

**January 11, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Chan Rogers, Bob Tucker, and Karyl Spiller-Walsh.

ABSENT WITH NOTICE: Tom Gay, Member
Susan Affleck-Childs, Planning and Economic Development
Coordinator

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Planning Consultant

The Chairman opened the meeting at 7:05 pm.

The Chairman asked for comments from the public.

Minutes November 16, 2010:

On a motion made by Bob Tucker and seconded by Chan Rogers, the minutes of the November 16, 2010 meeting were accepted unanimously as written.

Minutes December 14, 2010:

On a motion made by Bob Tucker and seconded by Chan Rogers, the minutes of the December 14, 2010 meeting were accepted unanimously as written.

Village Estates Preliminary Subdivision Plan Estimate:

The Board is in receipt of an estimated budget submittal dated January 7, 2011 from PGC Associates for review of the Village Estates preliminary subdivision plan as submitted by owners Russell and Dorothy Santoro. The cost estimate is \$340.00. (See Attached) The location is 272 Village Street across from Shaw Street.

2012 Budget:

The Board is in receipt of the FY 2012 Planning and Economic Development Budget Proposal. The total budget is level funded from the previous year. The total budget amount is \$101,418. The Board is comfortable with this proposal. (See Attached).

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the estimate for Village Estates by PGC to review and comment on the preliminary subdivision.

There will be a special meeting on February 1, 2011.

Charles River Village Open Space Residential Development

The Chairman opened the continued public hearing.

The Chairman began the meeting by indicating that for the purpose of disclosure, he wanted to inform the board of a letter he had received from Mr. Leonard Mitchell who resides at 2 Massapoag ST (which abuts the Charles River Village property). Mr. Mitchell had previously been a customer of Rodenhiser Plumbing, Heating and Air Conditioning and had filed a complaint against the company. The letter references that Mr. Mitchell fears retribution from the Chairman through the Chairman's actions on this proposed development project because he is a former client. Chairman Rodenhiser wanted to disclose this information for the record.

Chairman Rodenhiser indicated that he did work at the home in the past perhaps he feels aggrieved because of the proceedings but that has no bearing on his ability to make a decision about this application. The Chairman currently has no business with him.

Mr. Yorkis asked about the absence of Member Gay.

Chairman Rodenhiser noted that Mr. Gay was not able to attend due to a very last minute personal circumstance. He will be able to participate in the discussion and vote on this project as he will view the videotape and meeting notes and provide a Mullins Rule certification.

Mr. Rodenhiser checked to determine that the videotape equipment was working properly.

Mr. Yorkis, as official representative of the applicant John Claffey, introduced the development team – David Faist/Faist Engineering, Dan O'Driscoll/O'Driscoll Land Surveying, W. Phillip Barlow from TO Design is the new landscape architect. John Claffey was also present. The former landscape architect is no longer involved. The two landscape architects have communicated and met on site. The new plans are stamped by Mr. Barlow. Both landscape architects stamps are on the plan.

Engineer David Faist will review the revised plans. These incorporate all of our past discussions.

Faist Engineering:

Engineer David Faist began the presentation by distributing the revised plans showing the members the latest revisions to the Charles River Concept Plan dated December 30, 2010. **(See attached).**

Copies of the plan were provided to the Board members and further copies were placed on the table for the audience to view.

Chairman Rodenhiser asked if the plans reflect everything that has been discussed. David Faist responds that it is inclusive of all the changes.

The plan showed the reduced width of the road to 18 feet. There is also a 15 ft radius coming in (off of Village Street) which gives enough room for two passenger cars per AASHTO standards. This is the best we can do.

The Chairman asks if this complies with the standards.

Faist engineer indicated that in an ideal world this would be wider. This does meet the AASHTO standard for passenger cars. The larger vehicles such as dump trucks are not reflected in this diagram. This change would be an improvement to the existing conditions based on the limitations we have been given.

These were the other things added based on the input from the police department - the proposed stop signs, painted lines, and two no parking signs on either side of Neelon Lane near the intersection with Village Street.

It was indicated that some of the telephone poles within the 25 foot right of way will need to be relocated. Mr. Faist also distributed a revised (12/29/2010) Village Street/Neelon Lane Proposed Conditions Sketch.
(See attached).

Member Spiller-Walsh asked for clarification related to where the property line is and where the proposed edge of pavement is.

Faist Engineer indicated that the dotted line is the edge of pavement. The dark solid line was the property line/right of way based on the O'Driscoll Survey.

Mr. Yorkis informs the Board that a letter (dated January 7, 2011) from attorney Don Quinn had been provided to the Board with additional information about the Neelon Lane location issues. The letter provided the history of the site prior to 1863 regarding width, layout and reasons for the layout.
(See Attached)

Faist Engineer next discussed the revised Concept Plan (12-30-2010). The only change is the 18 foot width pavement which is consistent with the Neelon Lane/Village Street intersection plan. The new plan references a 3 foot sidewalk from the end of the development to Cherokee Lane. It also shows the statutory private way limits as indicated by the O'Driscoll survey and Tetra Tech Rizzo review.

The pathway within Cherokee Lane will be similar to what was constructed at the Pine Ridge Development off of Candlewood with gravel and loam.

Abutter Diulio asked if the proposed sidewalk will result in Cherokee Lane being narrowed in width.

Chairman Rodenhiser responds that the sidewalk will not impact the width of Cherokee Lane. This is just a sidewalk to connect the development to the end of the existing paved Cherokee Lane. The gravel access will have a sidewalk in its center.

Attorney Thomas Valkevich (representing abutter Beth McDonald) wanted to know if the Board has made a determination about the location of the roadway (Neelon Lane) and is there going to be Land Court action.

Chairman Rodenhiser stated that the Board is not making any determination at this point. We are only collecting testimony.

Attorney Valkevich also wanted to know if the letter from Mr. Quinn can be made available so they may have an opportunity to comment on it.

The Chairman indicated that he has just received the letter and has not yet reviewed it.

Member Tucker indicated that the Board had just received the Quinn letter electronically. It is too late to talk about this letter at tonight's meeting.

Mr. Yorkis wanted it noted that he is concerned about any new information being submitted to the Board so late. This hinders the Board from considering the new information since it was not presented in a timely manner and thus the process gets delayed. At some point, when does the information presentation end?

The Chairman indicated that the information seeking ends when the public hearing closes.

Mr. Yorkis asks when the Board will close the public hearing.

Chairman Rodenhiser notes that the Board is not ready this evening to close the hearing. We are not at the point tonight to do that. Mr. Rodenhiser notes that he understands the applicant's frustration.

Mr. Yorkis indicated that the information was provided to the Board last week.

NOTE – The letter from Attorney Quinn was received on January 10, 2011 and was forwarded to Board members via email on January 11, 2011.

Member Spiller Walsh indicated that with anything that comes in tonight it is unfortunate that the information was not presented earlier. She notes that not having the information sooner holds up the board.

Chairman Rodenhiser indicates that the Board has a responsibility to review all materials that are submitted, otherwise, it opens the Board up for an appeal. They have an obligation to review all of the information and take it into consideration when the Board makes its decision.

Abutter McDonald communicates that the Neighborhood Alliance had submitted 14 questions two meetings ago and to date those have not been addressed or answered by the Board. These were not just submitted but resubmitted because they were never addressed and she would like some answers.

Member Spiller-Walsh states there have been fragments of things that have been started to be addressed.

The Chairman reiterated that the process is continuous. The Board is looking for evidence to make a determination not necessarily to answer questions. A question is not evidence. We have gone through an ample amount of information as part of the presentation as an effort to be fair to all sides. When things keep getting resubmitted, it gets confusing. I have given you plenty of time to ask questions.

Abutter McDonald states again that a lot of the questions have not been answered. We feel these are important questions.

Chairman Rodenhiser promises that this will be a fair process.

Member Rogers indicated that some of the questions will be included within the details of the decision whatever way the Board may decide to vote on this. All of the questions may not be answered until the decision phase is underway. A decision will not be made until all the evidence is before us.

The Chairman asked if the Board members have any questions.

Member Spiller-Walsh moved the discussion to the roadway. It is her opinion that the 18 foot roadway on Neelon Lane as noted on the plan is difficult for pedestrian safety (because there is no sidewalk). This will cause a problem for buses at one end and possibly the other. Member Walsh wants to know if the latest plan submittal is the applicant's final answer to the sidewalk issue within the development.

Mr. Yorkis responded that the new Concept Plan does not have sidewalks on Neelon Lane or on the interior of the development. It was never their intention to have sidewalks within the development. Mr. Yorkis states that they find there is no need for internal sidewalks in this development. The sidewalk connection (thru to Cherokee Lane) was added but there is no need for sidewalks internally.

Member Spiller-Walsh responded that the 18 ft paved road way is a deviation from the Board's standards/rules and regs but she feels it can work because of her experience with her subdivision (Wingate Farm) where, however, there is room to walk next to the roadway. Spiller Walsh notes prior references to Fisher St. and Maple Streets being narrow. We need to learn from those and do better. We don't need to go backwards.

She feels that a meandering pathway would work better. This road gets very narrow and dangerous. There is not enough space to walk within the right of way.

Mr. Yorkis responds that the Town of Medway Police and Fire Departments have reviewed the plans and provided a written communication about their approval of the plan in terms of safety.

Member Spiller-Walsh responds that the letters from the Town of Medway Police and Fire Departments did not reference the safety of children, or walkers. The letters simply indicate that the road was safe for emergency vehicles to get around.

Mr. Yorkis disagrees with the Ms. Spiller-Walsh's statement, interpretation and characterization of the letters (from the Police and Fire departments). He indicated that the Police and Fire Department Chiefs met at the site, reviewed the plans and clearly understand that both vehicles and pedestrians would be using the roadway.

Member Spiller-Walsh asks could you explain how the Fire and Police department felt about two vehicles passing each other on Neelon Lane with walkers as well.

Mr. Yorkis responded that in regards to the pedestrians, the Police and Fire Departments have indicated that the pedestrians have the right of way when in the public way. People will have to just slow down or stop to pass a pedestrian safely, that is what the statute is in Massachusetts.

Member Spiller-Walsh says that the Departments may be OK with jockeying for position, but she does not know if she is comfortable with this.

She further communicated concerns about corner roundings (Village St. and Neelon Lane) being so tight. There is difficulty getting in and out of this area. Spiller-Walsh indicates that exploring easements with the abutters could make this plan more viable.

Chairman Rodenhiser noted that the abutters have been asked previously and were not interested.

Member Spiller-Walsh asked did I hear exactly no.

Member Tucker responded that the Board heard no from both abutters (Kaplan and Bancewicz) at the last meeting.

Member Spiller-Walsh wanted to ask abutter Mrs. Elena Kaplan if she is interested in granting an easement on her property (at the east corner of Village and Neelon Lane).

Abutter Kaplan states that her answer depends on a lot of things. She cannot answer the question this evening. She needs to know a lot more. She communicates the Board that she has three children and hopes that none of them get hit by a car. She communicates to the Board that the traffic coming off of Village St. is extremely dangerous because it is so busy. It is a major travelled road in Medway. She is concerned that the Police and Fire Departments feel that a 15 ft radius is safe. Mrs. Kaplan notes that she is not comfortable with a 15 ft. radius. She states they had an expert come to one of the meeting and he indicated that it was not safe. She further

indicates that this process is very confusing when you have experts whose opinions are being ignored.

Chairman Rodenhiser asks member Spiller-Walsh did you get an answer to your question.

Member Spiller-Walsh responded, I got a maybe. There is a possibility.

Member Spiller-Walsh next wants to ask the other abutter Mr. Bancewicz about how he feels.

Abutter Mr. Ken Bancewicz (owner of the property at the southwest corner of Neelon and Village Streets) communicates that he is willing to work with the Board and applicant to create a safe intersection. He wants it the same on both sides. He does not want to be the one to give it all up. He also wants the same amount of land taken on both sides of the street (Neelon Lane).

Member Spiller-Walsh asks Mr. Yorkis if there was a compromise worked out with the abutters to grant footage on both sides, would you be interested in acquiring an easement to enlarge the roadway width and for landscaping?

Mr. Yorkis responds by asking how many years is this discussion going to go on? He states that over a year ago, the abutters were asked if they would grant easements. Mr. Yorkis indicated that at that time, Ms. Kaplan refused. The applicant cannot make this project complete based on abutters "maybe" granting easements. And now the Board is asking us again. The applicant must have certainties to present to this Board. This process takes time and money. A new series of plans were provided every single time we met with the Board. The applicant has not denied the Board a plan revision to date. We cannot deal with maybes. The team met with Mr. Bancewicz at the Board's request to look at options for an 18 foot (paved) road width and a 19 foot (paved) width. Mr. Bancewicz indicated that he preferred the 18 width foot and that whatever is done on his side, the exact same thing is done on the opposite side (Kaplan property). The paved road is centered as much as is humanly possible. It shifts easterly to impact the abutters as little as possible. The team has tried to cooperate with the Board, and the abutters, but a "maybe" is not a plan. He respects the questions and the idea about a wider intersection being safer and he stated that he agrees with that. It comes down to a question of fairness between the two abutters. Mr. Yorkis notes that common sense indicates that a wider intersection is a better intersection.

Chairman Rodenhiser asks abutter Kaplan if she is willing to do the same thing on the other side.

Abutter Kaplan states it would depend on a lot of things. She states that she resents Mr. Yorkis' description of what happened a year ago. She expresses that she was never brought into the process. The granting of an easement would depend on many things. The intersection would need to be safer for her own family and herself. Ms. Kaplan also would want to know what she would be given for compensation for granting an easement.

Member Spiller-Walsh agrees with Mr. Yorkis that you cannot do a project on a "maybe". She indicates that this discussion needs to explore more options such as a pull over spot (for traffic).

Mr. Yorkis responds that the applicant will not be held up by an abutter. This is not going to happen.

Member Spiller-Walsh responds that now Mr. Yorkis sounds like he is unparticipatory.

Chairman Rodenhiser responds that there is an application in front the Board.

Member Spiller-Walsh responds that she sees it!

Chairman Rodenhiser indicates the Board needs to make a determination one way or another what it is going to do. The Chairman further explains that he understands that this is a controversial project before us and the facts which are in front of the Board must be discussed. Any discussion about easements from the abutters is not before the Board right now but that something might change between now and the next meeting.

Mr. Yorkis again states that the Fire and Police Department have approved this plan.

Member Spiller-Walsh indicates that the Fire and Police Department have not given an approval. What they have given is their recommendations and it is up to the Board to approve this plan.

Chairman Rodenhiser asks if there are any other issues to discuss.

Member Spiller-Walsh states she wants to speak about the mitigating problems with the third house (Newell). Spiller-Walsh wants clarity about if and when there will be a Land Court decision on where the property line falls. She inquires if there was going to be a Land Court decision to determine the roadway layout?

Member Rogers indicates that the Board has nothing to do with a Land Court decision.

The Chairman responded that Town Counsel has advised that the Board has to determine if there is legitimate prima-fascia evidence regarding the roadway layout and access to do what the applicants wants to do. He states that the Board has heard that the property lines are in question. Once the public hearing is closed, the Board needs to decide if there is bona-fide access to the site. The decision which is rendered can be appealed by whatever side (abutters or applicant).

Member Spiller-Walsh notes that the Board has to do this without really knowing where within 2-3 feet the roadway layout will be. She communicates that it is the Board's responsibility to facilitate both the applicant and the abutters.

The Chairman responds that the applicant has an application before us and it is the Board's job to approve or deny it. The abutters are not part of the process except that they attend and can give comments.

Member Spiller-Walsh responds that this could be a viable project, if the property lines were more distinct and involved the abutters, With a clear property line there may be space for a sidewalk.

Mr. Yorkis responds that the applicant has retained two different attorneys. The first attorney (Smythers) addressed the issue of the statutory private way. He provided the Board with an extensive letter that there is no issue. If you read the letter carefully, it indicates that the property line on the east side of Neelon Lane and edge of Neelon Lane are one and the same going up to the 131 foot mark.

Member Spiller-Walsh states that she had read the letter (from Attorney Smythers).

Mr. Yorkis states that the width of Neelon Lane is 25 ft. If you use the east line and go 25' to the west, the layout of the road is correct. If you use the east side and west side of Neelon Lane there is no deviation in that respect.

Member Spiller-Walsh indicates that she knows that.

The Chairman responds that Mr. Yorkis is establishing his prima-fascia case.

Mr. Yorkis responds those who represent the applicant - the attorneys and surveyors and the engineers - are absolutely certain as to the location of Neelon Lane. Where there was uncertainty was the observation made by Bob Daylor from Tetra Tech Rizzo about the extra length of the roadway layout (further south into the parcel). After further discussion about this, it was determined that it made no difference whether the roadway length was extended or shown on the plan. The applicant is very comfortable with the plan presented to the Board with accuracy and correctness of property lines and layout lines for a statutory private way which is an easement that is 25 feet wide.

The Chairman notes that at the end of the last public hearing, the Board was comfortable with an 18 foot wide paved road.

Member Spiller-Walsh would like the applicant to be a little more creative and continue thinking about the dire need for a sidewalk for safety. She believes that (not having a sidewalk) will be a huge issue. This could be a mutual endeavor among the applicant, abutter, and the town and would improve the situation all around. Why not? Further, if we had a possibility of an easement at the corner roundings, which are badly needed, continuing into the project, sidewalks might then be possible. It (sidewalks) might be possible in the land between the roadway and the layout and even onto the abutters' property (an easement).

Mr. Yorkis responds that there is no land between the property line and the roadway layout. The road layout and the property line are one and the same on the east side.

Member Spiller Walsh asks Faist Engineering what is gray area indicated on the plan on the west side.

Faist Engineering replies that the gray area is the actual pavement. The property line is the dark solid line.

Member Spiller-Walsh communicates that with a little easement on both abutters land, there could be enough room for a sidewalk.

It was communicated by an (unidentified) abutter that the trees (on the north side of Neelon Lane near Kaplan's) would need to be removed.

Member Spiller-Walsh responded that they could be replaced handsomely.

The Chairman wanted to know what Spiller-Walsh is proposing.

Member Spiller-Walsh responds that if this were a receptive team of abutters on the east and west sides, that the abutters would grant easements over their property to create a sidewalk down to the end and think about possible landscape replacements (for the trees that would have to be removed).

The Chairman responds that one of the abutters (Beth McDonald) is spending a ton of money on legal and other professional services. He doubts that she will be willing to give up a portion of the land.

Member Spiller-Walsh states that she is not sure if this would really involve Ms. McDonald's property at all.

Abutter Beth McDonald responds that if this went through, she would consider it. It depends since they do not know where the line actually is and it has to go to Land Court.

Member Spiller-Walsh asks what do you think about the concept.

Mr. Yorkis explains that the property line at Ms. McDonald's is very clear. If her property line and Neelon Lane are two different lines then she has no frontage for her lot based on the 1959 plan. Statutorily they have to be the same. The predecessors to the Planning Board in 1959 endorsed that plan (ANR Plan) with 131 feet of frontage on Neelon Land which created the lot where Ms. McDonald resides. If that plan is wrong, then Ms. McDonald has no frontage. It is that simple.

The Chairman communicates that he respects what member Spiller-Walsh is trying to do. What you are asking for is outside what is being applied for. It is not what is shown on the plan. They need to work on this outside of the meeting. It is not for the Board to adjudicate at this point. He applauds what Spiller-Walsh is trying to do.

Member Spiller-Walsh responds that this is a difficult situation for the applicant. There are some big problems but she believes they are solvable. This current plan is filled with difficulties. This could be a good plan at this end of the project with some minor morphing and compromising.

The Chairman asks the audience if they have any questions.

Attorney Valkevich asks if the latest revision to the plan shows a 25 ft wide roadway all the way to the end to where Tetra Tech envisions it ending.

Chairman Rodenhiser responds that it is an 18 foot paved road.

Mr. Valkevich asks if the revised concept plan represent the findings from Attorney Quinn. Tetra Tech Rizzo and Guerrierre and Halnon have both indicated that they cannot determine it engineering wise.

Chairman Rodenhiser asks if the revised plan reflects the 25' width (right of way).

Mr. Yorkis responds that the letter (from Attorney Quinn) presented to the Board was very precise. There are two ways to establish roadway locations - through plans and deeds. The Board has all of the information and history going back prior to 1863 and explaining everything. It is 25 feet wide and is as long as it needs to be. He suggests that Attorney Valkevich go back and look at all the information presented.

Attorney Valkevich communicates that he needs a copy of the letter from Mr. Quinn.

The Chairman responds that the Board has also not yet reviewed the letter from Attorney Quinn. The review of the letter will not happen until next week. The Chairman has not read it yet.

Attorney Valkevich also wants to know how the Board is going to address where the 25 ft. width as accepted by the Town is located on the ground.

The Chairman communicates that the Board will address that when the Board works on the decision. He notes that all information for the Board to review must be in by the Friday before the meeting.

Attorney Valkevich indicates he wants a chance to respond to the Quinn letter. He also wanted to know when the Board will address the neighbors' questions in the email which were submitted to the Board on November 10, 2010. He had provided a reminder email about the neighbors' questions to the Board on January 10, 2011. Mr. Valkevich states it wasn't anything new.

Member Rogers communicates that he has read the questions from Attorney Valkevich and the answers may lie within the Board's (future) decision and will depend on the Board members' reaching an agreement and justification for the position. There are many improbable in this.

Attorney Valkevich wanted to know how the 25 foot will affect the applicant's plan for his road and access. Doesn't that need to be shown and accounted for somewhere?

The Chairman responds that the applicant feels he has shown through plan and deeds.

Attorney Valkevich wants to know if Attorneys Quinn's findings are shown on the current concept plan.

The applicant's surveyor, Dan O'Driscoll, indicates that based on deeds and plans the easterly side of Neelon Lane as shown on the plan from 1959 coincides with the property line of the Kaplan/McDonald property. The right of way on the McDonald property goes straight and then bends to the southeast. It reaches an old fence and goes to the tree line per the Bob Daylor/Tetra Tech Rizzo letter/opinion.

The Chairman indicates that the fact that the road extends beyond, is irrelevant. The applicant is not proposing to block or obstruct this area. There is nothing to be constructed within it.

Attorney Valkevich wanted to know if it is fair to say that it (the Quinn letter) does not reach the same conclusion that had been reached (previously) by Tetra Tech Rizzo and Guerriere & Halnon.

Member Spiller-Walsh says it could be. She recollects that Mr. Daylor, from Tetra Tech Rizzo, indicated that there needs to be a Land Court decision to determine where exactly the road layout would fall.

Chairman Rodenhiser states that the Board will make its decision based on the opinions it is given. He indicates he might not agree with opinions provided and that Board members may have their own ideas.

Member Spiller-Walsh states that Mr. Daylor represents the Board. The Board goes by what our the Board's consultants say. She goes to the white board to explain her understanding her interpretation of Mr. Daylor's opinion. She states that Mr. Daylor said the road layout was within 2-3 feet like a curtain moving.

Mr. Yorkis responded that member Spiller-Walsh's recollection is absolutely correct, but what the applicant did as a result of Mr. Daylor's letter was to consult with Attorney Donald Quinn to research this further. Attorney Quinn researched deeds further back from 1863 to get a better understanding of whether Mr. Daylor's "curtain" example was correct. Mr. Daylor had suggested to me prior to the last public hearing that this may take more research so that is what we did and Attorney Quinn prepared the letter.

Attorney Valkevich comments that the 1863 plan or layout references monumentation that does not exist (on the ground today). He states that the 1863 documentation would supersede prior deeds. The determination needs to be made based on the 1863 taking. This needs to go to Land Court.

The Chairman states that the Board will make its decision based on the available information. There are lots of opinions out there.

Abutter Bancewicz indicates that his previous letter had called into question his property line. He wants to inform the Board that he no longer questions where his property lines are as such relates to the provided information. He states that he accepts the revised plan as it relates to his property line.

Mr. Yorkis states he has sent a copy of Mr. Quinn's letter to Mr. Daylor from Tetra Tech and asked Mr. Daylor to review the Quinn letter and provide his opinion to the Board.

Member Spiller-Walsh states that assuming we come to a finding about where the 25 foot roadway layout is, then at that point, she would hope that there would be some kind of better communication from this team about being on board with what is going to happen and that they would look to create those sidewalks and easements.

Mr. Yorkis states that prior to this meeting they had specifically asked the Board for their opinion whether there was a need for or lack of the need for sidewalk on Neelon Lane. Based on those discussions, we would revise the plans and get those to the Board prior to the next meeting. Mr. Yorkis states that that is exactly what they did.

Member Rogers communicates that is it the intent that the pedestrian traffic would exit the development through Cherokee Lane right of way and the paved path which is going to be provided for pedestrian use.

Mr. Yorkis indicates that the goal is to provide additional and more convenient means of pedestrian access. He states pedestrians and large trucks may use Neelon Lane. He is not going to represent where pedestrians WILL travel; they could use Neelon Lane or the sidewalk to Cherokee Lane.

The Chairman notes that the sidewalk (within Cherokee Lane) provides a connection between the neighborhoods so that pedestrians can get in and out of there and emergency vehicles can get in and out. It also provides the water connection. My belief is that people walk every day on my own street (Fisher St.) and the volume of traffic is considerable. Pedestrians do have the right of way. In this instance, there is only a 25 foot right of way and we all agreed that an 18 ft (paved) width would be a better width and we sent them back to redo the plan without a sidewalk but with 18 feet, at our request.

Member Spiller-Walsh communicates that 18 feet means that passenger cars can pass. But it doesn't resolve the fact that people need to walk someplace and if there was a meandering path on private property with an easement

Rodenhiser notes that the Board should have stated that at the last meeting.

Spiller-Walsh indicates that she believes that the Board did say that and the applicant did not want to hear what the Board was saying.

Member Tucker indicates that maybe Spiller-Walsh said that but the entire Board did not.

Member Rogers notes that he had specifically mentioned Fisher Street as an example with over 100 homes that feed onto Fisher Street and 80 homes on Fisher Street itself and there is no sidewalk and the roadway is no wider than 18 foot paved.

Member Spiller-Walsh states the Planning Board should not refer back to streets that were created in the 1600's and that are archaic, pre-existing and dangerous. She asks why are we referring to Fisher and Maple Streets.

Chairman Rodenhiser communicates that in this case there is only 25 foot right of way to work with and there is not a 50 foot right of way as would be with the normal subdivision.

Member Spiller-Walsh notes that this is why the Subdivision Control Law exists. We need to make improvements with a place to walk where you won't get squished.

Chairman Rodenhiser notes that what is being proposed will be an improvement from what is currently there. There will also be a new water line.

Member Spiller-Walsh notes that this is not an improvement if you are adding 13 houses on top of everything else. It is NOT an improvement!

Chairman Rodenhiser asks if there is anything else that member Spiller-Walsh wants to ask. He states he wants to move the dialogue along.

Member Spiller-Walsh stated that she has difficulty with the density and would like to see better use of the vistas and the open space. She would like to see the four step design process (specified in the bylaw) followed and does not feel this was considered enough.

Chairman Rodenhiser asked if there is information that Spiller-Walsh wants from the applicant.

Member Spiller-Walsh asks the applicant if they will do that.

Mr. Yorkis stated that the Board has approved two OSRD developments in the past – Pine Ridge which is near completion and Williamsburg which is under construction. In both cases the formula in the bylaw was followed. The applicant in this case has calculated the number of units which has been reviewed by the Board's planning consultant and is based on the OSRD Bylaw. Based on the affordable housing portion of the bylaw, the number of units increases from 11 to 13. The applicant is required to provide two affordable units based on the formula. He encourages the Board to be consistent with its following of the bylaw. He states they are aware there is a Catch 22 phrase in the bylaw. He states that if the Board is unhappy with its formula then it should revise it for future applications, but not in the middle of an application process. Applicants need to have a clear understanding of what is permitted. With respect to the vista, great consideration was given to the previous suggestions and comments and we made every honest attempt to incorporate the concerns that were expressed. Can we meet all that concerns that have been expresses, probably not. But we have made a good faith effort.

Chairman Rodenhiser asked Consultant Carlucci if the applicant had followed the 4 step design process.

Consultant Carlucci responds that in general yes.

Chairman Rodenhiser asks if anything else needs attention.

Consultant Carlucci responds that it would be only a matter of interpretation. The process was followed.

Chairman Rodenhiser asks member Spiller-Walsh if she has a problem with the four step design process.

Member Spiller-Walsh communicates that she has a huge problem with it and that we are working on it and plan to have it further tweaked for the future to be much better.

Chairman Rodenhiser states that any future changes to the Bylaw have no bearing on this application.

Member Spiller-Walsh indicates that the OSRD Bylaw references the Medway Master Plan when we created it probably at least 8 years ago. The Master Plan is the leader and producer of the ethics and intent under the land use section. The guidelines and the intent and purpose of the language is to NOT increase overall net density. She notes that the applicant has not been able to prove that they could create a 13 unit subdivision on this land by conventional means.

Chairman Rodenhiser notes that the application before the Board follows the formula we allow. It may be that the formula is flawed. If the Board does not like the formula then they should change it.

Member Spiller-Walsh notes that the OSRD bylaw refers back to the Master Plan which indicates there should be varying housing types and densities.

Chairman Rodenhiser states that the Master Plan is a guideline for the Board to follow.

Member Spiller-Walsh argues that the Master Plan comes first - it is the guideline that the open space bylaw follows. The purpose is to not create neighborhoods that increase density. They (the applicant) could not get that many units in a conventional subdivision.

Consultant Carlucci communicates that the OSRD formula provides for 11 units and not 13. (NOTE – The additional 2 units are a density bonus due to the Town's supplemental affordable housing requirements applicable to all developments.)

Chairman Rodenhiser responds that we would not look to the Master Plan as evidence for what we should do here.

Member Spiller-Walsh communicates that yes we should. She recollects that when the Board dealt with a prospective development at 50 Winthrop Street in the past, we had encouraged them to look at the OSRD option and had them prepare a proposed conventional Subdivision Plan to prove the number of units they could get. Then that would be the number of units they could do with an OSRD.

Chairman Rodenhiser notes that this (approach) was before we had the (current) OSRD formula. Doesn't the current OSRD formula supersede what that (the master plan) says because we used the master plan to develop the formula.

Consultant Carlucci responds the master plan is a guideline and does not supersede a bylaw. The formula may result in more or less units than a conventional subdivision depending on the particular land. The intent was for the formula to generate approximately the same number of units (for an OSRD) as a conventional subdivision. The formula may not be perfect.

Member-Spiller Walsh feels the applicant is bumping the density over what they could produce conventionally.

Mr. Yorkis indicated that he was a proud member of the first Master Plan Committee (late 1990's) and they had advocated for diverse and affordable housing types. The three projects and approaches used in the past few years with OSRD projects (Pine Ridge and Williamsburg and now Charles River Village) have addressed the needs noted in the Master Plan for a diversity of housing types. And he has advocated for diverse and affordable housing types. There are 3 different styles and 3 different approaches. All address the Master Plan policies.

Member Spiller-Walsh expresses she is concerned the vistas and the loss of pine trees. AS the plans were revised, they moved the subdivision back and the backs became a rote design. It is all controlled and has lost any vision of views.

Mr. Yorkis agrees with member Spiller –Walsh that a more varied design could have been used. There could have been a more varied design for this site, but it was designed this way since the Bylaw requires that each building must be a minimum of 30 ft apart. We have tried to address those concerns within the limitations of the bylaw but there are certain things we cannot do. This is the Bylaw, and the applicant cannot vary from that. We know you can't waive it. If this could be changed, a different design would have been submitted. We have complied with the Bylaw; however the Bylaw restricts some design considerations.

Member Spiller-Walsh responded that this could have been solved by pulling out two units.

Mr. Yorkis responded that reducing the number of units is not a financially viable option for the applicant.

Abutter McDonald asked why the comparative density numbers provided at the previous meeting were calculated on the densest portions of Charles River Road neighborhood. Why wouldn't they compare the density to the Neelon Lane properties that would be most affected? The Charles River neighborhood is not going to be affected by the (increased) traffic (this development will generate). The density should be compared to Neelon Lane.

The Chairman responded that the density was discussed at the last meeting. The applicant was trying to demonstrate how the density of the proposed development compared to the density of those streets (Charles River Road and adjacent roads) as there had been a question from an abutter in that area.

Member Spiller-Walsh states that it was a comparative density that was being discussed, not the (OSRD) formula (for density).

Abutter McDonald states that she thought the density formula was based on not being any denser per . . .

Member Spiller-Walsh indicated no. That has nothing to do with it.

Chairman Rodenhiser states that she (McDonald) is mistaken.

Abutter McDonald apologized for her misunderstanding.

Member Spiller-Walsh wanted to next discuss the rain gardens and stormwater management. It is her opinion that the space allotted (for stormwater management) is not going to be adequate knowing the high water table in that area. She felt that if two dwelling units were taken out, there would be more actual space for the needed stormwater management facilities. We have rain gardens that are detention ponds.

The Chairman explained that at the next stage, the applicant is going to need make room for the drainage. If units need to come out to make the rain gardens work, we vote no.

Member Spiller Walsh states that with our experience, the number of units doesn't decrease, they jam the water in between the units.

Mr. Yorkis explained that the drainage information and design is part of the Definitive Plan stage.

Member Spiller-Walsh indicates that this is part of the roadway design of the conceptual phase as well. She asked Faist Engineering if they are secure with the amount of allotted space for stormwater facilities given the water table issues and the size of the rain gardens.

Faist Engineer responded that he cannot give a definitive answer about the drainage since there are only preliminary numbers. He further indicated that there may be a need for conventional stormwater management facilities as well. The rain gardens do take up less area space than a conventional stormwater basin.

Member Spiller-Walsh states that is all grey and fuzzy.

Mr. Yorkis indicated that if the drainage design does not work with this site plan, the applicant will have to find a way to make the drainage work. We understand that making the drainage work will not result in there being more buildings.

Chairman Rodenhiser states that may mean they have to lose a unit.

Member Spiller-Walsh mentions that she has seen situations where the number of units has not been reduced and the water has been jammed into a small area and she would like to address some of these concerns now.

Mr. Yorkis responds that between the state stormwater regulations and the Town of Medway bylaws and Tetra Tech Rizzo's (future) review of the engineering work. He does not believe that anyone would allow water to get "jammed in".

