

PLANNING BOARD
JANUARY 14, 2002

Present: Stephen J. Browne, Wright C. Dickinson, Elissa G. Franco, George N. Lester, and Timothy P. Sullivan

MONKS WAY

Joe Jenkins for the purpose of returning surety

VOTED to return the surety for Monks way in its entirety because all of the work has been completed.

PINE STREET TREE

Include Ed Hinkley present

Steve Browne one of three trees were cut down. Position of this Board that cutting of the tree was in appropriate and do not support NSTAR

Mr. Cummings – cut down in error – was on original list – had blue X but did not read the sign and cut it down

Steve Browne questioned

Mr. Cummings explained there were a large # different crew cut down then was originally – not his job to amend the list.

Steve =- what assurances do we have you will work from the amended list – what steps is being taken to prevent

MR. C – all crews that are gone - not doing removals – never had a list that trees have not been included

Steve – who was in charge

Mr. C – man who was in charge was demoted – willing to plant trees where Ed wants \$300 worth of trees

Ed – OK with that – he is willing to put up \$300 worth of trees and he will be responsible for the labor and all will go back on a scenic road

Tim – how do crews receive the updated list – was it a lack of information

Mr. C. they were working off the original list

Ed – said the man who cut it down said he read the sign but did cut it down

Wright – size of tree

PLANNING BOARD
JANUARY 14, 2002

Smick – 12 to 18 in cal

Wright – realize can't replace that particular

Ed – will put back setback along the road

Smick – 120 Pine St. – 2 comments – hearing what heard – would want to hear from would be from the guy who cut the tree – planning board had its discussion with NSTAR – they sat in the room – this man saying the word never got through – 1) almost came back because never talked about those blue X's – put signs on the tree because the system might broke down – put the signs over the blue x's – key player was in the room –

MR. C. – he got the word to the general forman – right after that tree came down they black painted over the black x's

Steve – wanted NSTAR but

Chris – should be able to think it would be followed

Steve – will accept the offer to supply \$300 worth of trees and free labor where Ed wants planted on scenic ways

Ed – will be in the spring

Mark - \$300 is under the Bylaw – punitive damages – town has a separate – punitive measure based on the value of the tree

MR.C – the value of that tree would have less value than \$300 – would not have a quarter of the tree – the value of the tree is less because of the large number of trees surround – no branches to cut off.

Steve – accept recommendation

VOTED accept the offer to replace trees at the direction of Ed Hinkley \$300 plus labor and all necessary equipment

EXECUTIVE SESSION

VOTED to go into executive session for the purpose of discussing on going litigation with the expressed purpose of returning to open session. Roll call vote:

Stephen Browne	yes	George Lester	yes
Wright Dickinson	yes	Timothy Sullivan	yes
Elissa Franco	yes		

SHINING VALLEY FARM

Chairman Browne convened the public hearing at approximately 8:45 p.m. and announced that in order to dispel any appearance of conflict of interest that he has made a disclosure of a personal relationship with one of the applicants, Ron Zohar, who is now appearing before the Board. The disclosure relates to engaging the applicant's services as a horse trainer for about three years both before and after he and his wife moved to Medfield. The disclosure form has been filed with the Town Clerk and with the secretary of the Planning Board and is available for inspection.

Chairman Browne read the legal notice as it appears in the file and then explained procedure for the hearing process. He added that we would probably not get to the public input tonight due to the length of the presentation of facts.

Edward Cannon, attorney for the applicants (who were also present at the hearing), presented the layout of the proposed subdivision at 82 Pine Street, noting that currently there is a barn and riding stable on the 20 acres. The property is located in the Residential-Town (RT) zoning district. The design calls for 5 buildable lots. There is an existing right-of-way that the barn uses for access. The proposal calls for that ROW to be used into the subdivision. Also, there is a crossing for riding trails. They propose using that as a driveway. Adjacent to the property are pedestrian accesses. They are proposing trails to wind through the property. The appeal is primarily for people who are interested in horses. There will be access to the public and waivers are being requested. They are looking for a 16-foot wide roadway, which has been questioned. They find that an 18-foot wide way could be requested. They will need a waiver for the 1200-foot long roadway. They are also seeking to waive drainage construction as well as full build-out of the street. He explained that the water mains and sewer systems would be constructed as shown on separate sheet. He pointed out the higher elevation and waterway that lead into a pond. Pine Street is a beautiful country road. The applicant feels that this proposal allows for a minimal build-out of the sight. The applicant would restrict each of the lots that there would be no further subdivision of the lots. They want limited density and feel that this will fit in with the other single-family houses on Pine Street. Chief Kingsbury has expressed some concerns that they have discussed; primarily the ability of vehicles to turn around. They will modify the plans for vehicles to turn around such as a loop. It is intended that each lot would retain paddocks (easements), not for their private use but for the stable so that the stable could continue to use the existing paddock space. Again, this would appeal to horse people who would live with the horses. Also present with him is Mike Frame from Paul Robinson Associates, who helped design the subdivision plans, and Fred Pfischner from Pfischner Engineering.

Mrs. Franco questioned if they proposed any modifications to the existing stable.

Attorney Cannon responded not at the present time but they would like to do "down the road". They may want to increase the capacity of the stables, currently the stable houses approximately 25 horses but would like the capacity to be closer to 35.

