



TOWN OF MEDWAY
Planning and Economic Development Board Rules & Regulations

Chapter 300
ADULT RETIREMENT COMMUNITY PLANNED
UNIT DEVELOPMENT (ARCPUD)

Rules & Regulations for the Review and Approval of ARCPUD Plans
and Issuance of ARCPUD Special Permits

Medway Planning and Economic Development Board

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Chapter 300

ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT (ARCPUD)

Rules and Regulations for Review and Approval of ARCPUD Plans and Issuance of ARCPUD Special Permits

ARTICLE I AUTHORITY

s. **301 - 1 ADOPTION** - The Planning and Economic Development Board (the “Board”) hereby adopts these *Rules and Regulations* governing the review and approval of plans and the issuance of Special Permits for Adult Retirement Community Planned Unit Developments (ARCPUD) in Adult Retirement Community Overlay Districts (ARCOD) pursuant to Section 8.5 of the Medway Zoning Bylaw.

s. **301 - 2 PURPOSE** – These regulations provide for the procedural and substantive requirements of the Section 8.5 of the Zoning Bylaw including the process for submission, review and processing of ARCPUD Plans, issuance of ARCPUD Special Permits, applicable site, open space, design and construction standards, and the corresponding fees. The purpose of these regulations is to guide the applicant and their consultants, Town officials and boards, and others involved in the preparation, submittal, processing and review of ARCPUD Plans.

ARTICLE II DEFINITIONS

s. **302 -1 APPLICABILITY** - In these *Rules and Regulations*, the terms used shall have the meaning as specified in the Zoning Bylaw, SECTION 2. DEFINITIONS, and Section 8.5.C. Definitions.

ARTICLE III ARCPUD SPECIAL PERMIT APPLICATION

s. **303 - 1 GENERAL INFORMATION**

A. **General** – An ARCPUD development shall be permitted only upon the granting of an ARCPUD Special Permit by the Board. An applicant shall apply for an ARCPUD Special Permit by submitting an ARCPUD Plan and all other required information in accordance with the requirements set forth in these *Rules and Regulations*. The Board shall review an ARCPUD Special Permit Application pursuant to the submission and procedural requirements set forth in these *Rules and Regulations*, and shall review the ARCPUD Plan for conformance with all standards of Section 8.5 of the Zoning Bylaw. The application, submission, and procedural review process for an ARCPUD Special Permit shall adhere to all minimum requirements specified herein. The exact content of an ARCPUD Special Permit Application beyond the minimum requirements may vary depending on the exact use(s) and structure(s) proposed by an applicant.

B. **Coordination with Subdivision Plan Approval** –An ARCPUD development may involve the subdivision of land and thus be subject to an application to the Board for subdivision plan approval as well as an application for an ARCPUD Special Permit. It is the intent of

the Board to enable simultaneous and coordinated review of both the subdivision plan and ARCPUD Special Permit applications. However, when application for subdivision approval is necessary for a proposed project that also is subject to obtaining an ARCPUD Special Permit, it is mandatory that all application forms, plans, and submission materials for the subdivision plan approval be submitted in full and independent of the application for the ARCPUD Special Permit. It also is mandatory that the Board's review of the application for subdivision plan approval meet all the normal substantive, procedural, and public hearing requirements for a subdivision plan approval in accordance with its *Land Subdivision Rules and Regulations* and in accordance with the Massachusetts Subdivision Control Law (G.L. Chapter 41, Sections 81K-81GG). In turn, the review of the ARCPUD Special Permit Application shall be subject to all substantive, procedural, and public hearing requirements prescribed for a special permit review pursuant to these *Rules and Regulations* and in accordance with G.L. Chapter 40A. Notwithstanding these requirements, the Board believes there is benefit to a coordinated review of the subdivision and special permit aspects of an ARCPUD project.

