

September 8, 2009
Planning and Economic Development Board Meeting
Sanford Hall, 155 Village Street

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, Chan Rogers, Karyl Spiller-Walsh, John Williams

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

The meeting was called to order at 7:05 p.m. – Welcome by Andy Rodenhiser

CITIZEN COMMENTS – None

Susy Affleck-Childs – I apologize for the mix-up on not getting the board packets delivered to the police station last Friday so you could pick them up over the weekend. I didn't discover the problem until late this morning.

NOTE – make up a board packet for Tony Pachelco

INFORMAL SUBDIVISION DISCUSSION – 88 Lovering Street

David Faist, Faist Engineering for Chandrika and Ramakrishnan Koundinya, 88 Lovering Street

David Faist – I am here with the Koundinyas. They own property at 88 Lovering Street. Back at 2002 there was a preliminary subdivision plan for the site for 2 lots with their existing house as one lot – approved back then in June 2002 – never got past the preliminary stage. One of the issues is the right of way – there is a setback issue. They do not wish to move their house. They have looked at various options. We have another idea that was not part of the 2002 submission.

WE envision a very similar set up – but with this proposal, a sewer connection is not feasible. We went back and looked at the site – the existing house has a septic system – we have now proposed a smaller house with septic – but we would need a waiver for the standard right of way width requirement so they don't have to move their house

The area is in the ARII zone – minimum lot size is 22,500 – but each lot will have about 1 acre.

Our main intention – is to create a second lot – is it worth spending money?

Bob Tucker – Is there sufficient room on the lot for the 100% expansion?

David Faist – There are several drainage easements on the property. One is active that goes down the east side. The easement that goes across is left over from subdivision behind.

Bob Tucker – What is the topography?

David Faist – Fairly flat – small buffer in the back to wetlands

Karyl Spiller-Walsh – wetlands area is the wooded part?

David Faist – Yes

Karyl Spiller-Walsh – Is it holding water now?

David Faist – I haven't been out there lately.

Karyl Spiller-Walsh – I remember before, during the preliminary presentation, there were 2-3 abutters who came and commented – there was a lot of concern about the drainage easement on the right (east) – that there are tremendous torrents of water flowing down there. That was a big concern. I am trying to remember, was there discussion on detention

David Faist – it was just noted that drainage would have to be part of the definitive design. At this stage, we would be looking at a gravel 18 foot driveway – much smaller house footprint – we would have to meet new stormwater standards.

Andy Rodenhiser – Pave the road?

David Faist – Gravel would be better for storm water.

Andy Rodenhiser - Why didn't you propose this before?

David Faist – It wasn't us.

John Williams – This doesn't pass the bar for an ANR plan, right?

David Faist – No. We need to test the waters with you on the idea of a 25 foot right of way vs. a 50 foot right of way.

Andy Rodenhiser – The reason is that you don't want to have to move the existing house out of the setback.

Andy Rodenhiser – They have been to the Zoning Board of Appeals, and they would not grant a setback requirement from the house to the right of way.

Andy Rodenhiser – He is asking for a waiver to go down to a 25 foot right of way with an 18 foot gravel driveway

Andy Rodenhiser – What did we do on Sibley's?

Susy Affleck-Childs – Let me check the decision. They did not seek a right of way waiver.

Andy Rodenhiser – Is there really room for drainage systems?

David Faist – We will need to do some soil testing.

Karyl Spiller-Walsh – Would the existing septic pass Title V?

David Faist – I don't know.

Karyl Spiller-Walsh – We have visited this issue. Is there any way to control or limit the size of the house on the new lot?

Andy Rodenhiser – Only as part of mitigation for the waiver. The number of bedrooms determines septic.

Andy Rodenhiser – Do you want to even consider a waiver?

Karyl Spiller-Walsh – To me, it is not the only issue.

Andy Rodenhiser – If you want to grant the waiver, then everything else matters.

Tom Gay – I would really like to analyze this.

Karyl Spiller-Walsh – The premise is one I understand. The only reason this isn't more lots, it is because of wetlands and easements.