PLANNING BOARD
JANUARY 14, 2002

Chairman Browne asked Attorney Cannon to comment on the memo from Fire Chief that discusses the issue of the turnaround.

Attorney Cannon reviewed the memo and said that they would be able to widen the 16-foot roadway to an 18-foot and modify the plan to meet the Chief's concerns. The Chief's additional concern was that the proposed circle at the end would not be build and the design of the circle should be flipped to allow for turning of emergency vehicles. Attorney Cannon explained that they discussed the possibility of putting in a loop to address that concern. He added that there is also a large parking area that would allow for turn around, but he felt that the loop would address the Chief's concern. The Chief's memo continued on to address fire hydrants.

Mike Frame, engineer, pointed out the existing hydrant on Pine Street and noted it was within 500 feet of the first house. They did not propose any additional hydrants, but it is not a problem to modify the plan to put hydrants where the chief wants them. Seventy feet is right at the intersection. The one at station 500 might serve lot on the other side. They can modify the plan to include the 3 hydrants the Chief wants.

Attorney Cannon continued with the review of the Fire Chief's memo concerning the proposed driveway to lots B and C being only 10 feet wide and over 600 feet long being a problem for emergency vehicles. They are actually proposing a 12-foot wide driveway all the way which should adjust the chief's concern

Mrs. Franco asked that they identify the lots.

Attorney Cannon traced out each of the lots noting that: Lot A would access directly from Pine Street; Lot D includes the existing barn.

Chairman Browne noted item #31 from the engineer's report that the plans are too busy with information, and observed that they have proposed where the homes would be located. He asked if they had anything clearer.

Attorney Cannon pointed out suggested locations for the homes, and added that it is not planned for a home on lot D at this time.

Chairman Browne observed there are several questions regarding the turnaround, and asked that they explain why it was flipped. He also asked if it were according to rules could they meet requirements of the Bylaw relative to frontage, perfect square etc. for the number of lots that they have.

Mr. Frame questioned the standard turnaround and said that they will move it around to the town standard. He explained that he was working off a preliminary plan.

Chairman Browne noted that they did not ask for a waiver. He explained that they could ask for it or not ask for it but that they need to demonstrate that they can get what they plan to do without the waiver.

PLANNING BOARD
JANUARY 14, 2002

Mr. Dickinson asked for an update as to where they are with the stream crossing with the Conservation Commission.

Attorney Cannon explained that at this stage they have work with the Conservation Commission.

Mr. Dickinson asked if they see any problems with the Commission.

Attorney Cannon responded that he did not believe so. He added that the modification to the crossing would not be that extreme and may help increase the flow.

Mr. Dickinson questioned what the intent was regarding paving and dirt for the subdivision. He asked if the plan is that it all be paved.

Attorney Cannon said that is his understanding, that the applicant would like to pave the road and have the utilities all run underground.

Mr. Sullivan explained that one of the goals of this committee now and in the past has been to try and limit impermeable surfaces, with the understanding of the impact those surfaces have on the ground water recharge and local flow of streams. He asked if they could give the Board some insights into the process and decisions that were made to come up with this system as it is being presented and how it might take into account this Board's interest in limiting impermeable surfaces.

Mr. Pfischner responded that the design conforms with the Planning Board Rules and Regulations as far as the proposed road closed drainage system. They are also trying to comply with the Board of Health requirements on drainage. Now they have to deal with comments from the Board of Health. Neither regulation (Planning Board or Board of Health) directly deal with the question of impermeable surface or trying to reduce it. To build without that would be to use the driveway which is there now and would be much less impact. They would be adding four houses, which would add impervious surface.

Mr. Sullivan asked them to show the path of the driveways that would go off the culdesac.

Mr. Pfischner pointed out that the first lot is best served right off Pine Street for sight distance and for a more direct route. He then pointed out the other driveways as shown on the plan. He said one might not have to be paved to satisfy Conservation.

Mr. Frame said that the existing driveway is to be paved. He traced it around the riding stable, stating that is a 12-15-foot wide paved driveway. They do not plan on abandoning it. There is also an existing gravel driveway to lot E. The driveway to the further two lots could remain gravel.

PLANNING BOARD
JANUARY 14, 2002

Mr. Sullivan asked what they would propose as the loop for the turning radius to satisfy the Chief.

Mr. Frame responded they propose to use the existing drive all the way around.

Mr. Dickinson asked where they stand with the Board of Health (BOH).

Mr. Pfischner responded that the BOH issues deal with drainage. They plan to do additional test pits shortly. Dale MacKinnon wants them along the roadway. They also need to do additional testing on the detention/retention areas. Then they can modify the plan to satisfy Dale MacKinnon and then deal with some of the BOH issues. The first step is to do some testing. The BOH comments relate to the proposed subdivision road and the drainage. If they were to get the waivers to build the existing driveway, some of the BOH comments, if not all of them, may go away.

Chairman Browne said that the Board could not tell that from the comments received from the BOH, and asked if they had more information.