- C. *Coordination with Site Plan Review and Approval*** – An ARCPUD development is subject to site plan review and approval pursuant to Section 3.5 of the Medway Zoning Bylaw. It is the intent of the Board to enable simultaneous and coordinated review of both the ARCPUD special permit and site plan applications. It is mandatory that the Board's review of the application for site plan approval meet all the normal substantive, procedural, and public hearing requirements specified in the Board's *Rules and Regulations for Submission, Review and Approval of Site Plans*.
- D. *Pre-Application Meeting*** – The applicant shall have a Pre-Application Meeting with the Board, as provided for in Section 8.5.J and Section 8.4.I of the Medway Zoning Bylaw, to provide for a preliminary review of the proposed project. This will provide the applicant with the opportunity to present preliminary concepts for its ARCPUD and gain informal feedback and input from the Board, other Town officials, and interested citizens at an early stage of project planning. This meeting also will allow the Board and other involved Town officials to provide guidance to the applicant on the ARCPUD Special Permit Application, waivers, and review process.
- E. *Application Forms*** – The Board has prepared an application form for “ARCPUD Special Permit Application” which shall be used by all applicants.

s. 303 – 2 TOWN CLERK SUBMITTAL REQUIREMENTS

- A.** The applicant shall file by delivery in hand, or registered or certified mail, the following:

 - (1) A copy of the ARCPUD Special Permit Application filed on forms supplied by the Board.
 - (2) One set of the ARCPUD Plan in conformance with these *Rules and Regulations* and the requirements of the Zoning Bylaw, Section 8.5
 - (3) Project Narrative as described in s. 303-3 A. (7) of these *Rules and Regulations*.
- B.** The applicant shall secure a receipt from the Town Clerk and provide a copy of such to the Board. Said receipt shall include the date and time the application was filed with the Town Clerk.

s. 303 – 3 **BOARD SUBMITTAL REQUIREMENTS**

A. **Standard Information** - Any person or entity that submits an application and plan for an ARCPUD Special Permit shall file with the Board all items required herein for the application to be “duly submitted” in accordance with these *Rules and Regulations*. Such submissions shall be made directly to the Board. The applicant shall file by delivery in hand, or registered or certified mail, the following:

- (1) The original ARCPUD Special Permit Application, properly executed, filed on forms supplied by the Board including the names, addresses, and telephone numbers of the applicant, land owner if other than the applicant, and all agents such as architect, engineer, and attorney;
- (2) Two sets of the ARCPUD Site Plan (24” x 36”) and one set of the ARCPUD Site Plan (11” x 17”) in conformance with these *Rules and Regulations* and the requirements of the Zoning Bylaw, Section 8.5. and Sections 204-4 and 204-5 of the Board’s *Rules and Regulations for Submission, Review and Approval of Site Plans*.
- (3) An ARCPUD Plan Filing Fee and an advance on the Plan Review Fee as established in the Board’s Fee and Bond Schedule
- (4) A list of all abutters and abutters to abutters within three hundred feet of the site’s property lines as appearing on the most recent tax list as certified by the Board of Assessors of all applicable communities and three sets of mailing labels.
- (5) Three copies of stormwater documentation as specified in Section 204-3 G of the Board’s *Rules and Regulations for Submission, Review and Approval of Site Plans*.
- (6) Copies of all relevant approvals received to date by the applicant from other boards or commissions (i.e. Determination of Applicability, Order of Conditions, zoning variance, etc.)
- (7) Project Narrative – A written narrative describing the proposed ARCPUD development including the following:
 - (a) Intended or targeted resident or user population(s) to be served including a description of the protective covenants which shall be executed to accomplish same;
 - (b) Types, number, and mixture of ARCPUD uses proposed;
 - (c) Proposed construction (and/or demolition);
 - (d) Type and number of buildings, dwelling units, home sites, etc. that are proposed, including the size (e.g., number of bedrooms, square footage) of all uses other than detached single family homes;
 - (e) Proposed form(s) of ownership, including the form of ownership for any common property;