Member Spiller-Walsh responds that we have all seen that occur.

Abutter Beth McDonald indicated that 25% of area that is buildable is impervious and that is huge. She has lived on this property for 15 years and there are washout issues.

Chairman Rodenhiser states that they have to make the drainage work.

Abutter McDonald asks do they wait to find that out after it is built. She then asks if there is a limit for the amount of impervious surfaces. Does the applicant have to provide calculations?

The Chairman indicated that the project must be able to handle (on site) the storm water coming off the property. The math is checked by Tetra Tech Rizzo, the Town's consulting engineer.

Member Spiller-Walsh notes that the prior OSRD for this site for 11 units had a drainage trench facilities in the open space on the slope. She wants confirmation that there will be no drainage facilities in the open space areas for this project. She expresses her concern about the allotted space for the rain gardens.

Member Tucker states that he has hounded them on drainage.

The Chairman asked engineer Faist if he can assure us that there will be no drainage structures in the open space.

Engineer Faist responded that there will be no drainage structures in the open space. That is not allowed in the Bylaw. The drainage on the site must meet the State and Town Bylaw standards during the definitive stage plan.

Member Spiller-Walsh does not want to see the rain gardens lost in the future stormwater design. They are an important part of the proposed landscape design.

Faist Engineer responded that they will take that into consideration during the definitive plan stage for drainage design. We know we have to meet the Mass and town standards.

Chairman Rodenhiser asks if there are any other questions.

Attorney Valkevich wanted to know if he could get a copy of the letter from Mr. Quinn, so that he may respond. He wants to confirm that the Board wants to have any written responses by the Thursday prior to the meeting.

The Chairman asks Attorney Valkevich to put in writing any questions that have not been answered and that the Board could ask the applicant to provide and supply it to the Board.

Mr. Yorkis provided Attorney Valkevich with a copy of the letter from Attorney Quinn.

The Chairman responded that Susy Affleck-Childs will provide through her office an official copy of the letter from Attorney Quinn and any updated plans for those who may seek such.

The hearing was continued to Tuesday, February 8, 2011 at 7:15 pm.

Williamsburg Release of Covenant:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to sign the Release of Covenant for Williamsburg, pending that all the appropriate paperwork is reviewed and requirements are met.

Draft Revisions to OSRD Bylaw:

The Board would like to table discussion on this to the next meeting.

Adjourn

On a motion made by Chan Rogers, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to adjourn the meeting at 9:25 PM.

Future Meetings:

The next meetings scheduled are:

- Regular Meeting January 25, 2011
- Special PEDB Workshop Meeting – February 1, 2011

The meeting was adjourned at 9:25 PM.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
(after viewing the videotape of the public hearing 3 times)

**January 11, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Chan Rogers, Bob Tucker, and Karyl Spiller-Walsh.

ABSENT WITH NOTICE: Tom Gay, Member
Susan Affleck-Childs, Planning and Economic Development
Coordinator

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Planning Consultant

The Chairman opened the meeting at 7:05 pm.

The Chairman asked for comments from the public.

Minutes November 16, 2010:

On a motion made by Bob Tucker and seconded by Chan Rogers, the minutes of the November 16, 2010 meeting were accepted unanimously as written.

Minutes December 14, 2010:

On a motion made by Bob Tucker and seconded by Chan Rogers, the minutes of the December 14, 2010 meeting were accepted unanimously as written.

Village Estates Preliminary Subdivision Plan Estimate:

The Board is in receipt of an estimated budget submittal dated January 7, 2011 from PGC Associates for review of the Village Estates preliminary subdivision plan as submitted by owners Russell and Dorothy Santoro. The cost estimate is \$340.00. (**See Attached**) The location is 272 Village Street across from Shaw Street.

2012 Budget:

The Board is in receipt of the FY 2012 Planning and Economic Development Budget Proposal. The total budget is level funded from the previous year. The total budget amount is \$101,418. The Board is comfortable with this proposal. (**See Attached**).

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the estimate for Village Estates by PGC to review and comment on the preliminary subdivision.

There will be a special meeting on February 1, 2011.

Charles River Village Open Space Residential Development

The Chairman opened the continued public hearing.

The Chairman began the meeting by indicating that for the purpose of disclosure, he wanted to inform the board of a letter he had received from Mr. Leonard Mitchell who resides at 2 Massapoag ST (which abuts the Charles River Village property). Mr. Mitchell had previously been a customer of Rodenhiser Plumbing, Heating and Air Conditioning and had filed a complaint against the company. The letter references that Mr. Mitchell fears retribution from the Chairman through the Chairman's actions on this proposed development project because he is a former client. Chairman Rodenhiser wanted to disclose this information for the record.

Chairman Rodenhiser indicated that he did work at the home in the past perhaps he feels aggrieved because of the proceedings but that has no bearing on his ability to make a decision about this application. The Chairman currently has no business with him.

Mr. Yorkis asked about the absence of Member Gay.

Chairman Rodenhiser noted that Mr. Gay was not able to attend due to a very last minute personal circumstance. He will be able to participate in the discussion and vote on this project as he will view the videotape and meeting notes and provide a Mullins Rule certification.

Mr. Rodenhiser checked to determine that the videotape equipment was working properly.

Mr. Yorkis, as official representative of the applicant John Claffey, introduced the development team – David Faist/Faist Engineering, Dan O'Driscoll/O'Driscoll Land Surveying, W. Phillip Barlow from TO Design is the new landscape architect. John Claffey was also present. The former landscape architect is no longer involved. The two landscape architects have communicated and met on site. The new plans are stamped by Mr. Barlow. Both landscape architects stamps are on the plan.

Engineer David Faist will review the revised plans. These incorporate all of our past discussions.

Faist Engineering:

Engineer David Faist began the presentation by distributing the revised plans showing the members the latest revisions to the Charles River Concept Plan dated December 30, 2010. **(See attached).**

Copies of the plan were provided to the Board members and further copies were placed on the table for the audience to view.

Chairman Rodenhiser asked if the plans reflect everything that has been discussed. David Faist responds that it is inclusive of all the changes.

The plan showed the reduced width of the road to 18 feet. There is also a 15 ft radius coming in (off of Village Street) which gives enough room for two passenger cars per AASHTO standards. This is the best we can do.

The Chairman asks if this complies with the standards.

Faist engineer indicated that in an ideal world this would be wider. This does meet the AASHTO standard for passenger cars. The larger vehicles such as dump trucks are not reflected in this diagram. This change would be an improvement to the existing conditions based on the limitations we have been given.

These were the other things added based on the input from the police department - the proposed stop signs, painted lines, and two no parking signs on either side of Neelon Lane near the intersection with Village Street.

It was indicated that some of the telephone poles within the 25 foot right of way will need to be relocated. Mr. Faist also distributed a revised (12/29/2010) Village Street/Neelon Lane Proposed Conditions Sketch.

(See attached).

Member Spiller-Walsh asked for clarification related to where the property line is and where the proposed edge of pavement is.

Faist Engineer indicated that the dotted line is the edge of pavement. The dark solid line was the property line/right of way based on the O'Driscoll Survey.

Mr. Yorkis informs the Board that a letter (dated January 7, 2011) from attorney Don Quinn had been provided to the Board with additional information about the Neelon Lane location issues. The letter provided the history of the site prior to 1863 regarding width, layout and reasons for the layout.

(See Attached)

Faist Engineer next discussed the revised Concept Plan (12-30-2010). The only change is the 18 foot width pavement which is consistent with the Neelon Lane/Village Street intersection plan. The new plan references a 3 foot sidewalk from the end of the development to Cherokee Lane. It also shows the statutory private way limits as indicated by the O'Driscoll survey and Tetra Tech Rizzo review.

The pathway within Cherokee Lane will be similar to what was constructed at the Pine Ridge Development off of Candlewood with gravel and loam.

Abutter DiIulio asked if the proposed sidewalk will result in Cherokee Lane being narrowed in width.

Chairman Rodenhiser responds that the sidewalk will not impact the width of Cherokee Lane. This is just a sidewalk to connect the development to the end of the existing paved Cherokee Lane. The gravel access will have a sidewalk in its center.

Attorney Thomas Valkevich (representing abutter Beth McDonald) wanted to know if the Board has made a determination about the location of the roadway (Neelon Lane) and is there going to be Land Court action.

Chairman Rodenhiser stated that the Board is not making any determination at this point. We are only collecting testimony.

Attorney Valkevich also wanted to know if the letter from Mr. Quinn can be made available so they may have an opportunity to comment on it.

The Chairman indicated that he has just received the letter and has not yet reviewed it.

Member Tucker indicated that the Board had just received the Quinn letter electronically. It is too late to talk about this letter at tonight's meeting.

Mr. Yorkis wanted it noted that he is concerned about any new information being submitted to the Board so late. This hinders the Board from considering the new information since it was not presented in a timely manner and thus the process gets delayed. At some point, when does the information presentation end?

The Chairman indicated that the information seeking ends when the public hearing closes.

Mr. Yorkis asks when the Board will close the public hearing.

Chairman Rodenhiser notes that the Board is not ready this evening to close the hearing. We are not at the point tonight to do that. Mr. Rodenhiser notes that he understands the applicant's frustration.

Mr. Yorkis indicated that the information was provided to the Board last week.

NOTE – The letter from Attorney Quinn was received on January 10, 2011 and was forwarded to Board members via email on January 11, 2011.

Member Spiller Walsh indicated that with anything that comes in tonight it is unfortunate that the information was not presented earlier. She notes that not having the information sooner holds up the board.

Chairman Rodenhiser indicates that the Board has a responsibility to review all materials that are submitted, otherwise, it opens the Board up for an appeal. They have an obligation to review all of the information and take it into consideration when the Board makes its decision.

Abutter McDonald communicates that the Neighborhood Alliance had submitted 14 questions two meetings ago and to date those have not been addressed or answered by the Board. These were not just submitted but resubmitted because they were never addressed and she would like some answers.

Member Spiller-Walsh states there have been fragments of things that have been started to be addressed.

The Chairman reiterated that the process is continuous. The Board is looking for evidence to make a determination not necessarily to answer questions. A question is not evidence. We have gone through an ample amount of information as part of the presentation as an effort to be fair to all sides. When things keep getting resubmitted, it gets confusing. I have given you plenty of time to ask questions.

Abutter McDonald states again that a lot of the questions have not been answered. We feel these are important questions.

Chairman Rodenhiser promises that this will be a fair process.

Member Rogers indicated that some of the questions will be included within the details of the decision whatever way the Board may decide to vote on this. All of the questions may not be answered until the decision phase is underway. A decision will not be made until all the evidence is before us.

The Chairman asked if the Board members have any questions.

Member Spiller-Walsh moved the discussion to the roadway. It is her opinion that the 18 foot roadway on Neelon Lane as noted on the plan is difficult for pedestrian safety (because there is no sidewalk). This will cause a problem for buses at one end and possibly the other. Member Walsh wants to know if the latest plan submittal is the applicant's final answer to the sidewalk issue within the development.

Mr. Yorkis responded that the new Concept Plan does not have sidewalks on Neelon Lane or on the interior of the development. It was never their intention to have sidewalks within the development. Mr. Yorkis states that they find there is no need for internal sidewalks in this development. The sidewalk connection (thru to Cherokee Lane) was added but there is no need for sidewalks internally.

Member Spiller-Walsh responded that the 18 ft paved road way is a deviation from the Board's standards/rules and regs but she feels it can work because of her experience with her subdivision (Wingate Farm) where, however, there is room to walk next to the roadway. Spiller Walsh notes prior references to Fisher St. and Maple Streets being narrow. We need to learn from those and do better. We don't need to go backwards.

She feels that a meandering pathway would work better. This road gets very narrow and dangerous. There is not enough space to walk within the right of way.

Mr. Yorkis responds that the Town of Medway Police and Fire Departments have reviewed the plans and provided a written communication about their approval of the plan in terms of safety.

Member Spiller-Walsh responds that the letters from the Town of Medway Police and Fire Departments did not reference the safety of children, or walkers. The letters simply indicate that the road was safe for emergency vehicles to get around.

Mr. Yorkis disagrees with the Ms. Spiller-Walsh's statement, interpretation and characterization of the letters (from the Police and Fire departments). He indicated that the Police and Fire Department Chiefs met at the site, reviewed the plans and clearly understand that both vehicles and pedestrians would be using the roadway.

Member Spiller-Walsh asks could you explain how the Fire and Police department felt about two vehicles passing each other on Neelon Lane with walkers as well.

Mr. Yorkis responded that in regards to the pedestrians, the Police and Fire Departments have indicated that the pedestrians have the right of way when in the public way. People will have to just slow down or stop to pass a pedestrian safely, that is what the statute is in Massachusetts.

Member Spiller-Walsh says that the Departments may be OK with jockeying for position, but she does not know if she is comfortable with this.

She further communicated concerns about corner roundings (Village St. and Neelon Lane) being so tight. There is difficulty getting in and out of this area. Spiller-Walsh indicates that exploring easements with the abutters could make this plan more viable.

Chairman Rodenhiser noted that the abutters have been asked previously and were not interested.

Member Spiller-Walsh asked did I hear exactly no.

Member Tucker responded that the Board heard no from both abutters (Kaplan and Bancewicz) at the last meeting.

Member Spiller-Walsh wanted to ask abutter Mrs. Elena Kaplan if she is interested in granting an easement on her property (at the east corner of Village and Neelon Lane).

Abutter Kaplan states that her answer depends on a lot of things. She cannot answer the question this evening. She needs to know a lot more. She communicates the Board that she has three children and hopes that none of them get hit by a car. She communicates to the Board that the traffic coming off of Village St. is extremely dangerous because it is so busy. It is a major travelled road in Medway. She is concerned that the Police and Fire Departments feel that a 15 ft radius is safe. Mrs. Kaplan notes that she is not comfortable with a 15 ft. radius. She states they had an expert come to one of the meeting and he indicated that it was not safe. She further

indicates that this process is very confusing when you have experts whose opinions are being ignored.

Chairman Rodenhiser asks member Spiller-Walsh did you get an answer to your question.

Member Spiller-Walsh responded, I got a maybe. There is a possibility.

Member Spiller-Walsh next wants to ask the other abutter Mr. Bancewicz about how he feels.

Abutter Mr. Ken Bancewicz (owner of the property at the southwest corner of Neelon and Village Streets) communicates that he is willing to work with the Board and applicant to create a safe intersection. He wants it the same on both sides. He does not want to be the one to give it all up. He also wants the same amount of land taken on both sides of the street (Neelon Lane).

Member Spiller-Walsh asks Mr. Yorkis if there was a compromise worked out with the abutters to grant footage on both sides, would you be interested in acquiring an easement to enlarge the roadway width and for landscaping?

Mr. Yorkis responds by asking how many years is this discussion going to go on? He states that over a year ago, the abutters were asked if they would grant easements. Mr. Yorkis indicated that at that time, Ms. Kaplan refused. The applicant cannot make this project complete based on abutters "maybe" granting easements. And now the Board is asking us again. The applicant must have certainties to present to this Board. This process takes time and money. A new series of plans were provided every single time we met with the Board. The applicant has not denied the Board a plan revision to date. We cannot deal with maybes. The team met with Mr. Bancewicz at the Board's request to look at options for an 18 foot (paved) road width and a 19 foot (paved) width. Mr. Bancewicz indicated that he preferred the 18 width foot and that whatever is done on his side, the exact same thing is done on the opposite side (Kaplan property). The paved road is centered as much as is humanly possible. It shifts easterly to impact the abutters as little as possible. The team has tried to cooperate with the Board, and the abutters, but a "maybe" is not a plan. He respects the questions and the idea about a wider intersection being safer and he stated that he agrees with that. It comes down to a question of fairness between the two abutters. Mr. Yorkis notes that common sense indicates that a wider intersection is a better intersection.

Chairman Rodenhiser asks abutter Kaplan if she is willing to do the same thing on the other side.

Abutter Kaplan states it would depend on a lot of things. She states that she resents Mr. Yorkis' description of what happened a year ago. She expresses that she was never brought into the process. The granting of an easement would depend on many things. The intersection would need to be safer for her own family and herself. Ms. Kaplan also would want to know what she would be given for compensation for granting an easement.

Member Spiller-Walsh agrees with Mr. Yorkis that you cannot do a project on a "maybe". She indicates that this discussion needs to explore more options such as a pull over spot (for traffic).

Mr. Yorkis responds that the applicant will not be held up by an abutter. This is not going to happen.

Member Spiller-Walsh responds that now Mr. Yorkis sounds like he is unparticipatory.

Chairman Rodenhiser responds that there is an application in front the Board.

Member Spiller-Walsh responds that she sees it!

Chairman Rodenhiser indicates the Board needs to make a determination one way or another what it is going to do. The Chairman further explains that he understands that this is a controversial project before us and the facts which are in front of the Board must be discussed. Any discussion about easements from the abutters is not before the Board right now but that something might change between now and the next meeting.

Mr. Yorkis again states that the Fire and Police Department have approved this plan.

Member Spiller-Walsh indicates that the Fire and Police Department have not given an approval. What they have given is their recommendations and it is up to the Board to approve this plan.

Chairman Rodenhiser asks if there are any other issues to discuss.

Member Spiller-Walsh states she wants to speak about the mitigating problems with the third house (Newell). Spiller-Walsh wants clarity about if and when there will be a Land Court decision on where the property line falls. She inquires if there was going to be a Land Court decision to determine the roadway layout?

Member Rogers indicates that the Board has nothing to do with a Land Court decision.

The Chairman responded that Town Counsel has advised that the Board has to determine if there is legitimate prima-fascia evidence regarding the roadway layout and access to do what the applicants wants to do. He states that the Board has heard that the property lines are in question. Once the public hearing is closed, the Board needs to decide if there is bona-fide access to the site. The decision which is rendered can be appealed by whatever side (abutters or applicant).

Member Spiller-Walsh notes that the Board has to do this without really knowing where within 2-3 feet the roadway layout will be. She communicates that it is the Board's responsibility to facilitate both the applicant and the abutters.

The Chairman responds that the applicant has an application before us and it is the Board's job to approve or deny it. The abutters are not part of the process except that they attend and can give comments.

Member Spiller-Walsh responds that this could be a viable project, if the property lines were more distinct and involved the abutters, With a clear property line there may be space for a sidewalk.

Mr. Yorkis responds that the applicant has retained two different attorneys. The first attorney (Smythers) addressed the issue of the statutory private way. He provided the Board with an extensive letter that there is no issue. If you read the letter carefully, it indicates that the property line on the east side of Neelon Lane and edge of Neelon Lane are one and the same going up to the 131 foot mark.

Member Spiller-Walsh states that she had read the letter (from Attorney Smythers).

Mr. Yorkis states that the width of Neelon Lane is 25 ft. If you use the east line and go 25' to the west, the layout of the road is correct. If you use the east side and west side of Neelon Lane there is no deviation in that respect.

Member Spiller-Walsh indicates that she knows that.

The Chairman responds that Mr. Yorkis is establishing his prima-fascia case.

Mr. Yorkis responds those who represent the applicant - the attorneys and surveyors and the engineers - are absolutely certain as to the location of Neelon Lane. Where there was uncertainty was the observation made by Bob Daylor from Tetra Tech Rizzo about the extra length of the roadway layout (further south into the parcel). After further discussion about this, it was determined that it made no difference whether the roadway length was extended or shown on the plan. The applicant is very comfortable with the plan presented to the Board with accuracy and correctness of property lines and layout lines for a statutory private way which is an easement that is 25 feet wide.

The Chairman notes that at the end of the last public hearing, the Board was comfortable with an 18 foot wide paved road.

Member Spiller-Walsh would like the applicant to be a little more creative and continue thinking about the dire need for a sidewalk for safety. She believes that (not having a sidewalk) will be a huge issue. This could be a mutual endeavor among the applicant, abutter, and the town and would improve the situation all around. Why not? Further, if we had a possibility of an easement at the corner roundings, which are badly needed, continuing into the project, sidewalks might then be possible. It (sidewalks) might be possible in the land between the roadway and the layout and even onto the abutters' property (an easement).

Mr. Yorkis responds that there is no land between the property line and the roadway layout. The road layout and the property line are one and the same on the east side.

Member Spiller Walsh asks Faist Engineering what is gray area indicated on the plan on the west side.

Faist Engineering replies that the gray area is the actual pavement. The property line is the dark solid line.

Member Spiller-Walsh communicates that with a little easement on both abutters land, there could be enough room for a sidewalk.

It was communicated by an (unidentified) abutter that the trees (on the north side of Neelon Lane near Kaplan's) would need to be removed.

Member Spiller-Walsh responded that they could be replaced handsomely.

The Chairman wanted to know what Spiller-Walsh is proposing.

Member Spiller-Walsh responds that if this were a receptive team of abutters on the east and west sides, that the abutters would grant easements over their property to create a sidewalk down to the end and think about possible landscape replacements (for the trees that would have to be removed).

The Chairman responds that one of the abutters (Beth McDonald) is spending a ton of money on legal and other professional services. He doubts that she will be willing to give up a portion of the land.

Member Spiller-Walsh states that she is not sure if this would really involve Ms. McDonald's property at all.

Abutter Beth McDonald responds that if this went through, she would consider it. It depends since they do not know where the line actually is and it has to go to Land Court.

Member Spiller-Walsh asks what do you think about the concept.

Mr. Yorkis explains that the property line at Ms. McDonald's is very clear. If her property line and Neelon Lane are two different lines then she has no frontage for her lot based on the 1959 plan. Statutorily they have to be the same. The predecessors to the Planning Board in 1959 endorsed that plan (ANR Plan) with 131 feet of frontage on Neelon Land which created the lot where Ms. McDonald resides. If that plan is wrong, then Ms. McDonald has no frontage. It is that simple.

The Chairman communicates that he respects what member Spiller-Walsh is trying to do. What you are asking for is outside what is being applied for. It is not what is shown on the plan. They need to work on this outside of the meeting. It is not for the Board to adjudicate at this point. He applauds what Spiller-Walsh is trying to do.

Member Spiller-Walsh responds that this is a difficult situation for the applicant. There are some big problems but she believes they are solvable. This current plan is filled with difficulties. This could be a good plan at this end of the project with some minor morphing and compromising.

The Chairman asks the audience if they have any questions.

Attorney Valkevich asks if the latest revision to the plan shows a 25 ft wide roadway all the way to the end to where Tetra Tech envisions it ending.

Chairman Rodenhiser responds that it is an 18 foot paved road.

Mr. Valkevich asks if the revised concept plan represent the findings from Attorney Quinn. Tetra Tech Rizzo and Guerrierre and Halnon have both indicated that they cannot determine it engineering wise.

Chairman Rodenhiser asks if the revised plan reflects the 25' width (right of way).

Mr. Yorkis responds that the letter (from Attorney Quinn) presented to the Board was very precise. There are two ways to establish roadway locations - through plans and deeds. The Board has all of the information and history going back prior to 1863 and explaining everything. It is 25 feet wide and is as long as it needs to be. He suggests that Attorney Valkevich go back and look at all the information presented.

Attorney Valkevich communicates that he needs a copy of the letter from Mr. Quinn.

The Chairman responds that the Board has also not yet reviewed the letter from Attorney Quinn. The review of the letter will not happen until next week. The Chairman has not read it yet.

Attorney Valkevich also wants to know how the Board is going to address where the 25 ft. width as accepted by the Town is located on the ground.

The Chairman communicates that the Board will address that when the Board works on the decision. He notes that all information for the Board to review must be in by the Friday before the meeting.

Attorney Valkevich indicates he wants a chance to respond to the Quinn letter. He also wanted to know when the Board will address the neighbors' questions in the email which were submitted to the Board on November 10, 2010. He had provided a reminder email about the neighbors' questions to the Board on January 10, 2011. Mr. Valkevich states it wasn't anything new.

Member Rogers communicates that he has read the questions from Attorney Valkevich and the answers may lie within the Board's (future) decision and will depend on the Board members' reaching an agreement and justification for the position. There are many improbable in this.

Attorney Valkevich wanted to know how the 25 foot will affect the applicant's plan for his road and access. Doesn't that need to be shown and accounted for somewhere?

The Chairman responds that the applicant feels he has shown through plan and deeds.

Attorney Valkevich wants to know if Attorneys Quinn's findings are shown on the current concept plan.

The applicant's surveyor, Dan O'Driscoll, indicates that based on deeds and plans the easterly side of Neelon Lane as shown on the plan from 1959 coincides with the property line of the Kaplan/McDonald property. The right of way on the McDonald property goes straight and then bends to the southeast. It reaches an old fence and goes to the tree line per the Bob Daylor/Tetra Tech Rizzo letter/opinion.

The Chairman indicates that the fact that the road extends beyond, is irrelevant. The applicant is not proposing to block or obstruct this area. There is nothing to be constructed within it.

Attorney Valkevich wanted to know if it is fair to say that it (the Quinn letter) does not reach the same conclusion that had been reached (previously) by Tetra Tech Rizzo and Guerriere & Halnon.

Member Spiller-Walsh says it could be. She recollects that Mr. Daylor, from Tetra Tech Rizzo, indicated that there needs to be a Land Court decision to determine where exactly the road layout would fall.

Chairman Rodenhiser states that the Board will make its decision based on the opinions it is given. He indicates he might not agree with opinions provided and that Board members may have their own ideas.

Member Spiller-Walsh states that Mr. Daylor represents the Board. The Board goes by what our the Board's consultants say. She goes to the white board to explain her understanding her interpretation of Mr. Daylor's opinion. She states that Mr. Daylor said the road layout was within 2-3 feet like a curtain moving.

Mr. Yorkis responded that member Spiller-Walsh's recollection is absolutely correct, but what the applicant did as a result of Mr. Daylor's letter was to consult with Attorney Donald Quinn to research this further. Attorney Quinn researched deeds further back from 1863 to get a better understanding of whether Mr. Daylor's "curtain" example was correct. Mr. Daylor had suggested to me prior to the last public hearing that this may take more research so that is what we did and Attorney Quinn prepared the letter.

Attorney Valkevich comments that the 1863 plan or layout references monumentation that does not exist (on the ground today). He states that the 1863 documentation would supersede prior deeds. The determination needs to be made based on the 1863 taking. This needs to go to Land Court.

The Chairman states that the Board will make its decision based on the available information. There are lots of opinions out there.

Abutter Bancewicz indicates that his previous letter had called into question his property line. He wants to inform the Board that he no longer questions where his property lines are as such relates to the provided information. He states that he accepts the revised plan as it relates to his property line.

Mr. Yorkis states he has sent a copy of Mr. Quinn's letter to Mr. Daylor from Tetra Tech and asked Mr. Daylor to review the Quinn letter and provide his opinion to the Board.

Member Spiller-Walsh states that assuming we come to a finding about where the 25 foot roadway layout is, then at that point, she would hope that there would be some kind of better communication from this team about being on board with what is going to happen and that they would look to create those sidewalks and easements.

Mr. Yorkis states that prior to this meeting they had specifically asked the Board for their opinion whether there was a need for or lack of the need for sidewalk on Neelon Lane. Based on those discussions, we would revise the plans and get those to the Board prior to the next meeting. Mr. Yorkis states that that is exactly what they did.

Member Rogers communicates that is it the intent that the pedestrian traffic would exit the development through Cherokee Lane right of way and the paved path which is going to be provided for pedestrian use.

Mr. Yorkis indicates that the goal is to provide additional and more convenient means of pedestrian access. He states pedestrians and large trucks may use Neelon Lane. He is not going to represent where pedestrians WILL travel; they could use Neelon Lane or the sidewalk to Cherokee Lane.

The Chairman notes that the sidewalk (within Cherokee Lane) provides a connection between the neighborhoods so that pedestrians can get in and out of there and emergency vehicles can get in and out. It also provides the water connection. My belief is that people walk every day on my own street (Fisher St.) and the volume of traffic is considerable. Pedestrians do have the right of way. In this instance, there is only a 25 foot right of way and we all agreed that an 18 ft (paved) width would be a better width and we sent them back to redo the plan without a sidewalk but with 18 feet, at our request.

Member Spiller-Walsh communicates that 18 feet means that passenger cars can pass. But it doesn't resolve the fact that people need to walk someplace and if there was a meandering path on private property with an easement

Rodenhiser notes that the Board should have stated that at the last meeting.

Spiller-Walsh indicates that she believes that the Board did say that and the applicant did not want to hear what the Board was saying.

Member Tucker indicates that maybe Spiller-Walsh said that but the entire Board did not.

Member Rogers notes that he had specifically mentioned Fisher Street as an example with over 100 homes that feed onto Fisher Street and 80 homes on Fisher Street itself and there is no sidewalk and the roadway is no wider than 18 foot paved.

Member Spiller-Walsh states the Planning Board should not refer back to streets that were created in the 1600's and that are archaic, pre-existing and dangerous. She asks why are we referring to Fisher and Maple Streets.

Chairman Rodenhiser communicates that in this case there is only 25 foot right of way to work with and there is not a 50 foot right of way as would be with the normal subdivision.

Member Spiller-Walsh notes that this is why the Subdivision Control Law exists. We need to make improvements with a place to walk where you won't get squished.

Chairman Rodenhiser notes that what is being proposed will be an improvement from what is currently there. There will also be a new water line.

Member Spiller-Walsh notes that this is not an improvement if you are adding 13 houses on top of everything else. It is NOT an improvement!

Chairman Rodenhiser asks if there is anything else that member Spiller-Walsh wants to ask. He states he wants to move the dialogue along.

Member Spiller-Walsh stated that she has difficulty with the density and would like to see better use of the vistas and the open space. She would like to see the four step design process (specified in the bylaw) followed and does not feel this was considered enough.

Chairman Rodenhiser asked if there is information that Spiller-Walsh wants from the applicant.

Member Spiller-Walsh asks the applicant if they will do that.

Mr. Yorkis stated that the Board has approved two OSRD developments in the past – Pine Ridge which is near completion and Williamsburg which is under construction. In both cases the formula in the bylaw was followed. The applicant in this case has calculated the number of units which has been reviewed by the Board's planning consultant and is based on the OSRD Bylaw. Based on the affordable housing portion of the bylaw, the number of units increases from 11 to 13. The applicant is required to provide two affordable units based on the formula. He encourages the Board to be consistent with its following of the bylaw. He states they are aware there is a Catch 22 phrase in the bylaw. He states that if the Board is unhappy with its formula then it should revise it for future applications, but not in the middle of an application process. Applicants need to have a clear understanding of what is permitted. With respect to the vista, great consideration was given to the previous suggestions and comments and we made every honest attempt to incorporate the concerns that were expressed. Can we meet all that concerns that have been expressed, probably not. But we have made a good faith effort.

Chairman Rodenhiser asked Consultant Carlucci if the applicant had followed the 4 step design process.

Consultant Carlucci responds that in general yes.

Chairman Rodenhiser asks if anything else needs attention.

Consultant Carlucci responds that it would be only a matter of interpretation. The process was followed.

Chairman Rodenhiser asks member Spiller-Walsh if she has a problem with the four step design process.

Member Spiller-Walsh communicates that she has a huge problem with it and that we are working on it and plan to have it further tweaked for the future to be much better.

Chairman Rodenhiser states that any future changes to the Bylaw have no bearing on this application.

Member Spiller-Walsh indicates that the OSRD Bylaw references the Medway Master Plan when we created it probably at least 8 years ago. The Master Plan is the leader and producer of the ethics and intent under the land use section. The guidelines and the intent and purpose of the language is to NOT increase overall net density. She notes that the applicant has not been able to prove that they could create a 13 unit subdivision on this land by conventional means.

Chairman Rodenhiser notes that the application before the Board follows the formula we allow. It may be that the formula is flawed. If the Board does not like the formula then they should change it.

Member Spiller-Walsh notes that the OSRD bylaw refers back to the Master Plan which indicates there should be varying housing types and densities.

Chairman Rodenhiser states that the Master Plan is a guideline for the Board to follow.

Member Spiller-Walsh argues that the Master Plan comes first - it is the guideline that the open space bylaw follows. The purpose is to not create neighborhoods that increase density. They (the applicant) could not get that many units in a conventional subdivision.

Consultant Carlucci communicates that the OSRD formula provides for 11 units and not 13. (NOTE – The additional 2 units are a density bonus due to the Town's supplemental affordable housing requirements applicable to all developments.)

Chairman Rodenhiser responds that we would not look to the Master Plan as evidence for what we should do here.

Member Spiller-Walsh communicates that yes we should. She recollects that when the Board dealt with a prospective development at 50 Winthrop Street in the past, we had encouraged them to look at the OSRD option and had them prepare a proposed conventional Subdivision Plan to prove the number of units they could get. Then that would be the number of units they could do with an OSRD.

Chairman Rodenhiser notes that this (approach) was before we had the (current) OSRD formula. Doesn't the current OSRD formula supersede what that (the master plan) says because we used the master plan to develop the formula.

Consultant Carlucci responds the master plan is a guideline and does not supersede a bylaw. The formula may result in more or less units than a conventional subdivision depending on the particular land. The intent was for the formula to generate approximately the same number of units (for an OSRD) as a conventional subdivision. The formula may not be perfect.

Member-Spiller Walsh feels the applicant is bumping the density over what they could produce conventionally.

Mr. Yorkis indicated that he was a proud member of the first Master Plan Committee (late 1990's) and they had advocated for diverse and affordable housing types. The three projects and approaches used in the past few years with OSRD projects (Pine Ridge and Williamsburg and now Charles River Village) have addressed the needs noted in the Master Plan for a diversity of housing types. And he has advocated for diverse and affordable housing types. There are 3 different styles and 3 different approaches. All address the Master Plan policies.

Member Spiller-Walsh expresses she is concerned the vistas and the loss of pine trees. AS the plans were revised, they moved the subdivision back and the backs became a rote design. It is all controlled and has lost any vision of views.

Mr. Yorkis agrees with member Spiller-Walsh that a more varied design could have been used. There could have been a more varied design for this site, but it was designed this way since the Bylaw requires that each building must be a minimum of 30 ft apart. We have tried to address those concerns within the limitations of the bylaw but there are certain things we cannot do. This is the Bylaw, and the applicant cannot vary from that. We know you can't waive it. If this could be changed, a different design would have been submitted. We have complied with the Bylaw; however the Bylaw restricts some design considerations.

