

TOWN OF MEDWAY

PLANNING BOARD

NOTICE OF PUBLIC HEARING

In accordance with the provisions of Chapter 41, Section 81-Q, Massachusetts General Laws the Planning Board will hold a Public Hearing on May 22, 1990 at 8:15 P.M. in the Sanford Room of Town Hall to consider amending the Town of Medway Subdivision Rules and Regulations as follows:

by deleting Paragraph B.1. (c) of Section III in its entirety and substituting in place thereof:

Def. plans,

- (c) A review fee, defined hereinafter, payable to the Town of Medway by certified check. Said fee shall be equal to the amount determined by multiplying the number of lineal feet (by centerline) of proposed street(s) within the subdivision by the sum of \$1.00.
1. When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board may require that the applicants pay a "review fee". Failure of an applicant to pay the total review fee shall be grounds for denial of the application.
 2. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations.
 3. Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from this special account shall be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant.
 4. Review fees may only be expended for services rendered in connection with the specific project for which they were collected. Accrued interest may also be expended for this purpose. At the completion of the Board's review of a project, any excess amount in the special account, including accrued interest shall be repaid to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
 5. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal should be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

and further by deleting Paragraph B.3 of Section III in its entirety and substituting in place thereof:

3. Endorsement

Before endorsement of its approval of a Definitive Plan by the Board, the Applicant shall provide the following:

(a) Inspection Fee.

A non-refundable inspection fee, payable to the Town of Medway by certified check. Said fee shall be equal to the amount determined by multiplying the number of lineal feet (by centerline) of proposed street(s) within the subdivision by the sum of \$3.00 per linear foot for streets less than 500 feet in length, \$2.00 per linear foot for subdivision street lengths of 500 feet to 1,499 feet, and \$1.50 per linear feet for subdivision street lengths of 1,500 linear feet and over.

(b) Performance Guarantee.

The Applicant shall agree to complete the required improvements for any lots in the subdivision, such construction and installation to be secured by one, or in part by the other, of the following methods which may from time to time be varied by the Applicant, subject to approval of the Board:

1. By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be completed to serve a lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquired title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been completed to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three (3) years from the date of such deed.
2. By either a performance bond or a deposit of money or negotiable instrument in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified not covered by a Covenant under Paragraph 1. hereof. Such bond or security, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer and shall be contingent on the Completion of such improvements within a time period specified by the Board.
3. The period for completion in Sections (C) may be extended by the Planning Board upon the written request of the Applicant accompanied by satisfactory proof that such extension is necessary and in the public interest.

(c) Time for Completion. ✓

The endorsement of the approved plan by the Board shall be valid for a period of two (2) years from the date of said endorsement. At least 90 days

prior to the expiration of the two (2) year construction period, Applicant and/or owner may request in writing to the Board an extension of time necessary to complete the construction of the Subdivision roadways, etc. Page 3 of 3

Failure to request an extension of time prior to the expiration date of the two (2) year construction period shall result in the Board's notifying the Building Inspector that no additional building permits shall be issued in said development. The request for an extension shall state the reasons for the requested extension and also the length of time requested. Any extension shall not exceed two (2) years. Additional extensions after the first may be applied for but not until at least ten (10) months have expired on the extension in effect. Prior to approving any extension of time, the Board will review and revise the amount of the bond deposit or other surety and the applicant shall provide a new or revised instrument prior to the Board's vote to approve the requested extension. No extensions will be granted that will bring the construction of the development beyond its eighth year. Beyond six (6) years following the date of endorsement of the Definitive Plan, any undeveloped areas must conform to the then current Zoning-By-Laws and Rules and Regulations.

- (d) At least twenty (20) days prior to endorsement, all required Covenants shall be provided to the Board along with Applicant's Sworn and Authorized Affidavit that title to the premises shown on said plan and appurtenances thereto including any off-site easements and rights-of-way are in the Applicant's name and are free from all encumbrances set forth will not preclude any required subdivision improvements.
- (e) Reduction or Release of Performance Guarantee

The penal sum of any such bond or the amount of any deposit held may, from time to time, be reduced by the Board and the obligations of the parties thereto released by said Board in whole or part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required by the Board.

Any person interested or wishing to be heard on the proposed amendment to the Subdivision Rules and Regulations should appear at the time and place designated.

James J. Brodeur
Chairman
Medway Planning Board

Please publish: May 8 and May 15, 1990

Send bill and 1 proof to: Planning Board
Town Hall
Medway, MA 02053

Medway, Mass. August 15 19 90

A true copy of the record.

Attest: Corinne M. O'Callaghan-Falla
Town Clerk