- (f) For non-residential uses, nursing homes, medical facilities, assisted care or continuing care facilities, a description of the nature of such use(s), the expected number of employees (as applicable) broken down by each type of use or business within the ARCPUD that will have employees, and the proposed hours of operation;
 - (g) Description of how the project will comply with each ARCPUD standard;
 - (h) Description of proposed means of compliance with the ARCPUD open space standards, including the type of mechanism to be used for permanent protection of open space and indication as to whether any of the required open space will be deeded to the Town, any assign(s) of the Town, or association, or other mechanism for maintenance of the open space.
- (8) A written Development Impact Statement as specified in Section 204-3 F. of the Board's *Rules and Regulations for Submission, Review and Approval of Site Plans*.
 - (9) Items H – M as specified in Section 204-3 of the Board's *Rules and Regulations for Submission, Review and Approval of Site Plans*

s. 303 – 4 SUBMISSION PROCESSING

- A. *Completeness Review*** - The Community and Economic Development Department may, within twenty-one days of receipt of an ARCPUD application, reject the application upon a determination that it does not satisfy the information or submission requirements of these *Rules and Regulations*. The Department shall provide the Applicant with a written explanation as to the specific reasons for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* where the application is lacking and the remedies required to make the application complete. The Department shall provide a notice of its determination to the Town Clerk. When brought into conformity with the requirements of these Rules and Regulations, an ARCPUD application previously deemed incomplete may be resubmitted for consideration by the Board without prejudice. Upon receipt of all required items, the application shall be deemed complete and filed with the Town Clerk.

ARTICLE IV ARCPUD REVIEW AND APPROVAL PROCEDURE

s. 304 – 1 USE OF OUTSIDE CONSULTANTS

- A.** After the applicant has filed an application for an ARCPUD Special Permit with Plan and it has been determined to be complete, the Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town.
- B.** In hiring outside consultants, the Board may engage the services of engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing the application and project to ensure compliance with all relevant laws, Bylaws and regulations.

C. *Appeal of Selection of Outside Consultant* – Any applicant may make an administrative appeal from the Board’s selection of the outside consultant (for plan review or construction administration services) to the Board of Selectmen. Such appeal must be made in writing and may be taken only within twenty days after the Board has notified the applicant in person or by mail, email, or hand delivery of the consultant’s selection. The grounds for such an appeal shall 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 either consist 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 the Board’s action upon an application 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 consultant selection made by the Board shall stand.

D. *Review Fees* - If the Board determines that such outside consultant services are required, the applicant shall pay an ARCPUD Plan Review Fee prior to review by the outside consultants and the opening of the public hearing. If the balance in the outside consultant services account is depleted (or drops below \$X), the applicant shall replenish the account in an amount as determined by the (Planning and Economic Development Board or Department of Community and Economic Development).

s. 304 – 2 *REVIEW BY TOWN OFFICIALS*

A. The Board shall not make a decision on an application for an ARCPUD Special Permit until Town boards, commissions and departments have been notified and have submitted reports or recommendations thereon. If reports are not received within thirty-five days since receipt of the application by such boards or agencies, this shall be deemed lack of opposition thereto.

B. *Circulation of ARCPUD Application* - The Board shall circulate each of the ARCPUD application and plan documents to the following boards, commissions, agencies, and departments for their information and to request their review and comments:

- (1) Board of Selectmen
- (2) Building Commissioner/Zoning Enforcement Officer
- (3) Board of Assessors
- (4) Conservation Commission
- (5) Fire Department
- (6) Police Department
- (7) Department of Public Works
- (8) Town Manager
- (9) Board of Health
- (10) Tree Warden
- (11) Open Space Committee
- (12) Design Review Committee

s. 304 – 3 *PUBLIC HEARING* – The Board shall conduct a public hearing in accordance with G.L. c. 40A.

s. 304 – 4 *ARCPUD AND SCENIC ROADS* - Any proposed ARCPUD which shall border a scenic road so designated by the Town of Medway pursuant to G.L. Chapter 40, Section