Member Spiller-Walsh responded that this could have been solved by pulling out two units.

Mr. Yorkis responded that reducing the number of units is not a financially viable option for the applicant.

Abutter McDonald asked why the comparative density numbers provided at the previous meeting were calculated on the densest portions of Charles River Road neighborhood. Why wouldn't they compare the density to the Neelon Lane properties that would be most affected? The Charles River neighborhood is not going to be affected by the (increased) traffic (this development will generate). The density should be compared to Neelon Lane.

The Chairman responded that the density was discussed at the last meeting. The applicant was trying to demonstrate how the density of the proposed development compared to the density of those streets (Charles River Road and adjacent roads) as there had been a question from an abutter in that area.

Member Spiller-Walsh states that it was a comparative density that was being discussed, not the (OSRD) formula (for density).

Abutter McDonald states that she thought the density formula was based on not being any denser per . . .

Member Spiller-Walsh indicated no. That has nothing to do with it.

Chairman Rodenhiser states that she (McDonald) is mistaken.

Abutter McDonald apologized for her misunderstanding.

Member Spiller-Walsh wanted to next discuss the rain gardens and stormwater management. It is her opinion that the space allotted (for stormwater management) is not going to be adequate knowing the high water table in that area. She felt that if two dwelling units were taken out, there would be more actual space for the needed stormwater management facilities. We have rain gardens that are detention ponds.

The Chairman explained that at the next stage, the applicant is going to need make room for the drainage. If units need to come out to make the rain gardens work, we vote no.

Member Spiller Walsh states that with our experience, the number of units doesn't decrease, they jam the water in between the units.

Mr. Yorkis explained that the drainage information and design is part of the Definitive Plan stage.

Member Spiller-Walsh indicates that this is part of the roadway design of the conceptual phase as well. She asked Faist Engineering if they are secure with the amount of allotted space for stormwater facilities given the water table issues and the size of the rain gardens.

Faist Engineer responded that he cannot give a definitive answer about the drainage since there are only preliminary numbers. He further indicated that there may be a need for conventional stormwater management facilities as well. The rain gardens do take up less area space than a conventional stormwater basin.

Member Spiller-Walsh states that is all grey and fuzzy.

Mr. Yorkis indicated that if the drainage design does not work with this site plan, the applicant will have to find a way to make the drainage work. We understand that making the drainage work will not result in there being more buildings.

Chairman Rodenhiser states that may mean they have to lose a unit.

Member Spiller-Walsh mentions that she has seen situations where the number of units has not been reduced and the water has been jammed into a small area and she would like to address some of these concerns now.

Mr. Yorkis responds that between the state stormwater regulations and the Town of Medway bylaws and Tetra Tech Rizzo's (future) review of the engineering work. He does not believe that anyone would allow water to get "jammed in".

Member Spiller-Walsh responds that we have all seen that occur.

Abutter Beth McDonald indicated that 25% of area that is buildable is impervious and that is huge. She has lived on this property for 15 years and there are washout issues.

Chairman Rodenhiser states that they have to make the drainage work.

Abutter McDonald asks do they wait to find that out after it is built. She then asks if there is a limit for the amount of impervious surfaces. Does the applicant have to provide calculations?

The Chairman indicated that the project must be able to handle (on site) the storm water coming off the property. The math is checked by Tetra Tech Rizzo, the Town's consulting engineer.

Member Spiller-Walsh notes that the prior OSRD for this site for 11 units had a drainage trench facilities in the open space on the slope. She wants confirmation that there will be no drainage facilities in the open space areas for this project. She expresses her concern about the allotted space for the rain gardens.

Member Tucker states that he has hounded them on drainage.

The Chairman asked engineer Faist if he can assure us that there will be no drainage structures in the open space.

Engineer Faist responded that there will be no drainage structures in the open space. That is not allowed in the Bylaw. The drainage on the site must meet the State and Town Bylaw standards during the definitive stage plan.

Member Spiller-Walsh does not want to see the rain gardens lost in the future stormwater design. They are an important part of the proposed landscape design.

Faist Engineer responded that they will take that into consideration during the definitive plan stage for drainage design. We know we have to meet the Mass and town standards.

Chairman Rodenhiser asks if there are any other questions.

Attorney Valkevich wanted to know if he could get a copy of the letter from Mr. Quinn, so that he may respond. He wants to confirm that the Board wants to have any written responses by the Thursday prior to the meeting.

The Chairman asks Attorney Valkevich to put in writing any questions that have not been answered and that the Board could ask the applicant to provide and supply it to the Board.

Mr. Yorkis provided Attorney Valkevich with a copy of the letter from Attorney Quinn.

The Chairman responded that Susy Affleck-Childs will provide through her office an official copy of the letter from Attorney Quinn and any updated plans for those who may seek such.

The hearing was continued to Tuesday, February 8, 2011 at 7:15 pm.

Williamsburg Release of Covenant:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to sign the Release of Covenant for Williamsburg, pending that all the appropriate paperwork is reviewed and requirements are met.

Draft Revisions to OSRD Bylaw:

The Board would like to table discussion on this to the next meeting.

Adjourn

On a motion made by Chan Rogers, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to adjourn the meeting at 9:25 PM.

Future Meetings:

The next meetings scheduled are:

- Regular Meeting January 25, 2011
- Special PEDB Workshop Meeting – February 1, 2011

The meeting was adjourned at 9:25 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator
(after viewing the videotape of the public hearing 3 times)

PGC ASSOCIATES, INC.

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pgca@comcast.net

January 7, 2-11

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

BT (v)(v)
CR

Re: Village Estates Preliminary Subdivision Plan

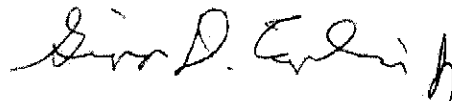
Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the preliminary subdivision plan called Village Estates, submitted by owners Russell and Dorothy Santoro of Medway and prepared by Colonial Engineering, Inc. of Medway. The plan is dated November 25, 2011.

<u>Task</u>	<u>Hours</u>
Prepare estimate	0.5
Technical review and comment	2.0
Planning Board meeting	1.5
Total	4.0
Cost Estimate (@\$85)	\$340.00

If there are any questions about this estimate, please call me.

Sincerely,



Gino D. Carlucci, Jr.

Budget CA w/ B. 1/1

Planning and Economic Development - FY 12 Budget Proposal

		FY11 Budget	FY 12 Budget	Notes
SALARIES				
5110	Full time salaries	\$ 58,610	\$ 59,301	Per SKK, reclassify Planning & Economic Development Coordinator's position to Grade 10 - Step 4 (\$28.51/hour) effective July 1, 2010.
	SAC (\$27.23/hour) no pay grade			
5111	Part time salaries	\$ 24,490		
20 hours/week	Adm Sec (Fran @ \$20.16/hour) G5-S4		\$ 20,967	Grade 5 - Step 5 (July 1, 2011 - June 30, 2012) \$20.16/hour
20 hours/month	Rec Sec (Amy @ \$14.17/hour) G3-S2		\$ 3,503	Grade 3 - Step 3 (July 1, 2011 - June 9, 2012) \$15.23/hour
			\$ 163	Grade 3 - Step 4 (June 10, 2012 - June 30, 2012) \$16.28/hour
			\$ 24,633	
5150	Longevity pay (sac)	\$ 250	\$ 250	
	Total	\$ 83,350	\$ 84,184	
EXPENSES - 01175002				
5305	Consulting services	\$ 3,840	\$ 3,006	
5306	Advertising	\$ 1,000	\$ 1,000	
5342	Copying/binding	\$ 315	\$ 315	
5383	Contracted services	\$ 10,180	\$ 10,180	
	DRC \$2,000			
	Planning \$4,090			
	EDC \$4,090			
5384	Mapping	\$ 788	\$ 788	ArcView software annual fee
5420	Office supplies	\$ 600	\$ 600	
5521	Books/resource materials	\$ 210	\$ 210	
5710	In state travel	\$ 135	\$ 135	
5730	Dues, subscriptions, meetings	\$ 500	\$ 500	
5851	Office equipment	\$ 500	\$ 500	
	Total Expenses	\$ 18,068	\$ 17,234	
TOTAL		\$ 101,418	\$ 101,418	
Sac notes 1/4/2011				

Donald P. Quinn, P.C.

Counsellors

Donald P. Quinn

Danielle Justo

32 Court Street, Plymouth, MA 02360

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djusto@dpqpc.com

January 7, 2011

Town of Medway
Planning and Economic Development Board
155 Village Street
Medway, MA 02023
ATTN: Andy Rodenhiser, Chairman

Re: Charles River Village Open Space Residential Development
Neelon Lane Legal Analysis

Dear Chairman Rodenhiser:

Our office has been retained by John Claffey, Proponent of the above-captioned OSRD, to review the recommendations of Tetrattech Rizzo ("Tetrattech") made by letter dated December 10, 2010. Tetrattech recommended that the PEDB has enough information to act upon petitioner's OSRD application at this time. It also opined that while the exact east-west location of Neelon Lane remains in question, it is not an issue to be decided by the PEDB.

Tetrattech suggested that the PEDB may condition its approval of the project in one of two ways:

- 1) provide a condition that absolves the PEDB from any responsibility to adjudicate the Neelon Lane location matter. It would be the responsibility of the individual parties to take any further action regarding its location; or
- 2) provide a condition requiring that the parties resolve the dispute prior to its construction.

With respect to TetraTech's first condition, it is our opinion that the PEDB has no responsibility to adjudicate the Neelon Lane location matter because it is a private title issue between the Proponent and certain abutters. This matter should be independently resolved. PEDB is not required to analyze and determine title issues which might arise between proponents and opponents of a project. Its responsibility is to comply with the special permit provisions of M.G.L. c.40A and the Town's related bylaws in order to reach a decision based upon reasonable factual evidence produced during the course of its

deliberation. Its decision should be based upon consideration of the evidence produced by its own investigation or offered by the proponents or opponents of the project. It has the ability to exercise discretion in reaching its decision. In the event an aggrieved party were to appeal your decision, the PEDB's unwillingness to decide a private title issue should be unassailable.

We respectfully suggest that to adopt Tetrattech's second condition (requiring the parties to resolve the alleged title issue before commencement of construction) would unduly delay the commencement of the project and probably cause the Proponent to abandon it. We do not think it is within the purview of the PEDB to mandate that a petitioner take affirmative action to cure an alleged potential title issue. It is up to an aggrieved party to address any Neelon Lane title issue directly in an appropriate forum, such as a court with competent jurisdiction over the matter. A final court resolution of the alleged title issue could take years to obtain. The Proponent would not be able to retain control of his land option for that length of time. Imposing this condition would, in effect, be handing a victory to the project's opponents.

Multiple Methods to Fix Location of Private Way

Your special permit decision-making process has been delayed due to opponent's efforts to discredit the location and length of Neelon Lane. Neelon Lane has been in continuous existence since at least 1863 without dispute. In reality, the permitting process attack on the location of Neelon Lane reflects opponent's desire to kill the entire project. This diversionary effort has caused survey experts to submit and analyze technical data in an effort to exactly locate the lane by survey. We submit that this is not an engineering problem, but a title issue in which PEDB should not be involved.

Survey plans are only one way to determine the location of ways. The location of a way can also be made by investigating the words contained in deeds and other public records. We have done so and believe that there is sufficient evidence in the Norfolk Registry of Deeds and other public records to fix the location of Neelon Lane. We believe that the records of both the Registry and the Selectmen provide sufficient information to fix both the location and width of Neelon Lane, notwithstanding the absence of a specific recorded stand-alone survey of the Statutory Private Way. Our rationale for reaching this conclusion is set forth in the following analysis.

Legal Analysis

Over 150 years ago three abutting landowners were parties to the initial dispute over the use of what is currently known as Neelon Lane: namely Charles Whittier, Francis Neelon, and John Kearn. We attach a Permitting Plan (Exhibit A) which highlights the historical location of the Whitney Parcel in green, the Neelon Parcel in blue and the Kearn Parcel in pink. Neelon Lane is highlighted in yellow. Historically, Neelon Lane has been referred to as Wilson's Lane, Nealon's Lane and Neelon Lane. They all refer to the same Statutory Private Way.

In 1950, the Kearn Parcel was divided into two house lots, (See 1950 Plan attached as Exhibit B). In 1959, the section of the Whittier Parcel which abuts Neelon Lane was subdivided into Lots 1 and 2 (see 1959 Plan attached as Exhibit C).

To bring abutting ownership up to date, the two house lots created from the Kearn Parcel are now owned by Kenneth and Terri Bancewicz (223 Village Street) and Peter and Michele Newell (2 Neelon Lane). The Neelon Parcel and Neelon Lane are now in control of the Proponent. The portions of the Whitney Parcel are now owned by Daniel and Mariclanna Kaplan (221 Village Street) and Mary Elizabeth McDonald (9 Neelon Lane).

In 1856, the Neelon Parcel had no direct frontage on the Old Boston and Hartford Road (now called Village Street). However, it benefited from two rights of way for access to and from Village Street. The first right of way was created by reservation in a deed from Eleazer Morse, a prior owner of the Neelon Parcel, to John Kearn described as follows:

“Reserving to myself and to my heirs and assigns the right of passage over the easterly side of said premises [the Kearn Parcel] next to land of [Charles B.] Whitney as have been recently granted and used for that purpose.”

The Neelon Parcel also benefited from an additional right of way over the Kearn Parcel described as follows:

“a right of way is mutually granted and guaranteed on the easterly side of these premises [Neelon Parcel abutting Whitney] and of land of Morse [Kearns Parcel] lying northerly thereof.”

It is clear from Registry records that the easterly side of the Kearn Parcel (which abuts the Whitney Parcel) was subject to both rights of way. Following his 1856 acquisition of the Neelon Parcel, Neelon utilized these mutually granted rights of way to pass and repass over the easterly side of the Kearn Parcel to Village Street. Possibly, while using the right of way, Neelon may have “meandered” or otherwise trespassed over the Whitney Parcel. At any rate, it appears that a disagreement arose between Neelon, Kearn and Whitney as to the width and use of these rights of way. The dispute was submitted to the Medway Selectmen for resolution, resulting in their 1863 decision to lay out and accept a 25 foot wide Statutory Private Way (see opinion of Sidney Smithers, Esq., dated September 21, 2010). The Selectmen’s decision created a 25 foot wide Statutory Private Way over the land of both Whitney and Kearns. Both Kearns and Whitney were monetarily compensated as a result of that decision.

The Selectmen's decision to lay out and accept a Statutory Private Way appears to have cured the problem. To this day, the Neelon Parcel enjoys the benefit of the two underlying rights of way as well as the Statutory Private Way. In the 147 years following the creation of Neelon Lane as a Statutory Private Way, we have found no evidence in the Registry to reflect a continuation or revival of the earlier dispute. Since the 1863 layout, a travelled way (which is now paved) has been maintained over both the Whitney and Kearns Parcels to provide access and egress between Village Street and the Neelon Parcel. The only reason that a challenge to the location has arisen at this time is because it is a pawn in the chess game being played currently before your governmental body.

Deeds Using "Bounding" Descriptions

Historically, using the words bounded by" in recorded deeds are very important words relating to an abutter's right in ways. The words "bounded by" or "bounding on" have significant legal relevance. The historical meaning of "bounding" on a way was codified in 1972 by M.G.L. Ch. 183, Sec. 58 attached as Exhibit G.

Also, according to the conveyancer's bible, *Crocker's Notes on Common Forms*, Section 178,

"When land is described as bounding on...way, if the grantor is the owner of the adjoining land over which such...way is described as laid out, [the owner]...and all person claiming under her...are estopped from setting up any claim or doing any acts inconsistent with the grantee's use of such street or way. This is sometimes referred to as the doctrine of easement by estoppel."

The current owners of Lots 1 and 2 on the 1959 Plan (Kaplan and McDonald) claim through Whittier, the grantor, and are thus estopped from setting up any claim or doing any acts inconsistent with Proponent's use of Neelon Lane.

In several of the deeds in the Whittier Parcel chain of title the words "bounded by Wilson's Way" were used. It is clear from the 1863 Selectmen's layout that a portion of the Whittier Parcel was within Neelon Lane. See for example, an 1878 deed from Fisher to Plummer recorded with the Registry in Book 579, Page 559 (the "Plummer Deed") attached hereto as Exhibit D. Most importantly, the Plummer Deed description was substantially carried forward by Schofield Brothers Engineering, Inc. in its preparation of the 1959 Plan for the then owner William S. McDonald. To further drive the nail into the coffin, the 1959 owner conveyed Lot 1 on the 1959 Plan to LeBlanc specifically using the words "bounded by Nealon's Lane" (see deed attached as Exhibit E). Likewise, the deed of Lot 2 from Katherine McDonald to its current owner, Mary Elizabeth McDonald, specifically referred to the 1959 Plan and the *frontage* utilized to justify and create Lot 2 was *131 feet along Neelon Lane*.

We are of the opinion that having used Neelon Lane as required frontage on the 1959 Plan for the purposes of creating Lot 2, the owner of Lot 2 is now estopped from

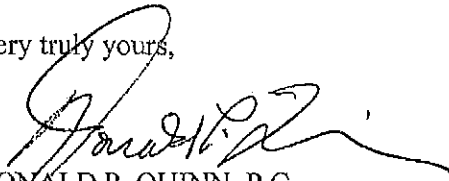
Andy Rodenhiser, Chairman, PEDB
January 7, 2011
Page 5 of 6

arguing that she is uncertain about its location. If the Neelon Lane frontage did not abut Lot 2, then her present house lot was improperly subdivided. She should be estopped from arguing to the contrary.

Finally, because the easterly sideline of Neelon Lane coincides with the westerly boundary of Lots 1 and 2 on the 1959 Plan, the Registry records have provided a *fixed location* for the easterly sideline of Neelon Lane. There is no dispute that Neelon Lane is 25 feet wide; therefore the westerly boundary of Neelon Lane is 25 feet to the west of the Lot 1/Lot 2 boundary lines. It has been demonstrated by survey that the current traveled portion lies within 25 feet of the Kaplan/McDonald westerly boundaries. (See O'Driscoll Existing Condition Plan revised 12/14/10 attached as Exhibit F.) Therefore, the westerly sideline of Neelon Lane is 25 feet from the Lot 1 and Lot 2 boundaries on the 1959 Plan.

Hopefully, this technical legal discussion will assist the PEDB in reaching the conclusion that a location can be fixed by words in recorded documents as well as surveys. We have significant research data and Supreme Judicial court decisions to support our conclusions. Please do not hesitate to have your consultants or agents contact us with any question or comments.

Very truly yours,

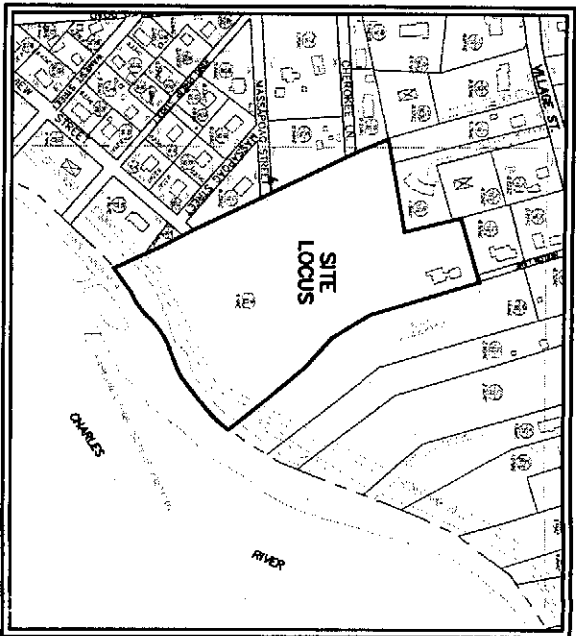


DONALD P. QUINN, P.C.

DPQ/dmj

cc: Robert Daylor, P.E.

- LEGEND
- N/F. NOW ON FORMERLY
 - CG OH CONCRETE BOUND WITH DRILL HOLE
 - END. FOUND
 - EXIST. EXISTING
 - PROPOSED PROPOSED
 - INVERT INVERT
 - R.C.P. REINFORCED CONCRETE PIPE
 - APPROX. APPROXIMATE
 - HYDRANT
 - SEWER MANHOLE
 - STORMWATER COLLECTION BASIN
 - PROPOSED CONTOUR LINE
 - OVERHEAD WIRE
 - SPN. SEWER FORCE MAIN
 - OTH. DEEP TEST HOLE
 - DET. DETENTION
 - UTILITY POLE
 - FES. FLARED END SECTION
 - ELEV. ELEVATION
 - BIT. BITUMINOUS
 - CONC. CONCRETE
 - F.F. FIRST FLOOR ELEVATION
 - B.F. BASEMENT FLOOR ELEVATION
 - G.F. GARAGE FLOOR ELEVATION
 - BM. BENCHMARK
 - FA. FIRE ALARM BOX
 - WATER GATE
 - VERTICAL GRANITE CURB
 - TEST PITS
 - ELECTRIC, TELEPHONE & CABLE



LOCUS MAP
SCALE: 1"=200'

"CHARLES RIVER VILLAGE" NEELON LANE – MEDWAY, MASSACHUSETTS SPECIAL PERMIT – CONCEPT PLANS OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

PLAN INDEX

SHEET 1:	TITLE SHEET
SHEET 2:	CONTEXT & ANALYSIS PLAN
SHEET 3:	CONCEPT PLAN "CHARLES RIVER VILLAGE" OSRD
SHEET 4:	YIELD PLAN

"CHARLES RIVER VILLAGE" SPECIAL PERMIT – CONCEPT PLANS OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) IN

MEDWAY, MASSACHUSETTS

DATE: JULY 28, 2010

REVISION DATES:
SEPTEMBER 24, 2010
DECEMBER 30, 2010

O'DRISCOLL

LAND SURVEYING Co.

FAIST ENGINEERING, INC.

600 Chatham Street

LAND SURVEYING GPS MAPPING LAND CONSULTING
44 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314
e-mail: dfaist@faisteng.com

SHEET 1 OF 4

RECORD OWNER: MICHAEL ACQUAVESCA & CAROL SUPERIOR
EXECUTIVE OFFICE OF HILTON BRIDGMANS
282 PURCHASE STREET
MILFORD, MA 01757
CONTACT: CAROL SUPERIOR
17A BIRCH DRIVE
WILMINGTON, MA 01803
(508) 770-0825
PREPARED FOR: CHARLES RIVER VILLAGE, LLC
ASSESSORS REFERENCE: MAP 1-7 PARCEL 10/33
DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 05948 PAGE 353
BOOK 05949 PAGE 351
BOOK 05950 PAGE 351
BOOK 06224 PAGE 188
ZONING DISTRICT: AGRICULTURAL-RESIDENTIAL II (AR II)
MIN. REQUIRED AREA: 22,500 S.F.
MIN. REQUIRED FRONTAGE: 150'
MIN. SETBACK FROM STREET LINE: 35'
MIN. SETBACK FROM LOT LINES: 15'

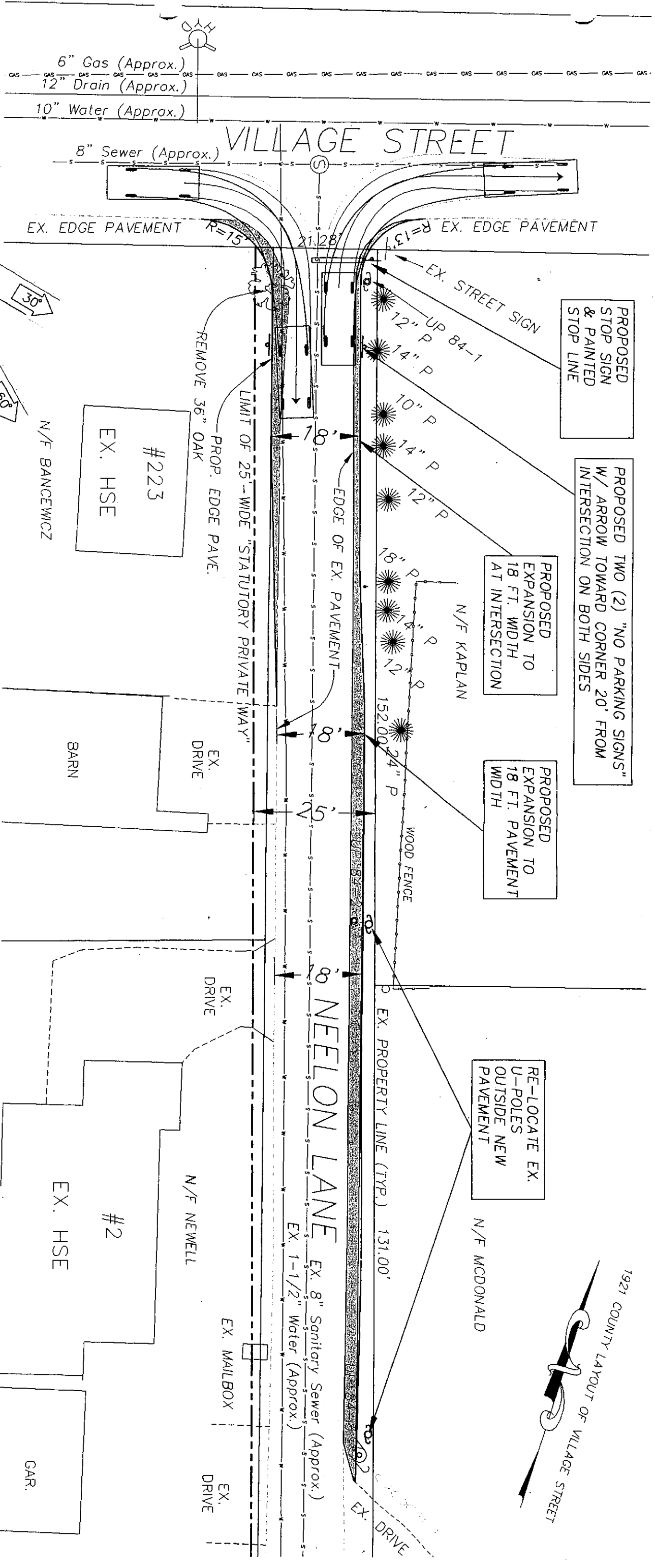
APPLICANT: CHARLES RIVER VILLAGE, LLC
P.O. BOX 100
MEDWAY, MA 02053
P: (508) 326-7505
PROJECT ENGINEER: GARY T. FAIST, P.E.
FAIST ENGINEERING, INC.
800 CHATHAM STREET
SOUTHBRIDGE, MA 01550
PH: (508) 765-7755
RECORD OWNER: MICHAEL ACQUAVESCA & CAROL SUPERIOR
EXECUTIVE OFFICE OF HILTON BRIDGMANS
282 PURCHASE STREET
MILFORD, MA 01757
CONTACT: CAROL SUPERIOR
17A BIRCH DRIVE
WILMINGTON, MA 01803
(508) 770-0825

PROJECT SURVEYOR: DANIEL A. O'DRISCOLL, P.L.S.
O'DRISCOLL LAND SURVEYING, CO.
48 COTTAGE STREET
MEDWAY, MA 02053
P: (508) 333-3314
LANDSCAPE ARCHITECTS: LONNEL ROBINSON
LANDSCAPE ARCHITECT
SOUTHBRIDGE, MA 01550
PH: (508) 526-3503
L.P. DESIGN, LLC
10 DESIGN, LLC
STATE ST
NEW BRITAIN, CT
PH: (860) 812-1700

- NOTES:
- 1) LIMITED EXISTING CONDITIONS & SITE PROPERTY BOUNDARIES ARE BASED ON AN AIR PHOTO SURVEY CONDUCTED BY O'DRISCOLL LAND SURVEYING CO. DURING JUNE-JULY 2010. INFORMATION SHOWN IS FOR OSRD SPECIAL PERMIT CONCEPT PLAN PURPOSES ONLY.
 - 2) TOPOGRAPHY, UTILITIES, EXISTING BUNK AND DEED LOT PLAN LOCATIONS ARE BASED ON A SURVEY. APPLICANT WILL PROVIDE A PROFESSIONAL METEOROLOGIST TO DETERMINE THESE RESOURCE AREAS AND FILE AN OFFICIAL AIRRAD WITH THE MEDWAY CONSERVATION COMMISSION.
 - 3) THE PROPOSED PROJECT SHALL BE SERVED BY TOWN WATER AND TOWN SEWER VIA LANE & CROWE LANE.
 - 4) NO CURB OR PITS GREATER THAN 6" OR SLOPE GREATER THAN 2% WILL BE ALLOWED FOR THIS PROJECT. BASED ON A PRELIMINARY REVIEW OF AVAILABLE TOPOGRAPHIC DATA.
 - 5) AREAS OF 100-YEAR FLOOD SHOWN BASED ON FEMA FLOOD INSURANCE RATE MAP FOR THE TOWN OF MEDWAY MASSACHUSETTS PANEL 5 OF 5, COMMUNITY PANEL NUMBER 250243 0005 B, EFFECTIVE DATE: JUNE 18, 1990.

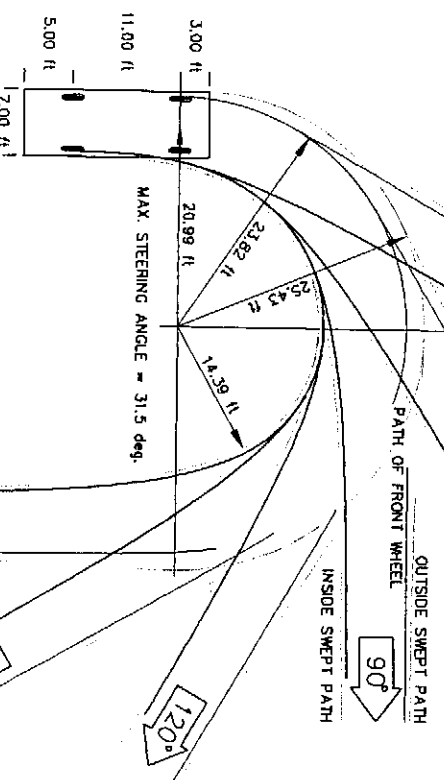
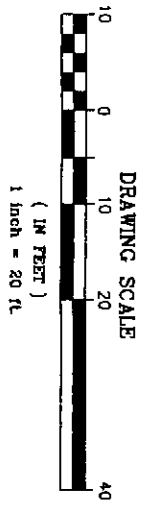
- THIS PLAN TO BE USED FOR PRELIMINARY SITE PLANNING PURPOSES ONLY -

RECEIVED
JAN 06 2011
TOWN OF MEDWAY
PLANNING BOARD



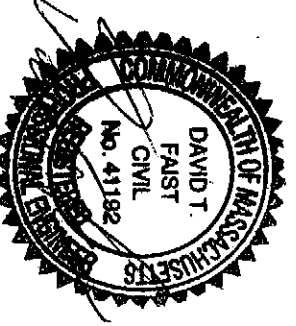
1921 COUNTY LAYOUT OF VILLAGE STREET

VILLAGE STREET - NEELON LANE PROPOSED CONDITIONS SKETCH



P
AASHTO 2004 (US)
Copyright (c) 2004, Transient Southern

NOTES:
1) LIMITED EXISTING CONDITIONS & SITE PROPERTY BOUNDARIES ARE BASED ON AN ON-THE-GROUND SURVEY BY O'DRISCOLL LAND SURVEYING CO. INFORMATION SHOWN IS SOLELY FOR OSRD SPECIAL PERMIT CONCEPT PLAN PURPOSES ONLY.



FAIST ENGINEERING, INC.
600 Charlton Street Southbridge, MA 01550
MA Phone/Fax: (508) 765-7755
0'DRISCOLL
LAND SURVEYING Co.
LAND SURVEYING GPS MAPPING LAND CONSULTING
46 COTTAGE STREET MEDFORD, MASSACHUSETTS 02053 (508) 533-3314
DATE ISSUED: 10/29/10 PROJECT NO: CHA-2345
REVISION DATE: 12/29/10

**January 25, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Bob Tucker, Chan Rogers, Karyl Spiller-Walsh, and Tom Gay

ABSENT WITH NOTICE: Andy Rodenhiser

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Planning Consultant

Vice Chairman Tucker opened the meeting at 7:05 pm.

Village Estates Preliminary Subdivision Plan:

An application was received on December 16, 2010 for the approval of a preliminary subdivision plan. The applicant is Russell and Dorothy Santoro. The title on the application is Village Estates (private road) Preliminary plan. This plan was prepared by Paul DeSimone. The property location is 272 Village Street. This will be a private roadway. The plan date is November 25, 2010. This project has already gone to the Conservation Commission for wetlands delineation.

Paul Desimone explained that the plan shows the division of land into two residential lots. One lot contains an existing dwelling at 272 Village Street. The second lot will be for new construction. There will be construction of 120 foot long, 18' wide permanent private roadway including underground drainage area. There will be the installation of municipal water and sewer service. The proposal is for a "by right" use in this zoning district (AR2). There is an existing stone trench, but it will not be part of the drainage.

Susy Affleck-Childs informed the Board that a memo dated January 4, 2011 went out the abutters letting them know that a public briefing will be taking place.
(See Attached).

Abutter Wayne Brundage 268 Village St.:

He wanted noted several items:

- *Disagrees about the wetland delineation.
- *There is also not enough pitch
- *Concerned about water
- *Sewer line is low
- *Doesn't want to look at a patio from his back yard
- *The wetland markers have been taken down

Consultant Carlucci wrote a letter dated January 21, 2011 providing comments and recommendations.

(See Attached)

Consultant Carlucci further communicated the following comments:

- *Engineer needs to sign the plan
- *There is no sewer connection or septic system shown for the existing house.
- *The definitive plan requires NAVD88 to be used.
- *A proposed street name needs to be shown on the plan.

Affleck-Childs communicated to Mr. Desimone that the language of the easements must be clear that the future owner of Lot 1 will have rights to use the roadway. It was further expressed that Lot A cannot be conveyed until the road is put in.

The Board and Mr. Desimone discussed the setbacks. Mr. Desimone noted that the lot is on the corner, and a spite strip might be needed to be put in since it is a corner lot.

Consultant Carlucci indicated that it is his understanding that the required zoning setback must be met from any street.

It was suggested that the building inspector provide insight about the setbacks relative to this plan.

Abutter John McRury, 275 Village Street:

This resident is concerned about the water and drainage. He also wanted to know if the Town has anyone to look at the drainage.

Member Tucker indicated that the Town does have an engineer who would look at this project.

It was suggested that Mr. DeSimone contact the abutters to be allowed to do surveying from their properties. The abutters to the property agreed to having the surveying done on their property.

Affleck-Childs provided a point of clarification, that the (x) on the plan indicates that there is a building somewhere on the lot but does not specify the exact location of the structure.

Affleck-Childs also recollects that the zoning bylaw does not allow the Planning Board to approve a plan that puts an adjacent lot into non-conformity.

Member Spiller-Walsh notes that the consultant report indicates that the plan proposes to construct a private way cul-de-sac when in reality this is not what the applicant is constructing. The applicant is proposing a cul-de-sac roadway layout.

Consultant Carlucci agreed with the comment.

Pine Meadow II Subdivision:

This will be tabled until the next meeting.

Fox Run Farm Subdivision Performance Security:

This will be tabled to a future meeting.

Hill View Estates Preliminary Subdivision Plan:

PGC Associates supplied a memo dated January 21, 2011 for the cost estimate to review and comment on the Preliminary Subdivision Plan called Hill View Estates. The property is owned by Christine Price and is located on Hill Street.

(See Attached)

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to approve the estimate of \$340.00 from PGC Associates to review the Hill View Estates preliminary subdivision plan.

Mr. DeSimone indicated that the Form A (ANR Plan) will be filled since a portion of the land is in Holliston and is not being subdivided. He further explained that the total parcel is 13 acres total. There is a large house on one of the parcels. The owner wants to give some of the land to the Conservation Commission. The prior permit which allowed the house was a variance for reduced frontage on Hill Street.

Affleck Childs informed the Board that she is waiting for the abutters list from Holliston before proceeding to set the date for the public briefing.

Williamsburg Condominium Development:

Affleck-Childs informed the Board that the Release of Covenant which the Board had previously executed was provided to the developer after two items were addressed. The required certification of affordable housing needed to be submitted to the Mass DHCD and the paperwork for a conservation restriction on Open Space Parcel A had to be completed. This was completed on January 25, 2011.

DISCUSSION – Possible Zoning Bylaw Amendments for 2011 Annual Town Meeting

ARI Estate Lots:

The draft of the ARI – Estate Lots incorporates the edits and recommendations from Gino Carlucci, and Town Counsel. The document also was reviewed by Susy Affleck-Childs and John Emidy. Some of the information within the draft was taken from surrounding towns.

(See attached.)

The purpose of estate lot zoning is to allow for the development of residential parcels which exceed the minimum lot area required by the zoning district but also do not have the required minimum frontage.

The process for this would be through the special permit. The plan shall be prepared by a civil engineer, land surveyor, or landscape architect. The plan must also show the front and area of all lots abutting.

Member Tucker would like to see the PEDC as the special permit granting authority and would like the PED office to handle the application process.

The Board discussed looking at the setbacks and having a maximum frontage. This would allow the resident the ability to use the land without having to do a subdivision. The requirement would allow a parcel which lacks the minimum frontage to be designated as an Estate Lot and be utilized for residential purposes provided that the criteria are met. It was also discussed that specific conditions can be incorporated into the written decision.

Member Gay suggested that the Board may want to look at the lots in town that this would effect.

Consultant Carlucci will research this and will provide the results to the Board.

The Board will discuss this further at the next meeting.

Member Chan Rogers moves to adjourn the meeting at 8:45 pm. There was not a second to his motion.

Draft proposed Revisions to OSRD Bylaw:
(See attached).

Affleck-Childs informed the members that the noted changed areas are in bold.

It was the agreement of the Board that this be discussed at the February 1, 2011 workshop meeting.

The members will review the documents and will have any suggestions or recommendations for that evening.

Minutes January 11, 2011:

The minutes from January 11, 2011 will be tabled until the next meeting.

Member Spiller-Walsh had some revisions she wanted noted.

Correspondence:

The Board is in receipt of an email dated January 14, 2011 from Don Keeran, Coordinator of the Coalition for Zoning Reform regarding the Community Land Use and Preservation Act.

(See Attached)

The Board is in receipt of a memorandum from Metropolitan Area Planning Council dated January 10, 2011. The memo is in relation to professional and technical planning assistance to MAPC municipalities through the District Local Technical Assistance program.

(See Attached)

2011 Annual Town Meeting Warrant Article Submission:

Proposed articles and supporting documentation must be submitted by February 11, 2011.

Adjourn

On a motion made by Chan Rogers, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to adjourn the meeting at 9:00 pm.

Future Meetings:

The next meetings scheduled are:

Special PEDB Workshop Meeting – February 1, 2011

Regular Meetings - February 8 & 22, 2011

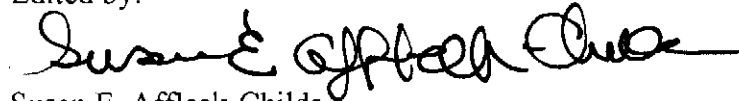
The meeting was adjourned at 9:00 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by:



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Karyl Spiller Walsh
Cranston (Chan) Rogers, P.E.

January 4, 2011

PUBLIC BRIEFING
The Villages Preliminary Subdivision Plan
Tuesday, January 25, 2011 at 7:15 pm

The Medway Planning & Economic Development Board has received an application from Russell S. & Dorothy P. Santoro of Medway, MA for approval of a *preliminary subdivision plan for a proposed 2 lot residential subdivision at 272 Village Street to be known as Village Estates*. Owned by the applicant, the 2.026 acre parcel (Medway Assessors Map 1C, Parcel 114) is located in the Agricultural Residential II zoning district. The preliminary subdivision plan is dated November 25, 2010, and was prepared by Colonial Engineering, Inc. of Medway, MA. The plan shows the division of land into two residential lots (one containing an existing dwelling at 272 Village Street and a second lot for new residential construction), the construction of an approximately 120 foot long, 18' wide permanent private roadway including an underground drainage area, and the installation of municipal water and sewer service. This proposal is for a "by right" use in this zoning district.

The applicant and his representative will present the proposed Village Estates Preliminary Subdivision Plan to the Planning and Economic Development Board on Tuesday evening, January 25, 2011 at 7:15 pm in the Sanford Room on the second floor of Medway Town Hall, 155 Village Street, Medway, MA. You are receiving this notice because you own land within 300 feet of this proposed subdivision. A copy of the proposed preliminary subdivision plan is enclosed for your use. The Board invites you review the plan, attend the Public Briefing, ask questions, and express your views on the proposed subdivision. We encourage your participation and comments. Written communication may be forwarded to the Board at the above address, faxed to us at the number below, or emailed to us at: planningboard@townofmedway.org. Board members will review all submitted correspondence.

A copy of the application and the full size version of the Village Estates Preliminary Subdivision Plan are on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The Town Clerk's office is also open most Monday evenings until 7:30 p.m. The full size plan is also available at the Planning & Economic Development office and has been posted at the Board's web page at townofmedway.org.

If you have any questions regarding this matter, please contact Planning & Economic Development Coordinator Susan Affleck-Childs at 508-533-3291. Thank you.

Phone: 508-533-3291 Fax: 508-533-3252

Email: planningboard@townofmedway.org

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
pgca@comcast.net

January 21, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Re: Village Estates Preliminary Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the preliminary subdivision plan submitted by Russell Santoro of Medway for property on Village Street. The plan was prepared by Colonial Engineering, Inc. of Medway, and is dated November 25, 2010.

The plan proposes to ^{layout}construct a private way cul-de-sac in order to create frontage and divide a lot on Village Street with an existing house on it into two lots. It appears that an existing house on the property would remain. The total size of the parcel is 2.026 acres.

I have comments as follows:

Zoning

1. The lots in the subdivision as shown on the plan appear to comply with the zoning bylaw.

Subdivision Rules and Regulations

2. Section 4.4 requires that an engineer and surveyor prepare the plan. Only a surveyor is indicated on the plans, although an engineer is named in the application.
3. Section 4.6.7 requires general information on existing and proposed drainage, sewer disposal and water distribution.. The plan indicates an existing stone trench. The proposed drainage system appears to tie into this trench, but an underground drainage facility is also proposed at the beginning of the trench. It appears that a sewer main in Village Street will be extended from a manhole at the centerline of Brookside road to the centerline of the proposed new road and then into the subdivision. No existing sewer connection or septic system is shown for the existing house.
4. Section 4.6.10 requires that a datum reference be shown. No datum reference is provided. The definitive plan regulations require NAVD88 be used.

5. Section 4.6.11 requires that a proposed street name be shown on the plan. No name is shown.

General Comments

6. The signature block includes the statement that endorsement does not constitute a determination of compliance with the Zoning Bylaw and that approval under the subdivision control law is not required. These statements are required on ANR plans but not on subdivision plans. While it is technically true that approval of a preliminary subdivision plan is not required under the subdivision control law, such a statement on a preliminary plan could create the impression that a definitive plan is not required.

7. Since only two lots are proposed, this subdivision would qualify as a permanent private way. In considering whether there is a possibility of extending the way onto adjacent developable land, it appears that the abutting lots on both sides have excess land, but the lot to the east is mostly wetlands and the lot to the west appears to have a second dwelling unit on it already.

8. Two driveways are shown to the proposed dwelling on the proposed new lot. Since the proposed lot has more than 30,000 square feet, it appears that a duplex is proposed for that lot. This requires a special permit from the ZBA.

9. The existing house currently has two driveways to Village Street. One is paved and one is gravel. A new driveway from the proposed new street is proposed for the existing house, and the gravel driveway is proposed to be abandoned. Consideration should be given to also abandoning and removing the paved driveway to Village Street to reduce the traffic impact from multiple curb cuts and to improve the streetscape along Village Street, which is a scenic road.

If there are any questions about these comments, please call or e-mail me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr.", with a stylized flourish at the end.

Gino D. Carlucci, Jr.

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

January 21, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Approved

Re: Hill View Estates Preliminary Subdivision Plan

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the preliminary subdivision plan called Hill View Estates, submitted by owner Christine Price of Medway and prepared by Colonial Engineering, Inc. of Medway. The plan is dated November 25, 2010.

<u>Task</u>	<u>Hours</u>
Prepare estimate	0.5
Technical review and comment	2.0
Planning Board meeting	1.5
Total	4.0
Cost Estimate (@\$85)	\$340.00

If there are any questions about this estimate, please call me.

Sincerely,

Gino D. Carlucci, Jr.

Gino D. Carlucci, Jr.

ARI – Estate Lots

sac – revised draft 1-10-2011(2) This draft incorporates edits recommended by Gino Carlucci and Town Counsel, comments from John Emidy, and additional ideas from comparable bylaws in Easton & Northbridge

Add a new item 7. Estate Lots in the ARI zoning district

7. **Estate Lots** – The purpose of estate lot zoning is to provide, through a special permit process, for the reasonable use/development of residential parcels which significantly exceed the minimum lot area required by the zoning district but which also do not have the required minimum frontage. This is provided as an alternative to creating multiple minimum size lots under a conventional subdivision plan. This alternative is meant to preserve rural character by reducing density, infrastructure construction, and congestion.

The **PEDB or ZBA** may grant a Special Permit for development of a single family dwelling on a lot in the ARI district which lacks the minimum frontage required for the district by designating it as an Estate Lot, subject to the criteria as set forth herein.

Estate Lot status may be granted to pre-existing parcels or to newly established parcels.

a) **General Requirements/Conditions** – A parcel which lacks the minimum frontage requirement may be designated as an Estate Lot and utilized for residential purposes provided that all of the following conditions are met.

1. An Estate Lot shall be located entirely within the ARI zoning district.
2. An Estate lot have a minimum street frontage of least 50' (35', 40')
3. The area of an Estate Lot shall be at least three times the minimum area required for this district.
4. The Estate Lot must be capable of containing a square with each side having a length equal to or greater than the standard minimum required lot frontage.
5. All buildings and structures on an Estate Lot shall be located at least 100' from any street.
6. Front, rear and side yard setbacks. All buildings on an Estate Lot shall be located a minimum distance of 50' from abutting property lines.
7. All utilities shall be installed underground.
8. No Estate Lot shall be permitted adjacent to any other Estate Lot.
9. Access/egress to and from the Estate Lot from a public or private way shall be within the boundary lines of the lot and shall not be subject to any right-of-way nor any public or private easement over adjacent land.
10. The driveway to provide access for the house to be constructed on an Estate Lot shall be at least 14' in width; its first 50' shall be paved.

ARI – Estate Lots

sac – revised draft 1-10-2011(2)

11. Said Estate Lot shall be in compliance with all other standard zoning requirements.
12. No Estate Lot shall be further subdivided or developed pursuant to other special permit options.
13. The Plan for an approved Estate Lot shall be endorsed "Approved as an Estate Lot." The following notes shall also be placed on the plan: *"Lot shown on this plan shall not be further subdivided."* and *"No building permit shall be issued to construct a dwelling on the subject lot until a copy of the recorded special permit is provided to the Medway Building Commission."*

b) Application – The applicant shall submit with the special permit application a plan depicting the proposed Estate Lot.

1. The plan shall be prepared by a civil engineer, land surveyor, or landscape architect registered in the Commonwealth of Massachusetts and shall be in such form as will be required for recording with the Registry of Deeds or filing with the Land Court.
2. A building area shall be designated on the plan. Front, rear and side yard depths shall be shown.
3. The plan shall show the frontage and area of all lots abutting and across the street.

c) Findings - The ~~PEDB~~ or ZBA shall not issue a special permit under this section except upon the following findings:

1. The applicant has provided for safe access for public safety vehicles and personnel to the residence to be constructed on the Estate Lot, and the intersection of such access driveway and the public way has been placed so as to minimize conflicts with curb cuts on abutting lots and to maximize sight distances for exiting traffic.
2. Egress from the Estate Lot must have no greater hazard owing to grade and visibility limitations than would be expected for a standard land subdivision road at that location.
3. The development of the property as an Estate Lot will be more in keeping with the character of the adjacent neighborhood and the protection of open space, significant or important natural resources and to historic structures or places (where such features are present) than other development options available to the applicant would be.

ARI – Estate Lots

sac – revised draft 1-10-2011(2)

4. The existing drainage patterns shall not be disrupted by the construction of a driveway on the reduced frontage portion of the Estate Lot.
- d) **Decision** - In determining whether or not to grant a special permit for an Estate Lot, and in determining what conditions, if any, to impose on such a special permit, the ***PEDB or ZBA*** may consider circumstances relating to soil conditions, topography, lot history, wetlands, proposed building locations, and public safety and convenience. Such limitations, conditions and safeguards shall be included in the written decision.

DRAFT

DRAFT PROPOSED REVISIONS TO OSRD BYLAW
PGC Associates – January 7, 2011

T. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

1. **Purpose and Intent** - The primary purposes for OSRD are:
 - a) To allow for greater flexibility and creativity in the design of residential development
 - b) To protect community water supplies;
 - c) To minimize the total amount of disturbance on the site;
 - d) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and/or historical and archeological resources.
 - e) To discourage sprawl and encourage a more efficient form of development that consumes less open land and conforms more closely to existing topography and natural features than a conventional subdivision;
 - f) To further the goals and policies of the Medway Master and/or Open Space Plans;
 - g) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner.
 - h) To preserve and enhance the community character;
 - i) To preserve and protect agriculturally significant land;
 - j) To protect the value of real property;
 - k) To allow for housing types that will diversity the community's housing stock including the provision of affordable housing for persons of low and moderate incomes. *(Item k) added May 14, 2007)*

2. **Eligibility**

- a) **Zoning Classification** - Only those tracts located in the AR-I and AR-II Districts shall be eligible for consideration as an OSRD.
- b) **Contiguous Parcels** - To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. For the purposes of this section, parcels that are directly opposite each other across an existing street, and each have a minimum of 25 feet of frontage on the same 25-foot section of roadway, may be considered as if contiguous. Provided, however, that parcels or sets of parcels on opposite sides of a street must each have practical development potential as evidenced by either meeting the dimensional requirements of the residential zoning district in which it lies, or, in the opinion of the Planning and Economic Development Board, has sufficient access and area to be subdivided in accordance with the Planning and Economic Development Board's Rules and Regulations for the Review and Approval of Land Subdivisions.
(Revised June 15, 2009)
- c) **Land Division** - To be eligible for consideration as an OSRD, the tract may be a

subdivision or a division of land pursuant to M.G.L. c. 41, s. 81P, provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided.

d) *Tract Size* – An OSRD shall be on a site that is a minimum of 8 acres in area. The Planning and Economic Development Board may approve an OSRD on a tract of land that is less than 8 acres if such property directly abuts the Charles River, Chicken Brook or Hopping Brook and that portion of the property that abuts any of these waterways is included in the open space. *(Item d) added June 15, 2009)*

3. *Special Permit Required*

a) The Planning and Economic Development Board may authorize an OSRD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the provisions outlined below.

b) The Planning and Economic Development Board shall adopt *OSRD Rules and Regulations* which shall more fully define the application requirements including the size, form, number and contents of the *Site Context and Analysis Plan*, *Concept Plan*, and *Yield Plan*, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.

c) Upon approval by the Planning and Economic Development Board, an OSRD may include a Local Convenience Retail use of no more than 7,500 square feet of gross building area. *(Item c) added 6-2-08)*

d) Upon approval by the Planning and Economic Development Board, an OSRD may include a Community Center or Building erected solely for the use of the residents of the OSRD and their guests for educational, recreational and social purposes. *(Item d) added 6-2-08)*

4. *Pre-Application Phase*

a) *Informal Review* -The purpose of an informal pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development. The applicant is required to schedule an informal pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to attend the informal pre-application review. At the informal pre-application review, the applicant ~~may~~ **shall** outline the proposed OSRD **(including presentation of a preliminary Site Context and Analysis Plan prepared with input from a Registered Landscape Architect)**, seek preliminary feedback from the Planning and Economic Development Board and/or its agents, **review potential trails and trail connections, present a preliminary design concept for handling stormwater runoff,**

discuss potential mitigation measures, and set a timetable for submittal of a formal application. At the applicant's request and expense, the Planning and Economic Development Board may engage technical experts to review the applicant's informal plans and facilitate submittal of a formal application for an OSRD special permit.

(Revised June 15, 2009)

b) *Site Visit* – ~~Upon request of a~~ **As part of a request for a** pre-application review, the applicant shall grant permission to Planning and Economic Development Board members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

c) *Meeting with abutters* – ***It is highly recommended that applicants meet with abutters at the pre-application stage and prior to preparing a formal application.***

5. ***Four-Step Design Process*** - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed by a Registered Landscape Architect (RLA) and considered in determining the layout of proposed streets, house lots **and/or dwelling units**, and open space.

a) *Identify Conservation Areas* - Identify preservation land by two steps. First, *Primary Conservation Areas* (such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD) and *Secondary Conservation Areas* (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) shall be identified and delineated. Second, the *Potentially Developable Area* will be identified and delineated. To the maximum extent feasible, the *Potentially Developable Area* shall consist of land outside identified *Primary and Secondary Conservation Areas*. **The specific features of the tract that are proposed to be preserved shall be identified. Furthermore, methods of integrating the preserved areas and features with the Potentially Developable Area and existing abutting neighborhoods shall be proposed. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potentially Developable Area be preserved.**

b) *Locate ~~House~~ Dwelling Unit Sites* - Locate the approximate sites of individual houses **and/or attached dwelling units** within the *Potentially Developable Area* and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots **or dwelling units**. Additionally, new streets and trails should be laid out to create internal

and external connections to existing and/or potential future streets, sidewalks, **existing or proposed new open space parcels** and trails on abutting public or private property.

d) *Draw in Lot Lines* A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided. *(This sentence added June 15, 2009)* **This step is not applicable to condominium projects.**

6. Application Requirements ~~Procedures~~

a) *Application* - An application for an OSRD Special Permit shall include a *Site Context and Analysis Plan*, a *Concept Plan*, ~~and a Yield Plan~~, **Design Plan, and Mitigation Plan**. The application shall also include a narrative statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interests of the Town to grant the OSRD Special Permit rather than approve a conventional subdivision plan.

b) *Site Context and Analysis Plan* - The *Site Context and Analysis Plan* shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.

c) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect, and shall address the general features of the land, give approximate configurations of the lots, **building footprints**, open space, stormwater management facilities, utilities and roadways, **pedestrian circulation** and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development. *(Revised June 15, 2009)*

d) *Design Plan* - The *Design Plan* shall include a preliminary design scheme for the development including, at a minimum, **sample façade designs for the buildings and a preliminary landscaping plan identifying typical features, such as fences, stone walls, light posts, or other items in addition to vegetation that is being considered. Designs that incorporate low-impact design drainage systems into the landscaping plan are encouraged.**

e) *Mitigation Plan* - Proposed mitigation measures in compliance with Sub-section 13 (b) shall be included as part of an

d) f) *General Procedures* - Upon receipt of an application for an OSRD Special Permit, the Planning and Economic Development Board shall, within fourteen (14) days of the filing of the completed application, distribute copies of the application, accompanying plans, and other documentation, to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of Public Services, Police Chief, Fire Chief, Design Review committee, and the Town's consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning and Economic Development Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning and Economic Development Board is held prior to the expiration of the 35-day period, the Planning and Economic Development Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period. The Decision/ Findings of the Planning and Economic Development Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party. (Revised June 15, 2009)

e) g) *Other Information* - The submittals and permits of this section shall be in addition to any other **applicable** requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw, **including, but not limited to the Affordable Housing provisions of Section X.**

7. *Maximum Number of Dwelling Units/Yield Plan*

a) The maximum possible number of OSRD dwelling units shall be derived after preparation of a *Yield Plan*. The *Yield Plan* shall indicate the tract's total area (TA) and its wetland and riverfront area (WA). WA shall include those portions of the tract that are classified as wetland and/or are located within the 200' riparian zone of a perennial stream as determined by the Medway Conservation Commission. (Revised June 15, 2009)

The following formula shall be used to determine the maximum possible number of OSRD dwelling units that **may** be permitted. The resulting amount shall be rounded down to the nearest whole number.

$$\text{Maximum \# of OSRD Dwelling Units} = \frac{\text{TA} - (0.5 \times \text{WA}) - (0.1 \times \text{TA})}{\text{Zoning District Minimum Lot Area}}$$

b) The maximum **possible** number of OSRD dwelling units **is for guidance purposes only.** ~~may~~ It is not necessarily be the number of units the Planning and Economic Development Board approves in the OSRD Special Permit.

8. *Reduction of Dimensional Requirements* - The Planning and Economic Development Board may authorize modification of lot size, shape, and other bulk

requirements for lots within an OSRD, subject to the following limitations:

- a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
- b) Lot frontage shall not be less than fifty feet (50').
- c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.
- d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.
- e) ~~Building footprints or envelopes shall be shown on the plan, and no structure shall be located closer than thirty feet (30') from any other structure. Furthermore, a A~~ landscaped buffer shall be provided between ~~houses~~ **structures** to enhance privacy.
- f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the ~~house~~ **dwelling unit** or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

9. **Open Space Requirements** - A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (e) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

a) In the minimum required open space area (equal to 50% of the total area of the proposed OSRD parcel), the percentage of land that is a *resource area* (as defined and regulated by the Medway General Wetlands Protection Bylaw (ARTICLE XXII) shall not exceed the percentage of the total tract that is a *resource area*; provided, however, that in any proposed open space beyond the minimum required, the applicant may include a greater percentage of *resource area*. (Revised May 14, 2007 & June 15, 2009)

b) The open space shall be contiguous. Open Space will be considered as contiguous if

it is separated by a roadway or an accessory amenity. The Planning and Economic Development Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas.

c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning and Economic Development Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (*i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities*). The open space shall be accessible to the public, unless the Planning and Economic Development Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning and Economic Development Board may require a minimum number of off-street parking spaces to facilitate such public access. (*Revised June 15, 2009*)

d) While protecting resources and leaving land in its natural state is a primary goal, the Planning and Economic Development Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.

e) The following shall not qualify toward the required minimum open space area:

- 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
- 2) Sub-surface drainage, septic and leaching systems per Title 5
- 3) Fifty percent (50%) of the land area subject to any type of utility easement
- 4) Land within thirty feet (30') of any dwelling unit
- 5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
- 6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
- 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.

(*Revised May 14, 2007 & June 15, 2009*)

8) Buffer strips between the *Potentially Developable Area* and abutting existing neighborhoods as required in Subsection 10 (i).

f) Ownership of the Open Space - The open space shall, at the Planning and Economic Development Board's discretion, be conveyed to:

- 1) The Town or its Conservation Commission, upon its agreement;
- 2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;

3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning and Economic Development Board for approval, and shall thereafter be recorded.

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape and use of all proposed open space. If the land set aside for open space is excessively steep or wet, is not safely accessible, or is not dry for at least nine (9) months out of the year, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement. *(Item 9. g) added May 14, 2007)*

10. **General Design Standards** – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:

a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.

b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.

c) The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.

d) All open space (*landscaped and usable*) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

- e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- f) Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.
- g) Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning and Economic Development Board.
- h) Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space. *(Added May 14, 2007)*
- i) A **minimum** fifteen foot (15') wide visual buffer ~~area~~ consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located **between the Potentially Developable Area of the tract and abutting existing neighborhoods** ~~along the perimeter of the OSRD tract~~, unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements. *(Added May 14, 2007)*
- j) Parking – A minimum of ~~two (2)~~ **three (3)** off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Development Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan. *(Added June 15, 2009)*
- k) Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning and Economic Development Board at the recommendation of the Town's Consulting Engineer. *(Added June 15, 2009)*
- l) **Pedestrian circulation measures to facilitate movement within the Potentially Developable Area as well as between it and the open space and the abutting existing neighborhood.**

m) Trails shall be provided to facilitate public access to the open space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel. All trails shall be a minimum of 50 feet from any dwelling unit unless the Planning and Economic Development Board finds that topography, vegetation or other factors warrant a lesser distance.

11. *Decision of the Planning and Economic Development Board* - The Planning and Economic Development Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:

- a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;
- b) Whether the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;
- c) Whether the OSRD promotes less sprawl and a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;
- d) Whether the OSRD reduces the total amount of disturbance on the site;
- e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;
- f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; ~~and~~
- g) Whether the *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.
- h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning and Economic Development Board's *Design Review Guidelines*.
- i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.
- j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.
- l) Whether the impact of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated, **and**

- m) Whether the OSRD protects and enhances community character
(Items 11 (h) – 11 (l) added May 14, 2007)

An OSRD Special Permit decision shall include the approved *Concept Plan*. The OSRD Special Permit Decision shall specifically state that the OSRD Definitive Plan shall substantially comply with the approved *Concept Plan*. The applicant shall record the OSRD Special Permit Decision/ *Concept Plan* at the Norfolk County Registry of Deeds.
(Added June 2, 2008)

12. OSRD Definitive Plan

- a) Subsequent to recording the OSRD Special Permit Decision and *Concept Plan* at the Registry of Deeds, the applicant shall prepare and submit an OSRD Definitive Plan to the Planning and Economic Development Board. The OSRD Definitive Plan shall include all plan changes as may be required by the conditions of the OSRD Special Permit.
- b) The Inspector of Buildings shall not issue a building permit for any building or structure authorized by an OSRD Special Permit unless the Planning and Economic Development Board has approved or conditionally approved and endorsed an OSRD Definitive Plan, filed such with the Town Clerk and provided such to the Inspector of Buildings,
- c) An OSRD Definitive Plan shall comply with the application contents, review process, and Design & Construction Standards of the *Subdivision Rules and Regulations* for a definitive subdivision plan, except that another traffic study and development impact report are not required. The Planning and Economic Development Board may agree to waive/vary those standards upon written request of the applicant, provided that the Planning and Economic Development Board finds that it is in the best interests of the Town to do so.
- d) In cases where a definitive subdivision plan is not technically necessary (e.g. a multi- family condominium project), the Planning and Economic Development Board will consider site design features that are normally the subject of Site Plan Approval (SECTION V. USE REGULATIONS, Sub-Section C of the Medway Zoning Bylaw) such as parking, lighting, landscaping, site amenities, etc. The Development Standards of the Planning and Economic Development Board's *Site Plan Rules and Regulations* shall be adhered to. The OSRD Definitive Plan shall be prepared to comply with those standards. The Planning and Economic Development Board may agree to waive/vary those standards, upon written request from the applicant, provided that the Planning and Economic Development Board finds that it is in the best interests of the Town to do so.
- e) The OSRD Definitive Plan shall substantially comply with the approved OSRD *Concept Plan*. An OSRD Definitive Plan will be considered not to substantially comply with the approved *Concept Plan* if the Planning and Economic

Development Board determines that any of the following conditions exist:

- 1) An increase in the number of building lots;
- 2) A decrease in the open space acreage of more than 5%;
- 3) A significant change in the lot layout;
- 4) A change in the general development pattern which, in the opinion of the Planning and Economic Development Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*;
- 5) A change to the stormwater management facilities which, in the opinion of the Planning and Economic Development Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*; and/or,
- 6) Changes in the wastewater management systems, which, in the opinion of the Planning and Economic Development Board, adversely affect natural landscape features or other features identified for preservation in the approved *Concept Plan*.

f) If the Planning and Economic Development Board determines that the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan*, the Board may disapprove the OSRD *Definitive Plan* for failure to comply with the conditions of the OSRD Special Permit.

g) The Planning and Economic Development Board may conditionally approve an OSRD Definitive Plan that does not substantially comply with the approved *Concept Plan*. However, such conditional approval must identify where the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan* and shall require that the applicant file an application to modify the OSRD Special Permit within a specified time period in order to amend the approved *Concept Plan* by incorporating the significant changes identified by the Planning and Economic Development Board. The public hearing on the application to amend the OSRD Special Permit and *Concept Plan* shall be limited to the significant changes identified by the Planning and Economic Development Board in their conditional approval of the OSRD Definitive Plan.

(Paragraph 12 added 6-2-08)

h) The OSRD Definitive Plan shall be recorded at the Norfolk County Registry of Deeds.

(Item h) added June 15, 2009)

13. **OSRD Special Permit Provisions** - Depending on the nature of the particular OSRD, the Planning and Economic Development Board may, as a condition of any Special Permit for an OSRD, establish conditions, limitations and safeguards; require construction observation/inspection, bonding or other performance guarantees, plan compliance measures and the submittal of as-built plans; and establish reasonable mitigation measures which the Board believes are in the Town's best interests.

(Corrected June 15, 2009)

- a) **Conditions, Limitations and Safeguards** - The Planning and Economic Development Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:
- 1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.
 - 2) Controls on the location and type of access to the site;
 - 3) Controls on the number, type and time that service and delivery vehicles access the site;
 - 4) Provision for preservation of scenic views;
 - 5) Limitations on the hours of operation for any Local Convenience Retail Use or Community Center/Building included in the OSRD;
 - 6) Conditions to minimize off-site impacts and environmental quality during construction;
 - 7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
 - 8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.
- b) **Mitigation Measures** – The Planning and Economic Development Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:
- 1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Planning and Economic Development Board, for the relevant type of structure(s) and use (s).
 - 2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.
- (Added 11-10-08) (Sub-Section T. was replaced in its entirety June 6, 2005)

Susan Affleck-Childs

From: massplanners-bounces@cs.umb.edu on behalf of Don Keeran [dkeeran@apcc.org]
Sent: Friday, January 14, 2011 1:41 PM
To: massplanners@cs.umb.edu
Subject: [Massplanners] Coalition for Zoning Reform: Comprehensive Land Use Reform and Partnership Act Filed in Legislature
Attachments: previous zoning reform sponsors.doc; CLURPA Summary Page.doc; CLURPA Table (10-18-10).pdf; ATT00007.txt

Please see the following message from the Coalition for Zoning Reform and the Zoning Reform Working Group.

Thanks,

Don Keeran
Coordinator, Coalition for Zoning Reform

Assistant Director
Association to Preserve Cape Cod
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Visit our Web site at www.apcc.org

Comprehensive Land Use Reform and Partnership Act Filed in Legislature

Please contact your state legislators today and ask them to co-sponsor this important bill

State Senator James Eldridge (D-Acton) and Representative Stephen Kulik (D-Worthington) have filed the Comprehensive Land Use Reform and Partnership Act (CLURPA) for the 2011-2012 Massachusetts legislative session. CLURPA is the bill that was favorably reported out of the Joint Committee on Municipalities & Regional Government last year. It combines elements of the Community Planning Act, which was drafted by the Zoning Reform Working Group, and the Land Use Partnership Act (LUPA), which came out of Economic Development Secretary Greg Bialecki's Planning & Zoning Reform Task Force. CLURPA would update zoning and planning statutes for the first time in over 35 years. Zoning and planning reform are particularly important for communities wishing to enact smart growth initiatives.

Between now and February 4, legislators will have a chance to sign on as co-sponsors of CLURPA. A large number of co-sponsors creates momentum for bills being considered by the legislature, therefore the Coalition for Zoning Reform is contacting legislators, especially past zoning reform bill co-sponsors, to back CLURPA.

You can also help by contacting your state legislators before February 4 to inform them about the need for state zoning reform and request that they become co-sponsors of the Comprehensive Land Use Reform and Partnership Act.

Attached is a list of legislators who have co-sponsored zoning reform legislation in the past. If your legislator is on the list, please contact him or her to remind them of their past support, and urge them to show their support again by co-sponsoring CLURPA. If your legislators are not on the list, please contact them and ask them to add their support by co-sponsoring CLURPA. The following links provide contact information for current Representatives and Senators:

<http://www.malegislature.gov/People/Senate>

<http://www.malegislature.gov/People/House>



MEMORANDUM

To: MAPC Council Representatives and Other Local Officials
From: Marc D. Draisen, Executive Director
Subject: Professional Technical and Planning Assistance to MAPC Municipalities
Date: January 10, 2011

The Governor and the Legislature have once again committed funds for Regional Planning Agencies (RPAs) to assist their constituent communities through the District Local Technical Assistance (DLTA) Program. This program, established by Chapter 205 of the Acts of 2006, enables RPA staff to provide technical assistance to communities for “any subject within regional planning expertise.”

