

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely,  
Michael Hunter, Joseph Sziabowski (Associate), Eric Poch (7:45 p.m.)

Meeting was called to order at 7:45 p.m.

Associate Member, Joseph Sziabowski was appointed a voting member for the Special Permit Hearing by the Chairman, Mike Fee.

***Chiswick Office Building – WRSP Public Hearing***

Mike Fee read the notice into record.

Myron Fox presented the application to the Board. It is an 85,000 square foot print; 17,000 gross square footage. The building will be a medical office with an 85 space parking lot. The Board of Selectmen has issued a Site Plan Permit, Conservation has issued an Order of Conditions, the Design Review Board has approved the design and signage. The only outstanding permit they need is the Earth Removal Permit from the Earth Removal Board.

They have read the Town Planner's memo dated 12-6-04 and have no issues with it. They have also read the Decision dated 12-9-04 and agree with it. At this point they will address any questions or comments the Board may have for them.

Jody Kablack: The application has been one of the most thorough and complete applications the Board has seen. The applicant has provided great detail as well as a contour analysis for monitoring wells. A stormwater management prevention plan is forthcoming which the Town Planner has been privy to and opines it is a very good format. The only comment she has for the Board is that a covenant be put on the property for maintenance of the stormwater system.

Lisa Eggleston: Should we require the same covenant for the septic?

Jody Kablack: Will suggest it to the Board of Health.

Lisa Eggleston: That should be criteria for our Water Resource Special Permit.

Jody Kablack: Property owners are made aware of the covenant.

Lisa Eggleston: It was noted that further upgrades would be made to the stormwater system in other parts of the site. Please explain.

Fred King: The northern section of the property at the 33 Union Ave. building has no modern system. All run-off (2 acres) goes directly into the wetlands. Conservation wanted this addressed, so the applicant will install another storm ceptor unit to it prior to discharge into the wetlands.

Lisa Eggleston: What about fill per Bill Place's memo dated 11-8-04?

Fred King: Some material has to leave the site. The existing material is not appropriate, structural fill is needed.

Lisa Eggleston: Will the monitoring wells be to test for waste? Myron Fox: Yes.

Lisa Eggleston: Are the additional monitoring wells to monitor the entire site and not just this proposed area? Fred King: Yes.

Joe Sziabowski: The landscape plan does not show the fire lane.

Fred King: It is not completed yet. A completed plan will be submitted with ample time for review.

Jody Kablack: That is under the Selectmen Decision process, prior to a building permit being issued. The Planning Board will have the opportunity to see it.

(No public in attendance.)

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing for the Chiswick Office Building Water Resource Special Permit application.

Mike Fee thanked the applicant for the quality of the application submitted as well as the materials that accompanied it.

The Board reviewed the decision drafted by the Planner. Section 4273 should follow with a litany of what applications should contain. Also noted in section "I" between "C" & "D", it should be added what materials were submitted and that the Board reviewed and analyzed the material.

Lisa Eggleston: Can we put a restrictive covenant on the parcel being purchased?

Jody Kablack: No, but there is a site plan condition for conformity.

Lisa Eggleston: Does it state they cannot change the impervious surface?

Jody Kablack: Any additional pavement will require them to come back before the Board.

Is there is a Conservation Restriction on a portion of the property (on the Rieder property)?

Fred King: There is a deed restriction of some form but it is unclear what (Conservation Restriction or something else).

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Decision as drafted by the Town Planner with the two changes noted.

For the record it is noted Board Member Eric Poch did not participate in the vote as he was not present at the start of the meeting. Associate member, Joe Sziabowski did vote.

### ***Goodnow Farm- Bond Release***

Jody Kablack: Outstanding issues had been the turn-around and paving which was addressed by Northland Residential. The stone wall has been moved back and the homeowner has moved the pillar. The only outstanding issue currently is the signage indicating the turnaround (there is none). A sign was not originally requested nor is there a good place for a sign. Everything else is as it was approved. The shoulders have been

cleared and the material has been removed. The Town Planner recommends releasing the bond.

On motion duly made and seconded, it was unanimously:

VOTED: To release the bond on the Goodnow Farm Subdivision.

### *Miscellaneous*

#### *Carding Mill Violations*

It is noted for the record, Board Chairman, Michael Fee recused himself from the discussion as he is an abutter and has also represented some of the residents involved.