15C, the Scenic Roads Act, shall comply with all additional special requirements as may be in effect at the time the application is submitted.

s. 304 – 5 PROCEDURES FOR APPROVAL OR DENIAL

A. General Criteria

- (1) The granting of an ARCPUD Special Permit is discretionary. An applicant is not eligible for an ARCPUD Special Permit unless its ARCPUD Special Permit Application with the ARCPUD Plan is in complete conformance with all provisions pursuant to Section 8.5 of the Zoning Bylaw; is in full compliance with the application information, submission, procedural, and substantive requirements of these *Rules and Regulations*; and unless the Board is able to make positive findings and determinations with respect to the stated provisions.
- (2) The Board, as a condition of granting approval of an ARCPUD Special Permit Application, may impose reasonable requirements to promote the health, convenience, safety and general welfare of the community and to benefit the Town of Medway. In such event, the Board shall endorse such conditions on the ARCPUD Plan to which they relate and/or set forth a separate instrument to be attached thereto, to which reference is made on such Plan and which shall be deemed to be a part of the Plan.

B. Decision of the Board - The Board may grant, grant with conditions, deny, or grant a leave to withdraw an application for an ARCPUD Special Permit.

C. Board Findings – The Board shall make findings on the ARCPUD Special Permit Application with ARCPUD Plan pursuant to the Zoning Bylaw, Section 8.5

D. Conditions for Approval of ARCPUD Special Permit – In addition to the conditions, standards and criteria set forth in the sections of the Zoning Bylaw and these *Rules and Regulations* that authorize the granting of an ARCPUD Special Permit, the Board shall make the required findings under Section 8.5.M and may attach such conditions, safeguards, and limitations as it deems necessary to ensure that the findings and determinations it must make are complied with.

E. Time Limitations

- (1) Except as hereinafter provided, the Board shall take final action on an ARCPUD Special Permit Application with ARCPUD Plan within ninety days following the close of the public hearing.
- (2) Extension of Time for Action, Leave to Withdraw - The period within which final action shall be taken by the Board may be extended for a definite period by written mutual agreement of the Board and the applicant, a copy of which shall be filed with the Town Clerk. In the event the Board determines that the plans and evidence included with the ARCPUD Special Permit Application with ARCPUD Plan or presented to it at the public hearing are inadequate to permit the Board to make a finding and determination, then in its discretion, instead of denying the application, it may:
 - (a) continue the public hearing to a later date to permit the applicant to submit a revised ARCPUD Plan and further evidence, or

- (b) grant a leave to withdraw the application without prejudice so that the applicant may submit a revised application, which shall not be considered as a repetitive petition. Such revised application shall be treated as a new application. In such a case, the applicant will bear the cost of re-advertising the revised application, re-notification of the abutters and all subsequent ARCPUD fees as may be necessary.
- (3) The Board shall file a copy of all written agreements between the Board and the applicant for the extension of time limits for public hearings and final action with the Town Clerk. The Board shall also file written notification of public hearing continuations and application withdrawals with the Town Clerk.

F. *Twenty Day Appeal* - Any person aggrieved by a decision of the Board may file an appeal to an appropriate court of the Commonwealth by bringing an action within twenty days of the date the decision was filed with the Town Clerk, as provided for in G.L. Chapter 40A Section 17.

s. 304 – 6 *PERFORMANCE GUARANTEE* – Before the Board endorses its approval of an ARCPUD Plan, the applicant shall agree to complete the required improvements (construction of ways and installation of municipal services) at no cost to the Town of Medway. Except as provided for in G.L. c. 41 §81U, in connection with the approval of a definitive subdivision plan, a developer shall provide performance security by one or both of the following methods:

A. *Covenant* – A covenant not to sell or build upon any lots until completion of the approved improvements which shall be reviewed and approved by Town Counsel. The covenant must be referred to on the plan and be recorded with it. The covenant shall be executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be completed to serve any lot before such lot maybe built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires 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 the covenant which provides that no lot shall be built until such ways and services have been completed to serve such lot. This section shall not prohibit a conveyance, subject to said covenant, of the entire parcel or all lots not previously released by the Board.

B. *Surety* - The Board may require a developer to post a form of surety that has been reviewed and approved by the Board, and accepted by the Town Treasurer/Collector, for the minimum value determined by the Board to ensure timely performance of the requirements imposed at the time the ARCPUD Special Permit with ARCPUD Plan is approved, particularly where actions authorized by the approval may make the enforcement of some requirements unfeasible in the absence of such security. A deposit of funds shall be made with the Town of Medway in an amount determined by the Board to be sufficient to cover the cost of all or any part of the approved improvements, based on an estimate provided by the Board’s consulting engineer

s. 304 – 7 *PLAN ENDORSEMENT*

A. The applicant will supply the Board with the ARCPUD Plans for endorsement. Final approval, if granted, shall be endorsed on every page of the original drawings of all of the

sheets of the ARCPUD Plans by the signature of a majority of the Board on every page. The originals will be returned to the applicant to supply three copies thereof to the Board.

- B.** Plan endorsement will not be made until the requirements as set forth herein are met and the statutory twenty-day appeal period has elapsed following the filing of the Board's action with the Town Clerk.
- C.** At least twenty days prior to endorsement, all required Covenants shall be provided to the Board along with a Designer's Certification and 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 of all encumbrances or that the encumbrances set forth will not preclude any required improvements.

s. 304 – 8 RECORDING - The applicant shall file a copy of the decision of the Board granting an ARCPUD Special Permit, the Covenant and the originals of all approved and endorsed ARCPUD Plans, at the Registry of Deeds or where applicable, in the Land Court of the Commonwealth, and shall notify the Board in writing, presenting evidence of the recording of the plans and the Covenant within thirty days of such recording.

s. 304 – 9 BUILDING PERMITS

- A.** Building permits shall not be issued until the following have occurred:
 - (1) the Board shall approve, or approve with conditions, the ARCPUD Special Permit and Plan, or shall allow ninety days to elapse from the date of the close of the public hearing Board; and
 - (2) the appropriate site plan has been endorsed by the Board; and
 - (3) the applicant has presented to the Building Commissioner evidence of recording of the ARCPUD Special Permit and Plan.
- B.** In the event that the Board approves an ARCPUD Special Permit, any use or any construction, or any subsequent reconstruction or substantial exterior alteration shall be carried out only in conformity with all conditions and limitations included in the decision of the Board, and only in conformity with the application and the ARCPUD Plan on the basis of which the finding and a determinations were made.

ARTICLE V STANDARDS

- s. 305-1** The applicable ARCPUD Open Space Standards shall be those specified in the Medway Zoning Bylaw, Section 8.5 Adult Retirement Community Overlay Districts.
- s. 305 – 2** The applicable ARCPUD Development Standards shall be those specified in the Board's *Rules and Regulations for the Submission, Review and Approval of Site Plans* in effect at the time the application is submitted.
- s. 305 – 3** The applicable ARCPUD Design Standards shall be those specified in the Board's *Rules and Regulations for Submission, Review and Approval of Site Plans* and the *Medway Design Review Guidelines* in effect at the time the application is submitted.

- s. **305-4** The applicable ARCPUD Construction Standards shall be those specified in the Board's *Land Subdivision Rules and Regulations* in effect at the time the application is submitted.

