

**January 12, 2010
Planning and Economic Development Board
Medway Senior Center
76 Oakland Street**

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

ABSENT WITHOUT NOTICE: John Williams

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

The Chairman opened the meeting at 7:00 pm.

BOARD BUSINESS:

Appointments:

Design Review Committee and Economic Development Committee:

- On a motion made by Karyl Spiller-Walsh, and seconded by Thomas Gay, the Board voted unanimously to appoint Carolyn Chodat to the Design Review Committee for a term through June 30, 2011.

Economic Development Committee:

- On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted unanimously to appoint Ray Himmel to the Economic Development Committee through for a term June 30, 2010.

Resignations:

The Board was in receipt of a resignation letter dated January 9, 2010 from Beth McDonald from the Design Review Committee.

PUBLIC HEARINGS

Modification to Daniels Woods II Definitive Subdivision Plan:

The Engineer David Faist noted that they were in receipt of a memo from Tetra Tech Rizzo dated January 7, 2010. The Board is also in receipt of an alternative Driveway & Grading Plan dated December 29, 2009. The memo made reference to the site walk which was conducted on January 7, 2010. It also notes a grading detail in the area surrounding the grass basin to show where the runoff will flow when the basin is overtopped. Faist Engineering explained that the proposed design provides for approximately 9-12” of freeboard as the basin will overtop at an approximate elevation of 240.5. Faist Engineering believes that the grades are sufficient and will show that the runoff will

flow towards the existing stone wall at the northern edge of the property and then easterly along the stone wall onto the adjacent property owned by Fred Sibley. Consultant Pellegri communicates that the additional spot grades and the flow paths are now shown on the plan. The only other changes are adjusted small grass swales to pull grade back. Faist Engineering discussed that the grading easement will need additional space for minor grading changes during construction and placement of the erosion control measures. The drainage easement will need to be recorded. The Board would like to see some revisions on the drainage easement to include the adjacent Sibley parcel. The Board wants to see this provided before voting.

Member Spiller-Walsh communicated that there is no way to police any surface run-off water on abutter's property. This lot is aquatically tight. She has concerns about a flowage easement like this. Applicant's attorney Glenn Murphy noted that he has never heard of a flowage easement.

Another area of concern for member Spiller-Walsh is the dimension of the house. The footprint and exact dimensions are an integral part of drainage needs. There is no jurisdiction to keep it this size or smaller. There is no guarantee that this is the footprint that will be built. She was also inquiring about if this will be handed over to the Conservation Commission. She would like to see the project monitored since she believes that the water will go around the perimeter.

Chairman Rodenhiser explains that the house can not be bigger than 60 by 30. The applicant could agree to a condition on decision regarding the footprint of the house.

Susy Affleck-Childs was wondering if there are any reasons why the lot could not be enlarged easterly or southerly to provide some more room.

Mr. Yorkis communicated that he does not know what type of house the eventual buyer of this property may want. This will be determined by the buyer. The issue about the drainage is a legitimate concern. The decision could be written to stipulate that the capacity of the drywell has to be large enough to handle the run off from the roof. Mr. Yorkis noted that the condition of Certificate of Action can specify that the engineer certify that the drywell can handle the run off.

Affleck-Childs inquired about the size of Lot 2B. Mr. Sibley reported it was communicated that this is 5 ½ acres.

Mr. Sibley, the property owner, does not want to make Lot 2 B any smaller since the land value is the size and privacy. The trees and land are visual buffers for his house.

Affleck-Childs notes that when and if recorded, the deed needs to call out the drainage easements within the body of the deed on Lot 2B.

Member Chan moves to close the public hearing.

Affleck-Childs recommends a quick review of all needed information before closing the hearing.

Attorney Murphy explained that a meeting took place with Susy Affleck Childs. The following items will need to be prepared: the proposed deeds, the driveway easements, the private roadway agreement, and the subdivision covenant.

There will be six agreements provided which will need Town Counsel approval.

Consultant Pellegrini noted that there are no outstanding waiver issues.

- **On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to close the public hearing for Daniels Woods.**

Susy Affleck-Childs will work on drafting a decision for review at the January 26, 2010 meeting.

Williamsburg Condominium OSRD Definitive Plan – Public Hearing Continuation

The Chairman reopened the Public Hearing for Williamsburg Condominium at 8:20 pm.

The only outstanding issues are the waivers.

A letter dated January 6, 2010 was provided from the Open Space Committee. The letter makes reference to the revised plant schedule for the Williamsburg Condo OSRD. The letter commends the developer and landscape architect for addressing the selected plant species along with supporting the Open Space Committee's efforts to control the impact of non-native and invasive species of our community.

The residents were asked if there are any other questions. There were no additional questions or comments.

- **On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to close the public hearing for Williamsburg Condominium.**

Mr. Yorkis provided the abutters a verbal overview about the pre-construction meeting which took place.

Establish Construction Account Fee – Applegate Farm Subdivision

Member Gay wanted clarification on the estimates as provided.

A memo from Consultant Pellegrini from Tetra Tech Rizzo dated January 7, 2010 provided a revised estimate for Construction Administration Services. Consultant Pellegrini explained the sheet which was provided noting the various categories along with including the type of inspections, number of site visits needed, hours of inspections, rate of pay and a final column for the total amount. The fee estimate is \$20,641.95 but it is based on the former VHB estimate from June 2006 and updated to add in inspections for sewer, water and utilities which DPW wants TTR to conduct.

Member Tucker wants to make sure that the amounts are based on current 2010 numbers from Tetra Tech Rizzo and not from VHB fees from 2006

After discussion, the Board would like Consultant Pellegrini to provide a revised estimate to reflect TTR's 2010 rates. A decision will be held off until the 1-19-10 meeting when a revised estimate will be provided for the Applegate Farms Definitive Subdivision.

Establish Construction Account Fee - Williamsburg Condominium OSRD project:

The estimate is for \$15,781.50. Mr. Yorkis communicates that he hopes the numbers on the estimate reflect the best consultant practices. He also communicated that the estimate may be up or down or right on the money. Mr. Yorkis was inquiring about what the \$750.00 overhead fee covers. Consultant Pellegrini notes that this is for mileage, postage, and fed ex. Mr. Yorkis wants to make sure that the invoices from Tetra Tech Rizzo will be broken down. Consultant Pellegrini responded that this is done on an expense sheet.

- **On a motion made by Thomas Gay and seconded by Chan Rogers, the Board voted unanimously to approve the construction estimate as presented for roadway and infrastructure.**

Construction Status Update

Applegate Farm Subdivision

There will be a pre-construction meeting on Thursday, January 14, 2010 at 10:00 am.

Williamsburg Condominium OSRD

There was a preconstruction meeting on Williamsburg held on January 4th. This meeting had representatives from DPW, Conservation Commission, and the Developer. The meeting was helpful for all parties. The erosion control measures are in place. The grubbing and clearing will be taking place. Mr. Yorkis noted that the filter mitt is in place. The orange fencing is 50% completed. The 50 feet of stone on top of the filter fabric is going in on Wednesday, January 13, 2010. This process is moving along and all steps are being followed.

Revisions to Subdivision Rules and Regulations:

The Board is in receipt of a memo from Susy Affleck-Childs dated January 8, 2010. The memo referenced Section 7 Design/Construction Standards for subdivision infrastructure. Consultant Pellegrini will research to see if there are already developed lists which may assist the Board. Member Chan communicates that the State Highway Standards have already been created, dictating how things need to be done. He further explains that in reference to the Subdivision Regulations, it is standard specifications. He believes that the Board does not need to reinvent the wheel. The work on this has already been completed. Member Gay also feels that reference standards can be used. It is recommended from Susy Affleck-Childs that the Board involve a number of other Committees and Departments in seeking recommended revisions or suggestions.

Zoning and Other Priorities for 2010 Annual Town Meeting:

The Board was in receipt of a memo from Susy Affleck-Childs dated January 7, 2010. The memo was a preliminary list of recommended articles for the 2010 Annual Town Meeting. See attached. The DRC and Open Space have been asked for suggestions. Member Tucker will continue to work

with Susy Affleck-Childs on the lighting standards. Member Rogers would like to see the word “standards” changed to performance.

Proposed Mapping Fee:

The Board is in receipt of a memo from Susy Affleck-Childs dated January 7, 2010 providing an overview about the development of the proposed mapping fee. Lengthy discussion had taken place regarding the establishment of a Mapping Revolving Fund. At the initiative of Susy Affleck-Childs and Assessor Will Naser, an article had been placed on the warrant for the November 2009 fall town meeting. Prior to that town meeting, the Board has expressed its reservations about having such a fee and wanted more time to discuss with the full membership. Susy Affleck-Childs had understood the board was OK with keeping the article on the warrant; the article would establish the fund. Member Gay does not have that same recollection and therefore he spoke against the motion at town meeting.

The Board continues to try to figure out how to establish administrative/filing fees that are fair, reasonable and reflect actual administrative fees. The Board would like to continue working on this item. The Chairman wants to thank Susy for being proactive in getting this moving. Member Gay will work with Susy Affleck-Childs to come up with average cost for projects. The Board should be able to do this and meet those estimates. Member Gay noted that the fees can drive the behavior of the length of the hearings and performance of the engineer. Member Rogers noted the difference between residential and industrial/commercial type projects needs to be part of the analysis.

Susy Affleck-Childs presented a four page chart of the various tasks which must be undertaken when an application is submitted. The chart includes pre-applications, start up, public hearing preparations, abutter notice, application processing, plan review/public hearing, money management, decision, plan endorsement, pre-construction, construction process, performance guarantee, and the street acceptance process. The chart also specifies who handles the various tasks. Susy Affleck-Childs will begin keeping track of the time allotment that these tasks require.

Affleck-Childs will take notes about how long the different administrative tasks take. There is a lot of work on the back end of the project with street acceptance and bond reduction. Chairman Rodenhiser suggested creating a duration timeline for the tasks. Member Tucker noted that one engineer may take three meetings and another engineer may then take five meetings. The Board would like to discuss this further.