Mr. Pfischner said his feelings with the BOH is that if you build a subdivision type road with a closed drainage system then their rules clearly apply. If they build with the existing driveway and just put the land into parcels then there would not be as big an impact on the drainage and with that he is not sure how the BOH rules apply. He has not had that discussion with the BOH. He added that he would not think that they would need a closed drainage system in the existing driveway. It is a Planning Board regulation that you have it if you build a subdivision road. There is nothing in the BOH regulations that require you to have a closed drainage system. They need to do more testing on site, possibly to refine the drainage system a little bit. Then they need a meeting with the BOH and talk about either what needs to be done for the subdivision road or using the existing driveway.

Chairman Browne asked that they go through the set of issues raised by Earth Tech, the Planning Board's engineers.

Attorney Cannon submitted a brief addressing item #2 set forth in the Earth Tech review, which, in his opinion, demonstrates that the applicant has the right to "regrade and install utilities outside their property in the area of the existing ROW." (M.G.L. 187, § 5 and Barlow v. Chongris & Sons, Inc.)

Attorney Cannon reviewed the items of the Earth Tech report with the assistance of the engineers.

Item #1: Mr. Pfischner said he wrote the Traffic Impact Statement. He agreed that there is some information missing and there is a concern about sight distance. The proposed subdivision road that would come out onto Pine Street, the sight distance is limited to 215 to 220 feet in both directions. It is limited to the east by a curvature in the road and some trees along the road. It is limited to the west by a fairly steep embankment. It may be

PLANNING BOARD
JANUARY 14, 2002

possible to mitigate that – need to look at mitigation - removing trees – most of the road is within the layout – 30 or 40 feet of layout that could be regraded – where driveway comes out it is closer to the curve in the road – which argues for keeping the driveway – ext stable has about 30 vehicles per day 60 trips per day for the stable operation – there are also two dwellings with primary access on this driveway (not the primary near etc.) – three add dwelling would add 10 trips per day – 30 additional trips on top of 60 to 80 – police chief 1995 – present show no accidents at this time – stopping sight distance would be ok

SB – need a waiver from the sight distance

TC – looking to see if regarding and eliminating trees – fire department regulates blasting – soil – why standing water and (see Dale)

Fred – will do additional test pits – when did pits it was at the worst time of the year to do this – what floods periodically is a low area on Pine Street – back where proposed house on lot E – water retained on site – periodically standing water – also where culdesac will go – was standing water where low areas – nothing but gravel – monitor pipes could not dig deep enough – will do in the next couple of weeks – look for evidence of modling

TS - will discuss later sure – give over view of contours

Fred – site fairly flat – low area Pine St – paddock – didn't deal with where the proposed house go – that is con com issue – paddocks drain into low area along front – portion of the site drains downwa – total drainage agreea bounded by the property – not a lot of flow off site onto the site or off – direction of the stream – drainage not effected by roadway consteuction – could do onsite drywells for impervious

TC – item 5

Fred – I believe a zone a is along the brook but don't agree is in the Flood Plain – all is above 125 and not with the FPD – there is a WSPD along the brook

TC – item 6 – have determined all the resource areas with the concom and the plan reflects that – item 7 – will provide – item 8 – proposing access directly onto Pine St paddocks on lot

GL – does lot A have sufficient on Pine - primary and acturall

TC – have access

GL – could do a form A – if didn't hva suff front

TC – will had house numbers – item 10

Mike – 21 feet wide where access on Pine St

PLANNING BOARD
JANUARY 14, 2002

TC – item 11 – will take care of – item 12

Mike – lengths and barings are on the - if show would show that they are showing the 50 foot row – probably an omission – not sure where this is missing – will show to Mr. MacKinnon – drafting additions that need to be shown

TC – item 13 will show item 14 – will add – item 15 will add item 16 – will be doing test pits – item 17 – will provide – item 18 – will add – item 19 – will add that in

TS – if come up with a wood line would be helpful if show some color concepts to see different characteristics

TC – item 20 – will take care of that
Item 21 – will

Fred – borings every 100 feet – would you be satisfied with fewer – borings would go through the existing

TS – depends with the character of the land

Fred – there is ledge – know it is the rules

SB – will take it up with Dale and get an answer

TC – item 22 – have gone over
Item 23 – will include
Item 24 – will add
Item 25 – street lights –

SB – selectmen don't approve

TC – item 26 –

Fred – not sure understand what he is looking at - like clarification

TC – item 27 –

Fred – not entirely clear what he is asking – tweak design – need to revisit with Dale – proposing 2 areas that replicate and expand upon – design – more discussion

SB – have Dale attend the next hearing

Fred – do testings this month – communicate through Norma

TC – item 28 – add
Item 29 –

PLANNING BOARD
JANUARY 14, 2002

Fred – need to clarify with Dale

TC – item 30 – can add

Item 31 – will clean the plan up

SB – try different plans with different issues

GL – usually one plan that shows just the road layouts, one sheet that shows just the lots and roads and the nowaiver – another plan showing the alternative design of the road – draw on the plan what it is that you are proposing – usually has been a hammerhead – show more clearly

TS – plan that shows all the gradients and related to drainage alone

SB – engineer – need devices for explanatory

TC- separate sheets

Item 31 cont. – easy to do

Item 32 – can start the process

Item 33 – there is a sheet 12 with the layout –

SB – would not want it removed

TC - item 34 – BOH can require – will address with Concom and other drainage issues with the BOH

Item 35 – can expand the drieway to 18 feet to address that concern

SB – photo map

EF – how much frontage on Pine St and how much with lot A

Mike – total 280 feet – down to where the proposed (270 – 280 ft)

TC – photograph of area – Mike pointed out on the photo

Break for viewing the photo

10 p.m. review continues

SB – site visit by the Board – will work on scheduling over the next few days

WD – existing barn – shows longer – what about future plans to expand it –

TC - proposed porch, garage and increasing the stable capacity – looking to add about 10 more stalls – primarily for own horses not new boarders – many of the horses there are owned by owners who own more than one horse

PLANNING BOARD
JANUARY 14, 2002

TS – should this be on the plan

TC – doesn't need to be – can take into the impact

GL – is the ?? near the land court row – not clear

Mike – is land court row

GL – show you have the right to improve that

TC – part of the submission presented to the board – was a deeded row – when landcourt created makes issue

GL – also have the right to improve into a row – public way – can you do so unilaterally

TC – yes so long as you do not interfere with the right of access – can improve the way for access

GL - ?go back to the original terms that were created

TC – can legally do by statute – will give you the statute (185) –by case law and statute do have the right to make improvements

GL – get a discussion from Tcounsel – George will get – plan to show dimensional layouts and colors – seeking waiver what offering in the benefits for the public to the town – don't see where the proposed trails – be prepared to discuss at next time

WD – met with trails comm.

TC – no but can do

GL – talk with them – picture layout

TS – existing protocol on how the trails would be laid out – get in touch with Open Space

Muffy – conservation commission has that

WD – there are a few larger trees that could be affected

TS – one of board's goals is to minimize impact – show significant trees – plan devoted to landscaping issues

WD – if some sort of entrance would like to see

Mike Perloff (ConCom) – prepared some information – haven't received so can't give specific – have delineated their particular jurisdictions as noted on the plans – two resource areas, river front areas – material outlines – plans do indicate some construction

PLANNING BOARD
JANUARY 14, 2002

– should not require construction in the 50 foot and area – potential vernal pool area (best confirmed in the spring) would protect – listing tonight – interested in the trails – there are drainage standards relative to wetlands must be met – ConCom to protect the WSD and that is not there area – other also require deed restrictions in the 50 foot no disturb zone

SB – on going issue – require deed restrictions so carry on to future owners

Mike – if anyother questions

Here for review

Mike – did approach concom for areas – with the exception of the potential vernal pool site – they should be aware of their obligations

Norma – decision – as allow meeting Feb 25 and April 1

SB – continue to date certain - ? progress by Feb 25th

TC – can make progress at that time

Sb – work with BOH – cannot grant an approval without BOH approval – recommend increase communication with concom

Voted to allow extension ot April 5th

Voted to continue the public hearing to Feb 25th at 8:15 p.m.

ROBINSON ROAD will contact attorney – Elissa

Zoning Byhlasw changes

Memo from Bob Sylvia regarding nonconforming issues

SB – sufficiently difficult that is highly unlikely to make for this town meeting – can decide next meeting

Discuss at the next meeting

Talk and see if reservations and when ZBA

SB – bi issue of parking/access driveways

Zoning onf shed for 28th

Adourined at 10:40 p.m.

PLANNING BOARD
JANUARY 14, 2002

Medfield Planning Board
August 12, 2002
8:00 PM

Present: Elissa Franco, Stephen Browne, Wright Dickinson, Tim Sullivan, George Lester

Others Present: Kristine Trierweiler, Phillip Macchi, Chris Summers, Dick McCullough, Ron Kerr, Jeanne Harding, Don Harding, Kit Kadlec, Ann Thompson, Jean Brown, Arthur Brown, Norton Goldstein, Faire Goldstein, Michael Weintraub, Frederick Schultz, Dorothy Schultz, Kent Redding, Al Gallagher, Rick Merrikin, Lee Knowles, Lawrence Howell

Chairman Dickinson called the meeting to order at 8:00 PM.

8:00 ANR Plan for Mike Taylor, Main Street

Planning Board was in receipt of a "Plan of Land" on Main Street, Medfield dated August 6, 2002, drawn by GLM Engineering Consultants, Inc. of Holliston, MA. Plan of Land shows Lot 1 and Lot 2 with Lot 2 labeled "Not to be considered a buildable lot". Board reviewed the plan.

VOTE: Mr. Sullivan moved to endorse the ANR plan as submitted, Mr. Browne seconded and all in favor. Vote was unanimous. The plan was signed.

8:15 Definitive Plan for Robinson Road Subdivision, Continued Public Hearing

Chairman Dickinson read into the record the "continued" public hearing notice into the record. Mr. Dickinson explained the hearing had been continued several times to date. The Chairman further explained the process of the meeting which would be to first hear from the proposers of the plan, open the floor to the Planning Board members for discussion and questions, open the floor to other Town officials and Departments, and then the floor would be opened to those in attendance at the hearing. Mr. Sullivan pointed out that if time did not allow for the general public to make comment this evening they would have the opportunity at the next continued hearing. Mr. Dickinson then opened the hearing to the proposers of the *Robinson Road Subdivision*.

Richard Merrikin of Merrikin Engineering was present representing the developers of the property Gallagher and McCullough. Mr. Merrikin explained that the Robinson Road Subdivision is an extension of an existing way off Spring Street (Route 27). Land is proposed to be subdivided into four lots including and existing structure which may be modified or raised. The subdivision will be continuance of an existing right of way into a cul-de-sac. The land slopes downward toward wetland areas in the rear of the proposed lots. Present condition of the roadway is dirt road treated like a common driveway. A

full plan has been prepared for full construction of the roadway with normal pavement width, sidewalks, cul-de-sac, sewer, drainage, water, in a 40' ROW. The existing portion of the "way" is currently 40'.

Drainage system is proposed to collect water from the roadway and pipe it down to the rear of the lots (50' away from the wetlands) and construct a detention basin but the developers would like to construct a covered underground basin leaving vegetation on top of the basin. The function of the underground system is the same as an open basin: collects water and discharges slowly. This would be constructed in the existing swale area.

Mr. Merrikin explained that he would like to present an alternative to the Planning Board for their review. Instead of building the roadway with a 40' or 50' ROW the developers propose to construct an extension of the existing roadway as a common driveway. The common drive would have a pavement width of 18'. This would require waivers for the normal requirements of full road construction. It would still have water, sewer, drainage but the actual travel way would only be 18' of paved surface. The number of lots would remain the same: four. Developers would like to discuss this as an alternative to the traditional roadway and get a feel as to whether or not the Planning Board would favor this type of design.

Chairman Dickinson then opened the hearing to members of the Planning Board for questions, comments and discussion.

Mr. Browne: Is there a list of waivers on the full build out plan?

Mr. Merrikin: Waivers would include curbing, grass strip, pavement width to 18' etc.

Mr. Browne: Waiver from 50' ROW to 40' ROW?

Mr. Merrikin: It is our position that this is currently a "way." Does Board feel differently?

Mr. Browne: Can you build up to 50'?

Mr. Merrikin: Owners and applicants do not own all abutting property. Waiver from 50' to 40' if necessary. Want to work with existing property lines. Flare would not be on ROW. Would work with ROW as it exists.

Mr. Lester: A legal position needs to be taken that this is or is not a legal way.

Mr. Merrikin: Our position is a legal way.

Mr. Lester: A second legal question is whether or not you have the right to improve the existing way.

- Mr. Merrikin: There was a legal question of ownership of Julia Kerr but that has been resolved and she is now a party/owner to the subdivision process. Developers now have control to all property.
- Mr. Browne: So the deed has been clarified and the 40' existing way is owned by the development group?
- Mr. Merrikin: Yes.
- Mr. Lester: So you have the right to improve the roadway but there is still a question of whether or not this is a way. Can subdivision plan begin at the end of existing 40' or does it need to begin at Spring Street (Route 27)
- Mr. Macchi: Introduced himself as the attorney representing the Planning Board. Basically by adding Julia Kerr there are legal rights to improve the roadway but the new portion must meet the requirements of the planning board. Whether or not it is a way in existence is in the opinion of the planning board which must take into consideration sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic and installation of municipal services. You have to decide on those criteria in your decision. Make a finding either way on all of those points. It is conjunctive and must meet all of the requirements. If does not meet them then you must make that finding in your decision.
- Mr. Lester: Does it need to have been a way in existence at the time of adoption of the subdivision rules and regulations?
- Mr. Macchi: Make a finding of way or not then it is no different than any other subdivision except that portion of the roadway will be 40'.
- Mr. Merrikin: It is not uncommon to see this type of thing in older sections of town. Maybe not always in Medfield but in other towns it is common and 40' was considered adequate.
- Mr. Lester: What if this is a private driveway? A shared driveway and now you can say it is a public way?
- Mr. Macchi: Look at all the insularly findings, as recently as when town took takings for sewer they actually treated that in 1978 as a road. If a private way it is not a public way for the public. The Town has treated it as a way. Can't take it for sewer as a roadway and then later on say it is not a roadway. Parcels have been historically treated as a public way.

- Mr. Browne: So there are two questions then: 1) Is it a way 2) Public Safety-will this meet our standards especially without flare?
- Mr. Lester: If we accept that it is a way then is it your advice that they are grandfathered and do not have to have a flare?
- Ms. Franco: If you take it at 40' then is it enough to accommodate without meeting the rest of the bylaw?
- Mr. Macchi: As an illustration you need to decide if adequate construction can occur within that 40'. Will that meet the criteria of public safety? If you think about this in reality is extension and upgrading creating a safe situation for the public? Adequate for fire engines, looping infrastructure, sight distance, etc. All of these are still in play. The underlying criteria have to be public safety.
- Mr. Dickinson: If there are no waivers at 50' ROW are there waivers at a 40' ROW?
- Mr. Macchi: First you need to find if it is a way, second address public safety if 50' layout vs. common driveway. If 50' can they comply in 40' section if common drive than they should be able to meet it either way but which is the safest way.
- Mr. Dickinson: We need additional findings. Traffic engineering.
- Mr. Macchi: Waivers should be identified; explaining why it is in the best interest of the town to grant the waivers and why granting the waivers is not a derogation of the subdivision rule and regulations. There must be written documentation to vote upon. You have to demonstrate why it doesn't derogate and is in the public interest. A waiver report must be submitted at the next meeting.
- Mr. Browne: How about the cul-de-sac? This does not seem like the normal design? Length?
- Mr. Merrikin: Cul-de-sac is 480 feet which meets bylaw. The picture of the cul-de-sac in the subdivision rules and regulations is a generic picture of a cul-de-sac and it is not uncommon to have in the rule and regulations. It is a generic picture giving radius, etc. It does not mean that all cul-de-sacs have to have a roadway that comes in straight to the cul-de-sac. Nothing in the rules and regulations prevents having a roadway curve into the cul-de-sac.
- Mr. Browne: Still no answer on presenting four (4) lots with a straight road to the cul-de-sac. Can it be done?