Chan Rogers – The main reason for a wide ROW is to serve multi-lot subdivision.

Bob Tucker – If we haven't set precedent with such a reduction, I am hesitant. There might be a better way to skin a cat.

Susy Affleck-Childs – You can look at this type of issue as we consider changes to our subdivision rules and regs.

David Faist – If you need more time for a decision

Bob Tucker – I am concerned about where else this could crop up

Andy Rodenhiser – We might consider a zoning bylaw change to consider this type of thing. With a special permit.

Susy Affleck-Childs – Waivers are supposed to be in the Town's best interest.

Karyl Spiller-Walsh – We are at a precipice. We might consider the same right of way and then provide a lesser road width – advantage to the town is less storm water.

David Faist – My client – they really don't want to have to move their house.

Gino Carlucci – depending on how an estate lot provision was drafted, if it went that route, the setback could be from a side lot line vs. a front lot line.

Chan Rogers – I don't have any problem doing this – there is 2 acres of land

Tom Gay – You could see this issue on the next few lots on Howe Street.

Andy Rodenhiser – I think it could be a watershed moment.

Chan Rogers – I don't see it as crucial.

Bob Tucker – In general, I don't mind as it pertains to the specific lot, but I am concerned about opening up a can of worms. I am not ready to be put in that position.

Chan Rogers – I don't see that happening.

David Faist – At this stage I guess – would the Planning Board like more time? We still have some planning time.

Andy Rodenhiser – We are working on our subdivision rules and regs and we could look at this issue of ROW width for small subdivisions.

David Faist – There is about 150 feet of frontage for the current lot now (on Lovering Street) – the new right of way is needed for frontage for a new lot.

INFORMAL DISCUSSION WITH JOHN EMIDY, NEW BUILDING COMMISSIONER

John Emidy – I just wanted to introduce myself, and let you know if you have problems please give me a call. I have already talked with Susy about some zoning issues that I would to address. – I would like to have an open dialogue with you.

Andy Rodenhiser – I think you will find all of us to be pretty communicative.

Chan Rogers – I would desire this kind of relationship – there are a lot of informal reasons to discuss things with you.

Susy Affleck-Childs - John and Suzanne Kennedy are looking at a nuisance type code.

Chan Rogers – There are lot of temporary signs around town that aren't temporary at all.

John Emidy – I am working my way toward that. I have gotten several complaints on signs. I want to grasp first things first.

Andy Rodenhiser – If you think it would be helpful, through the new EDC, we could probably get an audience for you with the Medway Business Council so you could talk with the business community ahead of time.

Susy Affleck-Childs – Maybe a 90 day window for people to resolve sign problems.

Andy Rodenhiser – Maybe we could make a presentation about what the sign bylaw is and isn't– maybe do some self policing.

Karyl Spiller-Walsh – This is probably a good time since

John Emidy – I am really busy right now. We have a new MUNIS system. I like it, it is a challenge – I think it will be good to share – easier for other departments to get the information.

Andy Rodenhiser – Thanks for coming in.

DISCUSSION RE: PROPOSED CONCOM RULES AND REGS

Andy Rodenhiser – How this is going to effect economic development and land use is something we should be careful of. I did give copies of the draft through Susy Affleck-Childs to Dave Pellegri and Gino Carlucci with a heads up that we would be discussing this, that we might be asking them to review this, and look at the impacts and see if there any ideas. WE have also received a communication from Paul Yorkis with his review comments on the draft.

Subsequently, there has been a request from the Town Administrator to have Gino Carlucci review it and compare it with Franklin’s Rules and Regs.

Susy Affleck-Childs – I understand the Medway draft is patterned about Sharon’s.

Karyl Spiller-Walsh – Are there any consistency or contrasts to rules and regs of the Planning Board, like construction of detention ponds?

Tom Gay – There is a definition of a large project. Do these align? Do they apply in the same circumstances? It would be difficult for applicants to be held to various standards. Are we talking about sharing some logic?

Karyl Spiller-Walsh – I see a lot of overlaps and questions – for instance – “critical characteristics and boundaries” – does that mean landscaping? Is there a conflict here?