ARTICLE VI ADMINISTRATION

- s. **306-1** **VARIATION** – Strict compliance with the requirements of these *Rules and Regulations* may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with Section 8.5 of the Zoning Bylaw. Approved waivers shall be specified in the ARCPUD special permit decision and shown on the ARCPUD plan.

s. **306 - 2** **ARCPUD FEES**

- A. **ARCPUD Plan Filing Fee** – Pursuant to G. L. Chapter 40, §22F, as adopted by the Medway Town Meeting on October 16, 2000, a non-refundable ARCPUD Plan Filing Fee shall be remitted to the Board at the time the ARCPUD Special Permit Application with ARCPUD Plans are submitted to the Board in accordance with the Board's Fee and Bond Schedule.

B. **ARCPUD Plan Review Fee**

- (1) Pursuant to G.L. Chapter 44, section 53G, an ARCPUD Plan Review Fee shall be established by the Board for review of the ARCPUD Plan based on an itemized budget estimate prepared by an outside consultant. This fee shall be the reasonable costs to be incurred by the Board to assist in the review of the proposed project. The ARCPUD Plan Review Fee shall not be a fixed amount but will vary with the costs incurred by the Board.
- (2) The applicant shall remit the ARCPUD Plan Review Fee to the Board upon receipt of notice and invoice of the estimated ARCPUD Plan Review Fee and prior to the public hearing. Failure to pay the ARCPUD Plan Review Fee shall constitute grounds for the Board's denial of the ARCPUD Special Permit.
- (3) Should the services of outside consultants be required after the initial ARCPUD Plan Review Fee has been expended, then the applicant shall be required to pay additional fees for the subsequent review of resubmitted and/or revised documents. A new estimate for additional review services shall be remitted to the applicant. Failure of the applicant to pay the necessary additional ARCPUD Plan Review Fees shall be grounds for the Board to withhold plan approval and endorsement, and deny the ARCPUD Special Permit.

C. **ARCPUD Construction Administration Fee**

- (1) When an ARCPUD Special Permit with ARCPUD Plan are approved by the Board, the Board may determine that the assistance of outside consultants is warranted to observe and inspect the construction due to the size, scale or complexity of the approved plan with any terms or conditions or because of its impact on the town. In hiring outside consultants, the Board may engage the services of engineers, planners, or other appropriate professionals who can assist the Board in the inspection of the approved plan. The assistance of these consultants shall include but not be limited to pre-construction meetings, monitoring or inspecting a project during construction or implementation,

preparation of surety estimates and reductions, review of as-built plans and other related professional services.

- (2) If the Board determines that such construction administration services are required, the applicant shall pay an ARCPUD Construction Administration Fee before the Board endorses the plan.
- (3) This fee shall be the reasonable costs to be incurred by the Board to observe and inspect the construction of the proposed project and shall be based on an estimate provided by the consultant. The ARCPUD Construction Administration Fee shall not be a fixed amount but will vary with the costs incurred by the Board.
- (4) Should the services of outside consultants be required after the initial ARCPUD Construction Administration Fee has been expended, then the applicant shall be required to pay an additional fee for the subsequent administration of construction. The Board will keep the developer apprised of the status of the account and invoice as needed. Failure of the applicant to pay necessary additional ARCPUD Construction Administration Fees shall be grounds for the Board to direct its outside consultant to halt all construction administration services.

D. *Other Costs and Expenses* – All expenses for advertising, publication of notices, recording and filing of documents and all other expenses in connection with an ARCPUD including without limitation sampling and/or testing required by the Board or its agents shall be borne solely by the applicant.

E. *Payment of Fees*

- (1) Fees paid by the applicant shall be by check made payable to the Town of Medway and submitted to the Board. When the ARCPUD Plan Review Fee and the Construction Administration Fee are received by the Board pursuant to this section, they shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from the special account shall be made only for services rendered in connection with a specific ARCPUD project or projects for which a fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose.
- (2) At the completion of the project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available 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.

s. 306 – 3 CONSTRUCTION ADMINISTRATION

A. *Developer Responsibilities*

- (1) The developer shall notify the Board's Engineer, and the Department of Public Works at least forty-eight hours prior to the time at which each one of the required construction observations should take place.

