seen anything from Rick Merrikin re: a revised drainage analysis for 36"

Susy Affleck-Childs – I can look through old Country View files and see if there is any review letter from PMP re: 21 inch vs. 36 inch.

Andy Rodenhiser – you need to find out where you need to go with this. Right now it is pretty much related to this drainage issue at the end of the street.

Dave Pellegrini – I will call Mass Highway and speak with Rick Merrikin. If there aren't any calculations, I am wary for us doing a full design and taking responsibility for the whole thing at this juncture.

Dave Pellegrini – existing 21" pipe is an old corrugated metal and the invert is rotted out.

Tom Gay – by putting this in place, this gets us started.

Karyl Spiller-Walsh – do we need to make a recommendation to the BOS to proceed on the estimate and to proceed to do the work?

Susy Affleck-Childs

Dave Pellegrini – I will not actually put together a new bond estimate yet. I will research and brief you at the next meeting.

Susy Affleck-Childs and Dave Damico are to meet with Suzanne Kennedy.

The motion was approved.

Board Liaison Discussion

The Board discussed approved the following individuals to serve on the committees on which the Planning and Economic Development Board has official representation:

Community Preservation Committee	Bob Tucker
Design Review Committee	Karyl Spiller-Walsh
Street Naming Committee	Susan Affleck-Childs

In addition, the following assignments were made for Liaisons to other Town Boards & Committees:

Affordable Housing Committee	Susan Affleck-Childs
Board of Health	Andy Rodenhiser
Board of Water/Sewer Commissioners	Chan Rogers
Capital Improvements Planning Committee	Chan Rogers
CONCOM	Bob Tucker
FINCOM	Andy Rodenhiser
Economic Development Committee	John Williams & Andy Rodenhiser
Medway Business Council	Andy Rodenhiser
Open Space Committee	Karyl Spiller-Walsh
SWAP	Chan Rogers
Town Administrator/Board of Selectmen	Andy Rodenhiser
ZBA	Tom Gay
GIS Task Force	Tom Gay
Medway Community Farm Liaison Committee	Bob Tucker
2B Oak Street /Thayer House Project	Karyl Spiller-Walsh
Medway Tercentennial	Karyl Spiller-Walsh
Route 109 Reconstruction	Chan Rogers
Oak Grove Task Force	Andy Rodenhiser

MORE REPORTS

Tom Gay reported on GIS meeting last week with Susy Affleck-Childs and Will Naser.

A motion was made by Karyl Spiller-Walsh, seconded by Tom Gay to adjourn the meeting. The motion was approved unanimously.

The meeting was adjourned at 8:55 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator