

**February 16, 2011
Medway Planning and Economic Development Board
155 Village Street**

Board Members Present: Bob Tucker, Tom Gay, Karyl Spiller-Walsh, Chan Rogers,
Andy Rodenhiser arrived at 8:05

Also Present: Susy Affleck-Childs, Planning and Economic Development Coordinator
Gino Carlucci, PGC Associates
John Schroeder, Member of the Open Space Committee
Fran V Hutton Lee, Administrative Secretary

Meeting opened at 7:03 by Vice Chairman Bob Tucker

**Workshop to Discuss Proposed Zoning Bylaw Amendments
for 2011 Annual Town Meeting**

(See Attached for draft of proposed OSRD Bylaw amendments.)

Bob Tucker – The last time we met we were going over the OSRD and Paul Yorkis' letter. There was long discussion regarding this section of the OSRD.

Susy Affleck-Childs - We need to come to a decision whether to mess with the formula or not.

The general consensus initially was to leave it alone, to leave in the requirement for a 30 foot separation between buildings. It was agreed that the OSRD is good, but not where it results in a denser than a traditional subdivision.

Section e was marked with strike through.

Susy Affleck-Childs – This section is repetitive. It is stated elsewhere.

Tom Gay – Where?

Susy Affleck-Childs – In 4d under applicant procedures, to be called applicant requirements.

Tom Gay – 30 foot separation—where is that elsewhere?

Susy Affleck-Childs – It was decided to recommend removing it as it restricts layout options and views.

Tom Gay – Well, can they be five feet apart? How close can they be? I don't like to react to just one project. We should have something.

Karyl Spiller-Walsh – There is a way to resolve it. There is an example of units close together in another town...staggered and angled, small, but very nicely done.

Tom Gay – We still need a requirement so we don't have row houses 2 feet apart.

Chan Rogers – There should be some separation number...20 feet

Susy Affleck-Childs – It is better to start low and then increase it (if it has to be changed at town meeting).

Tom Gay – Add language about geometric patterning.

John Schroeder – The buildings are limited by formula, so the only reason to join them together is to open up a space. The nature of the project dictates placement for marketable attractiveness.

Karyl Spiller-Walsh – Well what happened in that project was with that spacing they did become evenly spaced.

Tom Gay – We need to consider other things like the footprint of the building, area, spacing...other things. We need to continue to discuss the formula. As it is now we need to go by the letter.

Karyl Spiller-Walsh – I disagree. We also need to consider intent.

Tom Gay – It is hard to reason intent.

There was continued discussion on intent and the letter of the formula.

Bob Tucker – We need to work on the formula and the bonus...will take some time.

Karyl Spiller-Walsh – It is an enormous problem now and we will choke on the next project.

Susy Affleck-Childs – We have tonight to get this submitted for the 2011 annual town meeting.

Tom Gay – Set a formula, but set a max density.

Bob Tucker – An average or Chan's 20 feet.

Gino Carlucci – Could be contingent on the size of the building. The average could be 20 feet...not mutually exclusive ideas.

There was a general consensus to let Gino Carlucci work out the spacing requirements.

Bob Tucker – They have the option of building their affordable units elsewhere, but it isn't happening.

Tom Gay – A professional developer is looking at the bottom line.

John Schroeder – Not all builders are like that. One of the builders moved into an OSRD he built.

John Schroeder passed out a draft paper from the Open Space Sub-Committee on the OSRD bylaw. He then excused himself from the meeting as he had to leave.

(See Attached)

John Schroeder – Please remember the first 11 OSRD items.

Karyl Spiller-Walsh – We need to interpret the special permit. It is the Board's decision...it is repeated over and over in the bylaw "interpret". But no one does. Numbers create a safe project, but not necessarily a good project.

Susy Affleck-Childs – Open ended can also lead to abuse.

Karyl Spiller-Walsh – I agree. How do we balance?

Bob Tucker – After Town Meeting we really need to go over this OSRD and work it well...take the time.

Susy Affleck-Childs – Can Gino and I have some flexibility to work some numbers?

It was agreed that Gino Carlucci and Susy Affleck-Childs would work on the numbers for the formula and in regards to spacing.

Susy Affleck-Childs - Lets move to page 7 item c.

Bob Tucker – I have a question for Gino. What is typical?

Gino Carlucci – So far none of the OSRDs have built any of the accessory structures noted in section c on page 7.

It was decided to leave alone Section c on page 7.

