

**July 28, 2009**  
**Planning and Economic Development Board Meeting Minutes**  
**Sanford Hall, Medway Town Hall, 155 Village Street**

PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, Karyl Spiller-Walsh, Tom Gay  
ABSENT with NOTICE: John Williams  
ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Development Coordinator  
Dave Pellegrini, Tetra Tech Rizzo  
Barbara Saint Andre, Petrini & Associates  
Tony Pachelco, FINCOM Liaison

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

**CITIZEN COMMENTS - None**

**Minutes of July 14, 2009** – Chan Rogers offered a series of amendments/corrections.

Motion was made by Chan Rogers to approve the minutes as amended, seconded by Karyl Spiller-Walsh. All votes yes, except Bob Tucker who abstained as he was absent for that meeting. Motion approved.

**Committee Reports**

Open Space Committee – The Trust for Public Land TPL presentation at the BOS meeting last night

New Conservation Agent started last week – Trish Brennan. She will work Mondays and Thursdays

New Community Farm Liaison Committee has been appointed. Bob Tucker serves as rep from PB and CPC.

**45 Place Master Signage Plan**

Paul Yorkis representing Restaurant 45 – we have forwarded to the Planning Board copies of our proposed signs – two parts to the master sign plan – in your requirements for a master sign plan, you talk about commercial signage but we have included all the traffic signs as well.

In the Certificate of Action approving this project, one of the requirements was to produce a master sign plan. We met with the DRC last week and shared with them what I am sharing with you tonight.

Bob Tucker – You show the ADA signage requirements, and you are to be commended.

Paul Yorkis – there is a small error in the ADA signage. The sign location needs to be relocated

Paul Yorkis – Karen Mullkins from Signs Plus in Milford designed this package for us. I would like to go back to the other board showing the existing signs and proposed signs. We are not going with awnings as we had originally included in the site plan. All of the proposed signs meet or are less than the maximum allowed – we not asking for any exceptions or waivers –

Signs are made out of carved plastic and will be painted, so we won't have an issue with wood rot. Look at low maintenance. Proposed wall signs would be illuminated with gooseneck style lighting which we think is in keeping with the exterior. The freestanding sign is to be lit from beneath.

Andy Rodenhiser – Looks durable, won't split

Bob Tucker – On your ground up lighting, I am not a big fan, it gives too much spillage into the sky and can impact neighbors. Under certain weather conditions it could spill out and partially impact drivers going in either direction. Those are some of the potential problems with lighting. I think the gooseneck looks great.

Paul Yorkis – We talked about that a great deal. There is a real estate firm at 159 Main Street that I am very familiar with that has ground up lighting. Spillage is minimal there, and we are basically using very similar lights. It is the location, aim and type of lighting that is critical. If you look at the Choate Park sign, the illumination there has spillage. We have a pretty good aim at this light. The ideal situation is that you install them so they are not permanently installed until you can see the effect.

Karyl Spiller-Walsh – Spots today can be very direct.

Paul Yorkis – I understand that.

Bob Tucker – One of the things I have been working on is a lighting standard to incorporate into our rules and regs. Looking at a number of adjacent towns that do have lighting standards, the trend is to get away from ground up lighting in its entirety. That is the direction my biggest concern is the impact to adjacent properties and drivers thru the area.

Paul Yorkis – No disagreement from me at all. A lot is how they are installed. I would encourage you in your proposed rules and regs is to make sure that flagpoles are also covered.

A letter dated July 28, 2009 from the DRC was distributed.

Paul Yorkis – We are concerned about the recommendation for the long term life of the place. What is here in the DRC review letter we are very comfortable. We can work with the consistency. We have a tenant who is most eager to submit a sign permit application. We need your approval so they can proceed.

A motion was made by Bob Tucker to favorably endorse the master sign plan, seconded by Chan Rogers.

Andy Rodenhiser – On the photos that have the double letters on it, I didn't follow that. Why?

Paul Yorkis – It is just how Karen put it together.

Paul Yorkis – Also, the finish paving at the site will be done this week. If members see the center concrete rumble street is not yet installed, it will be installed, but they will do all the paving and then saw cut out the area.

Andy Rodenhiser – Are the phone poles in the sidewalk? Is that where they are going to be?

Paul Yorkis – I don't know – I can't speak for Verizon.

Tom Gay – The only freestanding sign is this new one?

Paul Yorkis – As part of the comprehensive sign plan, on the land owned by Restaurant 45 and 45 Place, yes, there is one free standing sign. However, there is a freestanding sign for Restaurant 45 (at the southwest corner of 109/126) for Restaurant 45. It has a license from the town of Medway's Board of Selectmen which is not shown on this plan. That license can be revoked at any time.

Paul Yorkis – It is not calculated as it is not part of the property – it has no impact on the action of the Planning Board.

Paul Yorkis – It is a license.

Tom Gay – Nothing on Rustic Road

Andy Rodenhiser – Wasn't there an agreement for no parking signs on Rustic Road?

Paul Yorkis - That is an issue between Mark Smith and the owner of Rustic Road.