Bob Tucker – Karyl Spiller-Walsh has pointed out the need for a review in terms of issues of consistency.

Karyl Spiller-Walsh – There are some things that are a lot like our rules and regs

Andy Rodenhiser – Gino, could you look at this thing – how this compares with Franklin?

Gino Carlucci – Sure and also identify issues that are consistent or not with the Planning Board’s rules and regs –

Andy Rodenhiser – I would like to go to the public hearing with a schedule of recommended changes.

Andy Rodenhiser – Dave, from your perspective, how might something like this impact development - if we were to say no more construction or disturbance within 100 feet of a wetland, how would that impact a typical construction site.

Andy Rodenhiser – Gino, do you have a wetlands map? Could you show what the 100 foot buffer zone would limit?

Bob Tucker – On the surface, I am not sure such reduction is in our best interest.

Karyl Spiller-Walsh – The intent could be in conflict with a lot of development of all kinds, especially commercial.

Andy Rodenhiser – Once you get out of the 100 foot area, you don't need permits.

Chan Rogers – I challenge this. I had hoped to have this draft thoroughly reviewed. I think they are usurping the responsibility of this board if that provision is in their bylaw. I would very much encourage this board to request professional review of these regs. They have literally been not available for the past 5 years I have been on this board. They have been totally absent to perform their duties, and then suddenly to come out with a 34 page – it may have a lot of good things –

Andy Rodenhiser – Dave, how would you recommend going about looking at this document?

Dave Pellegri – How it would impact development in general? Look at it from an applicant's perspective.

Gino Carlucci - DEP eased up a year ago on the outer 50 feet and became more stringent on the first 50 feet

Andy Rodenhiser – I think this is going in the wrong direction.

John Williams – I think most communities have a more restrictive policy than the DEP – I think this is a good effort by the ConCom.

Susy Affleck-Childs – We really need to look at both the bylaw and the rules and regs and whether the rules and regs go beyond the bylaw

Chan Rogers – With this, they are having more than one board adjudicate the use of land. There is a potential there for overreaching.

Andy Rodenhiser – A property owner could make a claim of a defacto taking.

Karyl Spiller-Walsh – We can all think of projects where better wetlands protection would be beneficial.

Chan Rogers – There should only be one board in town that adjudicates

Karyl Spiller-Walsh – More autonomy is disturbing.

Susy Affleck-Childs – The next ConCom meeting is September 24th. That is when the public hearing is scheduled to begin.

Bob Tucker – Would it be worthwhile for Dave and Gino talk to each other, to have a coordinated effort, then we as a board can go forward.

Agreed

Dave Pellegrini – I would look at the definitions; see if they are the same as DEP or not and how they are different.

Karyl Spiller-Walsh – Please identify any conflicts that might exist between our process and ConCom's

Chan Rogers – I am not sure they have the authority to have a local bylaw be more strict than DEP

Karyl Spiller-Walsh – Does state precedent always win over local? Paul Yorkis always says the state law rules. We need a definitive answer from town counsel.

Andy Rodenhiser – Where are the opportunities for us to dovetail and approve?

John Williams – We should have ConCom representation on this board. We should ask for it. I think it is a disservice . . . the wrangling that an applicant has to go thru – it should be one stop shopping.

Bob Tucker – That is why they hire an engineer.

Andy Rodenhiser – This could create formalized concept.

John Williams – One way to streamline is to get somebody from ConCom on this board.

Andy Rodenhiser – So what you are suggesting that a member of the ConCom be on the Planning Board?

John Williams – Yes.

Chan Rogers – I think we are doing the right thing in having it reviewed. I don't think you can have more stringent regulations than what the state allows.

Karyl Spiller-Walsh – We need to know that.

Andy Rodenhiser – Should we also provide a copy of this review to the FinCom rep?

Susy Affleck-Childs – Sure . . .

Susy Affleck-Childs – This may be a topic of the Economic Development Committee meeting next week as well.