Over the past several years, RPAs, including the Metropolitan Area Planning Council (MAPC) have assisted dozens of communities across the state to undertake local and inter-municipal plans, re-write local zoning, or enter into inter-municipal agreements to save money and/or to deliver better municipal services.

FUNDING CATEGORIES

In previous grant rounds, MAPC received significantly more proposals than could be funded. MAPC will prioritize funding of projects that best meet specific state and regional goals, but gives preference to projects that meet the priority uses in the two categories set forth by the Commonwealth, as follows:

A. Sustainable development land use objectives

The purpose of this priority funding area to address land use concerns that reflect the needs of your municipality and the region in ways that are in harmony with the regional plan, MetroFuture, and the state’s Sustainable Development Principles (see <http://www.metrofuture.org/content/metrofuture-scenario> and http://www.mass.gov/Agov3/docs/smart_growth/patrick-principles.pdf).

Examples of such activities include:

- By-law/ordinance preparation and implementation, such as:
 - Housing district bylaws/ordinances, including bylaws for affordable, workforce, mixed-income, or special needs housing (including 40R Districts or Housing Production Plans);
 - Economic development district bylaws/ordinances, including development of mixed use districts that incorporate housing opportunities;
 - Open space residential design bylaws;



- Mixed use or transit-oriented regulations for downtowns, town centers, villages or transit nodes (including 43D Districts);
 - Regulations to reduce storm-water impacts (Low Impact Development); or
 - Transfer of Development Rights (TDR) bylaws.
- Preparation of permitting procedures to implement prompt and reliable permitting for clean energy/co-generation facilities, economic development and/or housing districts.
- Preparation of master plans or master plan elements to guide growth and preservation of resources in cities, towns, urban neighborhoods, or multiple municipalities.
- Preparation of a Partnership Plan as defined in the proposed Comprehensive Land Use Reform and Partnership Act (CLURPA) (see Senate Bill 2482 filed in 2009-2010 legislative session).
- Preparation of a corridor plan that links land use and transportation objectives, preferably involving neighboring municipalities along a roadway or transit corridor.
- Energy Services Planning, such as energy services analyses or hiring of a regional energy manager (see <http://www.mapc.org/smart-growth/clean-energy> for more details).
- Working with groups of communities to undertake regional analyses of Priority Development Areas, Priority Preservation Areas, and Regionally Significant Transportation Improvements, to enable sustainable inter-municipal planning and growth.

Within this category, preference will be given to projects that address multiple Sustainable Development Principles; implement multiple goals of MetroFuture; or encourage collaboration in the land use field among multiple municipalities.

B. Regional collaboration in planning, service delivery or procurement

The purpose of this priority funding area is to encourage municipalities to work together to achieve or enhance cost-effective service delivery, or to create and sustain ongoing collaborative approaches to common issues. Examples of such activities include:



- Shared services (e.g., public safety and emergency response services, such as regional 911 centers; information technology/data management; educational services, such as regional school district analysis or merging of “back office” functions; shared professional and administrative services; shared facilities or staff for energy, waste disposal, or recycling; combining public health, accounting or other services; multi-service mutual aid agreements; or better coordinating major municipal functions such as fire, police, library, etc.).
- Cooperative planning agreements (e.g., regional analysis of affordable housing needs, compact among communities for locating affordable housing or generating jobs through economic development, joint consultation on boundary developments and cross-border impacts, inter-municipal open space planning, or agreements regarding water supplies, wastewater or storm-water, etc.).
- Collective purchasing (if such purchasing cannot be otherwise accomplished using statewide contracts or can be achieved regionally for less than the state contract price, or items proposed for purchase that are specific to municipal and/or school district agreements).
- More generally, measures that benefit more than one municipality by reducing costs or enhancing services.

In addition to the above, MAPC will also apply the following priorities when evaluating which projects to undertake with these funds:

- Projects that involve more than one municipality or projects serving one municipality that could be easily replicated in other communities.
- Projects that advance one or more MetroFuture goals. Projects that advance components of local plans, or previous studies, which are consistent with MetroFuture. (No project will be selected that is inconsistent with MetroFuture’s goals.)
- Projects that will enhance economic competitiveness of the region, including such topics as local permit streamlining, downtown or town center economic revitalization, mixed use development, or establishment of a Ch. 43D “priority development site.”
- Projects that will advance the production or preservation of housing, especially housing that is affordable to low or moderate-income households, or mixed-income housing, including the establishment of a Ch. 40R Smart Growth Housing District.



- Projects that specifically address issues of regional equity by enhancing the quality of life for low-income households, people of color, immigrants, people with disabilities, or other disadvantaged groups, as outlined in both MetroFuture and the Commonwealth's Sustainable Development Principles
- Projects likely to lead to positive short-term "changes on the ground" (new construction, approved zoning changes, inter-municipal collaboration on service delivery, etc.).
- Projects where the applicant community has a good history of adopting smart growth measures or collaborations with neighboring municipalities for shared services or joint purchases.

A local match is not required, nor will it be used as a factor in determining which projects are selected by MAPC. However, if a proposed project exceeds the ability of MAPC to undertake the project with DLTA funds, then MAPC and the project proponent(s) may engage in a strategic discussion about either a) reducing the project scope to meet the limited DLTA funding capacity or b) securing a local contribution (or funding from another source) to more fully support the project.

SUBMISSION REQUIREMENTS

Please submit a two-page maximum concept scope to include the following:

- Provide a succinct project overview, describe the project status, and include any work accomplished to date (e.g., reports or studies that have been completed by local staff or consultants).
- Describe the need for the project and the local, regional, and state goals that would be fulfilled by the project.
- Identify the expected products of the project (e.g., proposed or adopted bylaw or ordinance, regional agreement, permitting procedures, collective purchasing agreement, etc.).
- Propose or estimate the project timeline and associated project benchmarks, if known (e.g., must be completed in time for close of fall town meeting warrant in August).
- Outline the community's commitment to the project. The application should indicate the support of the mayor, city manager, or town administrator to request the grant; in a town,



a resolution by the Planning Board or Board of Selectmen authorizing the request is also required.

- Define the community's expected contribution to the project (e.g., XX hours of municipal planner staff time to assist in analysis).
- Identify the project lead contact for the community.

MAPC staff will review the concept and work with you to determine the level of effort the project would require and the appropriate allocation of DLTA funds. Note that the final agreement between the community and MAPC will be signed by MAPC's Executive Director and the Town Administrator/City Manager/Mayor.

All proposals should be sent to Mark Racicot, MAPC Manager, Land Use Division, at mracicot@mapc.org by January 31, 2011.

FUNDING TIMELINE

MAPC anticipates receiving 2011 DLTA program funds early in calendar 2011 and will begin projects when funds arrive. **MAPC will allocate, to the greatest extent feasible, DLTA funds by February 28, 2011. Projects must be completed by December 31, 2011.** We may hold a small amount of funds aside for allocation to urgent needs later in the year.

This is a great opportunity for your community and MAPC to work together on studies, policy recommendations and inter-municipal collaboration that can have a positive effect on your community, the region, and the Commonwealth.

For further information on this program, projects funded in the prior rounds, or to discuss a project concept, please contact:

In regard to land use projects: Mark Racicot at 617-451-2770 ext. 2063 or at mracicot@mapc.org.

In regard to municipal services projects: Steve Daly, 617-451-2770 ext. 2047 or at sdaly@mapc.org.

**February 8, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Chan Rogers, Bob Tucker, and Tom Gay.

ABSENT WITH NOTICE: Karyl Spiller-Walsh

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susan Affleck-Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Planning Consultant

The Chairman opened the meeting at 7:05 pm.

The Chairman indicated that the minutes from the January 11, 2011 meeting will be tabled until Karyl Spiller-Walsh is present.

Minutes:

On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to accept the minute from January 25, 2011. (Andy Rodenhiser abstained from vote as he was not present.)

Member Tucker wants to make sure that the abutter name is correct within the minutes. Susy Affleck-Childs will verify that this is correct.

MAPC District Local Technical Assistance Grant Application (DLTA):

Consultant Carlucci informed the Board that at the last SWAP meeting, there was a discussion about the SWAP communities submitting an application for MAPC's DLTA program. The SWAP communities need to revisit their parking regulations and the current needs of their communities. The proposal involves MAPC reviewing the Town's parking regulations and creating a model parking bylaw that would focus on reducing the amount of impervious surface required for parking facilities, establish alternative dimensional parking requirements for unconventional vehicles, allow reduction in parking requirements for businesses that are pedestrian accessible, and take into consideration the existing parking requirements for commercial facilities.

The Board agrees to support this initiative and will send a letter of support of this initiative. Susy will prepare the letter of support on behalf of the Board and send it to MAPC.

On a motion made by Bob Tucker, and seconded by Chan Rogers, the Board voted unanimously to send a letter to support the initiative for the DLTA program relating to the parking bylaw.

Consultant Carlucci informed the Board that MAPC is also providing a program for the purchase of bike racks. This program is for the installation of the bicycle racks throughout the town with the criteria being that the racks must be on public land. MAPC funds are used to reimburse the Town for the cost of the bike racks. The Town is responsible for the cost of shipping and installation.

The Board would like a letter sent to the schools informing them about this program. It was further communicated that the park commission be informed about this program.

Affleck-Childs will handle communicating this information to the various departments.

Consultant Carlucci indicated that he will put together a flat rate cost estimate to prepare the application.

The Chairman asked for comments from the public.

PUBLIC HEARING CONTINUATION - Charles River Village OSRD:

The Chairman opened the continued public hearing for Charles River Village OSRD.

The Chairman wanted it noted in the record that member Karyl Spiller-Walsh is not present. Spiller-Walsh recently got out of the hospital. She is aware of the need to review the tape under the Mullin Rule and will do so. We did check with Town Counsel whether we are able to close the hearing before Spiller-Walsh provides the certification. It was communicated by Counsel that if the Board chooses to close the hearing, the certification can be presented after.

Susy Affleck-Childs suggested that the contents of the packets be noted into the record.

Enclosed within the packet.

1. Letter from Attorney Donald Quinn who is representing the applicant with attachments.
2. A letter dated January 31, 2011 from Attorney Valkevich in response to the letter from Attorney Quinn.
3. A letter dated February 3, 2011 from Attorney Valkevich representing Beth McDonald.
4. Mullins Rule Certifications from Tom Gay relative to the January 11, 2011 meeting and a Mullins Rules certification from Bob Tucker relative to the December 14, 2010 meeting. These certifications indicate that both members have viewed the video tapes and read the minutes.
5. A letter was received dated February 4, 2011 from Robert Daylor of Tetra Tech Rizzo
6. A letter dated February 8, 2011 from Attorney Valkevich in response to the Daylor letter dated February 4, 2011.

The Chairman asks if the Board if they have any questions.

Attorney Valkevich requests that his letter be read into the record.

The Chairman notes that they are in receipt of the letter and does not feel the document needs to be read into the record.

Chairman asks if the Board members have any further questions for the applicant with the new information presented. The Chairman asks if the applicant has any further information that they would like to present.

Mr. Yorkis informed the Chairman that at the last meeting he informed the Board that the application is complete. The only document that Mr. Yorkis encourages the Board to discuss is relative to the letter from Mr. Daylor (Tetra Tech Rizzo) dated February 4, 2011.

Attorney Valkevich wants to reserve the right to be able to answer any items which may come up from this discussion relative to this meeting.

The Chairman responds to Mr. Valkevich asking if there is any new information he would like to present to the Board.

The Chairman asks if the Board is comfortable with the information which has been presented thus far.

Affleck-Childs asks the Board if there are any other things you may need before you begin the deliberation stage.

Member Tucker wants to make sure that we can consult with Counsel to provide clarification about what is acceptable and not after the public hearing is closed. There are a number of issues which need clarification.

Affleck-Childs indicated she had asked Counsel about this. She reports that the Board can discuss this matter with Counsel after the public hearing is closed.

The Chairman asks Susy Affleck-Childs and Consultant Carlucci if they have any comments about what else may be needed.

Both Affleck-Childs and Consultant Carlucci indicated no.

Abutter Ken Bancewicz, owner of 223 Village Street, wanted to clarify to the Board what he believes to be a misrepresentation of the facts as they relate to his property. He has had the opportunity to read the letter from Robert Daylor of Tetra Tech Rizzo dated February 4, 2011. He takes issue with the reference to the property line. In relation to the 1863 layout of the way, there has been reference to the John Kearns having received damages. After further research, Mr. Bancewicz comments that although Whitney and Kearns received money for fencing, only Whitney received additional "damages". It was further communicated that in 1863, there already existed a "right of passage" across the eastern portion of the Kearns property. An award for damage was not necessary. This point has no impact on the Charles River Village development. He wants to make sure that his property line is not going to move in reference to his deed. The damages were paid to Whitney, not to Kearns. He further wants to see his property line indicated in the plan.

The Chairman asked if Mr. Bancewicz has supplied his deed.

Mr. Bancewicz indicated that he has provided his deed. Mr. Bancewicz further supplies a copy of the letter to the Board which represents his verbal comments.

(See Attached)

Abutter, Beth McDonald:

Ms. McDonald read a letter dated January 27, 2011 from the Charles River Neighborhood Alliance.

(See Attached)

Member Rogers provides clarification in relation to the letter which was read by Ms. McDonald who indicated that the Board was appointed. Member Rogers explains that the Planning Board is elected and not appointed by the Board of Selectmen. Some of the Board members have run unopposed. Member Rogers further explains that this is an OSRD application. This procedure is to approve subdivision with conditions. He has not been part of disapproving a subdivision for the 15 years he has served on a Planning Board. He further explains that Massachusetts is the only state that has a public hearing process to subdivide its land. This gives citizens the belief that the abutter can stop these projects and keep the developer out.

Abutter Beth McDonald indicates she is not opposed to the development. She is opposed to the density and the safety of street. The cost is on the abutter. Why does the abutter have to bear the cost of proving where the end of this street is? The Town needs to know where the legal end of Neelon Lane is and how long the street is.

The Chairman noted that the only effect is on the open space.

Attorney Valkevich indicated that based on the Guerriere and Halnon plan, the potential location and end of the road is not known.

The Chairman informed all that it is the Board's responsibility to collect the information and it remains to be seen whether there is clarity. The Board cannot figure this out until the hearing is closed. The Board will then make a determination and will follow the process of making a decision.

The Chairman encourages any of the abutter to run for a position on the Board. He clarifies that none of the members of the Planning and Economic Board are appointed but elected by the citizens. This is a thankless job. The members are volunteers who also work on other boards and committees. He indicates it is a personal assault that some of the abutters feel the Board did not hold a fair process and we have not answered your questions.

Abutter McDonald apologized for her misunderstanding of the Board members being appointed instead of elected.

The Chairman further explains that some of the answers relative to drainage and blasting will not be addressed until further research is done by the engineers. It is the applicant's risk if they cannot support what is on the plan. This applicant is to provide a plan on how to protect that area.

Abutter McDonald wants to know if she can still know what happens when the drainage work or blasting takes place.

Member Tucker informs Ms. McDonald that permits will need to be sought from the Police and Fire Department when the blasting takes place. If blasting is to be done, surveys will need to be completed. This is a liability issue and it is not new to this type of project.

The Chairman indicated to Ms. McDonald that a preblast survey would need to be done.

Affleck-Childs explained to the abutters that once the public hearing is closed, the Board has up to 90 days to deliberate and craft a decision. During that time, the Board will go through all the criteria, standards and all the information which was presented. The discussion will occur amongst the Board, but after the public hearing is closed. Out of the discussion will come the decision.

Mr. Yorkis wanted it noted that there is a statement in the letter Ms. McDonald read that he disagrees with. The letter notes that neither Mr. Yorkis nor Mr. Claffey have made an effort to work with any of the neighbors. He communicates that this is a total misrepresentation of the facts.

Abutter, Ms. McDonald explains that the only time that Mr. Yorkis reached out to her was two days prior to the hearing. She met at his office and he had plans that showed a cul-de-sac on her property. This is when the spite strip discussion started. She explains that she did not want a cul-de-sac idea. She feels Mr. Yorkis has not reached out to us.

Abutter, Mrs. Kaplan responds that she also does not believe that Mr. Yorkis has worked with the abutters. She asks Mr. Yorkis, who called the meeting when she met with him? She asked for it. Mrs. Kaplan further explains that she wanted a copy of the plan, but Mr. Yorkis indicated that she needed to meet at his office to get a copy of the plan. At no point did he ask to talk about the street or radius. It is her opinion that they did not try to work with her.

Mr. Yorkis notes that the sentence in the letter from the Neighborhood Alliance says that "he made no effort to work with the abutters". He disagrees and has made an effort to work with individuals. Mr. Yorkis believes that this is misrepresentation. There have been many discussions with the abutters. Reasonable people can meet and make a reasonable solution.

Abutter Joanne Kramer communicates that her property abuts this property but she has never been contacted by anyone. She has never been consulted. Her main concern is that there are going to be five houses abutting her backyard. It is her opinion that this is excessive and absurd.

Abutter McDonald wants to know what is considered "working" with the abutters. She did not want a cul-de-sac on her property.

Mr. Yorkis responded that Ms. McDonald approached us and wanted frontage for three lots (on her property). She asked Mr. Yorkis to provide a plan which provided frontage for three lots. This was the plan which was presented to her. This was a request by Ms. McDonald. She wanted to provide lots to her children. This is a statement of fact. This was done so she could subdivide her property.

Mr. John Claffey responded that Ms. McDonald contacted them due to the fact that the back property is land locked. They discussed the 50 foot strip. He would not spend his money to draw up a plan on someone else's land without her permission. He would not spend money on this.

Abutter McDonald responds that the first meeting she had with Mr. Yorkis was amicable. She did not give him permission to draw the plans.

The Chairman asks if Mrs. McDonald was trying to get three lots from her property.

Ms. McDonald responds that prior to the meeting, she had a meeting with Mr. Yorkis and he put the cul-de-sac on her property to break it up into two lots. Ms. McDonalds indicates that she never had a conversation about three lots with Mr. Yorkis.

Mr. Yorkis responds that McDonald's recollection is false.

The Chairman wanted to know if Attorney Valkevich represents the Charles River Neighborhood or Ms. McDonald individually.

Attorney Valkevich responds that the Neighborhood alliance and Ms. McDonald have similar interests, but he does not formally represent the Alliance but he does represent Ms. McDonald.

Mr. Claffey wants clarification since the letter references at "our own expense" Is Attorney Valkevich representing Ms. McDonald, or the Alliance, or both?

The Chairman clarified that he represents Ms. McDonald.

Abutter McDonald indicated that some of the abutters have given money toward the legal bills.

Member Gay wanted to note that Ms. McDonald had attended a Planning and Economic Board on April 27, 2010, and Ms. McDonald was present to speak with the Board informally about subdividing her land. Mr. Gay further explains that the Board was shown a drawing with a cul-de-sac on her property. There was also a sheet which noted the waivers which were sought. This plan referenced the (L) design.

Ms. McDonald responds that she was going to do this concept as a private road.

Member Rogers wanted to point out that Fisher Street is 18 ft wide and has 100 houses that feed into Fisher St. There also are 70 houses on Fisher Street.

Abutter Kaplan wanted to know what is the radius on Fisher Street.

Member Rogers communicates that it does not matter, since those are the design standards. The Town does not own the land (at Village and Neelon Street) so we cannot put a radius on the corners. The Planning Board approved these projects (off of Fisher Street) in the past. There is not a problem. We are not playing favorites. Massachusetts has these archaic laws which allow the abutter to think they can stop these types of developments.

Abutter Kaplan notes you want to the best you can do with what you are given. She disagrees that this is the best use of land.

Member Rogers responds that if we could make it perfect, we would. This is the system we have, so we need to work it. There is a high cost for development in this state. We also have the highest cost of land development in the entire country. The MAPC came out with a study that in 2030, the State will suffer finding enough people to work in MA.

Abutter Kaplan wanted to know who she should call when there are accidents in front of her property.

Abutter McDonald commented that a development coming out onto Fisher is different from a development coming out onto Village Street. This is the second busiest street in town.

Chairman Rodenhiser wanted to know if this is a factual statement or an opinion made by Ms. McDonald.

Abutter McDonald responds that this is her opinion.

The Chairman wanted to know what her basis for fact is.

Abutter McDonald thinks that this (Village Street) is one of the busiest streets. It is her belief that someone is less likely to get hit coming out onto Fisher St. This is not an equal comparison.

Member Rogers notes that the standards are good when you have possession of land for this type of development with proper turning radius. We do not own this property on both sides of the property. The Planning Board has approved other projects on other similar substandard streets. The Board is not being prejudiced; it is the only thing we have to work with. Abutters do not have the right to stop a developer from using their land. In other states you do not need to go through this process.

The Chairman informed all that this land has been vacant for many years. He further explains that any person could have bought this land and tried to develop it.

Abutter Kramer would like a copy of the plans as they were redrawn, more specifically the plan showing the abutters houses where they really are.

Affleck-Childs indicated that she can get a copy of those for Mrs. Kramer.

Member Tucker indicates that the exact location of the houses is usually done when engineers are allowed to go on the abutters and adjacent properties which would require getting permission from the homeowners. He has not heard this occurring during these proceeding. The engineer would need to do this physically on site and mathematically. It is his understanding that this has not been done.

Engineer Faist explained that he presented an aerial photograph and super imposed a plan on it along with a sketch plan. He did not go on the properties to gather this information; he gathered it from the Medway Assessor maps.

Abutter McDonald informs the Board that her house is not shown on the plans.

Engineer Faist indicates that he does not believe that it is a requirement to show the location of all the abutters' houses.

The Chairman indicates that the information was submitted in the public hearing process.

The Board is comfortable with how this information was presented.

The Chairman asks if any of the members want to make a motion to close the public hearing.

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to close the public hearing.

The Board determined it will begin deliberations on Tuesday, February 22, 2011 at 8:00 pm.

Affleck-Childs indicated that Town Counsel will be available on February 22, 2011 to attend the Board meeting. It was suggested that the Board come up with any legal questions and provide those to Affleck-Childs ahead of time so that counsel will be prepared.

Affleck-Childs informed the Board that she will have a signed Mullins Rule certification statement from member Spiller-Walsh by this date.

Affleck-Childs informs all that the procedure moving forward is such that once the public hearing is closed, it is not time for the abutters to provide further testimony or statements. That portion of the process is closed.

Citizen Planner Training Collaborative:

There is a conference on Advanced Tools and Techniques for Planning and Zoning on Saturday, March 19, 2011 in Worcester.

Oak Grove Feasibility Study:

There will be a meeting on February 15, 2011 at 7:00 pm for the Medway's Oak Grove/Bottle Cap Lot Area. This meeting will be held at Medway High School.

Zoning Board of Appeals:

The Town of Medway Zoning Board of Appeals has filed a decision on January 19, 2011 denying the request for modification of the 40 B permit for Fox Run Farm. The 20 day appeal date is February 14, 2011. At this point the Building Department will not issue any further building permits for this until the applicant provides the performance security required by the Planning Board.

Affleck-Childs indicated that the construction inspection money for this development has been tapped out and she will be contacting Tetra Tech to prepare a further estimate.

People GIS:

The Board is in receipt of a memo dated January 19, 2011 from Kevin Flanders, President People GIS. The memo is in relation to GIS Action Plan noting findings from the GIS needs Assessment. There will be three training sessions with the software.

(See Attached)

The Route 109 Committee will be meeting tomorrow evening, February 9th.

Revisions to OSRD Bylaw:

The Board is in receipt of a draft of proposed revisions to the OSRD Bylaw. The most recent revision date is January 7, 2011.

(See attached.)

The Board is also in receipt of an email from Paul Yorkis indicating his comments relative to the proposed draft changes to the OSRD Bylaw.

OSRD Bylaw:

Under the section,

Purpose and Intent it was recommended to change the following:

e) eliminate the text “to discourage sprawl”

k). change “diversity” to “diversify”

Pre-Application Phase:

a). add including presentation of a preliminary site context and analysis plan prepared with input from a registered landscape architect.

The Board discussed the presentation of a preliminary site context and analysis plan prepared with input from a registered landscape architect. The sentence included reviewing potential trails and trail connections, presenting a preliminary design concept for handling stormwater runoff and discussing potential mitigation measures. There was discomfort with how this section was worded. Mr. Yorkis was uncomfortable with the word “design” is being used. Consultant Carlucci will rework this section.

c). **Meeting with abutters (pg. 3)** – It is highly recommended....

The Board was in agreement that something can be highly recommended, but it does not hold them accountable. This can be ignored. The Board agreed to not add this language to the bylaw. .

5. Four-Step Design Process (pg. 3):

Some of the members questioned why we are limiting completion of the 4 step decision process to only Registered Landscape Architects. It suggested that the team approach be used. It was agreed that a team approach be used but that the team had to include a landscape architect.

a). **Identify Conservation Areas (pg. 3)** - The specific features.....

This entire bolded section will be deleted.

d). Draw in Lot Lines – (pg. 4)

The Board would like to see lot changed to parcel and the rest of the bolded sentence relative to condominium projects deleted.

c) Concept Plan – (pg. 4)

There was discussion about the term pedestrian circulation. The wording “circulation” needs to be changed. The word “ways” was suggested.

d. Design Plan- (pg. 4)

It was recommended that the last sentence be deleted relative to the drainage systems.

b). Maximum number of OSRD dwelling units (pg. 5)

The Board had a discussion about the formula which determines the maximum possible number of OSRD dwelling units. Mr. Yorkis indicated that the formula does work. There was some uncertainty regarding the bonus units (as a result of the Affordable Housing requirements). Member Gay suggested that we set a maximum density on the whole site. He wants definable rules and does not want to leave room for interpretation. He likes standards. There are other ways to do this. Member Gay wants to get rid of the uncertainty. Expand and combine a maximum that does not create an excess and eliminate the term of the bonus. Setting a maximum overall density was discussed. This section will remain as written at this time.

The Board will finish reviewing the document at the next meeting.

Zoning Bylaw Amendments 2011 Annual Town Meeting.

This will be discussed at a later date.

Adjourn:

On a motion made by Bob Tucker, and seconded by Tom Gay, the Board voted unanimously to adjourn the meeting at 10:30 pm.

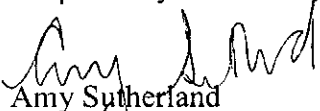
Future Meetings:

The next meetings scheduled are:

- Regular Meeting February 22 & March 8 & 22, 2011
- Oak Grove Feasibility Study – Tuesday, February 15, 2011
- 2011 Annual Town Meeting – Monday, May 9, 2011

The meeting was adjourned at 10:30 PM.

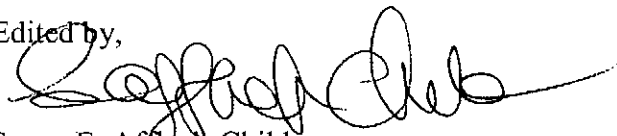
Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

*Minutes of February 8, 2011 Meeting
Medway Planning & Economic Development Board
Approved February 22, 2011*

Edited by,

A handwritten signature in black ink, appearing to read 'Susan E. Affleck-Childs', written over the 'Edited by,' text.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Donald P. Quinn, P.C.

Counsellors

Donald P. Quinn

Danielle Justo

32 Court Street, Plymouth, MA 02360

Telephone (508) 830-0400, Fax (508) 830-0058

Email dquinn@dpqpc.com

djusto@dpqpc.com

January 7, 2011

Town of Medway
Planning and Economic Development Board
155 Village Street
Medway, MA 02023
ATTN: Andy Rodenhiser, Chairman

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JAN 10 2011

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Re: Charles River Village Open Space Residential Development
Neelon Lane Legal Analysis

Dear Chairman Rodenhiser:

Our office has been retained by John Claffey, Proponent of the above-captioned OSRD, to review the recommendations of Tetrattech Rizzo ("Tetrattech") made by letter dated December 10, 2010. Tetrattech recommended that the PEDB has enough information to act upon petitioner's OSRD application at this time. It also opined that while the exact east-west location of Neelon Lane remains in question, it is not an issue to be decided by the PEDB.

Tetrattech suggested that the PEDB may condition its approval of the project in one of two ways:

- 1) provide a condition that absolves the PEDB from any responsibility to adjudicate the Neelon Lane location matter. It would be the responsibility of the individual parties to take any further action regarding its location; or
- 2) provide a condition requiring that the parties resolve the dispute prior to its construction.

With respect to TetraTech's first condition, it is our opinion that the PEDB has no responsibility to adjudicate the Neelon Lane location matter because it is a private title issue between the Proponent and certain abutters. This matter should be independently resolved. PEDB is not required to analyze and determine title issues which might arise between proponents and opponents of a project. Its responsibility is to comply with the special permit provisions of M.G.L. c.40A and the Town's related bylaws in order to reach a decision based upon reasonable factual evidence produced during the course of its

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deliberation. Its decision should be based upon consideration of the evidence produced by its own investigation or offered by the proponents or opponents of the project. It has the ability to exercise discretion in reaching its decision. In the event an aggrieved party were to appeal your decision, the PEDB's unwillingness to decide a private title issue should be unassailable.

We respectfully suggest that to adopt Tetrattech's second condition (requiring the parties to resolve the alleged title issue before commencement of construction) would unduly delay the commencement of the project and probably cause the Proponent to abandon it. We do not think it is within the purview of the PEDB to mandate that a petitioner take affirmative action to cure an alleged potential title issue. It is up to an aggrieved party to address any Neelon Lane title issue directly in an appropriate forum, such as a court with competent jurisdiction over the matter. A final court resolution of the alleged title issue could take years to obtain. The Proponent would not be able to retain control of his land option for that length of time. Imposing this condition would, in effect, be handing a victory to the project's opponents.

Multiple Methods to Fix Location of Private Way

Your special permit decision-making process has been delayed due to opponent's efforts to discredit the location and length of Neelon Lane. Neelon Lane has been in continuous existence since at least 1863 without dispute. In reality, the permitting process attack on the location of Neelon Lane reflects opponent's desire to kill the entire project. This diversionary effort has caused survey experts to submit and analyze technical data in an effort to exactly locate the lane by survey. We submit that this is not an engineering problem, but a title issue in which PEDB should not be involved.

Survey plans are only one way to determine the location of ways. The location of a way can also be made by investigating the words contained in deeds and other public records. We have done so and believe that there is sufficient evidence in the Norfolk Registry of Deeds and other public records to fix the location of Neelon Lane. We believe that the records of both the Registry and the Selectmen provide sufficient information to fix both the location and width of Neelon Lane, notwithstanding the absence of a specific recorded stand-alone survey of the Statutory Public Way. Our rationale for reaching this conclusion is set forth in the following analysis.

Legal Analysis

Over 150 years ago three abutting landowners were parties to the initial dispute over the use of what is currently known as Neelon Lane: namely Charles Whittier, Francis Neelon, and John Kearn. We attach a Permitting Plan (Exhibit A) which highlights the historical location of the Whitney Parcel in green, the Neelon Parcel in blue and the Kearn Parcel in pink. Neelon Lane is highlighted in yellow. Historically, Neelon Lane has been referred to as Wilson's Lane, Nealon's Lane and Neelon Lane. They all refer to the same Statutory Private Way.

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In 1950, the Kearn Parcel was divided into two house lots, (See 1950 Plan attached as Exhibit B). In 1959, the section of the Whittier Parcel which abuts Neelon Lane was subdivided into Lots 1 and 2 (see 1959 Plan attached as Exhibit C).

To bring abutting ownership up to date, the two house lots created from the Kearn Parcel are now owned by Kenneth and Kerry Bancewicz (223 Village Street) and Peter and Michele Newell (2 Neelon Lane). The Neelon Parcel and Neelon Lane are now in control of the Proponent. The portions of the Whitney Parcel are now owned by Daniel and Marielanna Kaplan (Valley Street) and Mary Elizabeth McDonald (9 Neelon Lane).

In 1856, the Neelon Parcel had no direct frontage on the Boston and Hartford Old Road (now called Village Street). However, it benefited from two rights of way for access to and from Village Street. The first right of way was created by reservation in a deed from Eleazer Morse, a prior owner of the Neelon Parcel, to John Kearn described as follows:

"Reserving to myself and to my heirs and assigns the right of passage over the easterly side of said premises [the Kearn Parcel] next to land of [Charles B.] Whitney as have been recently granted and used for that purpose."

The Neelon Parcel also benefited from an additional right of way over the Kearn Parcel described as follows:

"a right of way is mutually granted and guaranteed on the easterly side of these premises [Neelon Parcel abutting Whitney] and of land of Morse [Kearns Parcel] lying northerly thereof."

It is clear from Registry records that the easterly side of the Kearn Parcel (which abuts the Whitney Parcel) was subject to both rights of way. Following his 1856 acquisition of the Neelon Parcel, Neelon utilized these mutually granted rights of way to pass and repass over the easterly side of the Kearn Parcel to Village Street. Possibly, while using the right of way, Neelon may have "meandered" or otherwise trespassed over the Whitney Parcel. At any rate, it appears that a disagreement arose between Neelon, Kearn and Whitney as to the width and use of these rights of way. The dispute was submitted to the Medway Selectmen for resolution, resulting in their 1863 decision to lay out and accept a 25 foot wide Statutory Private Way (see opinion of Sidney Smithers, Esq., dated September 21, 2010). The Selectmen's decision created a 25 foot wide Statutory Private Way over the land of both Whitney and Kearns. Both Kearns and Whitney were monetarily compensated as a result of that decision.

The Selectmen's decision to lay out and accept a Statutory Private Way appears to have cured the problem. To this day, the Neelon Parcel enjoys the benefit of the two

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underlying rights of way as well as the Statutory Private Way. In the 147 years following the creation of Neelon Lane as a Statutory Private Way, we have found no evidence in the Registry to reflect a continuation or revival of the earlier dispute. Since the 1863 layout, a travelled way (which is now paved) has been maintained over both the Whitney and Kearns Parcels to provide access and egress between Village Street and the Neelon Parcel. The only reason that a challenge to the location has arisen at this time is because it is a pawn in the chess game being played currently before your governmental body.

Deeds Using "Bounding" Descriptions

Historically, using the words bounded by" in recorded deeds are very important words relating to an abutter's right in ways. The words "bounded by" or "bounding on" have significant legal relevance. The historical meaning of "bounding" on a way was codified in 1972 by M.G.L. Ch. 183, Sec. 58 attached as Exhibit G.

Also, according to the conveyancer's bible, *Crocker's Notes on Common Forms*, Section 178,

"When land is described as bounding on...way, if the grantor is the owner of the adjoining land over which such...way is described as laid out, [the owner]...and all person claiming under her...are estopped from setting up any claim or doing any acts inconsistent with the grantee's use of such street or way. This is sometimes referred to as the doctrine of easement by estoppel."

The current owners of Lots 1 and 2 on the 1959 Plan (Kaplan and McDonald) claim through Whittier, the grantor, and are thus estopped from setting up any claim or doing any acts inconsistent with Proponent's use of Neelon Lane.

In several of the deeds in the Whittier Parcel chain of title the words "bounded by Wilson's Way" were used. It is clear from the 1863 Selectmen's layout that a portion of the Whittier Parcel was within Neelon Lane. See for example, an 1878 deed from Fisher to Plummer recorded with the Registry in Book 579, Page 559 (the "Plummer Deed") attached hereto as Exhibit D. Most importantly, the Plummer Deed description was substantially carried forward by Schofield Brothers Engineering, Inc. in its preparation of the 1959 Plan for the then owner William S. McDonald. To further drive the nail into the coffin, the 1959 owner conveyed Lot 1 on the 1959 Plan to LeBlanc specifically using the words "bounded by Neelon's Lane" (see deed attached as Exhibit E). Likewise, the deed of Lot 2 from Katherine McDonald to its current owner, Mary Elizabeth McDonald, specifically referred to the 1959 Plan and the *frontage* utilized to justify and create Lot 2 was *131 feet along Neelon Lane*.

We are of the opinion that having used Neelon Lane as required frontage on the 1959 Plan for the purposes of creating Lot 2, the owner of Lot 2 is now estopped from arguing that she is uncertain about its location. If the Neelon Lane frontage did not abut

Andy Rodenhiser, Chairman, PEDB
January 7, 2011
Page 5 of 6

Lot 2, then her present house lot was improperly subdivided. She should be estopped from arguing to the contrary.

Finally, because the easterly sideline of Neelon Lane coincides with the westerly boundary of Lots 1 and 2 on the 1959 Plan, the Registry records have provided a *fixed location* for the easterly sideline of Neelon Lane. There is no dispute that Neelon Lane is 25 feet wide; therefore the westerly boundary of Neelon Lane is 25 feet to the west of the Lot 1/Lot 2 boundary lines. It has been demonstrated by survey that the current traveled portion lies within 25 feet of the Kaplan/McDonald westerly boundaries. (See O'Driscoll Existing Condition Plan revised 12/14/10 attached as Exhibit F.) Therefore, the westerly sideline of Neelon Lane is 25 feet from the Lot 1 and Lot 2 boundaries on the 1959 Plan.

Hopefully, this technical legal discussion will assist the PEDB in reaching the conclusion that a location can be fixed by words in recorded documents as well as surveys. We have significant research data and Supreme Judicial court decisions to support our conclusions. Please do not hesitate to have your consultants or agents contact us with any question or comments.

Very truly yours,


DONALD P. QUINN, P.C.

DPQ/dmj

cc: Robert Daylor, P.E.

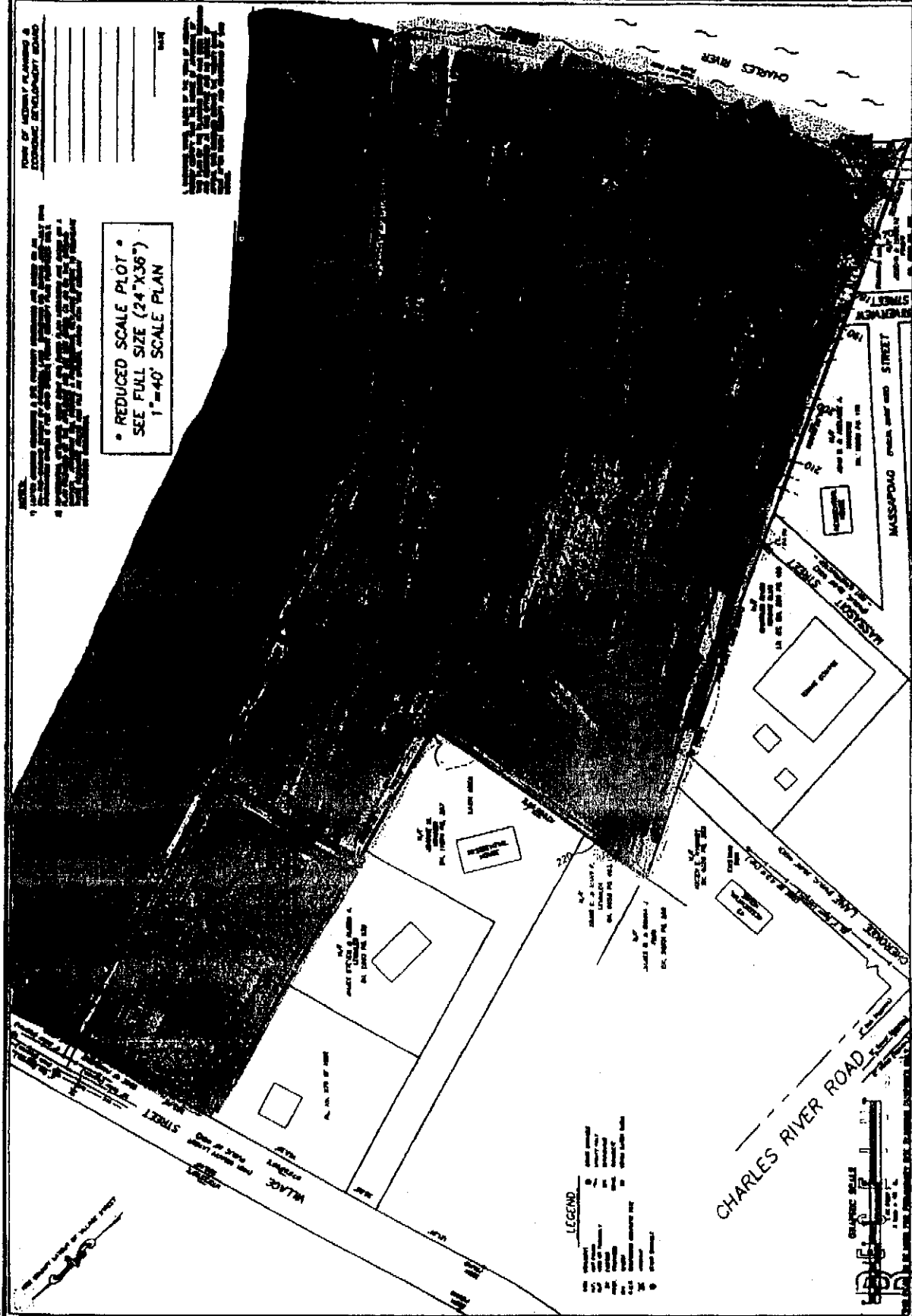
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CONFIDENTIAL
NAT YSIS PLAN
CHARLES RIVER
VILLAGE-OSRD
MICHIGAN LAND

DATE	1/25/81
TIME	1:00 PM
LOCATION	1000 N. 10th St.
REPORT NO.	1000-1000
PROJECT NO.	1000-1000

CHARLES RIVER VILLAGE, LLC
P.O. Box 1
Andover, MA 02033

FALST ENGINEERING INC.
ONE (THIRD) FLOOR BROADWAY NEW YORK
NEW YORK 10006 TEL. 212-512-1170



This is all men by the presence
 that I, Milton M. Fisher of Medway in the county of Norfolk
 Commonwealth of Massachusetts in consideration of five
 hundred and fifty dollars paid by Jedidah M. Plummer of said
 Medway the receipt whereof is hereby acknowledged, do
 hereby give grant, bargain, sell and convey unto the said
 Jedidah his heirs and assigns forever a certain tract of
 land containing four acres more or less situated in the
 town of said Medway and bounded and described as
 follows: ~~beginning at the northwesterly corner of said~~
~~Wilson's land and running easterly by nine rods more or less upon said~~
~~Wilson's land to land of James J. Adams: thence southerly and~~
~~bounded easterly upon land of said Adams sixty rods more~~
~~or less to Charles River thence up and bounded southerly by said~~
~~river to land of the heirs of Francis Meland: ~~thence~~~~
~~by said Meland's land easterly by land of said Francis Meland~~
~~on part by Wilson's land to the place of beginning at the~~
~~place of the fence on the easterly side of said land is to be~~
 maintained by said James J. Adams and his heirs and
 assigns and equally between the grantee and the heirs of
 said Meland against the land of said heirs on the west-
 erly side.
 To have and to hold the
 granted premises, with all the privileges and appurtenances
 thereto belonging, to the said Jedidah M. and his heirs
 and assigns, to their own use and behoof forever. And I do
 hereby for myself and my heirs, executors and administra-
 tors covenant with the said grantee and his heirs and as-
 signs that I am lawfully seized in fee simple of the granted
 premises: that they are free from all incumbrances that
 I have good right to sell and convey the same as afore-
 said: and that I and my heirs, executors and admini-
 strators shall warrant and defend the same to the said gran-
 tee and his heirs and assigns forever against the lawful
 claims and demands of all persons. And for the con-
 sideration aforesaid, I, Eleanor M. Fisher wife of said Milton
 M. Fisher do hereby release unto the said grantee and his
 heirs and assigns all right of or to both dower and home-
 stead in the granted premises.
 In witness
 whereof we the said Milton M. Fisher and Eleanor M. Fisher
 his wife aforesaid hereunto set our hands and seals this
 nineteenth day of April in the year one thousand eight
 hundred and seventy eight. Milton M. Fisher (seal) Eleanor
 M. Fisher (seal) signed, sealed and delivered in presence of
 O. A. Mason, Mary E. Fisher, Commonwealth of Massachusetts
 Norfolk ss. April 19, 1878. Then personally appeared the abovesaid
 Milton M. Fisher and acknowledged the foregoing
 instrument to be his free act and deed before me O. A.
 Mason, Justice of the Peace.

Fisher
 to
 Plummer



"bounded
 by Wilson's
 land!
 Same as
 Neelon land."

June 29, 1878. Rec. and filed & examined by J. H. Burdick, R.

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3

132337

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JAN 10 2011

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL)

TOWN OF
MEDWAY

I, Norman J. A. LeBlanc

of 221 Village Street, Medway, Norfolk County, Massachusetts

being unmarried, for consideration paid, and in full consideration of ONE HUNDRED FIFTY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$153,500.00)

grant to Daniel M. Kaplan and Marielaina Kaplan, husband and wife as tenants by the entirety, both of 221 Village Street, Medway, Massachusetts, with quitclaim covenants

all of my right, title and interest in the land in Medway, Norfolk County, Massachusetts, described as follows:

The land with the buildings thereon, situated in Medway, Norfolk County, Massachusetts, on the Southeasterly side of Village Street and being shown as Lot No. 1 on the plan hereinafter referred to, bounded and described as follows:

NORTHWESTERLY: by Village Street, One hundred forty-eight and 50/100 (148.50) feet;

NORTHEASTERLY: by land now or formerly of Harold Wheeler, One Hundred fifty-two (152) feet;

SOUTHEASTERLY: by Lot No. 2 as shown on said plan, One hundred forty-eight and 50/100 (148.50) feet; and

~~SOUTHWESTERLY: by [redacted], One hundred [redacted] feet;~~

Containing 22,570 square feet of land, all according to said plan.

All of said boundaries are shown on a plan entitled, "Plan of Land in Medway, Mass., property of William S. McDonald, October 21, 1959, Schofield Brothers, Reg. Civil Engineers" recorded with Norfolk District Registry of Deeds, Book 3776, Page 530.

Being the same premises conveyed to the Grantor by deed of William S. McDonald et ux recorded with Norfolk County Registry of Deeds in Book 3776, Page 530.

Executed as a sealed instrument this

20 day of

Dec

, 1996


Norman J. A. LeBlanc

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
MEDWAY, MA

CERTIFY

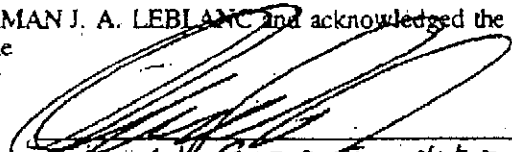

BARRY T. HANNON, REGISTER

The Commonwealth of Massachusetts

Norfolk, ss.

Dec 20, 1996

Then personally appeared the above named NORMAN J. A. LEBLANC and acknowledged the foregoing instrument to be his free act and deed, before me


Notary Public
My Comm. Exp. 7-22-99

CANCELLED

DEC 20 1996

DEEDS REC 17
NORFOLK

12/20/96

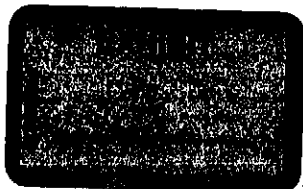
TAX 699.96
CHCK 699.96

36974817 13:20
EXCISE TAX

EXHIBIT
E

96 DEC 20 PM 1:24

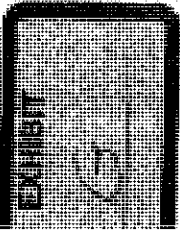
NORFOLK COUNTY



§ 172. Bound on way. General Laws c. 183, § 58, first enacted in 1971, and on its terms generally retroactive for unregistered land, provides as follows:

Every instrument passing title to real estate abutting a way, whether public or private, watercourse, wall, fence or other similar linear monument, shall be construed to include any fee interest of the grantor in such way, watercourse or monument, unless (a) the grantor retains other real estate abutting such way, watercourse or monument, in which case, (i) if the retained real estate is on the same side, the division line between the land granted and the land retained shall be continued into such way, watercourse or monument as far as the grantor owns, or (ii) if the retained real estate is on the other side of such way, watercourse or monument between the division lines extended, the title conveyed shall be to the center line of such way, watercourse or monument as far as the grantor owns, or (b) the instrument evidences a different intent by an express exception or reservation and not alone by bounding by a side line.

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General Laws c. 183, § 58, first enacted in 1971, and
operative for unregistered land, provides as fol-

passing title to real estate abutting a
public or private, watercourse, wall, fence
near monument, shall be construed to
interest of the grantor in such way, wa-
tercourse, unless (a) the grantor retains
abutting such way, watercourse or mon-
ument, (b) if the retained real estate is on
division line between the land granted
and shall be continued into such way,
monument as far as the grantor owns, or
real estate is on the other side of such
or monument between the division
title conveyed shall be to the center
watercourse or monument as far as the
of the instrument evidences a different
except reservation and not
by a side line.

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JAN 10 2011

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699.76
13:20
TAX

CANCELLED
17

My Co

I, Norman J. A. LeBlanc
of 221 Village Street, Medway,

Norfolk

being unmarried, for consideration paid, and in full consideration of
THOUSAND FIVE HUNDRED DOLLARS (\$153,500.00)

grant to Daniel M. Kaplan and Marielaina Kaplan, husband and wife
of 221 Village Street, Medway, Massachusetts,

all of my right, title and interest in the land in Medway, Norfolk
follows:

The land with the buildings thereon, situated in Medway, Norfolk
Southeasterly side of Village Street and being shown as Lot No. 2
bounded and described as follows:

NORTHWESTERLY: by Village Street, One hundred forty
feet;
NORTHEASTERLY: by land now or formerly of Harold V

SOUTHEASTERLY: by Lot No. 2 as shown on said plan
(148.50) feet; and

SOUTHWESTERLY: ~~by Village Street, One hundred fifty~~

Containing 22,570 square feet of land, all according to said plan.

All of said boundaries are shown on a plan entitled, "Plan of L
William S. McDonald, October 21, 1959, Schofield Brothers, Inc.
Norfolk District Registry of Deeds, Book 3776, Page 530.

Being the same premises conveyed to the Grantor by deed of William
Norfolk County Registry of Deeds in Book 3776, Page 530.

Executed as a sealed instrument this 20 day of

Norman J. A. LeBlanc
Norman J. A. LeBlanc

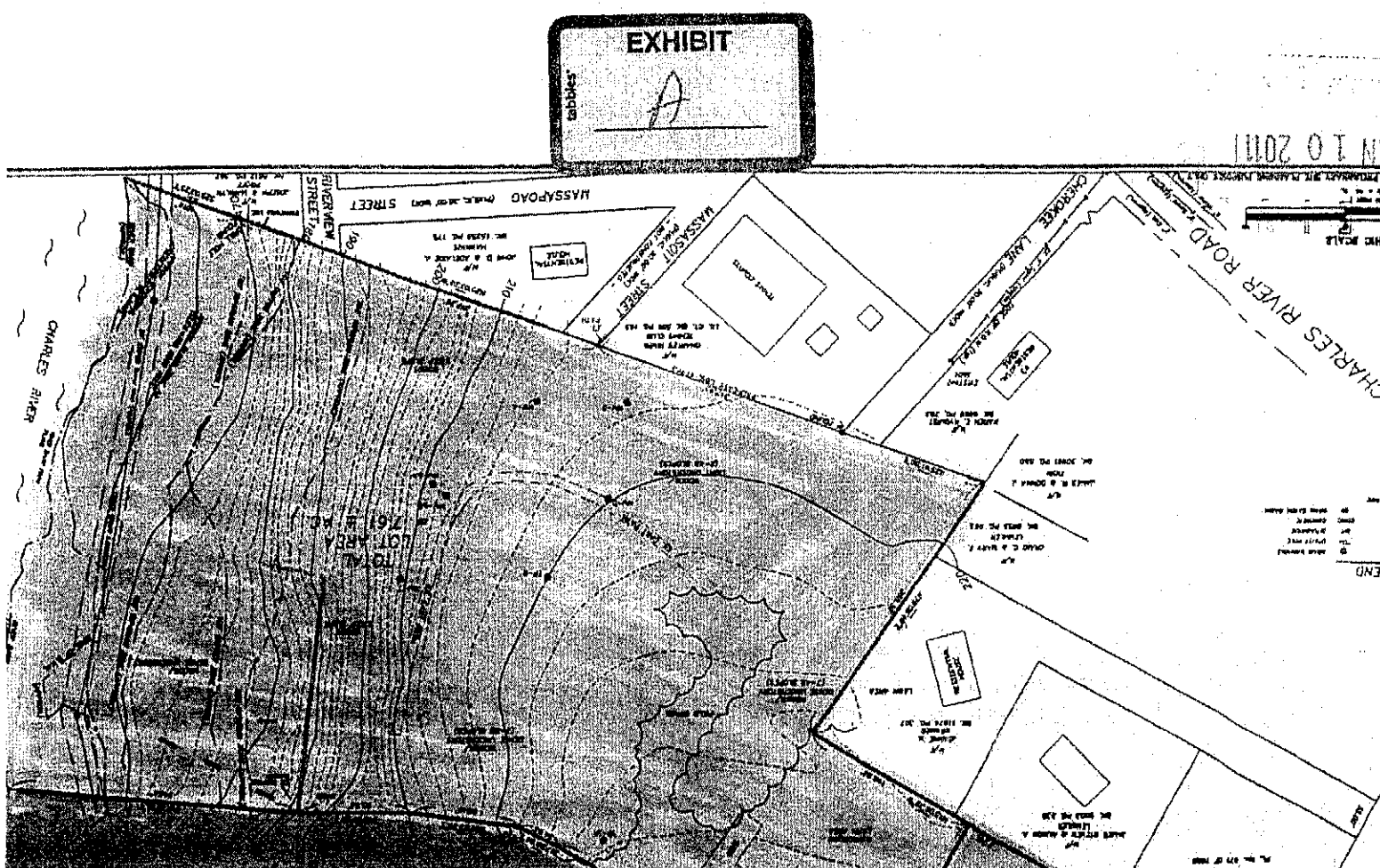
The Commonwealth of Massachusetts

Norfolk, ss.

Then personally appeared the above named NORMAN J. A.
foregoing instrument to be his free act and deed, before me

hereby give, bargain, sell and convey
 to said his heirs and assigns forever and
 to contain my four acres more or less
 of land in said military and bounded
 as follows: Beginning at the northwesterly cor-
 ner of some and running easterly nine rods more
 or less to land of James Williams; then
 bounded southerly upon land of said James
 and to Charles River; thence up and bound-
 ed to land of the heirs of Francis Adams
 by land bounded southerly by land of said
 in part by Williams back to the place of be-
 ginning, the piece on the easterly side of our
 maintained by said James Williams and
 assigns and equally between the grantees
 said "land against the land of said
 only side.

To have and to hold the above
 granted premises, with all the privileges
 and appurtenances thereto in anywise
 and assigns, to the heirs, executors and assigns
 of myself and my heirs, executors and assigns
 forever, with the said grantee and his
 assigns that I am lawfully seized in fee simple
 premises: that they are free from all incumbrances
 I have good right to sell and convey the
 said; and that I will and my heirs, executors
 and assigns shall warrant and defend the said
 title and his heirs and assigns forever against
 claims and demands of all persons
 in violation of the said, Eleanor M. Fisher in
 M. Fisher do hereby release unto the said
 heirs and assigns all right of or to both
 stated in the granted premises.
 Whereof we the said Milton M. Fisher and
 his wife of record her heirs and assigns forever
 on the day of April in the year one thousand
 and seventy eight, Milton M. Fisher
 M. Fisher (as signed, sealed and delivered)
 O. A. Mason, Mary C. Fisher, Commonwealth
 Norfolk ss. April 19 1778 Then personally
 appeared Milton M. Fisher and acknowledged



ST.

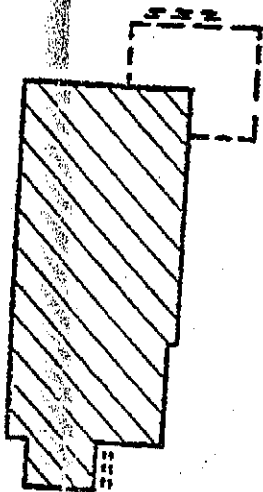
VILLAGE

PIPE

146.82

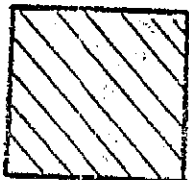
90' 14"

LOT A
21.52559. FT.



143.00

LANE



153.75

90' 14"

(PRIVATE WAY)

NS

SCALE 20' = 1"

PLAN OF LAND
IN

FT.

20' 10"

S42 285.00

S 21° 02' 00" E

250.56

400.11

248.11

Remains of Stone Wall

Center of
Stone Bound

LOT 2
2 ACRES ±
40,291 ± s.f.

N 00° 00' 00" W
95.03
N 45° 09' 10" W
10.00

186.25
N 15° 15' 40" W
133.58
N 19° 37' 40" W

51.86

N 30° 17' 50" W
N 39° 10' 10" W

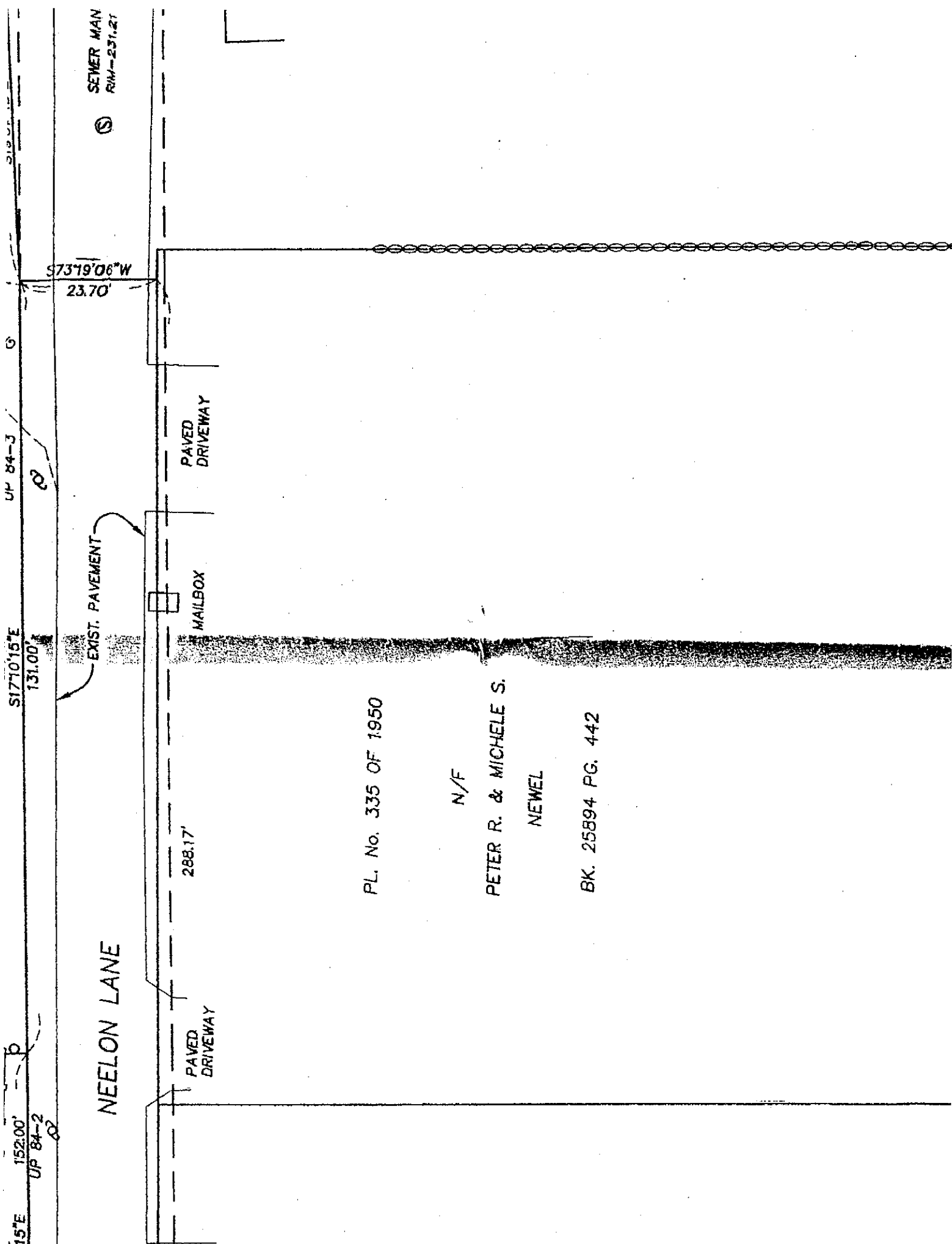
36" MAPLE
ON LINE

26" MAPLE
ON LINE

LESLIE

Approval of
Control, Le
Medway Pl

Joseph L
Harold
Allen



NEELON LANE

PL. No. 335 OF 1950

N/F

PETER R. & MICHELE S.

NEWEL

BK. 25894 PG. 442

EXIST. PAVEMENT

PAVED DRIVEWAY

MAILBOX

PAVED DRIVEWAY

SEWER MAN
RIM-231.21

S177°0'15"E
131.00'
UP 84-3
S177°19'06"W
23.70'

288.17'

S15°E
152.00'
UP 84-2

Thomas J. Valkevich
Attorney at Law
99 Walnut Street, Suite G
Saugus, Massachusetts 01906
781-233-6812
Facsimile 781-231-5124
Email: tjvesq@netzero.com

RECEIVED
FEB 03 2011

January 31, 2011

Town of Medway
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

TOWN OF MEDWAY
PLANNING BOARD

VIA email:

RE: Charles River Village Open Space Residential Development (OSRD)
Application for OSRD and Affordable Housing Special Permits
Hearing date February 8, 2011

Dear Board Members:

Please be advised that I represent Mary E. McDonald of 9 Neelon Lane, Medway in the matter of the Application for OSRD and Affordable Housing Special Permits as to some issues raised by the plan as submitted as revised through December 30, 2010. Ms. McDonald will also express some additional matters as to which she possesses personal knowledge as to site conditions, access issues, neighborhood matters and subsurface concerns at the meeting.

1. Letter opinion of Mr. Donald P. Quinn dated January 7, 2011:

There is no dispute that Neelon Lane was laid out as a "statutory private way". The applicable statutory reference is Chapter 82 of the General Laws, sections 21 through 24 (this being the law in effect in 1863, the date of the layout by the Medway Selectmen). Of importance is the fact that such ways have a different legal status than a private way, and a different legal status than a public way. This has been covered at length before the Board. Mr. Quinn's research duplicates material discovered and considered by Guerriere and Halnon in their research. (see signed and stamped report of Guerriere & Halnon, previously submitted). Of particular importance are the terms of the actual layout document, which references particular fences and monumentation that does not exist today and apparently has not existed for decades. Mr. Quinn's research makes no particular reference to those monuments. It should be noted that the language of the layout must control, as it was laid out pursuant to a statute. It is exactly what the Town described that constitutes Neelon Lane as a statutory private way, and over that layout the Inhabitants of the Town of Medway are entitled to have access along with the parties named and their successors in interest. Subsequent plans by various surveyors may be

helpful in a determination of where the roadway may have been used, but usage of a way laid out by public authority cannot alter the official layout. Possible mistakes by subsequent surveyors are, in this case, still mistakes. Since a municipality can only acquire rights in private property by strict compliance with the statutory procedures, the taking document must control. Likewise, a municipality can only relinquish rights in real estate by compliance with statutory procedures. Proper authorization of the inhabitants of the municipality is required for either action, necessitating a Town Meeting Vote under modern statutes. Mr. Quinn's assertion that this is a private title matter is inaccurate. It clearly involves all the inhabitants of the Town of Medway. I cite the applicants' other expert, Mr. F. Sydney Smithers' letter to this Board dated November 4, 2010:

“ The public at large has the right and easement to use Neelon Lane, a statutory private way...” (page 1)

Unfortunately, given the absence of any of the physical monuments cited and the lack of clarity in the language used in the layout, Mr. Quinn's analysis is not conclusive as to the location of the statutory private way. Mr. Quinn relies on an analysis of previously referenced accesses in this area. The recitation that the statutory private way lies “partly on land set apart for a way by ...Wilson” is ambiguous in that it could be interpreted in two ways, and depending on which interpretation is meant; it does not identify how much of the new layout overlaps the Wilson “way”. The specific description in the layout incorporates references “to a fence opposite the southerly side of said Neelons Barn.” The fence apparently no longer exists, and the Town's engineering expert has determined that such terminus may be beyond the southerly side of the existing barn on the property by several yards. (see the proponents revised plan dated December 10, 2010) The extended layout roughly coincides with the area shown as “Snow Storage” on said plan. I note that if that area is indeed part of Neelon Lane, it must be at all times left open for public access, which would prohibit snow storage. Neelon Lane was laid out as twenty five feet wide referencing a missing fence and the way was located “partly of land of Whitney “ (Ms McDonald's predecessor in title).

The survey matters that address these issues have been duly presented to this Board by the signed and officially stamped letter of Guerriere & Halnon dated November 12, 2010. That analysis shows the boundary line of Whiney property on the East and the line of Neeland and Kearns on the west runs down the of center area Neelon Lane, so called. And that the interpretation that the east boundary of Neelon Lane IS the Whitney boundary is incorrect. The description in the 1863 layout is consistent with that interpretation. Guerriere and Halnon also state that a court determination of the exact location of Neelon Lane is necessary to determine it's location on the ground. This Board also consulted their own survey experts, Tetra Tech, and that expert concurred. The language in the layout of 1863 cannot be located on the ground without extrinsic evidence and judicial determination. The title report of Mr. Quinn does not place the description on the ground, nor locate the missing monumentation. His sketches add nothing to placing on the legal description in the taking on the ground.

For the Planning Board to allow this plan to proceed as submitted is not in the best interest of the abutters to Neelon Lane who will be required to undertake a judicial determination for their benefit in the future. Any such judicial action will, of necessity, involve the abutters, the applicant's owner and/or the applicant **and the Inhabitants of the Town of Medway** who are parties interested and indeed essential to any such determination. The town's interests would be by and through the Selectmen. Mr. Quinn's references to the various plans of record may be of interest in such determination, but the surveyor's analysis previously submitted cites the discrepancies of the record materials.

I also note that Mr. Quinn's analysis of the "history" of usage under the Heading of "Legal Analysis" includes certain fanciful "meanderings" of Neelon. This does little to resolve the issue of the description, or of whether or not, or how far, the layout extends over Whitney (now McDonald and Kaplan) land. His opinions about subsequent references to bounding on a way are likely to be mistaken interpretations of the 1863 Layout by the Town. I believe when Mr. Quinn cites the "Whittier" parcel he means "Whitney". Mr. Quinn also suggests that all previous rights of way are included in the 1863 description, which is not all clear from the record.

Finally, Mr. Quinn's citation of MGL Ch 183 Section 58 is not on point. Since 1863, the boundary on Neelon Lane can only mean the statutory private way laid out in 1863. Errors by private parties as to where the location of the Town layout lies do not change the layout of this private way. Its location was established pursuant to the enabling statute creating such statutory private ways, and by the description used by the Selectmen. The fact of the matter is that the Layout of Neelon Lane may be further onto the Whitney side or further onto the opposite side. Private parties cannot alter the public layout of a duly laid out public way. This statute **refers to the relationship of grantors and grantees** under certain circumstances. The issue here is the location of a municipal layout. No citation is given to support the proposition that private parties can alter the public layout. It appears that the issue of municipal approvals for subdivision or ANR approvals arose from the approving authority's relying on inaccurate surveying. Hopefully, that problem can be avoided by a judicial determination of the Location of Neelon Lane. The statute in question pertaining to estoppel has no bearing on this issue.

There remains an issue of the length of Neelon Lane. Assuming that the length is consistent with the Planning Board's Engineers, the question of the location of the easterly sideline of the layout is in question. I note that an extension of that sideline based on the Guerriere & Halnon Sketch attached to their signed and stamped submission dated November 12, 2010, to include the Tetra Tech extended end point of Neelon Lane would lie within Land of Whitney (now McDonald). The Tetra Tech submission suggests a gap between Neelon Lane and McDonald land near the end of such extension. It is obviously imperative that the exact location of Neelon Lane be determined, as it is essential for the proper determination of frontage on the statutory private way, and the extent of public access. Such information is also essential to the determination of square footage available to the applicant for all OSRD requirements.