(2) The developer shall provide safe and convenient access to all parts of work for observation by the Department of Public Works, the Board's Engineer, and the Board or its agents.

- B. *Pre-Construction Meeting*** – The developer must notify the Community and Economic Development office no later than seven days prior to the start of construction in order to hold a pre-construction meeting, with the developer and contractor. The pre-construction meeting shall not be held unless the developer has paid the ARCPUD Construction Administration Fee as established by the Board.
- C.** No work shall be approved that has been constructed before the required inspections/ observations occur.
- D.** The developer must notify the Department of Public Works, and the Engineer designated by the Board when underground infrastructure, such as but not limited to sewer, fire alarm and drainage, are installed in order for inspection of the installation by the respective department before the excavation is backfilled.
- E.** The subgrade must be approved by the Department of Public Works and the Engineer designated by the Board before the application of the gravel base course.
- F.** The gravel base course must be approved by the Department of Public Works and the Engineer designated by the Board before the application of bituminous concrete (street or sidewalk) pavement.
- G.** The developer must notify the Department of Public Works and the Engineer designated by the Board with at least forty-eight hours written notice prior to the start of each application of bituminous concrete on the street and sidewalk and of placement of curbing for approval.
- H.** The developer must keep the Department of Public Works and the Engineer designated by the Board informed when materials and other items of work are ready for inspection and approval such as the installation of bounds, loam, and seeding, and general cleanup.

s. 306 – 4 SURETY REDUCTION

- A.** The penal sum of any surety held for the completion of the improvements required by the ARCPUD Special Permit as security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, may from time to time, be reduced by the Board and the obligations of the parties thereto released by the Board in whole or in part, except that a minimum of forty thousand dollars or ten percent of the original surety amount, whichever is more, shall be retained until all work is completed to the satisfaction of the Board, the Building Commissioner/Zoning Enforcement Officer and the Department of Public Works.
- B. *Partial Release of Performance Guarantee*** – The Board shall not grant a partial release of Covenant and Conditions until the following items have been installed, inspected and approved by the Board or its agent:
 - (1) Subgrade gravel base;
 - (2) Binder course;
 - (3) Berm along the roadway edges as proposed;

- (4) Drainage system completed to the proposed outfall with frame and grates set to binder grade;
- (5) Street name signs, stop signs, and “Street Not Accepted by the Town” signs are installed;
- (6) Stop line/proposed pavement markings;

s. 306 –5 PROJECT COMPLETION

A. As-Built Plan and Certificate of Project Completion - See Section 208-6 B and C of the Board’s *Rules and Regulations for the Submission, Review and Approval of Site Plans*.

B. Release of Surety – The Board shall release the surety upon written verification from its agent that the required conditions have been satisfactorily met. In the event of failure to comply with the requirements within the time period agreed upon in the ARCPUD Special Permit, the surety may be used by the Town to correct the unsatisfactory conditions. Improvements not completed within the time required shall thereafter be completed in accordance with the current standards of the Board.

s. 306 – 6 MODIFICATION OF APPROVED ARCPUD PLANS AND DECISIONS - See Section 208-4 of the Board’s *Rules and Regulations for the Submission, Review and Approval of Site Plans*, Paragraphs A., B., and E.

s. 306-7 PENALTIES – Any applicant, individual, property owner or business entity that violates or permits a violation of these *Rules and Regulations* shall be subject to enforcement pursuant to SECTION 3 of the Zoning Bylaw.

s. 306 – 8 AMENDMENTS TO RULES AND REGULATIONS –These *Rules and Regulations* may be amended from time to time by the Board following a public hearing.

s. 306 – 9 VALIDITY OF RULES AND REGULATIONS – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects these *Rules and Regulations* shall stand.



Initially Approved: February 27, 2001 by the Medway Planning Board

Revisions Approved: July 17, 2001 by the Medway Planning Board

Revisions Approved: September 22, 2020 by the Medway Planning and Economic Development Board

Attest:

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Date