The Meadows Subdivision

Susy Affleck-Childs – We received a communication dated August 28, 2009 from Ralph Costello’s attorney, Rich Gallogly, informing us that the subdivision work is complete. Andy and I drafted a response letter dated September 4th. See attached. We sent the letter before I had heard back from Town Counsel. She advises that we need to send another response to them to specifically state that the PB does not find the work to be complete.

A motion was made by Bob Tucker, seconded by Chan Rogers to notify them that construction is not complete because of these outstanding items. The motion was approved unanimously.

Dave Pellegrini – I consider the as-built plan as part of construction – I envision that the as-built plans close out construction -

Susy Affleck-Childs – Do you want us to do another inspection – the last one was probably done by VHB a couple of years ago.

Andy Rodenhiser – Let’s have Tetra Tech Rizzo do an inspection and identify any remaining issues

Dave Pellegrini – We could do more of a general inspection.

Andy Rodenhiser – We have a 45 day window to respond. He wants his bond money back to pay GLM for engineering work.

So what happens?

I would even suggest we include Dave’s inspection report in our letter to them.

Discussion on Subdivision Rules and Regs

Note – Send PB members a copy of the Development Impact Report we use.

Zoning Bylaw articles

Gas Stations in commercial I. The board reviewed a handout from Gino Carlucci dated 9/8/09. See attached.

Andy Rodenhiser departs at 9:30 pm

Discussion on size of vehicular fuel stations

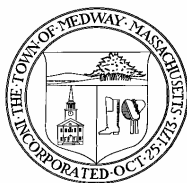
Board wants to see consistency on the number of allowable pumps Commercial I and V districts

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to adjourn the meeting. The motion was approved.

The meeting was adjourned at 10:30 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh
John W. Williams, Associate Member

September 4, 2009

Mr. Ralph Costello
Cedar Trail Trust
C/o Unique Homes
503 Main Street
Medfield, MA 02052

RE: The Meadows Subdivision – Goldenrod Drive and Cardinal Circle

Dear Ralph,

Thank you for submitting revised as-built/street acceptance plans for The Meadows subdivision which includes all of Goldenrod Drive and Cardinal Circle. The plans were prepared by GLM Engineering, with a revision date of 8/25/09. We were pleased to note GLM's indication that the revised plans now show a number of items that VHB Engineering had specified as being necessary as long ago as November 2007. Those items pertain to flowage easements, plan title, surveyor's certification and signature blocks. Thank you for making those changes. Today, I provided a set of the revised as-built/street acceptance plan to Tetra Tech Rizzo, the Town's current engineering consultant, for final review. We await their report.

On September 1, 2009, we received the letter dated 8/28/09 from Attorney Richard Gallogly on your behalf in which he states that construction of the ways and installation of municipal services at The Meadows has been completed. He also provided signed sewer, trail and drainage easements. On 9/2/09, I mailed those original easement documents to Medway Town Counsel, Barbara Saint Andre, of Petrini & Associates. Barbara is on vacation and will return next week. Please be advised that we understand that there are still outstanding issues relative to the deeds to convey the roads to the Town of Medway.

There also remain a number of other items you have not yet provided to the Town, despite our repeated requests for you to do so. The Planning and Economic Development Board requires these items for street acceptance. They were specified in the Street Acceptance Checklist which we have previously provided to you on several occasions, as far back as

December 2007. These items are listed below. You need to submit or arrange to have these items submitted to the Planning and Economic Development office.

1. Letter/Certificate of Completion/Compliance signed by you, and signed and stamped by your engineer to certify that construction of the subdivision roadways and infrastructure has been completed in accordance with the approved/endorsed Definitive Subdivision Plan for The Meadows.
2. Conservation Commission Certificate of Compliance if there is an outstanding Order of Conditions relative to construction of the subdivision road and infrastructure. If not, we need a written communication from you certifying to the fact there the Medway Conservation Commission never issued an Order of Conditions applicable to the subdivision's road and infrastructure.
3. Memoranda from the following Town boards/departments to indicate that they have conducted an on-site inspection of the road and infrastructure and that all work has been completed to their satisfaction. Please contact the individuals listed below to request their inspection and review. They will receive copies of this letter and may contact Susy Affleck-Childs our Planning and Economic Development Coordinator if they have any questions. Their memos should be directed to her.
 - Department of Public Services – Dave D'Amico, 508-533-3275
 - Police Department – Sergeant Jeff Watson, 508-533-3212
 - Fire Department – Chief Paul Trufant, 508-533-3213
4. Proof from the Medway Treasurer/Collector's office that Medway taxes are current for any property within the subdivision that you or an associated entity to which you are a party still own. If you no longer own any house lots, please provide a written communication from you to that effect.

