

PLANNING BOARD
JANUARY 11, 2010

Present: Stephen J. Browne, Wright C. Dickinson, Keith R. Diggans, Elissa G. Franco, and George N. Lester

Also present: Willis Peligian and Michael Sullivan, Radio Tower Committee

Meeting convened at approximately 8:00 p.m. by Chairman Browne.

WIRELESS COMMUNICATION BYLAW REVISION

Mr. Peligian explained the process by which Section 17 of the Zoning Bylaw (Personal Wireless Communications Facilities) was developed and that, with newer technologies, it is time to revise the Bylaw. He provided the Board with a draft proposal that the RTC has been working on with the intent of seeking approval at Town Meeting in April. (see file for suggested changes.) He explained that the revision is also being driven by recent Federal Court rulings. The present Bylaw specifies locations for towers and antennas. However, with increased changes in need and direction of wireless communications, there is a need to allow more possible locations while still permitting the Town to maintain as much control as possible. He explained that carriers/applicants must demonstrate that present locations do not allow them adequate coverage and thus prohibit service to a specific area.

In discussion in general locations, Mr. Sullivan explained that Conservation Land, if it is protected, cannot be used for wireless communication. The Board considered that a set of criteria must be established regarding residential areas. Using only Town owned land might be considered "exclusive," and as such might not be acceptable to the courts. Perhaps a hierarchy of preferences should be established.

Mr. Peligian will make changes and submit a revised draft to the Board for its January 25, 2010 meeting.

OTHER BUSINESS

VOTED unanimously to return all surety at the Hammant Way subdivision.

VOTED to approve payment of \$24.49 for petty cash.

Meeting adjourned at approximately 10 p.m.

PLANNING BOARD
MARCH 22, 2010

Present: Stephen J. Browne, Wright C. Dickinson, Keith R. Diggans, Elissa G. Franco, and George N. Lester

WIRELESS COMMUNICATION ZONING HEARING

Chairman Browne convened the public hearing at approximately 8:00 p.m. with a reading of the legal notice as it appeared in the Medfield Press on March 4 and 11, 2010. At the same time he announced that a story appeared in the Medfield Press on March 11th and another in the Boston Globe on March 21st. He then asked Willis Peligian to give a history leading up to the change.

Mr. Peligian, member of the Wireless Communication Study Committee, gave a background report. He explained that changes from Congress, the FCC, and federal courts prohibiting towns from denying carriers permits for facilities that such denial effectively resulting in "prohibition of service." When the Wireless Communication Bylaw was designed in 1997 it was to support voice communication, but it has expanded over the years to a requirement for broadband. It has gone from a having voice communication in vehicles to a demand for wireless communication in homes and other buildings. The original sites approved were in the Industrial Extensive zone, water tower at the state hospital, the Mount Nebo water tower- behind the state hospital and along the Boston Edison line near Walpole - Telecommunications Act of 1996 requirement that cannot stand in the way of services - if not make changes now we would not be able to service the needs of communication and effectively prohibiting - came up with approaches - which was rejected - secondly putting together a new criteria - this bylaw does what it could - hope it passes

(Willis introduced Dave)

Mark Cerel - original location and overlay district remains the same - burden is on the applicant to prove that they cannot get coverage from those locations before the ZBA can grant a permit

Willis - would need to demonstrate that there would be a prohibition.

SB - bylaw has served us well - there have been changes - need to change - already have seen - give zba opportunity

MC - the term "effective prohibition" means if the local bylaw does not allow them to come up with approval - then go to the court and the local bylaw will be over turned

George - Willis or David comment on the more sites - appearances etc.

David Maxson - wireless committee -thanked Willis for work done - hierarchy starts out with we already have areas (listed areas as above) - one is a tower, all others are antennas on water towers and be line - that is how written and must go to there first - now if something could hide tower in such as church steeples - flag poles (tower but not look like that) - similar in Westwood - if can't use and existing structure and need to serve are and can prove cannot obtain purpose the ZBA can say - cannot be more than 100 feet - must prove need for height - board has flexibility - must be well away from residential structure - Tower on route 27 is 170 feet tall - not talking about

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that - talking sleek slender structures -

George - must go through the hierarchy

Dave - if can hide structure - cupola etc.- preference - then camouflage facility- locating has another hierarchy - go where already existing site - use a structure that already exists - last is to put a new structure at the new location and there is not structure - must satisfy ZBA

Wright - time line

Willis - FCC - November 18th issued a declaratory ruling to address concern that towns etc were delaying decisions - set guidelines - two important - an existing location (colocation - existing building - not necessarily cell) - 90 days to make a decision from the time of filing; new location - 150 days from the date of application - under the existing bylaw - zba does not currently have the authority to do so

Larry - 101 High Street - biggest concern - preserve natural vista - how much can you dictate - do not see done in his case - live adjacent to power lines - pine trees hid the power lines - added onto the house on that side - when he inspecting - someone came and cut down trees on his property - don't see where occurred - built section where antenna - man said if he considered the house he would not have put there - wrap 10 feet high and shrubs are 3 feet.

MC - new language in the Bylaw - aesthetics "beefed up" - balancing act - (tape) - some bylaws protect scenic vistas

SB - will have more control over aesthetics -

Dave Maxson - numerous hearings over the years - process abutters are notified - board must have substantial evidence. - your concern - power company has easement

MC - that was the utility company and not the wireless carrier

George - 10 years ago thinking visual impact and put places where less impact - just water towers and power lines

Larry - actual power does not impact

George - can have more esthetic criteria - reviewed

Larry - shrubs should be at equal height

SB - take it to the ZBA

Willis - applicant is required to file visual proof and impact - have given ZBA the tools

Bill Massaro - abutter to state hospital - last interface about - requiring pre engineering - is there

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different between tower and antenna - setback for towers, but none for antenna -

Willis - not for antenna

David - tower - tall structure to support antenna (route 27) - 5 or 6 companies - companies advertising will be looking to provide service into the homes - use existing, hide, the tower as last resort

Willis - antenna array would be one of those mounted on the tower - would go inside structure

Dave - can be compact - online DEP has guidelines as to how things may be attached and ????

Toby --- 6 Cranemore road - summari - provide additional wireless - has the town been approached

SB -

Norma - zba could not allow in a church steeple

Toby - how wireless would apply to a special location

SB - specifies what must provide

MC - process in more detail - applicant's burden of proof - technical people to evaluate the experts report - provision for ZBA to retain

Dave - Sudbury and Weston doing this same amending bylaw - bd denied location in Weston and it is in court now - both towns doing similar things - do not know when someone signs a lease until an application - this allows the town to come up to a set of rules - wireless companies start out with a "search ring" to show where need - real estate cos looks for the land - then file with the town - different when your own property - has community impact so bylaw must be more technical for entire community

Hallee - Saw Mill Lane - data service companies with towers every mile - need to keep service throughout the town

Willis - provision that when an applicant submits must provide forward looking plans - gives zba some ammunition to probe deeper into grander plan

MC - Pogo - we have met the enemy and it is us - commuters before - now to provide coverage for you - not just people passing through - anything wireless that can go into your home - that is why the expansion

SB - get some of the newer services - but be smaller - regulations will give us control

Bill Mass ar - Evergreen Way - smoke signals - same thing - more concerned about

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Willis - looked forward - Dave and he looked forward 13 years ago -

MC - you said

Willis - two new tech talked about them - that tech exists - one was satellites which are out there - yes technologies came to bear - may see in the future - predicting the future currently will leave to the discretion of the zba for those things that board can - put in the tools - carrier has a higher burden now - fuller picture - better decision - ability to hire consultants to evaluate the truth - have relied on David - do not have time any more - hiring help - allow zba regardless of the future technology

David - Grafton - wireless company proposed tower in residential area where there were clearings and visible to the neighbors - how land use community can - community did an exhaustive study that only one by a couple going through board - land owner and land use - put application on hold and negotiated lease - bd approved the second applic because the right thing for everyone - board has some leverage to push an applicant in another direction

SB - thank members of the wireless committee

Closed the public hearing - voted un

Elissa - vote to rec approv of chang

Barber shop

David Hopkins - package - seek approval to operate 8b North Meadow Road - Village Barbershop - wife is master barber - he is soon to be retired law enforcement - non hair wasing - two chairs - 2011 he will graduate barber school - see packet - sent by the building inspector - need letter for BI -

SB - how does parking fit with what was required

David Hopkins - need as printed - have extra spaces

Elissa - more than enough parking space there

SB - hours Tues - Sat 8-7 at the most 7-2

VOTED to send a use for a change of use

Macready - **winter stopping at 3:30 - people would probably like to see it done - light later - people would like to work longer** - propose 5:30 and also on Saturday - pretty much done with equipment except landscaping -

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Rob - painter usually comes in later so paint later

Paint until 7 pm

Keith - Where is the work do still be done

Mon - Fri - extend to 5:30 p. Saturday from 9-4
Inside painting mon-fri until 7:30 interior nondisruptive

Letter to say motiavation is to get job done sooner.