Mr. Merrikin: Will have to prove it but inclined to say yes still can get 4 lots.

Mr. Browne: Not asking for a waiver because it is your position that you don't need one for the cul-de-sac?

Mr. Merrikin: The picture in the rules and regulations does not represent all scenarios just showing radius information.

Mr. Browne: Is there a no disturb zone of 100' around detention basin?

Mr. Merrikin: If underground will we still need 100' buffer?

Mr. Browne: Yes you would still need buffer. Pretty sure it doesn't say basin but drainage structure.

Mr. Merrikin: Conservation Commission said 50' from wetlands and we are trying to stay within their wishes.

Mr. Browne: What is the public interest?

Mr. Merrikin: Saving vegetation.

Mr. Browne: If didn't grant waiver you are saying you could still build 4th lot?

Mr. Macchi: Section 5.2.3 A H Rules and regulations require 100' buffer for an enclosed leaching system.

Mr. Browne: Flow from underground drainage will not increase or decrease flow to surrounding properties?

Mr. Merrikin: We are following Board of Health regulations on that.

Mr. Browne: Even if Board of Health gave you a waiver we would not necessarily grant a waiver on this issue.

Ms. Franco: A total of six (6) lots will be served by "way" or seven (7) lots? Two (2) have access from Route 27?

Mr. McCullough: We have met with abutters. They would like to reduce the amount of blacktop and preserve the aesthetics of the way. Fire Chief has indicated that he would like 20' pavement width vs. 18'. Will provide the Board with that correspondence. This would allow for 2 way traffic even with fire engine. We will present scheme that meets your requirements but after meeting with abutters we want to go with country lane atmosphere.

Mr. Dickinson: All of this needs to be put into memo of waiver requests.

Mr. Merrikin: Would like to leave tonight with a feeling that the board supports this concept and then we'll provide a full plan with construction details.

Mr. Browne: This would not be a binding sense from the board until we see the whole concept.

Mr. Dickinson: Have you been to the Board of Health?

Mr. Merrikin: Original drainage report was submitted but will need to be redone after this meeting.

Mr. Macchi: On waivers, you have to know that waivers would first have to meet the regulations before it can be waived. If it does not come to fruition then it can't be waived. If it can't meet the regulations it can't be waived.

Mr. Browne: That is a good point and one the board has been trying to hold to. Show us a fully non-waivered plan before we start issuing waivers. Even if common driveway is the right answer there is a process that must be followed.

Mr. Sullivan: The lots outlined in green on the contour map—can you give us a sense of the grade?

Mr. Merrikin: It slopes down into a valley so level spot in front of house and detention basin back at a more natural grade. Less than 20% slope. All lots shown conform to zoning bylaw.

Mr. Dickinson: Where have you shown proposed houses on the lots? Where are the perfect squares?

Mr. Merrikin: Perfect squares are shown on lot plan.

Mr. Dickinson: Is there an illustration of clearing of the lots?

Mr. Merrikin: We will present this when we present for conservation commission.

Ms. Franco: Do we have calculations on increased traffic?

Mr. Merrikin: Spring Street is Route 27 so I did not think it necessary for the number of lots. I will do it if you tell me it is necessary. Requesting a waiver from a full blown traffic report.

Mr. Browne: How do you expect a waiver from 40' and a flare if you don't tell us anything about traffic?

Mr. Dickinson: Are there trail connections here?

Mr. Merrikin: There is a trail that runs along property but client doesn't think there is any ROW trail information

Mr. Browne: Give us client position on this. This is another thing we need to determine.

Mr. Merrikin: We can give you a position on this and maybe we can relocate a trail even if it is not public at this point.

Mr. Macchi: Public Safety regarding traffic report for 3 lots won't change the Level of Service (LOS) but trip generation at peak times and speed in that area for site distance. Should determine volume of traffic and speed.

Mr. Merrikin: If we ask police department for speed then they tell us the posted speed. Usually have to relay traffic to posted or non-posted speed limit. Hard to do otherwise.

Mr. Dickinson: It can be done. I don't think it is impossible.

Mr. Sullivan: This is critical information for those coming in and out of this roadway.

Mr. Browne: Make your best case as to why we should make that finding we talked about earlier.

Mr. Merrikin: We will talk about it.

Mr. Dickinson: Can you go over drainage again. Why underground drainage is less disruptive than open detention basin?

Mr. Merrikin: Keeping a 100' separation is more disturbing to meet planning board and conservation commission. We want a waiver for this. Mr. McCullough wants underground for aesthetic reasons. More expensive but has a history of both types.

Ms. Franco: The contour of roadway comes up from Route 27, will this be leveled out?