Jody Kablack went on site to research the violations reported. The covenants for this subdivision were intended to minimize the disturbance and view of the subdivision (first cluster in Town; 2 acre lots). It was not intended to say that nothing would be seen. Originally people went through site plan review and would come to the Planning Board with any changes. However, new people purchasing this property are unaware of the process. There are 3 homes which are involved in violating the conditions; the Myers, who took down everything; the Gormleys, who also took down everything and put in a retaining wall and; the Bergers, who just cleared some large trees.

The Town Planner had taken pictures when she went to the site and passed them around to the Board members. The visual impact is mostly from the back of the lots and not really anywhere else. It is stated that the owners can do work to enhance their views, however, the owners did not notify the Planning Board and should have prior to obtaining a Building Permit or clearing vegetation. If possible the Planning Board should be informed when anyone applies for a building permit. Currently, the Board does not receive these notices.

Lisa Eggleston: Are the views to protect Dutton Road or the pond?

Jody Kablack: The pond is not public; it is not easy to enforce. The Planning Board should write a letter to each property owner in the subdivision to explain the covenant. We should also be notified when someone applies for a building permit.

The Board discussed the fact that previous violations had been addressed where the property owner came before the Board and acknowledged they were in violation. They said they would correct it then proceeded to ignore it. The Board was disturbed by the fact that some people abide but others don't. Action by the Board could be taken with the District Court for violation of a subdivision plan, or the Board could get a superior court order to stop perpetrators. The covenant was to protect abutters but was also intended to protect the neighborhood. Consensus of the Board was to send a letter to the property owners in the subdivision explaining the covenant requirement and possible recourse by the Board should the covenant be violated. The letter is to be sent via certified mail, receipt requested.

***Rezoning of Landham Road and Route 20 (Mercury Land)***

Myron Fox spoke on behalf of Mercedes Benz/BMW who was proposing an article for Town Meeting to rezone the property at the intersection of Landham Road and Route 20. The area is currently zoned as an industrial district from the eastern boundry of the Mercury Property to Wayland with a small residential area and a business district across the street. They are proposing for the entire area to be zoned as either industrial or business in its entirety. Industrial zoning may not be as palatable due to uses; business district zoning would be strictly retail, no full manufacturing. The setbacks are different. The proposal would involve a BMW car dealership with the Mercedes Benz portion staying at the current location at Route 27 in Natick. A special permit would be required in either an industrial or business district. It would not be that much of a difference. The proposal also involves 183 parking spaces with a retaining wall to protect the wetlands. It would be a 49,000 square foot building and would require additional parking elsewhere. The applicants showed a conceptual plan for Landham Road and Boston Post Road. The MBTA strip would be rezoned; setbacks on a residential district are much greater. If the Planning Board does not sponsor, they would not be able to get 2/3 of the vote at Town Meeting necessary to rezone.

Pat Delaney, Mr. Kirby and John Drobinski are all abutters. The proponent opined that Pat Delaney, former Planning Board and Zoning Board member opposes it, as does Mr. Kirby, also a former Planning Board member. Selectman John Drobinski said he would not be opposed if it were built in consistency with the neighborhood. The St. Anselm's church is down Landham Road about one mile.

Mike Fee: Why is the district shaped this way?

Jody Kablack: It is zoned around the existing businesses.

Chris Morely: He is opposed to the area discussed being zoned as either industrial or business. He would prefer to see it zoned as residential with the potential for 40B, mixed use. He is opposed to car dealerships being strung out on Route 20. Has the applicant looked at other areas such as across from the Land Rover Dealership?

Jody Kablack: There is not enough land there, need 5-6 acres for a dealership.

Myron Fox: Land Rover did a good job developing the site. This would be similar however; BMW would be a larger site.

Fred Tierney (Foreign Motors): The utopia is 15 acres with a 77,000 square foot building. Parking would be for service and for new and used car display.

BMW/Mercedes would need to look off-site for employee and new car parking. It is a perfect site to house what is needed but they would also need additional spaces.

Bruce Ey: BMW has a specific building design. They cannot go forward without more parking.

Lisa Eggleston: Would like to see it rezoned, but not in this scale. This would be an extremely big jump for Town Meeting. Route 20 rezoning needs to be compatible when it is adjacent to residential. Her number one concern at this location is the intersection.

Myron Fox: They have considered requesting a traffic light be petitioned to the State with the applicant heavily contributing to the expense. The State would most likely approve if someone else pays the brunt of the cost.

Bruce Ey: Showed the Board a very rough sketch. Mass GIS is on the other plan; they ran in the property lines. They have attempted to keep the entrance away from the intersection (500 ft.). There are wetlands on the property, buffer required. It is a 48,900 square footprint at the lower level; 25,000 square foot second floor space which is what would be visible.