Susy Affleck-Childs – Let's go to Section e on page 7. Number 8 was added because it appears that around the perimeter there must be a buffer. Developers are trying to use the buffer as open space.

Karyl Spiller-Walsh – A buffer has its own job. It is not open space.

Tom Gay – We need to be careful about the wording...or a buffer will surround all.

Gino Carlucci – It could be worded so there is no buffer around the open space, but next to other developable space.

Bob Tucker – Buffer only on the length of space being developed, not the open space area.

Tom Gay – And it does not count as open space.

There was discussion by all regarding trails through the buffer. It was noted that the language in the OSRD seemed to support it. The consensus was to keep number 8, and to clarify it with a few words as needed. It was also agreed to change the 50% to 75% under number 3 in section c on page 7.

Susy Affleck-Childs – Karyl Spiller-Walsh expressed concern about storm water areas in the open space. In part e it shows surface storm water as surface area.

Karyl Spiller-Walsh – Rain gardens should not be open space. Nothing should be put in the open space.

Susy Affleck-Childs – And that language needs to be in here.

It was agreed by all that these things needed to be in the developed area.

Susy Affleck-Childs – Moving on to page 8, part g.

Bob Tucker – We need suggestions here, not just an “at our whim.” We need established standards. What is excessively steep...15%...50%...?

There was general discussion of what defined excessively steep or wet.

Karyl Spiller-Walsh – Include the outcropping in the open space, but not in the minimum open space area.

Gino Carlucci – Wetlands are already defined and included.

Chan Rogers – All we need to define is steep.

Andy Rodenhiser – Give a percent for steep. Define wetlands as defined by Medway Conservation.

There was additional discussion on what to allow in wetlands, and to define standards. Karyl Spiller-Walsh noted that not all open space need be accessible.

Bob Tucker – Can we remove the whole paragraph?

Andy Rodenhiser – Go back to what is not allowed, and add steepness. Address the issue. Under section e on page 7, add a point 9 and say “no slope” at, say, 25%.

Andy Rodenhiser and Tom Gay both noted that they might want a slope in the open space, depending on the site. There was more discussion about including or not including sloped areas in open space, accessibility, and if it is to be part of the minimum open space area if it is included.

Bob Tucker – Are there width requirements...15 foot minimum width requirements?

Tom Gay – Use the word ‘configuration’ in section g, size, shape and configuration.

Bob Tucker – I am still uncomfortable without specific criteria.

Karyl Spiller-Walsh – Why? We have discretion.

There was additional discussion regarding criteria, discretion, and direction for the building community. There was a consensus to use Tom Gay’s language on “configuration on page 8 section g.

Bob Tucker – Next we go to i on page 9.
The change was agreed to by consensus.

Bob Tucker – The next item is j on page 9.

It was agreed to change the requirement to 3 off-street parking spaces for each unit in the developable area— an open area not part of the open space.

Tom Gay – Is a garage part of the parking?

Susy Affleck-Childs – Yes.

Andy Rodenhiser – So with a car in a garage you can have 2 cars in the driveway.

Karyl Spiller-Walsh – You need space for visitors, company.

The change to three off street parking spaces was agreed to by consensus.

The change in section l on page 9 was agreed to by consensus.

Susy Affleck-Childs – Next is m on page 10.

It was suggested that trails be 20 feet from developable areas, and that definitions in developed areas call it sidewalk, in open space a trail. There was more discussion on terms and materials...sidewalks, walkway, path, gravel or paved, and 20-50 foot distances.

Susy Affleck-Childs – Let's keep the first sentence and lose the second sentence.

There was general consensus to agree to that change in m on page 10.

It was then noted that the lettering was off, that k was left out of the ordering. It was agreed to correct the lettering of sections.

Susy Affleck-Childs – We need to talk about adding some criteria regarding the adequacy of access to the development parcel.

Karyl Spiller-Walsh – It needs to follow the Subdivision Rules and Regulations, and then consider waivers.

Susy Affleck-Childs – There is no specific language on adequacy of access is in the OSRD bylaw.

There was discussion regarding that within the OSRD the streets are private but connecting to a public way.

Tom Gay – You need to be careful how you word it.

Karyl Spiller-Walsh – Does it call out what it accesses onto?

Susy Affleck-Childs – At the definitive stage.

There was more discussion about past issues of access, sidewalks, widths, rules and regulations, and the adequacy of a second road. Susy Affleck-Childs noted that construction standards in the Definitive Stage are specific.

There was a consensus to revisit the issue later after Town Meeting. Bob Tucker noted that there was a need to start the revisit process early, right after town meeting, to deal with the issues.

Susy Affleck-Childs – Can we take a quick look at John Schroeder’s notes of suggestions?

Point 1. There was a consensus that it was not a good use of funds to mark the open space with granite markers, and not productive where there were curved lines to the open space area.

Points 2 & 3. It was noted that the removal of invasive species can cause more harm and damage than good. It was suggested that the language say “require” landscape.

Regarding 2d. Tract size: The Board was against lowering the 8 acre minimum size, and noted that it is already lower when near certain waterways.

Regarding 4a. Informal Review: Chan Rogers was opposed to requiring the developer to hire a landscape architect, but the rest of the board felt it would produce a responsibly thought out plan. It was agreed to keep it in the OSRD language.

Regarding 4b. Site Visits: Adding the Open Space Committee to site visits was considered a good idea.

Regarding 6. Applicant requirements: It was agreed to move the lettering down and have that section as an introductory paragraph.

The rest of the issues John Schroeder raised in his notes had already been addressed in earlier discussions—parking, the formula for spacing would be addressed, and section e on page 8, and l and m on pages 9 and 10.

**The next draft was for adding a new AOUD district.
(See Attached.)**

Bob Tucker – Susy Affleck-Childs, will you guide us?

Susy Affleck-Childs - This paper shows the proposed language changes. Item 1 as written, item 2...I’ll pass this to Gino Carlucci.

Gino Carlucci pointed out the boundaries in the C3 zoning district and the area in the proposed new AUOD (around Medway Village).

Andy Rodenhiser – This may make some in compliance if it is allowed.

Gino Carlucci – Still need a special permit.

2a: There was discussion about certain sites that might benefit. There was a discussion regarding the lot lines, and that the lot lines will need to be called out in any new definition of the zone, and the cleanup of the lines on the map. It was agreed to adopt the proposed new C3 lines and overlay area as presented.

2b: The frontage requirement is okay.

3a and 3b were deemed okay.

Susy Affleck-Childs – This next item, 5j, in on sidewalks. We didn't have legal grounding before to push sidewalks. This helps and matches what we have done with site plans and other development regulations.

It was decided to keep the pricing on the sidewalks at the discretion of the Board.

5k: the reference to signage was okay.

Susy Affleck-Childs – Do you want to go to **estate lots**, now?
(see Attached).

A map showing potential estate lots was presented by Gino Carlucci, and discussed. It was noted that as frontage was not in the database any lot of the right size regardless of frontage was shown in yellow on the map. The consensus was to table the discussion on estate lots for now, after some discussion on the need to consider such issues as driveways and estate lots next to estate lots.

There was discussion on whether or not a property's assessed value would change if it had the potential to become an estate lot. As a special permit must still be granted, no changes in property value would occur until such a permit was granted.

Susy Affleck-Childs – To summarize, we have changes in the OSRD as noted, the AUOD as suggested, and changes on the zoning map for C3 where there still needs to be some clean-up of lines to follow the parcels and bring in that small area to the north. The other things we will hold and keep for another time.

Meeting Minutes

Chan Rogers – do we have minutes from...January 11?

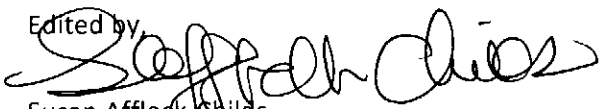
Susy Affleck-Childs – I went over them with Karyl Spiller-Walsh and Amy Sutherland (to make edits). We viewed the videotape. There was a revised set for January 11th sent out to you Monday afternoon and the ones from last week, February 8.

A motion to adjourn was made by Karyl Spiller-Walsh, and seconded by Chan Rogers.
The motion passed unanimously
The meeting was adjourned at 10:00.

Respectfully Submitted,


Fran V Hutton Lee
Administrative Secretary

Edited by,


Susan Affleck-Childs
Planning and Economic Development Coordinator

John
L. Ules

Tuesday, February 15, 2011

Notes from an Open Space Sub-Committee meeting held for the purpose of reviewing the Draft Proposed Revisions to OSRD Bylaw PGC Associates – January 7, 2011

Attendees: Glenn Murphy and John Schroeder

General Notes: It is our opinion that Open Space Residential Development is preferred over conventional sub division development and should be, therefore encouraged. We would like to see the following included in the OSRD Bylaw.