Andy Rodenhiser – Any further discussion?

The motion to favorably endorse the master sign plan passed unanimously.

Paul Yorkis – If you want to know when we will be fooling around with the light positions, I can call you.

Bob Tucker – If I am available, great.

Paul Yorkis – Thanks very much.

### **Fisher Street Scenic Road issue**

Tom Gay – What is the skinny on this letter?

Andy Rodenhiser – I saw that the trees had been cut and I talked with Susy Affleck-Childs. She told me that a scenic road permit is only needed when there is road work or a breach in the stone wall – I didn't think they looked like dead trees – the next day, I went and walked – there wasn't much left – they were dead –

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Bob Tucker – Were they cut?

Karyl Spiller-Walsh - Did they grind the stumps?

Andy Rodenhiser – I was surprised that they dropped the trees on private property, and they are still there. We now have this inquiry... who is asking about this. I will make a point to stop by and talk to him – Edward Duggan – they were potentially dangerous trees.

Karyl Spiller-Walsh – They should grind down the stumps, especially on a scenic road.

Andy Rodenhiser – We need to probably change our bylaw or regs.

Andy Rodenhiser – We might want to push for this as a policy change to require grinding of stumps.

Bob Tucker –Let’s give Dave D’Amico a copy of this letter from Mr. Duggan.

Andy Rodenhiser – The Town should put up some notice signs when this is going to happen.

Andy Rodenhiser – The scope of our role is limited – if it is just tree maintenance, no hearing is required – and there is no requirement either to notify abutters.

Karyl Spiller-Walsh – They should finish the job.

Andy Rodenhiser – Grinding the stumps. Not doing this may be a function of the budget.

Andy Rodenhiser read the letter from Mr. Duggan asking about trees on Fisher Street. Attach a copy of the letter. He would appreciate an answer.

Dave D’Amico – We have a very small tree budget, the list of limbs and pruning is huge. \$16,000 is the budget, so my orders to Fred Sibley, who is the deputy tree warden, who hates to take down trees, if it is serious threat to the public, it needs to come down. That is the only thing he is taking it down – it is a threat to the public and it needs to come down. There is no money to grind them.

Andy Rodenhiser – But they just drop them.

Dave D’Amico – That could be an issue. I direct him to put them by the side of the road if possible.

Karyl Spiller-Walsh – If there is a piece of property that belongs to the town, and there are dead trees and parts of them have already fallen, they are a danger. Is it possible a private person could take them down?

Dave D’Amico – We have done limited things like that if a tree is down in front of somebody else’s property. The lawyers would say NO to do that. I weigh it on a case by case basis. I could spend \$100,000 a year.

Karyl Spiller-Walsh – Liability left and right.

Susy Affleck-Childs –I will draft a letter to Mr. Duggan and have Dave D’Amico look at it and Andy Rodenhiser.

## **Other Items**

Rhondi Chapman – I am the second liaison to your board from FinCom.

## **Bond Discussion – Country View Estates**

This discussion is in regard to the letter dated July 16, 2009 to Greg Whelan and Ted Cannon.

Andy Rodenhiser – In summary, Dave (Pellegrini), you are saying that VHB had understood the 36 inch pipe would be in place.

Dave Pellegrini – People remember a decision was made to upgrade to a 36” – no drainage calculations were done. VHB said they don’t have calculations using that 36” for the design. They assumed it was going to be incorporated into the construction – Mass Highway cannot find any drainage design.

Karyl Spiller-Walsh – The calculations they used in the site plan had to be done based on the 21 inch pipe.

Chan Rogers – How an engineer sizes pipe for under a road?

Dave Pellegrini – They modeled it with a 21” and it exhibited flooding. What people are telling me is that historically there was not a flooding issue here. They felt that they were decreasing the peak runoff to that pipe by having detention ponds.

Chan Rogers – Quite complicated.

Dave Pellegrini – There was projected to be an increase in volume but not peak when they did the original drainage calculations. Lee Henry (DPS Director at that time) spoke up, and said it did exhibit flooding, and he insisted that it be increased. No one can remember how they determined that it would be 36 inches.

Chan Rogers – That is an increase of 3 times, because it is the square of the diameter.

Tom Gay – In reviewing this stuff that was sent to us, apparently they all remember a discussion, but the notes say he donated property for the town’s water tower and installed some piping for the town

Dave Pellegrini – That was Paul DeSimone’s recollection

Dave Pellegrini – I spoke with Jim Wieler (served on PB at the time). He remembered the meeting to upsize the pipe. He was very clear that there was no discussion of swapping responsibility.

Andy Rodenhiser – Chan Rogers, can you check with Water/Sewer on this? Whether that installation occurred?

Ted Cannon - Parcel A has been deeded to the town.

Andy Rodenhiser – In the conditions to the subdivision decision, it references the installation of the water pipe at the applicant’s expense – no discussion of swapping.

Andy Rodenhiser - Have you had a chance to confer with your client?