Mr. Merrikin: Yes. It will meet your regulations.

Mr. Dickinson: There are banks on each side of the "way"?

Mr. Merrikin: We can level this off so that not a disturbance to work in public way of Route 27. Land is higher beyond the 40', a hill continues on both sides. We would remove all obstructions to 40' ROW limit and round corners for grass strip.

Mr. Dickinson: Would 50' give you more site distance?

Mr. Merrikin: We meet the requirements in each case of 40' or 50'. Right now there are tree trunks, hydrants, etc. that would have to be changed.

Mr. Dickinson: Would the existing sewer line be left alone?

Mr. Merrikin: The main line along Stop River would be left alone and a new gravity system as much as possible would be tied into Spring Street. Might have to do at least two pumps at houses (private pumps).

Mr. Dickinson: In the end the intent is to become a private way? There are certain covenants for maintenance, etc. Sewer would need to be public with easements. Everything else would be privately maintained?

Mr. Browne: What are the size of the lots we are talking about?

Mr. Merrikin: First is 94,000sf with 28,000 buildable area, second is 64,000 with 20,600 sf of buildable areas, third is 28,000 with 28,000 of buildable area. The zoning in this area is 20,000 sf.

Mr. Lester: Why is Lot #2 so big compared to Lot #3?

Mr. Merrikin: Due to wetlands, buildable area issues.

Mr. Dickinson: Would also need a waiver for lighting on roadway? What other waiver issues?

Mr. Merrikin: We will prepare a list of waivers and go through them one at a time at the next meeting.

Mr. Browne: Prior to next meeting so that they can be reviewed at leisure and not at the meeting. All of the issues should be addressed in this memo.

Mr. Sullivan: Please have them to Norma by mid day on Thursday so that Norma can get the information out in Planning Board Packets.

Mr. Macchi: All documents for covenants for town private way, direction for trash, school buses, etc., common driveway agreements for maintenance, sewer plan for maintenance and easements, and right to add to tax bill

for water and sewer. Needs to be easement rights and payment stipulations for connections.

Mr. Browne: All of these usually go to Town Counsel for approval but Planning Board would like to review prior to approval of the plan.

Mr. Dickinson: There is a letter from the Planning Board Engineer, Earth Tech, dated January 28, 2002. Do we need to go through this tonight? I'd like to get to the public input.

Mr. Merrikin: I have a written response to the Earth Tech letter.

Mr. Browne: Do you take exception to any of the comments from Earth Tech?

Mr. Merrikin: No they are housekeeping issues.

Chairman Dickinson asked for comments or discussion from any town officials or boards present at the hearing. Hearing none Mr. Dickinson opened the meeting to the public.

Mike Weintraub, 18 Arnold Drive: Wetlands are an issue here. Is this plan on Conservation Commission findings of a perennial brook or stream?

Mr. Merrikin: We have to show the Conservation Commission how we will address it by each lot but still are allowed to build within the area. Conservation Commission says it is a river.

Mr. Browne: Show the 200' line on the plans. Put a statement that it is not a position on whether or not it is a river.

Mr. Merrikin: We have been to Conservation Commission for 1 or 2 hearings. It is a river if it has spring fed conditions. Monitoring is being done now. If it dries up then it is not a river. State gives guidelines of a three (3) sq. mile watershed if a river but this area has less than ¼ mile watershed. Suspected that this might dry up but still wet and don't believe it falls under the criteria either.

Mr. Browne: If a river what is the impact?

Mr. Merrikin: None unless Conservation Commission reduces number of lots to less than 4. Then this is not a feasible plan for clients.

Lawrence Howell, 22 Arnold Drive: Is trail going to be disturbed at all and how far is bluff of hill from river?

Mr. Merrikin: Bluff of hill is about 120 feet away.

Mr. Howell: If using lawns then how much fill will be used for lawns?

Mr. Merrikin: Wouldn't fill over hill for lawns but access to trail is not guaranteed. Using it now by the good graces of the owner. It is private property and not a deeded trail.

Don Harding, 16 Arnold Drive: Did I hear you say a lot can be modified by the river?

Mr. Merrikin: Can modify within the 2nd 100' buffer but nothing in 1st 100' buffer.

Norton Goldstein, 73 Spring Street, Unit 2: On either side of trail on my property there is a fence. So anytime we walked on this we would be trespassing? I recommend an easement for the condo owners to be able to access it. Beautiful trail to walk now. Will discuss with McCullough for private arrangement. When we bought the condo one of the incentives of the sale was that these lots would never be built upon. That was told to the original owners of the condo units. Now we are talking about blocking access, view and an impact on units. Understand that this is not necessarily the planning board's problem but a private issue. I assure you that this was what was represented to us at the time.

Mr. Lester: Does trail lead into other side of the property?

Mr. Goldstein: I haven't been to the end of the trail myself.

Mr. Merrikin: It will take you to the wetland area of Rhododendron. This is a private area and we'll do our best to accommodate.

Mr. Dickinson: I think it is important that the Planning Board walk this trail. There is a public interest in maintaining the land for the trail.