1. Permanent markers (granite) designating protected open space.
2. Language that encourages the use of indigenous species in the landscape plan.
3. Language that encourages the removal of invasive species from the site in both the initial construction and in the maintenance plan.

Specific Sections:

2. d) *Tract Size* – There may be smaller parcels in Medway that could be very interesting OSRD projects that may be contiguous with other protected open space of interest in addition to the mentioned waterways.

4. a) *Informal Review* – The first sentence states that the purpose of this section is to "minimize the applicant's cost of engineering and other technical experts," The proposed new language requires "input from a Registered Landscape Architect". This seems contradictory and it is our opinion that a perspective developer could prepare an "as found plan" using available GIS tools for an Informal Review.

4. b) *Site Visit* – It is our opinion that at this stage it would be helpful to include the Open Space Committee, CONCOM and any other boards and committees in the site walk and that the "as found plan" mentioned previously should be available to those walking the site as a map and for confirmation and recommendation.

6. *Application Requirements*

a) This is not one of the requirements rather a leading paragraph that should be followed by

- a) Site Context....
- b) Concept Plan
- c) Yield Plan
- d) Design Plan
- e) Mi...

7. *Maximum Number of Dwelling Units/Yield Plan*

Section a) contains a specific formula and the new language in section b) renders that specific formula as a general guideline. We find this inconsistent. Again it is important that it is our opinion that OSRD's are to be encouraged and therefore the application process as understandable and clear as possible.

10. j) Why 3 parking spaces. Parking spaces will take away from open spaces, not from building footprints. Could it be 2.2 spaces with a designated overflow lot that could potentially be additional parking for access to the protected Open Space?

10. l) This is confusing and is covered in section 5. c)

10. m) section 8. e) is being removed presumably because it is too restrictive. This section, if approved could potentially lead to a 100' spacing plus the trail width between dwelling units if there is a trail in the center. We believe that it would certainly not be in the best interest of the developer to put a trail on the site and therefore access to the Open Space would be restricted and less appealing. 15' of wooded buffer could be sufficient if done well and a rock outcropping could completely conceal a dwelling from the trail. We would ask that more general language be used - Perhaps a "Reasonable Buffer".

In conclusion, section 1. lists 11 very good reasons why we want to encourage Open Space Residential Development. We believe that those 11 goals should be reflected in any language included within the bylaw.

SECTION V. W - ADAPTIVE USE OVERLAY DISTRICT

To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USEE REGULATIONS, Sub-Section W. Adaptive Use Overlay District as follows:

To delete item a) in Paragraph 2 General Requirements in its entirety and replace it as follows:

- a) Location: The Adaptive Use Overlay District is superimposed on:
- 1) That portion of the ARII zoning district along the north side of Main Street between Mechanic Street and a line formed by the extension of the centerline of Cottage Street across Main Street except for Choate Park/Pond (Assessors Map 5, Parcel A) and along the south side of Main Street between a line formed by the extension of the centerline of Mechanic Street across Main street and the western boundary of the Commercial I zoning district at Elm Street and
 - 2) That portion of the Commercial III and ARII zoning districts in the Medway Village area on the north and south sides of Village Street and along portions of _____.

Both as shown on maps on file with the Town Clerk's office

To delete item b) in Paragraph 2 General Requirements and replace it as follows:

- b) Frontage: Only properties with a minimum of 50' of frontage on a Town way within the Adaptive Use Overlay District shall qualify for a special permit granted by the Planning and Economic Development Board hereinafter referred to as an "Adaptive Use Special Permit".

To delete item a) in Paragraph 3 Permitted Uses in its entirety and replace it as follows:

- a) Uses Allowed as of Right: All uses allowed as of right in the underlying zoning district shall remain as of right within the Adaptive Use Overlay District

To delete item b) in Paragraph 5 Site Development Standards in its entirety and replace it as follows:

- b) Each Adaptive Use project shall include the restoration, renovation or improvement of the primary existing building (s) on the site sufficient to maintain or enhance the building's original architectural integrity and character. Construction of an addition to an existing building or construction

of a new building on the premises may be permitted provided that it is designed to be compatible with the other building (s) on the lot and maintain the overall character of the underlying zoning district.

To add new item j) and k) in Paragraph 5 Site Development Standards as follows:

- j) Sidewalks shall be provided or replaced along the entire frontage of the AUOD parcel along existing Town ways, including the frontage of any lots held in common ownership with the parcel within five (5) years prior to the submission of the AUOD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Medway Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway' s Special Sidewalk Account in an amount determined by the Board at the recommendation of the Town' s Consulting Engineer.
- k). Business signage is permitted as specified in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations of the Medway Zoning Bylaw.

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ARI – Estate Lots

sac – revised draft 1-10-2011(2) This draft incorporates edits recommended by Gino Carlucci and Town Counsel, comments from John Emidy, and additional ideas from comparable bylaws in Easton & Northbridge

Add a new item 7. Estate Lots in the ARI zoning district

7. **Estate Lots** – The purpose of estate lot zoning is to provide, through a special permit process, for the reasonable use/development of residential parcels which significantly exceed the minimum lot area required by the zoning district but which also do not have the required minimum frontage. This is provided as an alternative to creating multiple minimum size lots under a conventional subdivision plan. This alternative is meant to preserve rural character by reducing density, infrastructure construction, and congestion.

The **PEDB or ZBA** may grant a Special Permit for development of a single family dwelling on a lot in the ARI district which lacks the minimum frontage required for the district by designating it as an Estate Lot, subject to the criteria as set forth herein.

Estate Lot status may be granted to pre-existing parcels or to newly established parcels.

- a) **General Requirements/Conditions** – A parcel which lacks the minimum frontage requirement may be designated as an Estate Lot and utilized for residential purposes provided that all of the following conditions are met.
1. An Estate Lot shall be located entirely within the ARI zoning district.
 2. An Estate Lot shall have a minimum street frontage of least 50' (35', 40')
 3. The area of an Estate Lot shall be at least three times the minimum area required for the district.
 4. The Estate Lot must be capable of containing a square with each side having a length equal to or greater than the standard minimum required lot frontage.
 5. All buildings and structures on an Estate Lot shall be located at least 100' from any street.
 6. Front, rear and side yard setbacks. All buildings on an Estate Lot shall be located a minimum distance of 50' from abutting property lines.
 7. All utilities shall be installed underground.
 8. No Estate Lot shall be permitted adjacent to any other Estate Lot.
 9. Access/egress to and from the Estate Lot from a public or private way shall be within the boundary lines of the lot and shall not be subject to any right-of-way nor any public or private easement over adjacent land.
 10. The driveway to provide access for the house to be constructed on an Estate Lot shall be at least 14' in width; its first 50' shall be paved.

ARI – Estate Lots

sac – revised draft 1-10-2011(2)

11. Said Estate Lot shall be in compliance with all other standard zoning requirements.
 12. No Estate Lot shall be further subdivided or developed pursuant to other special permit options.
 13. The Plan for an approved Estate Lot shall be endorsed "Approved as an Estate Lot." The following notes shall be placed on the plan: "*Lot shown on this plan shall not be further subdivided.*" and "*No building permit shall be issued to construct a dwelling on the subject lot until a copy of the recorded special permit is provided to the Medway Building Commission.*"
- b) **Application** – The applicant shall submit with the special permit application a plan depicting the proposed Estate Lot
1. The plan shall be prepared by a civil engineer, land surveyor, or landscape architect registered in the Commonwealth of Massachusetts and shall be in such form as will be required for recording with the Registry of Deeds or filing with the Land Court.
 2. A building line shall be designated on the plan. Front, rear and side yard setbacks shall be shown.
 3. The plan shall show the frontage and area of all lots abutting and across the street.
- c) **Findings** – The **REDB** **ZBA** shall not issue a special permit under this section except upon the following findings:
1. The applicant has provided for safe access for public safety vehicles and personnel to the residence to be constructed on the Estate Lot, and the intersection of such access driveway and the public way has been planned so as to minimize conflicts with curb cuts on abutting lots and to maximize sight distances for exiting traffic.
 2. Egress from the Estate Lot must have no greater hazard owing to grade and visibility limitations than would be expected for a standard land subdivision road at that location.
 3. The development of the property as an Estate Lot will be more in keeping with the character of the adjacent neighborhood and the protection of open space, significant or important natural resources and to historic structures or places (where such features are present) than other development options available to the applicant would be.

ARI – Estate Lots

sac – revised draft 1-10-2011(2)

4. The existing drainage patterns shall not be disrupted by the construction of a driveway on the reduced frontage portion of the Estate Lot.
- d) **Decision** - In determining whether or not to grant a special permit for an Estate Lot, and in determining what conditions, if any, to impose on such a special permit, the **PEDB or ZBA** may consider circumstances relating to soil conditions, topography, lot history, wetlands, proposed building locations, and public safety and convenience. Such limitations, conditions and safeguards shall be included in the written decision.

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