Conservation Commission Rules and Regulations

The Chairman was in receipt of a memo from Susy Affleck-Childs recapping the cost of \$4,272.12 for consultant review of the Conservations Commission’s proposed *Rules and Regulations*. This a significant amount of money out of the FY10 consulting and contracted service line item and will hamper the Board’s ability to use the outside engineering and planning consultants to help with Rules and Regulations and zoning articles. The Board would like to present this to Finance Committee for an emergency transfer request. Without the emergency transfer, this would inhibit the Boards ability to have Tetra Tech Rizzo and PGC Associates work on the subdivision rules and regulations or on zoning articles during the remainder of the year. A member of Finance Committee, Tony Pacholec, was at the meeting and he will communicate this information at the Finance meeting on Wednesday evening. The Chairman will also speak with the Board of Selectmen about this.

Country View Estates:

The Board was presented with a draft letter addressed to Mr. Greg Whelan, Trustee of the Broad Acres. The letter is asking for Mr. Whelan's cooperation in resolving a number of outstanding issues at the Country View Estates and Broad Acres Estates subdivisions. The updated estimate amount is \$48,019.50. The documents have been reviewed by Town Counsel.

- **On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to send the letter as written to Mr. Whelan.**

Consultant Pellegrini presented to the Board a letter from Vanasse Hangen and Brustlin, Inc. dated May 11, 2009 regarding berm repairs in the subject subdivision. The issue of concern involves the Monolithic Berm (Stable Way). Consultant Pellegrini included the Berm repair in his estimate. It is the feeling that it may be more of a detriment to remove this berm.

Agricultural Commission Exploratory Meeting:

Susy Affleck-Childs has been in touch with a representative from the Mass Department of Agriculture who is based in Ashland. She speaks throughout Massachusetts about Agricultural Commissions. March is the tentative month for which a public meeting will be set up. Members of the agricultural community will be invited to attend. The purpose of this meeting will be to hopefully have enough members who will work to create, shape and steer the establishment of an Agricultural Commission for Medway and put forth an article for the warrant for the 2010 annual town meeting.

Minutes:

- **On a motion made by Bob Tucker and seconded by Thomas Gay, the Planning and Economic Board had voted unanimously to accept the minutes from October 27, 2009.**
- **On a motion made by Bob Tucker and seconded by Chan Rogers, the Planning and Economic Board had voted unanimously to accept the minutes from November 24, 2009.**
- **On a motion made by Bob Tucker and seconded by Chan Rogers, the Planning and Economic Board had voted unanimously to accept the minutes from December 12, 2009. (member Spiller-Walsh abstained from vote)**
- **On a motion made by Chan Rogers and seconded by Bob Tucker, the Planning and Economic Board had voted unanimously to accept the minutes from December 15, 2009. (member Tom Gay abstained from vote)**

Committee/Task Force Reports:

Member Tucker reminded all that any proposed expenditures of CPA funds must be submitted to the CPC for review at their March meeting. There is an open invite to a meeting in March for those who would like to make proposals.

SWAP Meeting:

Consultant Carlucci informed the Board that there will be a meeting on January 20, 2010 from 5:00 – 7:00 pm in the Ashland Library. The purpose of the meeting is to address the economic impacts of Casinos in the region. The Committee is looking to formulate a letter to send to the legislature. Member Rogers is planning on attending. Consultant Pellegrini wanted to disclose that TTR has had a conversation about this with one of the applicants.


- **On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to adjourn the meeting at 10:00 pm.**

Future Meetings:


The next meetings scheduled are: **January 19 & 26, February 9 & 23, 2010.**

The meeting was adjourned at 10:00 pm.

Respectfully Submitted,


Amy Sutherland

Meeting Recording Secretary


Edited by Susy Affleck-Childs
Planning and Economic Development Coordinator

Memorandum
January 7, 2010

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: 2010 Annual Town Meeting

Below is a preliminary list of recommended articles for our work for the 2010 Annual Town Meeting. It is based on discussions at PB, EDC and AHC. I have also asked the DRC and Open Space Committee for suggestions.

Zoning

1. Amend Industrial I & II to specifically allow:
 - renewable and alternative research and development facilities
 - manufacturing of renewable and alternative energy related products
 - biotech laboratory and manufacturing
2. Amend Industrial II (Exelon site) to allow for various forms of alternative/renewable energy generation
3. Definitions – add definitions for: Research & Development; Alternative/Renewable Energy; Home Based Businesses; Biotech
4. Home Based Businesses – Allow by right within ARI & ARII based on certain performance standards; anything in excess would go to the ZBA for a special permit
5. Lighting standards
6. Site Plan Projects – add language re: options to fulfill sidewalk construction obligations – on site, off site, or payment in lieu of construction
7. Sign Regulations – a series of minor amendments
8. ARII, Commercial III and IV - Multi family residential special permit (recommended by the Affordable Housing Committee)
9. ARI – Allow for estate lots by special permit (large lots with inadequate frontage)

Other

1. Proposed General Bylaw to Establish an Agricultural Commission
2. Expand 43D sites to include all (or as much as possible) of Industrial I, II and III