Ronald Kerr, 19 Kenney Road: Robinson road is named for my grandmother. My father owned all of this property at one time. He sold the back lot

and deeded the road of 40' strip of ROW so that the back lot could control road and make sure they didn't get blocked in. My parents are abutters to this property and have lived there for over 50 years and have not heard anything from the developers on this proposal. Can't build this road for 20' and have no safety contingencies for my parents. I'm not anti-development. Where is the preliminary plan on this, why a definitive plan without a preliminary. There are serious traffic and site issues, including the hill by the condos that you can't see over. It needs a wide mouth coming out of there. No way to build that road and have access for my parents to their house. Take into consideration that when Billy McCarthy, former Highway Superintendent, moved the sewer into that area for a private driveway. You are going to have to get a pumping station maybe. There are too many we'll get to this when we get to that issues here tonight.

Mr. Dickinson: Mr. Merrikin would you like to respond?

Mr. Merrikin: The roadway will be 18' but with a 40' ROW to work with. 18'-20' is not unique in Medfield and has been approved in the past. Preliminary plans are not required and we already have had several discussions with the board.

Mr. McCullough: We did speak with the Kerr family in our office and Mrs. Julia Kerr so the immediate abutters have been presented with this plan. They have expressed approval for the common driveway plan.

Mr. Lester: What is your relation to Mrs. Julia Kerr?

Mr. Kerr: My mother and father built the roadway and Mrs. Julia Kerr is my ex-wife. I don't understand how she can be allowed to deed off land and not be considered non-conforming according to the zoning.

Mrs. Goldstein, 73 Spring Street, Unit 2: I have heard the 40', 50' and 18' but I don't understand where it is that we are talking about these.

Mr. Merrikin: 40' refers to the Right of Way. Residents may have grass and maintain it to the gravel road but the property line may go back 15 feet or so. 18' refers to the pavement width.

Lee Knowles, 22 Arnold Drive: My husband grew up in this house and can talk more about the existing trails but I want to know if there are plans to level the area next to brook?

Mr. Merrikin: Under restriction with Conservation Commission as buffer to wetland and will follow the deed to the property.

Mr. Knowles: Why are you monitoring the stream?

Mr. Merrikin: We have not agreed that it is a river. If it is a river then there is a 200' restriction from the river if not then 100' restriction from wetlands. Could clear part of the hill if not a river—not that we would.

Mr. Dickinson: You need to show us lots, yard areas, landscaping, etc. We need to see the roadways.

Mr. Sullivan: Is there water in the wet area now?

Mr. Merrikin: Potential river has small flow as of last Friday.

Kent Redding, 73 Spring Street: Trail is very important to those of us at the condo. You have to be a little aggressive fighting your way thru the trail. I bought from a doctor in 1994 who was an original owner. He was told that the developer of the condo considered it all wetland and it was landlocked back there. Can town go back into the hearings on the original 73 Spring Street approval and review any agreements that were made regarding the use of the land.

Mr. Dickinson: We will do some research on this. Will there be an agreement for restrictions for maintaining the buffers around this proposal? Will you show this on the plan?

Mr. Merrikin: We will look at this in the plan and talk to the Conservation Commission about this also.

- Mr. Dickinson: We need a list of waivers and a plan. I want to see the hammer head vs. cul-de-sac. How are these driveways off the hammer head going to look? We need to schedule a site visit.
- Mr. Sullivan: We need a more sophisticated plan with river or not a river, houses, contours, trails, wetlands, etc. There is a lot missing in this presentation.
- Mr. Merrikin: It is missing by design.
- Mr. Browne: Planning Board can't give you a feeling when we don't know what we are looking at yet.
- Mr. Merrikin: We will prepare a justification of full construction complying with all regulations and driveway plan. Should we proceed with driveway design and incorporate everything into presentation?
- Mr. Dickinson: You need to do both plans without us giving you feedback tonight. You tell us and show us your justification for the waivers and a common driveway.
- Mr. Macchi: An examination of the property back to 1952 shows no easements on the plan. If it was an "ancient way" an engineer would have been obligated to show it on a plan. Nothing on the plan as of 1951. No legal easements but that does not mean there isn't a physical easement. No deed restrictions or covenants. Trails would usually have language but nothing was found.
- Mr. Redding: How does the board measure the public safety of this roadway? My driveway takes ½ hour to get out of it.
- Mr. Macchi: It is at the discretion of the board. It is subjective.
- Mr. Sullivan: Site distance and measurements are taken but other is subjective. Tools are used when applicable. Science and gut feeling involved but we try and back it up either way.

Mr. Dickinson asked if there were any further questions. Being no further questions Mr. Dickinson asked for a motion to continue the public hearing.

VOTE: Ms. Franco made a motion to continue the continued public hearing to Monday, September 23rd at 8:15 PM. Motion was seconded by Mr. Browne. Vote was unanimous.

Mr. Browne: Mr. Merrikin you will also need an extension for a decision date beyond October 15th.

Mr. Merrikin: I will send a letter in writing to the board requesting an extension from October 15, 2002 to December 2, 2002.

VOTE: Mr. Browne made motion to extend the decision date from October 15, 2002 to December 2, 2002. Motion was seconded by Ms. Franco. Vote was unanimous.

VOTE: Ms. Franco made a motion to adjourn the meeting. Motion seconded by Mr. Browne. Vote was unanimous.

Meeting adjourned at 10:10 PM