Eric Poch: Do you have a solution for the off-site piece?

Bruce Ey: We have a number of potential solutions.

Lisa Eggleston: The Site Plan requirement is for parking to be located in the rear of the building, lined up along the road.

Eric Poch: From a marketing perspective, this is the best location in town.

Bruce Ey: What if they only do sales there and put the service portion in another location?

Lisa Eggleston: Getting the service portion off site doesn't reduce the visual massing.

Mike Fee: In favor of thinking of ways for utilizing this property in ways that are in accordance to the Master Plan. However, there are traffic issues and design issues which need to be addressed.

Chris Morely: This abuts residences; does not believe it is in sync with the Master Plan.

Bruce Ey: A 40B would be impossible on this site due to bad soils. For Fred Tierney's needs, which would be approximately 1,000 gallons a day, it is feasible.

Jody Kablack: If it were scaled down to just sales, what would the parking need be?

Fred Tierney: We would not require as much.

Jody Kablack: Does encourage that specific parcel to be rezoned for commercial use.

Any rezoning will require a very clear handle; specific use. The current design (chrome and glass) of this building will definitely fail with the residents.

Eric Poch concurred stating it would need to be scaled back in a huge degree. The requirements, rezoning and historic home combination is unlikely to pass.

Bruce Ey: Does the Board feel a smaller building would be better?

Joe Sziabowski: It may, if you put the parking underneath the building to screen it.

Jody Kablack: Realistically, is there sufficient time to prepare this proposal for this year's Town Meeting?

Bruce Ey: This site, if it were to be a four lot subdivision which is what it is zoned for, would be terrible. What it is zoned for simply doesn't work which would be the basis for our rezoning proposal at Town Meeting. They are open to other design ideas and lower density. The applicant will take Joe Sziabowski's advice to screen the cars.

Myron Fox asked Fred Tierney about the time issue for this year's Town Meeting and whether the applicant can wait a year. There is also the issue whether Mr. Mercury can wait a year.

Fred Tierney will have BMW review the issue with the Planning Board's input as provided tonight.

Bruce Ey: Think how the property would look with four houses pushed up against the road. It would be a very poor use.

Joe Sziabowski: Consensus is that commercial use would be best for that site, but what type?

Jody Kablack: Doesn't believe it will make a petition article for this year. The Planning Board could support but not sponsor. Petition articles are due by December 31, 2004. It could also be indefinitely postponed on the floor of Town Meeting if necessary. Mid February is the deadline to submit final language for the Warrant.

Mike Fee: He is not comfortable with the time limit and a rushed proposal.

Myron Fox: Is contract zoning better, where a deal is worked out rather than straight rezoning?

Lisa Eggleston: It is always a big selling point to have voluntary contributions.

Bruce Ey: The adjacent side is used industrially (Boston Edison site).

Lisa Eggleston: But it is screened, a lot can go on when there is screening.

The Board advised the applicant to come back with a design that provides a smaller, better screened and clearer plan. It is not likely to be ready for 2005 Town Meeting.

### ***2005 Annual Town Meeting***

The Board reviewed the draft prepared by the Town Planner for Town Meeting Articles. Comments included the following:

Section 7000, "Agricultural use, nonexempt" discrepancy. Will add "livestock" to language.

Section 2325, Pools; had a typo and will also be changed to say "all pool enclosures shall meet Massachusetts building codes, in addition all fences must have a minimum height of 5' for enclosures of swimming pools". The original intent will not be changed.

Section 2600, Table of Dimensional Requirements"; delete centerline setback. The Town (Planner will review proceedings from last year to determine if this article should be separate.)

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Annual Town Meeting Articles as amended.

### ***Miscellaneous***

#### ***Water Resource Special Permit Bylaw***

A meeting is scheduled for next Friday (12-17) at 8:30 a.m.

Jody Kablack: The consultant has done what should be done; bolsters the bylaw for special permit above 15% impervious surface.

Lisa Eggleston: There should be incentives and enforcement.

#### ***Scenic Road Bylaw***

The Planning Board will co-sponsor with the Historic District Commission.

*Community Preservation Public Hearing*

Chris Morely reviewed items which will be addressed at the public hearing scheduled for next week.

- Libby land
- Affordable unit buy down
- Rail Trail Feasibility Study
- Willis Lake dock
- Park and Recreation fields at Davis
- Hosmer House

*ANRs*

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the ANR plan of land for 210 Concord Road.

The meeting was adjourned at 10:20 p.m.