So Voted

Other Business

Water and Sewer memo dated March 16, 2010 regarding hydrants at North Meadows Estates Subdivision - Ms Rosenfeld has indicated to the Water Department that she thought the work was completed, but she will look into it.

Meeting on April 6th with the Board of Selectmen and Mark Bobrowski remains tentative pending Mr. Bobrowski's availability.

Meeting was adjourned at approximately 9:45 p.m.

PLANNING BOARD
APRIL 12, 2010

Present: Wright C. Dickinson, Keith R. Diggans, Elissa G. Franco, and George N. Lester
Absent: Stephen J. Browne

Meeting was called to order by Vice-Chairman Keith Diggans at approximately 8:05 p.m.

North Street Site Plan

Karen Dematos explained that she was unaware that her previously approved site plan would expire in one year. She thought it was good for two years. She was confused as to the dates. She said they needed to wait for board of Health approval. They now have people interested in purchasing the site.

Board members asked for the date of approval and explained that the Board cannot approve a plan until the Board of Health grants its approval. The Site Plan Approval was recorded in the Town Clerk's office on November 25, 2008. According to a letter in the file from the Board of Health engineer, the BOH approved the plan on November 12, 2008.

The Board explained it cannot extend the approval because it has lapsed.

Mrs. Franco observed that this is the same Board that approved the original site plan so the Board would be familiar with the project. Following receipt of BOH approval, it should be easier for the Board to review the plan.

The Board advised Mrs. Dematos that she must re-submit the site plan for approval.

PLANNING BOARD
MAY 3, 2010

Present: Stephen J. Browne, Wright C. Dickinson, Keith R. Diggans, Elissa G. Franco, and George N. Lester

Meeting was convened at approximately 8:00 p.m.

REORGANIZATION

Mr. Browne moved and Mr. Lester seconded the motion for reorganization as follows:

Chairman	Keith R. Diggans
Vice Chairman	Wright C. Dickinson
Clerk/Secretary	Elissa G. Franco
Member	Stephen J. Browne
Member	George N. Lester

VOTED unanimously.

40R

At Selectman Peterson's request the Board discussed the possibility of meeting with the Selectmen at a future Planning Board meeting to discuss 40R development at Medfield State Hospital.

The Board considered Mark Bobrowski's presentation at the recent Selectmen's meeting, attended by all five members of the Planning Board, and saw no benefit of another meeting. During that meeting the Planning Board did not hear any new information that would affect its position that 40R is not presently an option worth pursuing.

The Board then composed and all five members signed a letter to the Selectmen stating the Board's position as expressed above.

KENNY PROPERTY - OFF PHILIP STREET

The Board discussed the "Statutory Notice" of intent to sell 10.34± acres on Philip Street, Medfield, MA under M.G.L. c.61,§8 (Forestry classification) for residential use. After considering the potential development (one house) the consensus of the Board was to advise the Selectmen not to exercise its option to purchase.

Meeting adjourned at approximately 8:45 p.m.

PLANNING BOARD
MAY 3, 1999

Present: Stephen J. Browne, Tidal B. Henry, George N. Lester, and Christopher R. Summers

The Board is presently down one member due to the election of Mr. Rhuda to the Board of Selectmen

PLANNING BOARD
MAY 17, 2010

Present: Chairman Keith R. Diggans, Vice-Chairman Wright C. Dickinson, Clerk Elissa G. Franco, and Member George N. Lester
Absent: Member Stephen J. Browne

Chairman Diggans convened the meeting at approximately 8:00 p.m.

Release of Lots – The Paddock Lane

The Board is in receipt of an attorney's request for release of lots from an old 1966 covenant for property located on The Paddock Lane.

VOTED unanimously to release all lots as they pertain to the 1966 covenant for a subdivision plan entitled, "Plan of Land in Medfield, Mass., dated May 10, 1966 drawn by Cheney Engineering Co., Needham, Mass." And which plan included land subsequently included in a subdivision plan entitled, "Plan of Land in Medfield, Mass., dated January 28, 1974, revised January 31, 1974," recorded in Norfolk Registry of Deeds in Plan Book 242 as Plan No. 256 of 1974, the conditions being set forth in a Covenant recorded in Book 4423, page 598 at the Norfolk County Registry of Deeds.

