

**Advisory Committee**  
**Meeting #8**  
**October 21, 2009**

Peter Cory, Chair, called the meeting to order at 7:30 p.m. Those present included Virginia Ferko, Jack Haley, Rick Hill, Kathy Macdonald, Barbara McMahon, Maura Murphy, Rich Page, Caren Parker, Derek Redgate, Steve Simons, Steve Sykes, and Marc Taylor.

Absent: Judi Donnelly and Jason Whittet

**Citizens Speak.** Selectmen Chair Barbara Searle addressed the Committee concerning the Planning Board's Articles to be presented at Special Town Meeting. She indicated that as a general rule, Zoning Bylaw changes are difficult to approve at Town Meeting due to the required two-thirds vote in order to pass an amendment, and to the challenges of writing "perfect" language to implement new rules and regulations in this area. She urged Committee members to consider endorsing one or both of the Articles if they felt that they make even an incremental step in the right direction to solving some issues in Town.. The Board of Selectmen will be considering whether or not to endorse these Articles at its meeting on October 26.

**Minutes.** Upon a motion made by Ms. McMahon and seconded by Ms. Macdonald, the minutes of the public hearing and meeting on October 15, 2009 were unanimously approved.

**Planning Board.** The Committee was joined by Planning Board Chair Don McCauley, member Rose Mary Donohue, and Director Meghan Jop to review their presentation in support of Article 5, which introduces regulation of retaining walls.

Prior to discussing Article 5, Mr. McCauley noted that they plan to make a change to Article 6, amending the Sign Bylaw, by inserting: "**or place of business**" after '*owners primary residence*'. This led to a lengthy discussion of Article 5, with concerns expressed regarding the rights of a lessee of a property versus a property owner's rights to have a vehicle with a sign on it; the criteria for enforcement; the distinction under the Article between the "Junk It" trucks and the Captain Marden vehicles parked overnight in a Town lot; etc.

Mr. McCauley reviewed the presentation the Planning Board intends to make to Special Town Meeting regarding the proposed amendment to the Zoning Bylaws concerning retaining walls. He indicated the presentation focuses on what the Planning Board hopes to accomplish by passage of this amendment and how it will be implemented. Mr. McCauley explained that the proposed amendment creates three tiers of review for retaining walls of varying heights of 4 feet or greater. He discussed the review process requirements for each tier. Mr. McCauley indicated this proposed regulation of retaining walls will limit building on extreme lots, preserve aesthetics for neighbors and along Town streets, and reduce encroachment on property lines. Ms. Jop discussed what is entailed in the review process for those retaining walls that qualify.

**Article/Write-ups Status**

Article 3 Local Meals Excise – Ms. Macdonald reported that Newton and Natick have passed the local meals excise, and the motion failed in Medfield.

Article 4 Amend Article 8, 2009 ATM – Mr. Cory indicated no motion is expected under this Article.

Article 7 Cochituate Aqueduct Leases – Mr. Cory indicated that it was not clear as yet if there would be a motion under this Article, or what form any motion might take.

Article 8 219 Washington Street Easement - Mr. Cory indicated the agreement is not finalized as of this date. In response to a question previously asked, it has been determined that the maintenance of the sidewalk, once it is built by MassHighway, will be maintained by the Town.

Article 9 Land Acquisition – The write up for this article is complete.

Article 10 Tax Benefit – The write-up for this article is complete.

Article 11 Glen Grove Apartments - Negotiations are in progress; final information is not available at this time.

Chair's Letter. Mr. Cory solicited comments from members.

**Article 5 – Retaining Walls.** Ms. Ferko discussed the article. She indicated that based on the presentation and feedback from the Planning Board public hearing, there is clearly support to provide the Town some control over retaining walls, with not an overly restrictive or difficult review process for most walls, but providing a more rigorous review as wall heights increase. There are still some issues and revisions necessary for the walls that start at the property setback and incrementally increase. The Planning Board is working to improve/clarify this language. After a brief discussion, upon a motion made by Mr. Simons and seconded by Ms. Ferko, the Committee voted to recommend favorable action on Article 5. **The vote was 12 in favor; 0 opposed.**

**Article 6 – Amend Sign Bylaw.** It was the general sense of the Committee that this article is not ready to present to Special Town Meeting. While the intent of the Article was clear and generally supported, there was concern that the specific language of the proposal contains deficiencies, and some were concerned with the lack of measurable standards and criteria for enforcement. There was also concern as to whether there would be equitable treatment for lease-holders of property versus property owners. It was the sense of the Committee that additional time is needed to clarify the process. After a discussion, Ms. Macdonald and Mr. Simons seconded recommending favorable action on this article. **The vote was 2 in favor and 10 opposed.**

**Article 7 – Cochituate Aqueduct.** It is not known at this time if a motion will be presented. Advisory does not have information on the specifics of the leases or the negotiations, and therefore cannot provide a recommendation at this time.

**Article 11 – Glen Grove Apartments.** The group discussed the Article at length. The Article provides that Town Meeting authorize the Board of Selectmen to act on the waiver of the Town's Right of First Refusal. The Town is seeking assurances that the project will continue as affordable housing, that the first right of refusal will continue on future transactions on the property, and that the buyer is reputable and will maintain the property in a manner acceptable to the Town. Negotiations are still in progress to meet these objectives. Advisory cannot provide a recommendation at this time.

### **Liaison Reports**

**Schools.** Ms. McMahon reported that at the last School Committee meeting, the new enrollment report, the FY11 capital budget, the 5-year capital plan, and the stimulus money synopsis were presented. She indicated the Enrollment Report indicates that the Middle School capacity issue may not be as significant as previously expected. The proposed FY11 capital budget is approximately 30 percent over last year's capital budget and is a work in progress. The stimulus funds application will be prepared by November 2<sup>nd</sup>. There is the potential that these funds may be adequate to cover the gap in the FY10 circuit breaker funding. Ms. McMahon reported the

stimulus money must be used for specific purposes (including Special Education), and that half of the funds provided may be used for recovery and the other half for school investments.

**Adjournment.** Upon a motion made by Ms. Parker and seconded by Ms. McMahon, the Committee unanimously voted to adjourn at 10 p.m.

Respectfully submitted,

Adeline G. Doherty  
Administrative Assistant