Thank you for your attention to these matters. If you have any questions, please contact Susy Affleck-Childs, our Planning and Economic Development Coordinator at 508-533-3291.

Best regards,

Andy Rodenhiser
Chairman

cc: Patricia Brennan - Medway Conservation Agent
Dave D'Amico - Director Medway Department of Public Services
Richard Gallogly – Rackemann, Sawyer & Brewster
Dave Pellegrini, Tetra Tech Rizzo
Barbara Saint Andre, Petrini & Associates
Kim Shorey, Medway Treasurer/Collector's office
Rob Truax, GLM Engineering
Chief Paul Trufant - Medway Fire
Sergeant Jeff Watson - Medway Police

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)

TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: September 8, 2009

SUBJECT: Potential Gas Stations in C1 District

Attached is a list of parcels indicating existing and potential gas station sites in the C1 district. It should be noted the “potential” sites are listed based on size and it is unlikely that most of them would ever be considered for replacement by a gas station, however defined. The purpose of their inclusion is intended to indicate the relative value of other forms of development (and potential tax revenue) compared to gas stations.

As the table indicates, other types of development generally have significantly more value than gas stations. The average building values of the three existing stations is \$66,300 or \$136,133 when the canopies are included. This compares with an average value of \$396,130 for other types of development.

It should also be noted that the Irving gas station on Hartford Avenue in Bellingham is located on 7.87 acres, considerably more than the stations in Medway. It is unclear if additional development is possible on this site. The current assessment of the land is \$676,400, but it sold for \$1,186,390 in 2006. The high value may be an indication that additional uses are possible. There is no assessment for the building yet in the Town’s Assessor’s database.

Another comparative example is the Tedeschi facility on West Central Street in Franklin. That site is .756 acres, more in the range of the Medway parcels. The assessed value of the 2612 square foot building on that site is \$441,900 plus \$94,700 for the canopy for a total of \$536,600. The land is assessed at \$233,300.

EXISTING AND POTENTIAL GAS STATION SITES IN C1 DISTRICT

SITE	MAP/ PARCEL	AREA (acres)	FRONTAGE	BUILDING ASSESSMENT	LAND ASSESSMENT
EXISTING STATIONS					
Mobil	6-41B	.60	175	\$69,400 + \$102,900* = \$172,300	\$168,900
Shell	6-319	.34	125	\$145,100 + \$84,100* = \$273,900	\$145,500
Energy	6-36	.26	123	\$53,800 + \$22,500* = \$76,300	\$145,100
Average		.4	141	\$66,300 + \$69833* = \$136,133	\$153,167
POTENTIAL SITES					
Cumberland Farms	5-277A	.69	162	\$344,200	\$130,200
Charles Building	6-41	1.1	125	\$85,200	\$152,300
Post Office	6-41C	.95	152	\$254,500	\$258,900
Car Wash	6-41Z	.69	100	\$168,200	\$194,200
Burger King	6-41X	1.2	175	\$887,200	\$259,700
Dunkin Donuts	6-38B	.52	102	\$404,300	\$145,700
Middlesex Bank	6-38C	1.29	155	\$734,900	\$294,000
Medical Building	6-38A	.59	110	\$431,700	\$129,800
Cenedella House	6-39	.50	150	\$126,300	\$116,500
Bank of America	5-280X	.52	90	\$524,800	\$145,700
Average		.81	132	\$396,130	\$182,700

*Detached structure, apparently the canopy