2. Suitability of Neelon Lane for primary access to the site and project.

In addition, the width of the way, the lack of radius at its corner intersection with Village Street, the lack of sight line easements or other provision for safe access to that road are not conducive to the envisioned development. Clearly, the traffic impact of 13 three-bedroom homes, with one or two cars, and multiple daily trips, with heavy usage during morning and evening commuting hours, and potentially hundreds of trips per week, together with delivery and service vehicles, including commercial trucks, create safety issues that warrant denial of any proposal that envisions Neelon Lane as its primary access. This is especially true given the fact that the parcel to be developed abuts Cherokee Lane on its westerly boundary, a thirty foot wide public way, which was obviously intended as future development access to the subject parcel, as was envisioned by prior boards. This Board has not adequately addressed the issues of safety and suitability of the access. The Board has a request for some twenty two waivers, largely concerned with waiving the typical rules for access and roadways in the Town of Medway to permit access over Neelon Lane. That many waivers suggest in themselves substantial departure from Town Standards for access. See also the report of Gillon Associates, Traffic and Parking Specialists, (previously submitted), citing deficiencies in the use of Neelon Lane.

The Board has cited the inadequacies of numerous, old Town of Medway public ways to justify the use of Neelon Lane. The appropriate standards have even been cited by Mr. Smithers, applicants counsel as follows:

“It is usual for town permit granting authorities to condition their approval of development plans upon the installation of or upgrading of adequate public access, utilities, lighting other features necessary **to provide for the health and safety not only of the occupants of the development, but occupants of ways impacted by such development**” “emphasis added (See letter of Mr Smithers dated November 4, 2010 at page 5.

The record is replete with evidence of the inadequacy of Neelon Lane for access to the project (See Gillon Associates report previously cited) It should be noted that the petitioner has represented that a road width of 18 feet is what is on the ground and proposed to be used in the development of this project. The petitioners own plan by Faist Engineering entitled “Village Street – Neelon Lane Proposed Conditions Sketch” revise date 12/29/10 is based upon a twenty five foot ROW with 21.28 feet at the Village Road terminus. The location of this way has not been determined or at least has not been accurately determined. If the actual on the ground location of the statutory public way could be three or four feet more easterly or westerly than as shown, the petitioners could be including land in this plan not owned by them or not included within the bounds of the statutory private way. This is why the judicial determination of the way is required.

The inadequacy of the Village Street access/egress point is patently obvious in the applicant's submitted plan, cited above. The radius dimensions of 13 feet and 15 feet are unable to accommodate more than passenger vehicles, and assumes one is hugging the edge of the roadway. The testimony of applicant's own engineer, Mr. Faist

acknowledges that a truck or truck sized personal vehicle would have to wait on Village Street for a passenger vehicle to exit. I also note the signed and stamped report of Gillon Associates, Traffic and Parking Specialists dated November 15, 2010 and on file with the papers in this matter, as follows:

“The narrow roadway pavement width coupled with a short turning radius at the Village Street intersection will require the turning of large vehicles to travel over the center line of the roadway into the path of opposing traffic. Thus, the pavement width should be widened, and a larger radii provided.” Page 1

Mr. Gillon adds:

“The Board should also consider the ramifications and implications of granting these proposed physical features. Once minimum widths are waived on one project, there will be other developments that cannot be built without waivers coming forward claiming similar hardships” page 2

Finally, the question of public safety approvals for such a sub-standard primary access were filed based on prior renditions of the submission and must be based on a final concept.

3. Other matters

There are numerous reasons that this project submission is deficient, as pointed out in the submission of the Charles River Neighborhood Alliance letter dated November 9, 2010. The issues raised, inter alia, question whether or not this submission meets the minimum standards for required upland, and other dimensional relationships, which must be reconsidered after a **definitive** layout of Neelon lane is provided.

Conclusion

The approval of this submission without a definitive, judicial determination of the location of Neelon Lane should be denied. To approve this development without such determination does not address the legitimate rights, obligations and ability to make future plans of the current and future owners of parcels on and near Neelon Lane nor of the Inhabitants of the Town of Medway, all of which interests this Board must consider. Such a judicial determination, whether by trial on the merits or, if possible, by submission of relevant factual data and an agreed upon layout assented to by all interested parties, including the Town of Medway, is an absolute pre-requisite to proper planning and permitting this project.

Thomas J. Valkevich
Attorney for Mary E. McDonald

Cc: Board of Selectmen
Town of Medway

*Thomas J. Valkevich
Attorney at Law
99 Walnut Street, Suite G
Saugus, Massachusetts 01906
781-233-6812
Facsimile 781-231-5124
Email: tjvesq@netzero.com*

February 3, 2011

Town of Medway
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

RECEIVED
JAN 04 2011

TOWN OF MEDWAY
PLANNING & ECONOMIC DEVELOPMENT BOARD

VIA email:

RE: Charles River Village Open Space Residential Development (OSRD)
Application for OSRD and Affordable Housing Special Permits
Hearing date February 8, 2011

Dear Board Members:

Please be advised that I represent Mary E. McDonald of 9 Neelon Lane, Medway in the matter of the Application for OSRD and Affordable Housing Special Permits as to some issues raised by the plan as submitted as revised through December 30, 2010. I have several additional matters and questions pertaining to the proposed concept plan that I plan to ask at the meeting of February 8, 2011, and submit by today as requested by the board.

1. Mr. Carlucci has stated in the past that the OSRD formula for the number of units is not a guaranteed number. The affordable housing bylaw requires that 15% of the units be affordable to qualify for those provisions. Doesn't this board have the authority to determine whether or not the projects number of units should be less to comply with the OSRD concept, and then compute the affordable housing bonus?
2. Have the calculations of all dimensional and open space requirements for an OSRD proposal been calculated using the possible maximum length and width of Neelon Lane pursuant to the Engineering date, especially that of Tetra Tech which suggests that the lane could extend to a certain line of trees past the existing barn location where the fence described in the 1863 layout may have been? If not, why shouldn't that calculation be based on that possibility, absent a judicial determination of the location of Neelon Lane? Shouldn't calculations allow for **ALL potential locations of Neelon Lane?**
3. Mr. Carlucci has pointed out in the past that section 7.1 of the subdivision rules and regulations requires that "Reasonable provisions shall be made for extensions of pavement and utilities to adjoining properties". The evidence before this board is conflicting as to the layout of Neelon Lane and the frontage of the McDonald Parcel, and

without definitive judicial determination Neelon Lane may extend further and could lie on Land of Whitney (now McDonald) for its entire length on that side. What provision has this board made, or will this board make for such eventuality? Shouldn't this board provide for more efficient use of land in the future development of the Town, especially the parcels lying to the east of the subject project, which include several large parcels lying between the Charles River and Village Street?

4. Aren't sidewalks required along the entire frontage of OSRD tracts along "existing Town Ways"...and since the public has a right of way over Neelon, aren't such required on so much of the applicant's owner's parcel as abuts Neelon Lane? How can that location be determined without a judicial determination of the location of Neelon Lane?

These questions are in addition to requesting consideration of all the matters in my letter dated January 31, 2011. Thank you.

Respectfully submitted,

Thomas J. Valkevich

Town of Medway, Massachusetts

RECEIVED
JAN 20 2011

CERTIFICATION
PURSUANT TO G. L. c. 39, SECTION 23D
OF PARTICIPATION IN A SESSION OF AN
ADJUDCATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED
A SINGLE HEARING SESSION

TOWN OF MEDWAY
PLANNING BOARD

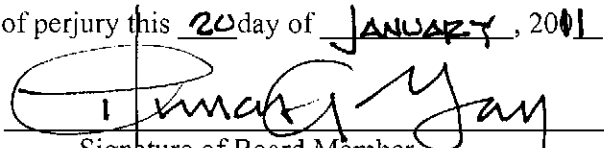
Note: This form can only be used for missing one single public hearing session.
This cannot be used for missing more than one hearing session.

I, THOMAS A. GAY (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD
2. I missed a public hearing session on the matter of CHARLES RIVER VILLAGE OPEN SPACE RESIDENTIAL DEVELOPMENT
which was held on JANUARY 11, 2011
3. I have reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) applicable):
 - a. _____ audio recording of the missed hearing session; or
 - b. X video recording of the missed hearing session; or
 - c. X a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 20 day of JANUARY, 2011.


Signature of Board Member

Received as part of the record of the above matter:

Date: January 20, 2011

By: Seamus E. Affleck-O'Brien

Position: Planning + Economic Development Coordinator

RECEIVED
JAN 25 2011

CERTIFICATION
PURSUANT TO G. L. c. 39, SECTION 23D
OF PARTICIPATION IN A SESSION OF AN
ADJUDICATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED
A SINGLE HEARING SESSION

TOWN OF MEDWAY
RECEIVED

Note: This form can only be used for missing one single public hearing session.
This cannot be used for missing more than one hearing session.

I, Robert Tucker (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of Planning & Economic Development Com.

2. I missed a public hearing session on the matter of

Charles River Village OSRD

which was held on December 14, 2010

3. I have reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) applicable):

a. audio recording of the missed hearing session; or

b. X video recording of the missed hearing session; or

c. X a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 25 day of January, 2002011



Signature of Board Member

Received as part of the record of the above matter:

Date: January 25, 2011

By: Soppeh Chelle

Position: Planning & Economic Development Coordinator



TETRA TECH

RECEIVED
FEB 04 2011

TOWN OF MEDWAY
PLANNING & ECONOMIC DEVELOPMENT BOARD

February 4, 2011

Town of Medway
Planning & Economic Development Board
155 Village Street
Medway, MA 02023

Re: Neelon Way Attorney letters

Dear Members of the Board:

We have reviewed the letter of the Applicant's attorney, Mr. Quinn, dated January 7, 2011 and a rebuttal letter by the attorney for the abutter Ms. McDonald, Mr. Valkevich, dated January 31, 2011. As part of our professional training and development as engineers and land surveyors we have become familiar with the laws and rulings regarding access rights in and over private and public ways. Such laws not only rule legal practice but influence the professional practice of land surveying.

However that professional practice does not provide a basis for offering legal opinions, nor do our comments in this matter constitute a legal opinion. Having said that, we offer the following comments for the Board's consideration.

1. There is no dispute that Neelon Way is a "statutory" public way laid out by the Selectmen and approved by the Town Meeting in 1863.
2. There is no dispute that the way was laid out over the lands of then John Kearns (Wilson), Charles Whitney and Francis Neeland (Neelon) and that the 1863 owners were compensated in this private way.
3. There is no dispute that the way is 25 feet wide, straight and extends to a point "opposite the southerly side of said Neelon's barn".
4. There is no dispute that the successor owners to Kearns (Wilson), Whitney, and Neelon have rights of access and, in several cases, frontage on Neelon lane.

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001



TETRA TECH

5. There is no dispute that the monuments described in the 1863 layout no longer physically exist and thus cannot be recovered by surveying methods to retrace the description of the layout in the field.
6. The Quinn letter cites legal reasons to "fix" the eastern sideline of Neelon Way along the western boundary of the now Kaplan land and at least for 131 feet the western boundary of McDonald land. This is because their title describes their boundaries as "bounding on" the way. In fact, McDonald's frontage after the 1959 division of the former Whitney parcel exists only on Neelon Way.

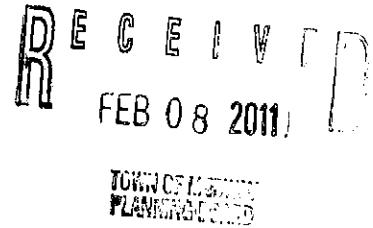
Mr. Quinn's letter is well reasoned; but obviously has not "fixed" the location to Mr. Valkevich's satisfaction. However, the Quinn solution preserves all of the record boundaries of the Kaplan and McDonald properties. The applicant's latest plan also extends Neelon Way to a straight line to a point southerly of the Neelon Barn which, in our opinion, fits the best evidence on the ground of the old fence line in the layout. While Mr. Valkevich continues to find that the 25 foot way is not suitable to provide the primary access to the project, his client Mrs. McDonald has not lost any rights or frontage from the Quinn opinion.

In our opinion, this location dispute should not affect the Board's decision regarding the Applicant's rights, the abutter's rights and the Public's right of access in the 25 foot wide Neelon lane. They are not in dispute. The Board can decide whether to allow the Charles River Open Space Residential Development to proceed to the definitive submission on the merits of the proposal as they would on any other property having rights in a way laid out by the Selectmen.

Very truly yours,

Robert F. Daylor, P.E., PLS
Senior Vice President

Thomas J. Valkevich
Attorney at Law
99 Walnut Street, Suite G
Saugus, Massachusetts 01906
781-233-6812
Facsimile 781-231-5124
Email: tjvesq@netzero.com



February 8, 2011

Town of Medway
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

VIA email and delivered in hand to meeting

RE: Charles River Village Open Space Residential Development (OSRD)
Application for OSRD and Affordable Housing Special Permits
Hearing date February 8, 2011

Dear Board Members:

Please be advised that I represent Mary E. McDonald of 9 Neelon Lane, Medway in the matter of the Application for OSRD and Affordable Housing Special Permits as to some issues raised by the letter submitted by Tetra Tech letter dated February 4, 2011.

1. The issue to be determined is the location of Neelon Lane as laid out by the Selectmen in 1863. The surveying information previously submitted by Tetra Tech determined that a court of competent jurisdiction would be the Land Court for determination of that matter. That remains true and not disputed by my client. The location of the way is the issue that was to be addressed by the Engineers. That location has not been determined by the Attorney Quinn title work. Mr. Daylor's discussion of loss of frontage or rights is NOT the issue. The issue may in fact be determined to move the way to the east as was posited by the Guerriere and Halnon expert opinion. The issue is where the public's right of access lies based on the 1863 description. References to Neelon Lane after 1863 may well be based on suspect engineering, and do not change the taking in 1863 which must control.

2. Mr. Daylor's concluding paragraph, although purporting to support allowing a decision to go forward of the Charles River OSRD in fact supports the opposite. The planning board is not dealing with "any other property having rights in a way laid out by selectmen" because in this case, the location of the way cannot be definitively laid out on the ground without judicial determination. Mr. Daylor cited no other such case where the location on the ground of a selectmen's layout was in question. The Daylor conclusion in his letter of February 4, 2011 is contradictory to his previous conclusion, without reasoned analysis of the survey matters he was asked to address. There IS a dispute that is unresolved....the location of Neelon Lane on the ground and the concomitant issues

that a final judicial determination may have on rights of the abutters thereon, including the applicant, and all the other parties fronting on Neelon Lane.

Respectfully submitted,

Thomas J. Valkevich

Charles River Neighborhood Alliance

(Formed by residents of the neighborhoods of Neelon Lane and Charles River Road)

Mission: To ensure that the neighborhood is treated with care and developed responsibly

January 27, 2011

Town of Medway
Board of Selectmen
155 Village Street
Medway, MA 02053

RECEIVED
FEB 08 2011

TOWN OF MEDWAY
PLANNING BOARD

RE: Proposed Charles River Village Open Space residential Development

Dear Members,

We, the ***Charles River Neighborhood Alliance***, are very concerned about the proposed Charles River Village OSRD development that is before the Planning and Economic Development Board for approval on February 8th.

There are many grave issues with this whole development that have not been addressed by Chairman Andy Rodenhiser and most of the board. We have been constantly overlooked at board meetings for commentary regarding issues of public safety and the legal width and length of Neelon Lane, a way that all inhabitants of the Town of Medway have access over. We have consulted with a professional traffic engineer, (John Gillon), a professional developer, engineer with Planning Board experience (John T. Sarkis), an engineering firm (Guerriere & Halnon) and an attorney (Thomas J. Valkevich) at our own expense. (see attached documentation and reports) We, as taxpayers, expect the same courtesy and recognition, which has been shown for Mr. Yorkis, the applicants spokesperson, and his client, Mr. Claffey the applicant who is an agreed purchaser from the current owners, with the sale apparently subject to approval by the PEDB. Some of the board members repeatedly state that Mr. Yorkis and Mr. Claffey have the right to develop 13 units. The Open Space issue is very questionable. The developer has asked for 22 waivers which is unheard of for this type of development. Requesting waivers, especially this many, makes this discretionary, not a matter of right. A special permit is also not a matter of right.

We do not feel that this has not been a fair and open process. Some of the abutter's homes are not represented correctly or are not shown at all after several requests. Contrary to Mr. Yorkis' statement at the last meeting before the PEDB neither Mr. Yorkis nor Mr. Claffey have made an effort to work with any of the neighbors. When we were all invited to go through a walk-through of the property last summer, to voice our concerns, Mr. Yorkis refused to allow the large group of concerned citizens on the property.. There were approximately 20 residents that came for this meeting. Neither Mr. Yorkis or Mr. Claffey own the property. They provided no documentation establishing their authority to prevent our view the property. Once again, this was done in a secretive manner without the public participation. Our concerns are justified. Most of us have lived here over 10 years and have legitimate concerns about the scope, density and sub-standard access to this project.

When the CRNA has presented our list of concerns to be read into the minutes of the meeting, we were told that most of these issues would be addressed at a later time. A number of the concerns, which cite the appropriate

sections of the zoning bylaws that apply, concern the very nature of the concept being proposed. Isn't now the correct time to address these concerns before the project is approved and allowed to move forward? These are legitimate concerns that have not been addressed. We feel that we have been denied due process regarding the open meeting laws. I note that when Mr. Yorkis submitted a list of questions by email to the board, the board's agenda for the meeting, after an initial brief discussion of newly presented engineering matters, consisted entirely of addressing Mr. Yorkis' questions in the order submitted. This was at a meeting well after the Association's questions had been presented and never addressed.

We would like to make you aware of our concerns with the following documentation:

*all of which have
been submitted*

(1) The list of 14 questions (see attached document A) that we, the CRNA, submitted to the PEDB **two months** ago have not been addressed or allowed in public discussion.

(2) Report from Guerriere and Hainon Engineering, a **professional survey and engineering firm**, stating that this matter needs to be resolved in land court.

(3) Report and drawings (2) of a standard allowed development as a comparison for density purposes prepared by John Sarkis, a **professional developer with engineering background**.

(4) Report and qualifications of John Gillon, a **professional traffic engineer** with an explanation of what is a safe street width and radius onto Village St. from Neelon Lane for public safety.

(5) Letters to the PEDB for each meeting from **Attorney Tom Valkevich** along with his professional qualifications.

Mr. Yorkis and Mr. Claffey's issues take up most of every meeting. We are told that our concerns will be taken up at another time. It is our understanding that Boards, such as the PEDB, are appointed to represent the citizens of Medway and certainly the abutters of this project in their consideration of an applicant's proposal. We do not feel that there is any aspect of the law which states that the Planning Board should favor a developer over the citizens of Medway, the good of the town and the environment.

We been told at public hearings by a member of the Planning Board that Mr. Yorkis and Mr. Claffey have the right to build this OSRD develop on this property. It was also stated by a member of the board that "we have to approve this or they will sue us." An OSRD is by **special permit** and only when the developer has proven that he has complied with all of the rules. We are asking for an answer to each of our 14 questions that we had submitted to the board **two months ago**, before the process goes any further.

The Planning and Economic Development Board serves as appointees by the Board of Selectmen to represent the citizens of Medway in a fair and equitable way and certainly not to favor a developer. The many issues that should be prioritized by this board are the concerns of abutters and citizens, impact on schools, public safety, serious environmental issues on one of the most fragile areas of the Charles River. The severe impact of construction vehicles, noise, blasting, safety issues, the upheaval of wildlife and their natural habitat, run-off into the Charles River from 13 homes on 2.3 acres with over 25% impermeable surfaces at the edge of the Charles River Gorge are matters of the utmost concern to the abutters and the Town.

Counter to what Chairman Rodenhiser stated, we, the CRNA, are not opposed to change and the property being developed, but we do want it developed in a responsible way which takes into consideration the impact to the neighborhood and the abutters, public safety and environmental issues, property devaluation, etc. You have one chance to do this right. Please do not take this lightly.

*We respectfully
ask that
you*

Respectfully,

The Charles River Neighborhood Alliance

My personal concerns: (Other than those stated ^{previously} about) —
on the ground.

- ① The actual location of Neelon Lane (agree on 25')
- ② The actual length (legal)
This needs to go before a land court to determine.

I would like to see the board address all of questions that were presented

- public forum - public mtg. / beneficial to have these addressed publicly
- respectfully disagree
- Private way starts after the legal end of Neelon Lane.
- Challenge idea of straight line.

Ken & Terri Bancewicz
223 Village Street
Medway, MA 02053

February 8, 2011

Mr. Andy Rodenhiser, Chairman
Planning and Economic Development Board
Town of Medway
155 Village Street
Medway, MA 02053

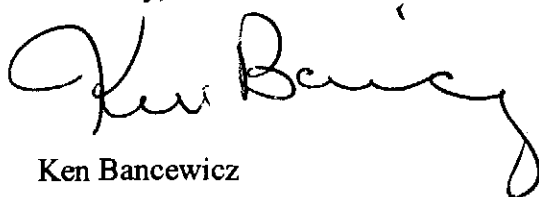
Re: Charles River Village – Neelon Lane
Proposal by John Claffey for Open Space Residential Development

Dear Mr. Rodenhiser,

In response to the February 4, 2011 letter from Tetratex to the Planning Board regarding Neelon Lane, I must clarify what I believe to be a misrepresentation of fact as it relates to my property. In regards to the 1863 layout of the way, there have been references to John Kearns having received damages. Careful examination of the record will reveal that while both Kearns and Whitney received money for fencing, it was only Whitney who actually received damages. At the time of the 1863 layout, there already existed a "right of passage" across the eastern most portion of the Kearns property and therefore an award for damage was not necessary. Subsequent plans of land and deed calls for the affected properties evidence this, with the Kearns property maintaining ownership in the way and Whitney having the land removed for the way by the town. I believe the uncertainty as to the actual location of Neelon Lane stems largely from this misunderstanding of ownership.

I present this only to clarify the record. I do not believe that the question of ownership status of Neelon Way affects the right of the applicant to use the way as proposed nor should it affect the ability of the Planning and Economic Development Board to reach a decision. I make the statement only to insure proper record should this become an issue at some time in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Bancewicz", with a stylized, flowing script.

Ken Bancewicz

PeopleGIS

January 19, 2011

GIS Committee
c/o Susan E. Affleck-Childs, Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053

RE: GIS Action Plan
Town of Medway, MA

Dear Committee:

PeopleGIS is providing the following narrative to outline our findings from the recent GIS Needs Assessment conducted for the Town of Medway (Town).

We spent three and a half days in Medway, meeting with Planning, Police, Fire, Open Space, IT, Public Services, Building, Clerks, Assessing, and the Board of Health. One goal was to identify all of the needs for either MapsOnline and/or PeopleForms, the two online technologies that were implemented immediately prior to the Needs Assessment. A second goal was to determine an appropriate path towards a strong GIS program in the Town, including possible mapping layer development, training, and support.

The net result from this approach was far more than a typical needs assessment process. Given the implementation of MapsOnline and PeopleForms, we were able to identify dozens of needs that could be met immediately and we have either partially or completely satisfied those needs already. We see this approach as providing the Town with a significant head start, and we look forward to scheduling training and working with the staff more in the coming weeks to complete our current contract and continue to turn more items on our list from needs to tools.

This approach that the Town has taken makes tremendous sense. Many needs assessments take far longer, consume more budget, and result in extensive documentation that inevitably do not have the impact they were intended to. One of the major reasons for this common failure is that such efforts ignore the fact that the users of the ultimate system do not have any experience when the needs assessment is conducted. These same users have much more experience a year later, and more understanding as time passes.

So the Town decided to conduct a brief needs assessment up front, and to build as many applications with MapsOnline and PeopleForms as possible under the initial budget. This provides for early success, a quick injection of experience, and all departments learning and moving forward together.

This report will summarize our findings. This document is accompanied by a GIS Action Plan spreadsheet (Attachment A), which lists all of the needs identified. Please note that the spreadsheet shows needs for fiscal years 2011, 2012, and 2013. Fiscal Year 2011 is the current year, and current budget. This column shows all applications that PeopleGIS expects to complete (in part or in whole) under our current contract. Remaining applications are scheduled for the next few years and will be subject to discussion and planning.

Below are summaries of our findings by department.

Town Clerk

As expected, the Town Clerk's office is the home of several significant databases. Our discussions in regards to the GIS program included the following:

- Dog Registrations: This data currently resides in a Microsoft Access application originating from the City of Worcester. They like this application, but it is quickly becoming difficult to support. The staff would like to move this data into PeopleForms and enable this information to become mapping layers in various staff MapsOnline sites. We recommend that this effort take place in the next fiscal year budget so that sufficient time is expended to ensure that the functionality this department needs (such as the ability to store repetitive queries) will be put in-place.
- Business Certificates: This is a small database with approximately 88 records. We received the file from the Town Clerks and created a PeopleForm called Business Certificates. Loading the data resulted in 61 of the 88 records loading correctly, and 27 records indicating an unknown address. We will work with the staff to correct these 27 records. We anticipate adding an email alert to this form so that staff are notified weeks in advance when a certificate is approaching its due date. We also anticipate adding a receipt to this form so that the staff can hand hardcopy to the business owner.
- Underground Storage Tanks: Two forms appear to support the storage tank database, including the Application for Permit (for the Fire Dept) and Application for Certificate of Registration (for the Town Clerks Office). The staff would like to create a PeopleForm for this database and enable two receipts to automate the production of these two forms. We anticipate adding an email alert to this form so that staff are notified weeks in advance of a pending renewal.
- Vitals: The staff indicated their desire to move this database into PeopleForms as well. We did not receive this file
- Zoning Decisions: The staff mentioned it would be useful to post the zoning decisions for all staff to access when they need it. This would be a simple PeopleForm. We have not seen the format of this information as of the writing of this report, but know that Planning would like to have access to this information. We understand that the Clerk's Office maintains this information in paper form only at this time, so a move to PeopleForms would make sense. This information could then be mapped and made available in MapsOnline as well, ensuring that all staff have access to this data.

Public Services

Because the Department of Public Services (DPS) deals with all of the Town's physical infrastructure, it is easy to understand how GIS can have a profound impact on their operations. Our discussion with DPS staff clearly indicated several needs and a willingness to work with MapsOnline and PeopleForms. Below are the topics we discussed specifically.

- Water System Mapping: DPS provided us with digital mapping layers for Hydrants, Water Mains, Water Valves, and Water Tanks. These layers were entered into PeopleForms as individual data sources. These layers were also added to a DPS version of MapsOnline. Each of the PeopleForms can now be expanded to include

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attribute information that DPS deems appropriate. For example, valve sizes and manufacturers, installation dates, and other data can now be added at any time DPS is ready.

- Sewer System Mapping: DPS provided us with ...
- Bing/Pictometry Mapping: DPS would like to have Bing/Pictometry mapping available to them. We recommend the integration of Bing imagery in MapsOnline. This imagery is available on the Internet, will not require huge storage space, and can be integrated with MapsOnline. Bing's oblique (bird's eye) views are actually provided by Pictometry. This is not exactly the same data as the Pictometry data Medway can obtain from the State of Massachusetts (it is slightly less clear), but it is much easier to integrate and work with.
- Hydrants Mapping:
- Water Customers Database:
- Complaint Tracking & Work Order Management:
- Flushing Regions:
- Pressure Testing/Database:
- Permits: There are several permits that are currently tracked in MUNIS that DPS would like to see in PeopleForms in order to work more closely with the information. These permits include Water Connection Permits, Sewer Connection Permits, Field & Park Permits, and Street Opening Permits. This is a common theme amongst staff. We recommend further discussion regarding the use of permit data from MUNIS.
- Athletic Fields:
- Storm Water Mapping:
- Detention Ponds:
- Pavement Management:
- Snow Plow Routes:
- Street Sign Inventory:
- Water Flushings PeopleForm:
- Backflow Preventers:
- Street Trees:
- Street Centerlines: We obtained street centerlines from MassGIS for use by DPS. This mapping layer has been setup in MapsOnline. There are many attributes already present in this database, and it has proven to be a valuable asset to many communities across the Commonwealth. Attributes have been added for Scenic Roads, and we recommend adding other attributes to continually support DPS's efforts towards street management. We recommend loading these Street

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Centerlines into PeopleForms to expand the range of data management that DPS can accomplish with this layer.

- Street Moratorium Mapping Layer: This is a good example of how to use the Street Centerlines to produce more mapping products. We recommend adding a moratorium attribute to the street centerlines so that DPS can assign moratorium information using PeopleForms.
- Street Sweeping Progress:
- Sidewalk Planning Support:

Planning

The Planning Department had several needs, as follows:

- DEP File Numbers: Planning would like to link DEP file numbers to their respective properties. We recommend a PeopleForm to address this need. Conservation currently maintains this data, which we recommend be moved to PeopleForms so as to make it available to the entire staff (in MapsOnline as a mapping layer as well). There is a current list of these records on the Town's website. This list includes incomplete address information for some records, and street intersections as addresses for some other records. Therefore, it is clear that address alone will not be entirely successful for the mapping of locations for each DEP File. We recommend using address to get the PeopleForms record close, and then use the "Set Point" tool included in the map window of the form to pinpoint the actual location. MapsOnline will honor the point location created by the Set Point tool.
- Scenic Roads: Planning would like to create a mapping layer of Scenic Roads. This has been completed already by establishing a "Scenic" attribute to the new road centerlines. This layer now exists in the Town's MapsOnline.
- Historic Properties: Planning would like to map historic properties and districts. Inventories of historic properties exist. We recommend a PeopleForm be created to enter this inventory for display in MapsOnline, and polygons be drawn showing district boundaries. We have not been provided with source data for either database at the time of this document.
- Flood Zone & FIRM Maps: Flood Zone mapping was obtained from MassGIS and added to the Town's MapsOnline. No FIRM mapping data appears to exist for the Town of Medway.
- Groundwater Protection Overlay District: We received this data from the Town and have added this mapping layer to the Town's MapsOnline.
- Adaptive Use Overlay District: We received this data from the Town and have added this mapping layer to the Town's MapsOnline.
- Town-Owned Property: We setup this mapping layer in the Town's MapsOnline by turning all parcels owned by "TOWN OF MEDWAY", "MEDWAY TOWN OF", "MEDWAY HISTORICAL SOCIETY", and "MEDWAY HOUSING AUTHORITY" the color red. This query is based upon the latest data uploaded to MapsOnline by the Assessor,

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therefore the mapping layer is updated as often as the assessing data is uploaded/updated.

- Housing Authority Properties: We setup this mapping layer in the Town's MapsOnline by turning all parcels with the land use code "908" the color orange. This query is based upon the latest data uploaded to MapsOnline by the Assessor, therefore the mapping layer is updated as often as the assessing data is uploaded/updated.
- Chapter 61 Properties: We setup all Chapter 61 Properties as a mapping layer in the Town's MapsOnline by turning all parcels with the land use code "601A", "0370", "718A", "0170", "8010", and "7180" the color purple. This query is based upon the latest data uploaded to MapsOnline by the Assessor, therefore the mapping layer is updated as often as the assessing data is uploaded/updated.
- Protected & Recreational Open Space: We implemented the Protected and Recreational Open Space layer available from MassGIS in the Town's MapsOnline.
- Impervious Surfaces: We implemented a mapping layer called "Impervious Surfaces" as is available from MassGIS. This mapping layer is a raster layer that comes from MassGIS's web server directly.
- Zoning Map: Planning requested the Zoning Map be added to MapsOnline. We received data from the Town's vendor in shapefile format and did add this mapping layer to MapsOnline. However, upon close inspection of the zoning boundary lines (as compared to parcel lines), it was clear that much work will be needed to enhance the quality of the zoning map to meet the Town's GIS needs. We reviewed this situation with the Planning Department to confirm these findings, and estimated approximately three days of work to improve this data layer.
- Tracks and Trails: This is a MassGIS layer that we reviewed. Unfortunately we found no trails in this data source for the Town of Medway.
- Subdivision Map: Planning would like to create a Subdivisions mapping layer. No known source of data was identified, so it would seem that this layer would need to be created from scratch. We recommend Planning sit down with a GIS person to identify parcels belonging to subdivisions, with each subdivision getting a formal name.
- Crop Evapotranspiration and Potential Evaporation Grid: ?
- Modeled Wind Speed Grids: ?
- Endangered Species: Date not found.
- Sidewalks: Streets with sidewalks was a mapping layer created from the MA DOT road centerlines discussed in the DPS review section. An attribute exists in this centerline layer indicating sidewalks on the right or left side of the street. We created a mapping layer in MapsOnline that shows all street segments that have a sidewalk on one side or the other.

Police Department

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The Police Department had several needs, as follows:

- Police Department MapsOnline: We recommend that the Police Department have their own MapsOnline, and we have set that site up as part of this contract. This will enable the Police Department to secure access to their mapping data to just their own staff.
- Calls-For-Service: The Police Department is interested in mapping their calls-for-service (CFS) currently managed in their PAMET software. We spoke to PAMET and made arrangements to obtain the table structure of the database. We recommend setting up software to automate the extraction of data from PAMET and upload of this data to PeopleForms. This software could be automated to operate nightly, enabling the Police Department to be looking at their CFS in their own MapsOnline that is always less than 24-hours old.
- Public View of Calls-For-Service in MapsOnline: The Police Department discussed the possibility of providing a map of "filtered" calls-for-service for public viewing. This would be similar to the crime listings provided in local papers. This concept was not discussed at length, but the concept is documented here as a starting point.
- Police Vehicle Maintenance: The Police Department discussed using PeopleForms for the tracking of police vehicle maintenance.
- Special Conditions Database: The Police Department would like to create a database of "special conditions" or "special instructions". Information might indicate which door to enter by, whether they have a key for the residence, or other information gathered through experience with certain locations or provided by property owners. The idea is to store those small bits of information that is collected over time and might aid in certain response situations. We recommend a simple PeopleForm for this application.
- Gun Permits: This data is also in PAMET. We recommend obtaining this data through the data sharing techniques with this platform discussed above and loading this data into PeopleForms so that this data can be mapped in the Police Department's MapsOnline.