North Street Pocket Neighborhood Site Plan Review
90 – 96 North Street

Chairman Diggans convened the public hearing at approximately 8:15 p.m. with a reading of the legal notice and a review of the contents of the file/application:

1. Plans
2. Certification by the engineer that there has been no change by his office in the plans as previously approved by the Board
3. Letter from the Board of Health agent, William R. Domey, stating the previous Board of Health approval does not expire, and that said approval would remain in full force given the certification of the engineer that no changes have occurred.
4. Board of Assessor records

The applicant, Mrs. Dematos, asked that a description of the existing property and proposed development as stated in the "Findings of Fact and Opinion" be changed. The Board said it would make the change to reflect that fact that four units currently exist at the site (not five).

Chairman Diggans explained that the Site Plan was previously approved November 17, 2008, but lapsed since no work was begun within the one year time frame allowed by the Zoning By-Law; that the engineer has certified that there has been no change in the plans; and, that the plan has Board of Health approval.

Various abutters expressed their concerns about the development:

- The effect on the neighborhood as a result of the size of the Site Plan
- Disposal of trash
- Lighting
- Number of vehicles at the site

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- Traffic on North Street and cross streets, Cottage and Green
- Access to the site
- "People don't want it."
- Surface water, holding tanks – potential for flooding
- Drainage

Board members explained:

- These concerns were all dealt with the first time the site plan came before the Board
- This plan is the same plan
- It has been approved by the Board of Health for drainage
- It is allowed under the Zoning By-Law
- As such, the hearing process is not to decide to approve or deny but to look at the impact, design, layout and drainage
- Any change to the Zoning By-Law requires a two-thirds vote of Town Meeting
- The Board has attempted to revise the zoning specifically regarding FAR and the Town Meeting would not approve it
- The plan utilizes the two existing homes
- There are buffers and fencing as well as landscaping
- Lighting must stay on the site
- It has been the experience of the Board that the recent developments have resulted not from a person owning one parcel of land but rather from someone purchasing abutting properties to combine them for developmental purposes.

A coordination meeting with abutters did not take place because they were not ready to construct.

An abutter, Mr. McAndrews, stated there was a mix-up the first time over receiving information. The secretary explained that the list of who receives notices comes from the Assessor's office based on owners of record.

Mrs. Dematos gave no time frame for starting development.

PLANNING BOARD
AUGUST 16, 2010

Present: Stephen J. Browne, Wright C. Dickinson, Keith R. Diggans, and Elissa G. Franco
Absent: George N. Lester

Also present: Town Counsel Mark G. Cerel

The meeting was convened at approximately 8 p.m. by Chairman Keith Diggans.

BETA REPORT

The Board reviewed a "Zoning Modification Analysis" dated August 2, 2010 prepared by the Planning Board's engineer, Philip Paradis of BETA Group, Inc. The report was an analysis of impacts to multi-family development with possible Zoning Bylaw modifications. The report offers two scenarios. The first option is to reduce the calculated buildable lot area by a 10 or 25 foot buffer. The second option is to increase the required area for additional units to 8,000 or 10,000 sq.ft.

Town Counsel Cerel's concerns:

- What is to be accomplished?
- Attempts to reduce density could be looked on by the State as exclusionary zoning
- Idea of buffer would be best
- FAR focuses on density and has been upheld by the SJC
- When Bylaw written multi-family was more a single building with multiple units
- Need to look at planting and screening material - landscape architect could advise
- Could widen buffer proportional to the height of the building
- People express opposition but eventually adjust
-

Board concerns:

- Ambiguity of 10 foot buffer
- Negative abutter feedback with new site plans on Brook Street and North Street
- Need to address buffer, including definition
- Tried to change FAR before but defeated. Now maybe people see the result.
- How much does changing the buffer affect the number of units?
- Neighbors want space between them and new developments
- Using the 25 foot calculation in the report, the buffer would be greater than the side yard setback - which is not necessarily bad
- Concern that buffer proportional to the height of the building could make for taller building blocks in the center of the project - lower heights do not necessarily satisfy abutters

Elevated grade on Brook Street

- Town Counsel - Planning Board has authority because involves ground water
- Much of the elevation was due to drainage
- Looked at elevations; difficult to visualize
- Partially due to reworking the detention basin

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Special permit vs. Site Plan Approval

- Town Counsel - special permit gives the Board more control
 - Density
 - Location
 - Sunlight
 - Shadowing
 - Lighting
- Currently ZBA is Special Permit granting authority
- Site Plan is a use as a matter of right, and the Board cannot deny Site Plan approval
- With a Special Permit the Board could deny for reason - would have more "teeth"

Duplex:

- Single lots that get turned into large, double homes
- Partially due to defining duplex as being connected
- Area of modest size homes are being lost

Suggested remedies:

- Add special permit requirement for multi-family development
- Expand buffer zone
- Clean up definition of buffer zone
- Planning Board special permit authority for development projects
- Decide on big issues in Special Permit process and then go to design aspects in the Site Plan process (Two step process)
- Just deal with the multi-family in the RU district
- Master plan review update
- Must have some uses as a matter of right; cannot require special permit for all uses in a district

COMPREHENSIVE LAND USE REFORM AND PARTNERSHIP ACT

Town Counsel Cerel explained that it is motivated by pro-planning group, which was defeated. Then concern over ANR, also defeated. This is a melding of the two and would update Chapter 40A, Subdivision Control. It would extend some powers for municipalities. It would require a through master plan. 40A is rewritten with improved English that is more easily understood.

The question was brought up as to whether 40B was also included in the revision. It is actually before voters in November. The State will find some way to cover affordable housing. 40-B came into being because towns were zoning out apartment buildings, thus, blocking rentals in the suburbs and putting the burden on the cities. Only recently has it come to include homeownership.

No votes or action were taken during the meeting.

Next meeting: Monday, September 13, 2010

Meeting adjourned at approximately 9:15 p.m.

PLANNING BOARD
NOVEMBER 15, 2010

Present: Keith R. Diggans, Chairman; Wright C. Dickenson; Elissa G. Franco
Absent: Stephen J. Browne and George N. Lester

Meeting convened at approximately 8 p.m. by Chairman Diggans.

Minor Modification: Erik Road and Quarry Road Subdivisions:

Present: Scott Colwell

Mr. Colwell explained the need to change lot lines between the two subdivisions, which he now owns, to allow for more conventional lot lines.

VOTED unanimously to allow the minor modifications to the Erik Road and Quarry Road subdivisions as shown on a plan entitled "Quarry Road Extension & Erik Road Extension in Medfield, Mass.," dated 10 November 2010 and drawn by Landmark Engineering of New England, Inc., Norfolk, MA.

PODS

The Board discussed the popular use of PODS – temporary storage "sheds" placed on lots while work is being done within the main residence. It is the consensus of the Board that PODS should be treated the same as sheds or any other accessory building as designated in the Zoning Bylaw.

BOATS

The Board discussed boats stored on lots in the residential districts and determined that each case should be treated on an individual basis by the Zoning Enforcement Officer. Boats and trailers stored in yards have been an off and on issue over the years. An attempt by the Board to revise zoning failed at Town Meeting, mostly due to a misunderstanding by the general public.

OTHER BUSINESS

The Board will check on work on Philip Street to insure that Mr. MacCready restore the temporary access "road" prior to Thanksgiving.

(N.B. The work was completed by Thursday, November 18th.)

Respectfully submitted,

Elissa G. Franco, Clerk

PLANNING BOARD
SEPTEMBER 14, 2010

Present: Stephen J. Browne, Wright C. Dickinson, Keith R. Diggans, and Elissa G. Franco,
George N. Lester

Also present: Town Counsel Mark Cerel
Tree Warden Ed Hinkley

Chairman Diggans convened the public meeting at approximately 8:00 p.m. and recused himself from the first order of business because he is a "near abutter" to the property. He then sat in the audience.

Vice-Chairman Wright Dickinson opened the public hearing with a reading of the legal notice

PLANNING BOARD
SEPTEMBER 13, 1999

Present: Stephen J. Browne, Tidal B. Henry, George N. Lester, Timothy P. Sullivan, and Christopher R. Summers

Chairman Brown convened the meeting at 8:00 p.m.

GULF RESOURCES/PRECISION ALIGNMENT & TIRE

Attorney Ralph Copeland represented Gulf Resources, Inc. (a private company with no connection to Gulf Oil Company). He explained that they have a public hearing before the Zoning Board of Appeals for Site Plan Review on September 22, 1999. They are before the Planning Board this evening to obtain the Board's input and support for the ZBA.

Mr. Copeland continued, stating that two years ago the ZBA gave approval for gas pumps at Precision Alignment & Tire, 270 Main Street. Now they want to demolish the existing building and put up a new colonial building with additional services. The final plans are not done at this time. He said they realize one of the concerns is for traffic flow. The new plans include an inspection station capable of the new auto-emissions testing, a car wash, three gasoline islands with two stations on each, and adequate parking. There will not be any cars parked inappropriately, none stored, and no storage trailer.