Ted Cannon – I have. There was some discussion, about the applicant not installing it as he was supposed to and about VHB missing it after having several cracks at it. I asked the applicant about the idea of using the bond money that is there and if VHB contributed some funds, could he do the work? I did contact VHB today and laid out for them that suggestion to make up the difference. Greg says he could do it for probably half of the cost a state contractor would charge. I did explain to VHB it would be time sensitive. I told him the Town would probably look to be reimbursed, so I gave them a proposal.

Dave Pellegrini – we could probably have the state monitor this. What I would be unclear with is the state basically has a layout and a jurisdiction. Would they allow a third party to come in and do some work – I don't know if that will be a huge issue.

Susy Affleck-Childs – Ted Cannon spoke with Mark today.

Andy Rodenhiser – He is required by the decision to do it, but the contract for the road

Dave Pellegrini – I don't think it would be a big – it is something I could find out.

Andy Rodenhiser – Could you let us know?

Andy Rodenhiser – Barbara, is this something we can get worked out?

Barbara St Andre – The condition is for the applicant to do the work.

Chan Rogers – We have a classic case in the north side of Route 109. That was all built before. The culvert under Route 109 is way undersized. There is flooding there because the water can't get thru because of the road embankment. It dams the flow from the subdivision. The standard practice is for the state to have the town increase the pipe sizes. This is a pure case of the subdivision creating the drainage that creates the flooding.

Ted Cannon – There is a significant amount set aside for consulting fees that was already set aside (construction observation account).

Chan Rogers - I would suggest that jacking the pipe under the road would be a way to install it vs. tearing up the roadway.

Dave Pellegrini – Another option is instead of pulling the old pipe out, you could put in another one next to it – but that old one really needs to be improved.

Bob Tucker – Let's do it right.

Andy Rodenhiser – That is for him to figure out.

Andy Rodenhiser – It sounds like this board is willing to work this out – we would just want to make sure that there is a third party.

Dave Pellegrini – Is there any way that the state could put in some money to this? The state didn't catch it either? You could ask?

Dave D'Amico – The project is already over budget. If their contractor was going to do it, I expect we could go back to them and get some better pricing.

Wait for another week or two weeks – try to let them work out something.

Authorize Susy Affleck-Childs to write a letter. Motion by Bob Tucker, consensus.

Chan Rogers – I think the state has egg on its face, to go thru this whole thing and not really do any analysis is awful.

Dave Pellegrini – I need to inform you that Joe Hanlon now works at Tetra Tech Rizzo. He worked at Daylor and TTR just bought Daylor. I don't know if this is a conflict of interest.

Barbara St Andre – I would not provide an opinion on conflict of interest off the cuff.

Susy Affleck-Childs – Who was Joe Hanlon?

Dave Pellegrini – He was the original designer of the Country View plans. – I will write it up the documentation – on Joe Hanlon and send it along to you.

It was decided to continue this discussion to August 11. (Tom Gay will not be here, nor Bob Tucker)

Dave D'Amico – I need an answer in 2 weeks – it is drop dead time.

Ted Cannon – I cannot be here in two weeks.

Andy Rodenhiser – Can we have a special meeting next week – August 4<sup>th</sup> – 7 pm?

Ted Cannon – If I get an answer, I will communicate with you. I will contact Mark Louro.

A motion was made by Bob Tucker to go into executive session for the purpose of discussing strategy regarding pending litigation and to not come back to regular session afterwards.

#### ROLL CALL VOTE

Karyl Spiller-Walsh- yes

Bob Tucker - yes

Andy Rodenhiser - yes

Tom Gay – yes

Chan Rogers – yes

The motion was approved.

8:30 pm – Board entered Executive Session.

8:50 pm – The board reconvened from Executive Session

Tom Gay – I have info on equipment.

A motion to adjourn was made by Karyl Spiller-Walsh, seconded by Bob Tucker. The motion was approved unanimously.

The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



July 20, 2009

Mr. Andy Rodenhiser, Chairman  
Medway Planning Board  
155 Village Street  
Medway, Ma 02053

Subject: Scenic Road

Dear Mr. Rodenhiser,

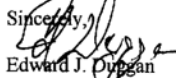
Fisher Street is a designated "Scenic Road" in Medway. The scenic road Legislation as Defined in the General Laws of Massachusetts, Chapter 40: Section 15C. Medway, in its Bylaws, has designated a number of streets and roads to be covered by this laws.

July 14<sup>th</sup>, 2009, a tree service cut down at least three large trees between #50 and #53 Fisher St., the trees were three or more feet in diameter. In looking a these cut trees there are not indications that the trunk had deterioration or rotted. Why were these trees cut down? They could have been pruned if interfering with power or other type line. Isn't this type of cutting subject to the State and Medway By-laws?

Who is policing the requirement of the "scenic laws"? Please inform. Scenic road laws were set up to maintain the rural character of the town for the benefit of all of our citizens. Blatant cutting eliminates some of the amenities which we all enjoy. I am questioning these actions and would appreciate your answer as is applies to both Fisher St. and all "scenic roads" in the Town.

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I look forward to your response.

Sincerely,  
  
Edward J. Duggan  
59 Fisher Street  
Medway, Ma. 02053