Fire Department

The Fire Department had several needs, as follows:

- Fire Department MapsOnline: We recommend that the Fire Department have their own MapsOnline, and we have set that site up as part of this contract. This will enable the Fire Department to secure access to their mapping data to just their own staff.
- Hydrants Mapping: This layer will be created and maintained by DPS. See Hydrants under their review. The Fire Department would like to ensure that the size of the main (diameter) and pressure be recorded as attributes for each hydrant. Possibly, this information could be shown in their MapsOnline through labels and colors.
- Fire Boxes: We recommend creating a PeopleForm for the mapping of each fire box, including "plugged" or "unplugged" as a status attribute. The Fire Department wants to make sure these are not left "plugged out". Possibly, the Fire Department

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could set an email alarm in PeopleForms to notify someone in the department if a fire box is left unplugged for too long.

- **Calls-For-Service:** The Fire Department is interested in mapping their calls-for-service (CFS) currently managed in their PAMET software. We spoke to PAMET and made arrangements to obtain the table structure of the database. We recommend setting up software to automate the extraction of data from PAMET and upload of this data to PeopleForms. This software could be automated to operate nightly, enabling the Fire Department to be looking at their CFS in their own MapsOnline that is always less than 24-hours old.
- **Burn Permits:** The Fire Department issues agricultural burn permits, which are seasonal in nature. We recommend a PeopleForm be created to store this information and create a mapping layer to share on the Staff MapsOnline site.
- **Knox Boxes:** We recommend a PeopleForm be created to load all knox box locations into. The Fire Department can then use the Map Window in this PeopleForm to re-position the knox box locations as they need to.
- **Propane Tanks:** The Fire Department explained that propane tanks are tracked in MUNIS. We recommend this data be exported and loaded into PeopleForms so it can be used by the Fire Department and Dispatch operations.
- **Blasting Permits:** The Fire Department discussed the need for a Blasting Permit, which appears to be a good application for PeopleForms. Few details were provided regarding this permit.

Open Space Committee

The Open Space Committee had several needs, as follows:

- **Town-Owned Parcels:** This layer helps the committee focus their efforts. This layer was created in MapsOnline by PeopleGIS during our interview with the Committee. There is a desire to take this layer further and develop subcategories, including ball fields and recreation, undeveloped lots, etc. This extended effort will likely be accomplished with PeopleForms.
- **Parcels Over 5 Acres In Size:** This layer shows all parcels greater than five acres. This layer was completed by PeopleGIS immediately following our interview with the Committee.
- **Properties that Abut Chicken Brook, Charles River, and Hopping Brook:** This is a simple layer to create and upload to MapsOnline.
- **Wetlands:** DEP Wetlands and National Wetland Inventory were both requested by the Committee. These layers were obtained from MassGIS and setup in MapsOnline.

Building Department

The Building Department had the following identified needs:

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- Certificate of Occupancy Form: The Building Department requires Certificate of Occupancy (CO) forms for daycare centers, multi-families, and other building categories. They need a database of all CO's and the ability to print forms. We recommend they build a PeopleForm, complete with email alerts indicating those CO's that are about to become due. A PeopleForm receipt should also be created from the existing Microsoft Word document. We recommend a mapping layer be derived from this data for use in MapsOnline that shows out-of-date CO's for all staff to use.
- Abandoned Properties: The Building Department requires all owners of abandoned properties (abandoned and foreclosed) to fill out a Vacant Structures form. We recommend this form be created in PeopleForms, complete with a receipt. We also recommend a mapping layer in MapsOnline showing all such properties to support Planning and Public Safety. The Building Inspector was completing the design of a new Vacant Structures form in Microsoft Word at the time of our interview, so we have not reviewed this product as of the date of this document.
- Building Permits: The Building Department would like to map their Building Permits, which are currently being managed in MUNIS. We recommend that this data be exported from MUNIS and imported into PeopleForms in order to address this need, and we have included costs for permit data in general to be handled in this manner.

The Building Department would also like to have an online building permit application, and to have this online application receive data and forward it to MUNIS. This is a much bigger request because it begins to require significant participation from the MUNIS vendor. We are seeing similar requests from other departments in regards to permit data, and recommend that we hold a meeting to discuss this topic in general.

- Building Violations: The Building Department would like to build a database of building violations and be able to map them in order to share this data with the staff. We recommend a PeopleForm that uses an entered address to pull the ownership data from the assessor's data (also in PeopleForms) and include all of the "boiler plate" special conditions that might be attached to a violation record. Selected violations would appear in the final receipt that is printed out for a record. Unselected special conditions would not.

Assessing

Assessing had the following identified needs:

- Assessing Department MapsOnline: We recommend that the Assessing Department have their own MapsOnline, and we have set that site up as part of this contract. This will enable the Assessing Department to secure access to their mapping data to just their own staff. Assessing reviewed a MapsOnline site from Watertown, MA and expressed an interest in develop similar thematic maps (showing Parcels by Value, Neighborhoods, Zones, Buildings by Age, etc).
- 24x36 Printing: Assessing would like to see 24x36 printing option on their version of MapsOnline. PeopleGIS did add this option to Assessing's MapsOnline prior to the completion of this document.

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- Parcel Map Production: The Town should have an ArcView-based parcel map production tool so parcel maps can be produced in-house 24/7/365 on 11x17 and 24x36 paper. The option should exist for the production of PDF digital maps as well.

Animal Control

Animal Control had a few simple needs that will be addressed by PeopleForms:

- Kennel Locations: Locations can be mapped by property address, with any description and contact information added via PeopleForms.
- Inspected Barns/Livestock: Field Inspection forms can be built in PeopleForms to track these events.
- Locations of Rabid Animal Sitings: A form could be made available via the town website to aid the tracking of rabid animals in support of animal control operations.
- Locations of Dog Biting Incidents: A form could be created in PeopleForms for staff and public use enabling the documentation of dog bites, including mapping of such incidents.

Board of Health

The Board of Health had a few simple needs that will be addressed by PeopleForms:

- Wells: Well locations are documented in a spreadsheet by address. PeopleGIS created a PeopleForm called "Wells" and loaded this data. This data is also presented as a mapping layer on the Staff MapsOnline.
- Septic System Pumping Records: We understand that septic system pumping records currently exist in GeoTMS, and that the Board of Health likes using GeoTMS to manage this data. Therefore, we suggest that the Board of Health continue to use GeoTMS, but export this data from GeoTMS to a comma-separated value (csv) file for upload to PeopleForms on a routine basis so as to share this information with other departments via PeopleForms and MapsOnline.

Discussion Items

Our work with the Town has revealed a few items requiring further discussion to support appropriate decision-making, as follows:

GPS Equipment

The subject of GPS has come up several times in our discussions with the Town, even before our existing contract. The Town does have a budget to purchase GPS equipment (approximately \$10,000). However, questions remain as to which equipment to purchase. These questions seem to focus on the various levels of GPS equipment, their respective levels of accuracy, and their

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respective costs. Before we can make decisions, let's first outline three categories of GPS equipment:

Consumer-Grade GPS: Consumer-Grade GPS is available from many local consumer technology stores and/or on the Internet for costs ranging from \$50 to \$500. People use this level of GPS technology in their cars, while they are hiking, in support of geo-caching games, and other such activities. This same level of GPS is now found in most cell phones, which in turn has made cell phones the most popular GPS-enabled hardware platform that currently exists. The accuracy of this category of GPS is roughly +/- 10 ft. Therefore, if you are driving along a road, this category of GPS puts you on a map on that road, or very close to that road. Certainly, for the applications described under this category, this level of accuracy is sufficient. The GPS is helping the user find places and features already mapped.

GIS Mapping-Grade GPS: GIS Mapping-Grade GPS is generally not available through consumer technology stores, but rather from professional surveying and mapping companies for a cost ranging between \$5000 and \$10,000. In eastern Massachusetts, Maine Technical Source in Woburn, MA is one such source. GIS Mapping-grade GPS is capable of mapping objects with an accuracy of +/- 2 to 3 feet. This level of accuracy is generally considered sufficient to support most municipal GIS programs (which often have a map scale of 1"=100', resulting in a spatial accuracy of +/- 2.5 feet). The focus with this category of GPS is not to find places or features already mapped, but rather to map features accurately enough to fit with your other GIS mapping layers.

With GIS Mapping -Grade GPS, locations are mapped by standing on location for thirty seconds or more. Location data is generally not available immediately, but must go through a "post-processing" procedure where the data collected in the field is compared to local base stations and refined to reach the desired accuracy levels. Such processing generally happens hours after the field data collection.

Survey-Grade GPS: Survey-Grade GPS is also not available through consumer technology stores, but rather from professional surveying and mapping companies. Survey-grade GPS is capable of mapping objects with an accuracy of +/- 1 cm. Therefore, this level of GPS is generally more accurate than most GIS programs require. However, public works departments are purchasing this grade of GPS more often in the past few years because they are interested in determining precise locations of their infrastructure, especially the elevations of their infrastructure (such as manholes, catch basins, etc.). Elevations of manhole covers, for example, can lead to invert elevations for every pipe entering or leaving that point location, which can support modeling programs.

In addition, these Survey-Grade GPS systems can capture point data in seconds (as opposed to thirty seconds or more). Therefore, there is the opportunity for significant time savings as compared to GIS Mapping-Grade GPS.

Given this understanding of the different categories of GPS, the Town has to decide on its approach to GPS equipment. It would certainly benefit the Town to have some Consumer-Grade GPS, such as USB plug-in GPS for laptops for use in the field to find places and features already mapped. Such equipment would cost between \$50 and \$100 and could be used with any computer in the field. Handheld Consumer-Grade GPS could also be used, but its utility for a municipal GIS Program is limited since the user would have to enter the coordinates of the place or feature into their handheld as a "waypoint" and then navigate to the point. This requires practice and experience, and may be too difficult for most users.

PeopleGIS believes the Town should purchase a professional GPS, either GIS Mapping-Grade or Survey-Grade. The decision rests with Public Services and their intentions in regards to their systems mapping. The accuracy of their water and sewer systems is largely unknown at this time.

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Also unknown are the department's vision for their data accuracy going forward. These unknowns should be expected since this GIS Program is in its infancy. If DPS wishes to update all of its infrastructure mapping, and if elevation values are paramount to their modeling efforts, then it would make sense to consider adding another \$10,000 to the current GPS budget and purchase the Survey-Grade GPS. If not, then it makes sense to purchase the GIS Mapping-Grade GPS.

Please note that our discussions with DPS indicated that new storm water regulations will require the Town to map its storm water system complete with accurate elevation data (to support the modeling and/or tracking of the flow of storm water). This regulation would seem to indicate the need for the Survey-Grade GPS.

To be complete, we should also talk about the GPS Laser. This is additional hardware that can be purchased to enhance data collection in the field. A user of professional GPS can attach a laser and point at features from a single location to map all of those locations. This is very useful for sign mapping (because there are so many of them to map) and the mapping of water gates (since they are in the middle of the street). Lasers can greatly reduce the time spent in the field.

Lastly, we should mention real-time data processing. It is possible to purchase an online service that enables real-time "post-processing" of field-collected data. This type of service costs \$100 monthly and eliminates the need to spend time after each field data effort to post process the data. If a great deal of data is being collected often, this type of service can make sense. If not, such a service can be difficult to justify.

We recommend a workshop discussion with the GIS Committee to review these points and move the GPS discussion forward. We realize there are many points being made in the paragraphs above and the topic is a difficult one to completely understand.

As of the writing of this document, the GIS Committee has agreed to hold GPS presentations in-house with a local vendor to review GPS options.

Aerial Photography

The subject of base mapping via aerial photography came up during our needs assessment interview with DPS. Base mapping would include the mapping of road surfaces, sidewalks, buildings, driveways, water bodies, and other features that can be seen from an airplane. Signs, manholes, and catchbasins are also mapped in such efforts, but not all such points can be seen clearly so the net result is somewhere between 50% and 80% completeness for such layers. Water gates are generally not mapped from aerial photography.

Having all of these layers would greatly enhance the use of GIS for DPS, as it would all of the departments. However, DPS would receive another great benefit; topography. Base mapping from aerial photography could also produce 2-ft contours of the entire community. This would greatly enhance storm water management in the Town, which currently is a major concern of DPS.

The cost for aerial photography and base mapping (including the flight, a digital aerial photo for use in the Town's GIS, 20-30 common mapping layers, and topography) would range from \$100,000 to \$200,000.

The delivered products would include some infrastructure mapping, but the elevations would not be useable from the DPS's perspective. Therefore, the GPS decision regarding which professional category to purchase remains largely tied to the need for accurate elevation data.

As of the writing of this document, the GIS Committee has agreed to re-visit this particular issue in fiscal year 2013.

Closing

In our opinion, this short needs assessment was a tremendous success, and we hope the Town feels the same way. Many applications were documented, many were completed, and others were scoped out and scheduled. Certainly, there are questions regarding the Town's direction with GPS and a possible Aerial Flight. However, several people are now involved in that discussion.

Please let us know if you have any questions regarding the GIS Action Plan. We look forward to the next stages of Medway's GIS Implementation Project.

Regards,

A handwritten signature in black ink, appearing to read 'Kevin Flanders', written in a cursive style.

Kevin Flanders, President
PeopleGIS

Task	Source	User	FY2011 Contract
	Dept.	Access	
Mapping Tasks	Trash Routes	BDH	
	Water Meter Reading Districts	Public	
	Town-Owned Properties	Public	
	Census Blocks (after 2010 data release)	Start	
Zoning Map		PLAN	
		PLAN	
		PLAN	
		PLAN	
Aerial Photo Update	Scenic Roads	Public	
	Unimproved Roads	Public	
	Adaptive Use Overlay District	Public	
	Chemical S/L Properties	Public	
	Parks & Open Space	Public	
	Subdivisions	PLAN	
	Estuaries	CONIS	
	Police Call-In Service	POLICE	
	Public Police CFS	POLICE	
	Hydrants	FIRE	
	Fire Call-In Service	FIRE	
	Retention Ponds	FIRE	
		Start	
		Start	
		Start	
		Start	
Parcel > 5 Acres in Use	Properties including Chicken Bx, Charcoal Bx, and other uses	OS COM	
	Runoff Report	OS COM	
		DPS	
		DPS	
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		DPS	
MassGIS Mapping Layers	Aerial Flower (2)	ALL	
	Orthophotograph (2)	ALL	
	Planimetric Mapping (2)	ALL	
	2" Topography (2)	ALL	
	Integration of new mapping data with existing GIS	ALL	
	Water Gates & Appurtenances	DPS	
	Water System Pipe Network	DPS	
	Sewer Sewer Mainlines	DPS	
	Sanitary Sewers	DPS	
	Stormwater Catch Basins & Inlets	DPS	
	Stormwater Swales	DPS	
	Culverts	DPS	
	Stormwater Outfalls	DPS	
	Groundwater Protection Overlay District	PLAN	
		Public	
MapOnline Services	Topography	PLAN	
	Impervious Surfaces	PLAN	
	Protected & Rec Open Space	PLAN	
	Certified Vernal Pools (Jan 11 Update)	Public	
	FEHA Flood Zones	Public	
	FIRM Maps	Public	
	MAFC Streets with Elevations	PLAN	
	Crop Expenditures	PLAN	
	Wind Speed Grids	PLAN	
	Trucks & Trucks	PLAN	
	Estimated Hazards	CONIS	
	Endangered Species	CONIS	
	Hydrography	CONIS	
	DEF Wetlands	OS COM	
	National Wetlands Inventory	OS COM	
		Start	
MapOnline Services	Public MapsOnline	ALL	
	General Staff MapsOnline	ALL	
	Work-in-Progress (WIP) MapsOnline	ALL	
	DPS MapsOnline	Start	
	Assessing MapsOnline	Start	
	Planning MapsOnline	Start	
	Police MapsOnline	Start	
	Fire MapsOnline	Start	
	Google Street View	Start	
	Am 2006 Print Option	Start	
	ABR330	Start	
	BRG Integration	Start	
		Start	
		Start	
		Start	
MapOnline Services	Current Sales	Start	
		Start	

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DRAFT PROPOSED REVISIONS TO OSRD BYLAW
PGC Associates – January 7, 2011

T. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

1. **Purpose and Intent** - The primary purposes for OSRD are:
 - a) To allow for greater flexibility and creativity in the design of residential development
 - b) To protect community water supplies;
 - c) To minimize the total amount of disturbance on the site;
 - d) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and/or historical and archeological resources.
 - e) To discourage sprawl and encourage a more efficient form of development that consumes less open land and conforms more closely to existing topography and natural features than a conventional subdivision;
 - f) To further the goals and policies of the Medway Master and/or Open Space Plans;
 - g) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner.
 - h) To preserve and enhance the community character;
 - i) To preserve and protect agriculturally significant land;
 - j) To protect the value of real property;
 - k) To allow for housing types that will diversify the community's housing stock including the provision of affordable housing for persons of low and moderate incomes. *(Item added May 14, 2007)*
2. **Eligibility**
 - a) **zoning Classification** - Only those tracts located in the AR-I and AR-II Districts shall be eligible for consideration as an OSRD.
 - b) **Contiguous Parcels** - To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. For the purposes of this section, parcels that are directly opposite each other across an existing street, and each have a minimum of 25 feet of frontage on the same 25-foot section of roadway, may be considered as if contiguous. Provided, however, that parcels or sets of parcels on opposite sides of a street must each have practical development potential as evidenced by either meeting the dimensional requirements of the residential zoning district in which it lies, or, in the opinion of the Planning and Economic Development Board, has sufficient access and area to be subdivided in accordance with the Planning and Economic Development Board's Rules and Regulations for the Review and Approval of Land Subdivisions.
(Revised June 15, 2009)
 - c) **Land Division** - To be eligible for consideration as an OSRD, the tract may be a

subdivision or a division of land pursuant to M.G.L. c. 41, s. 81P, provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided.

d) *Tract Size* – An OSRD shall be on a site that is a minimum of 8 acres in area. The Planning and Economic Development Board may approve an OSRD on a tract of land that is less than 8 acres if such property directly abuts the Charles River, Chicken Brook or Hopping Brook and that portion of the property that abuts any of these waterways is included in the open space. *(Item d) added June 15, 2009)*

3. *Special Permit Required*

a) The Planning and Economic Development Board may authorize an OSRD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the provisions outlined below.

b) The Planning and Economic Development Board shall adopt *OSRD Rules and Regulations* which shall more fully define the application requirements including the size, form, number and contents of the *Site Context and Analysis Plan*, *Concept Plan*, and *Yield Plan*, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.

c) Upon approval by the Planning and Economic Development Board, an OSRD may include a Local Convenience Retail use of no more than 7,500 square feet of gross building area. *(Item c) added 6-2-08)*

d) Upon approval by the Planning and Economic Development Board, an OSRD may include a Community Center or building erected solely for the use of the residents of the OSRD and their guests for recreational, educational and social purposes. *(Item d) added 6-2-08)*

4. *Pre-Application Process*

a) *Informal Review* -The purpose of an informal pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development. The applicant is required to schedule an informal pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to attend the informal pre-application review. At the informal pre-application review, the applicant ~~may~~ **shall** outline the proposed OSRD **(including presentation of a preliminary Site Context and Analysis Plan prepared with input from a Registered Landscape Architect)**, seek preliminary feedback from the Planning and Economic Development Board and/or its agents, **review potential trails and trail connections, present a preliminary design concept for handling stormwater runoff,**

discuss potential mitigation measures, and set a timetable for submittal of a formal application. At the applicant's request and expense, the Planning and Economic Development Board may engage technical experts to review the applicant's informal plans and facilitate submittal of a formal application for an OSRD special permit.

(Revised June 15, 2009)

b) *Site Visit* – ~~Upon request of a~~ **As part of a request for a** pre-application review, the applicant shall grant permission to Planning and Economic Development Board members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

c) *Meeting with abutters* – ***It is highly recommended that applicants meet with abutters at the pre-application stage and prior to preparing a formal application.***

5. ***Four-Step Design Process*** - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed by a Registered Landscape Architect (RLA) and considered in determining the layout of proposed streets, house lots **and/or dwelling units**, and open space.

a) *Identify Conservation Areas* - Identify preservation land by two steps. First, *Primary Conservation Areas* (such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Designation (ANRAD) and *Secondary Conservation Areas* (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archaeological sites and scenic views) shall be identified and delineated. Second, the *Potentially Developable Area* will be identified and delineated. To the maximum extent feasible, the *Potentially Developable Area* shall consist of land outside identified *Primary and Secondary Conservation Areas*. **The specific features of the tract that are proposed to be preserved shall be identified. Furthermore, methods of integrating the preserved areas and features with the Potentially Developable Area and existing abutting neighborhoods shall be proposed. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potentially Developable Area be preserved.**

b) *Locate House Dwelling Unit Sites* - Locate the approximate sites of individual houses **and/or attached dwelling units** within the *Potentially Developable Area* and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots **or dwelling units**. Additionally, new streets and trails should be laid out to create internal

and external connections to existing and/or potential future streets, sidewalks, **existing or proposed new open space parcels** and trails on abutting public or private property.

d) *Draw in Lot Lines.* **This step is not applicable to condominium projects.**

A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided. *(This sentence added June 15, 2009)*

6. Application Requirements Procedures

a) *Application* - An application for an OSRD Special Permit shall include a *Site Context and Analysis Plan*, a *Concept Plan*, ~~and a Yield Plan~~ **Design Plan, and Mitigation Plan**. The application shall also include a narrative statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interests of the Town to grant the OSRD Special Permit rather than approve a conventional subdivision plan.

b) *Site Context and Analysis Plan* - The *Site Context and Analysis Plan* shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resource features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, wetlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geological formations and scenic views.

c) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect, and shall address the general features of the land, give approximate configurations of lots, **building footprints**, open space, stormwater management facilities, utilities and roadways, **pedestrian circulation** and include the information listed in the Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development. *(Revised June 15, 2009)*

d) *Design Plan* - The *Design Plan* shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping plan identifying typical features, such as fences, stone walls, light posts, or other items in addition to vegetation that is being considered. Designs that incorporate low-impact design drainage systems into the landscaping plan are encouraged.

e) *Mitigation Plan* - Proposed mitigation measures in compliance with Sub-section 13 (b) shall be included as part of the application.

d) f) *General Procedures* – Upon receipt of an application for an OSRD Special Permit, the Planning and Economic Development Board shall, within fourteen (14) days of the filing of the completed application, distribute copies of the application, accompanying plans, and other documentation, to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of Public Services, Police Chief, Fire Chief, Design Review committee, and the Town's consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning and Economic Development Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning and Economic Development Board is held prior to the expiration of the 35-day period, the Planning and Economic Development Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period. The Decision/ Findings of the Planning and Economic Development Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party. (Revised June 15, 2009)

e) g) *Other Information* - The submittals and permits of this section shall be in addition to any other **applicable** requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw, **including, but not limited to the Affordable Housing provisions of Section X.**

7. *Maximum Number of OSRD Dwelling Units per Yield Plan*

a) The maximum possible number of OSRD dwelling units shall be derived after preparation of a *Yield Plan*. The *Yield Plan* shall indicate the tract's total area (TA) and its wetland and riverfront area (WA). WA shall include those portions of the tract that are classified as wetland and/or are located within the 200' riparian zone of a perennial stream as determined by the Meadow Conservation Commission. (Revised June 15, 2009)

The following formula shall be used to determine the maximum possible number of OSRD dwelling units that may be permitted. The resulting amount shall be rounded down to the nearest whole number.

$$\text{Maximum \# of OSRD Dwelling Units} = \frac{\text{TA} - (0.5 \times \text{WA}) - (0.1 \times \text{TA})}{\text{Zoning District Minimum Lot Area}}$$

b) The maximum **possible** number of OSRD dwelling units **is for guidance purposes only.** It is not necessarily be the number of units the Planning and Economic Development Board approves in the OSRD Special Permit.

8. *Reduction of Dimensional Requirements* - The Planning and Economic Development Board may authorize modification of lot size, shape, and other bulk

requirements for lots within an OSRD, subject to the following limitations:

- a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
- b) Lot frontage shall not be less than fifty feet (50').
- c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.
- d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.
- e) ~~Building footprints or envelopes shall be shown on the plan, and no structure shall be located closer than thirty feet (30') from any other structure. Furthermore, a landscaped buffer shall be provided between house structures to enhance privacy.~~
- f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the ~~house~~ **dwelling unit** or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

9. **Open Space Requirements** - A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (e) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

a) In the minimum required open space area (equal to 50% of the total area of the proposed OSRD parcel), the percentage of land that is a *resource area* (as defined and regulated by the Medway General Wetlands Protection Bylaw (ARTICLE XXII)) shall not exceed the percentage of the total tract that is a *resource area*; provided, however, that in any proposed open space beyond the minimum required, the applicant may include a greater percentage of *resource area*. (Revised May 14, 2007 & June 15, 2009)

b) The open space shall be contiguous. Open Space will be considered as contiguous if

it is separated by a roadway or an accessory amenity. The Planning and Economic Development Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas.

c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning and Economic Development Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (*i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities*). The open space shall be accessible to the public, unless the Planning and Economic Development Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning and Economic Development Board may require a minimum number of off-street parking spaces to facilitate such public access. (Revised June 15, 2009)

d) While protecting resources and leaving land in its natural state is a primary goal, the Planning and Economic Development Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.

e) The following shall not qualify toward the required minimum open space area:

- 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
 - 2) Sub-surface drainage/septic and leaching systems per Title 5
 - 3) Fifty percent (50%) of land area subject to any type of utility easement
 - 4) Land within thirty feet (30') of a dwelling unit
 - 5) Local convenience retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
 - 6) Median strips/landscaped areas within parking lots or landscaped areas on individual home lots.
 - 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
- (Revised May 1, 2007 & June 15, 2009)

8) Buffer strips between the Potentially Developable Area and abutting existing neighborhoods as required in Subsection 10 (i).

f) Ownership of the Open Space - The open space shall, at the Planning and Economic Development Board's discretion, be conveyed to:

- 1) The Town or its Conservation Commission, upon its agreement;
- 2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;

3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning and Economic Development Board for approval, and shall thereafter be recorded.

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape and use of all proposed open space. If the land set aside for open space is excessively steep or wet, is not safely accessible, or is not dry for at least nine (9) months out of the year, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement. (inserted g) added May 14, 2007)

10. **General Design Standards** – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:

a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighborhood development. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.

b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.

c) The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.

d) All open space (*landscaped and usable*) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

- e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- f) **Mix of Housing Types** - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.
- g) **Common/Shared Driveways** - Common or shared driveways may be allowed at the discretion of the Planning and Economic Development Board.
- h) Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space. *(Added May 14, 2007)*
- i) A **minimum** fifteen foot (15') wide visual buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing acceptable to the Planning and Economic Development Board shall be located **between the Potentially Developable Area of the tract and abutting existing neighborhoods** along the perimeter of the OSRD tract, unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements. *(Added May 14, 2007)*
- j) **Parking** - A minimum of ~~two (2)~~ **three (3)** off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Development Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan. *(Added June 15, 2009)*
- k) **Sidewalks** shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning and Economic Development Board at the recommendation of the Town's Consulting Engineer. *(Added June 15, 2009)*
- l) Pedestrian circulation measures to facilitate movement within the Potentially Developable Area as well as between it and the open space and the abutting existing neighborhood.**

m) Trails shall be provided to facilitate public access to the open space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel. All trails shall be a minimum of 50 feet from any dwelling unit unless the Planning and Economic Development Board finds that topography, vegetation or other factors warrant a lesser distance.

11. ***Decision of the Planning and Economic Development Board*** - The Planning and Economic Development Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:

- a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;
- b) Whether the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;
- c) Whether the OSRD promotes less sprawl and a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;
- d) Whether the OSRD reduces the total amount of disturbance on the site;
- e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;
- f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; **and**
- g) Whether the *Concept Plan* and its supporting narrative documentation comply with all sections of this Zoning By-Law.
- h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning and Economic Development Board's *Design Review Guidelines*.
- i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.
- j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.
- l) Whether the impact of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated, **and**

- m) Whether the OSRD protects and enhances community character
(Items 11 (h) – 11 (l) added May 14, 2007)

An OSRD Special Permit decision shall include the approved *Concept Plan*. The OSRD Special Permit Decision shall specifically state that the OSRD Definitive Plan shall substantially comply with the approved *Concept Plan*. The applicant shall record the OSRD Special Permit Decision/ *Concept Plan* at the Norfolk County Registry of Deeds.
(Added June 2, 2008)

12. **OSRD Definitive Plan**

- a) Subsequent to recording the OSRD Special Permit Decision and *Concept Plan* at the Registry of Deeds, the applicant shall prepare and submit an OSRD Definitive Plan to the Planning and Economic Development Board. The OSRD Definitive Plan shall include all plan changes as may be required by the conditions of the OSRD Special Permit.
- b) The Inspector of Buildings shall not issue a building permit for any building or structure authorized by an OSRD Special Permit unless the Planning and Economic Development Board has approved or conditionally approved and endorsed an OSRD Definitive Plan, filed with the Town Clerk and provided such to the Inspector of Buildings,
- c) An OSRD Definitive Plan shall comply with the application contents, review process, and Design and Construction Standards of the *Subdivision Rules and Regulations* for a definitive subdivision plan, except that another traffic study and development impact report are not required. The Planning and Economic Development Board may agree to waive/vary those standards upon written request of the applicant, provided that the Planning and Economic Development Board finds that it is in the best interests of the Town to do so.
- d) In cases where a definitive subdivision plan is not technically necessary (e.g. a multi-family condominium project), the Planning and Economic Development Board will consider site design features that are normally the subject of Site Plan Approval (SECTION V. USE REGULATIONS, Sub-Section C of the Medway Zoning Bylaw) such as parking, lighting, landscaping, site amenities, etc. The Development Standards of the Planning and Economic Development Board's *Site Plan Rules and Regulations* shall be adhered to. The OSRD Definitive Plan shall be prepared to comply with those standards. The Planning and Economic Development Board may agree to waive/vary those standards, upon written request from the applicant, provided that the Planning and Economic Development Board finds that it is in the best interests of the Town to do so.
- e) The OSRD Definitive Plan shall substantially comply with the approved OSRD *Concept Plan*. An OSRD Definitive Plan will be considered not to substantially comply with the approved *Concept Plan* if the Planning and Economic

Development Board determines that any of the following conditions exist:

- 1) An increase in the number of building lots;
 - 2) A decrease in the open space acreage of more than 5%;
 - 3) A significant change in the lot layout;
 - 4) A change in the general development pattern which, in the opinion of the Planning and Economic Development Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*;
 - 5) A change to the stormwater management facilities which, in the opinion of the Planning and Economic Development Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*; and/or,
 - 6) Changes in the wastewater management systems, which, in the opinion of the Planning and Economic Development Board, adversely affect natural landscape features or other features identified for preservation in the approved *Concept Plan*.
- f) If the Planning and Economic Development Board determines that the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan*, the Board may disapprove the OSRD Definitive Plan for failure to comply with the conditions of the OSRD Special Permit.
- g) The Planning and Economic Development Board may conditionally approve an OSRD Definitive Plan that does not substantially comply with the approved *Concept Plan*. However, such conditional approval must identify where the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan* and shall require that the applicant file an application to modify the OSRD Special Permit within a specified time period in order to amend the approved *Concept Plan* by incorporating the significant changes identified by the Planning and Economic Development Board. The public hearing on the application to amend the OSRD Special Permit and *Concept Plan* shall be limited to the significant changes identified by the Planning and Economic Development Board in their conditional approval of the OSRD Definitive Plan.
- (Paragraph 12 added 6-2-08)
- h) The OSRD Definitive Plan shall be recorded at the Norfolk County Registry of Deeds.
- (Item h) added June 15, 2009)

13. OSRD Special Permit Provisions - Depending on the nature of the particular OSRD, the Planning and Economic Development Board may, as a condition of any Special Permit for an OSRD, establish conditions, limitations and safeguards; require construction observation/inspection, bonding or other performance guarantees, plan compliance measures and the submittal of as-built plans; and establish reasonable mitigation measures which the Board believes are in the Town's best interests.

(Corrected June 15, 2009)

- a) **Conditions, Limitations and Safeguards** - The Planning and Economic Development Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:
- 1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.
 - 2) Controls on the location and type of access to the site;
 - 3) Controls on the number, type and time that service and delivery vehicles access the site;
 - 4) Provision for preservation of scenic views;
 - 5) Limitations on the hours of operation for any Local Convenience Retail Use or Community Center/Building included in the SRU;
 - 6) Conditions to minimize off-site impacts and environmental quality during construction;
 - 7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
 - 8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, and light glare, hours of operation, or snow storage.
- b) **Mitigation Measures** - The Planning and Economic Development Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:
- 1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signal controls, or municipal services, sufficient to service the development project. *the total development cost* shall mean the total of the cost or value of land and all development-related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Planning and Economic Development Board, for the relevant type of structure(s) and use (s).
 - 2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.
- (Added 11-10-08) (Sub-Section T. was replaced in its entirety June 6, 2005)

**February 15, 2011
Medway Planning and Economic Development Board
And
Medway Economic Development Committee
Public Forum
Mixed Use Feasibility Study
For
Medway's Oak Grove/Bottle Cap Lot Area
Medway High School
88 Summer Street**

Planning and Economic Development Board Members Present:

Andy Rodenhiser
Bob Tucker
Chan Rogers

Economic Development Committee Members Present:

Ann Sherry
Ray Himmel
Mike O'Mara
Hasan Husain
Ken Bancewicz
Kent Scott

Board of Selectmen Members Present:

Dennis Crowley
Rich Dunne

Also Present: Kevin Hively, Ninigret Partners
Russ Burke, BSC Group
Gino Carlucci, PGC Associates Planning Consultant
Mike Mitchell, MassDevelopment

PEDB Chairman Andy Rodenhiser opened the meeting at 7:05 pm.

The presentation was prepared by BSC Group in cooperation with Ninigret Partners.
Funding support was provided by Mass Development.
This was an Oak Grove Mixed Use Feasibility Study.

The first presenter was Russ Burke from the BSC Group.

Mr. Burke explained that the purpose of the study is for the Town of Medway to seek job creation, economic development, and increased tax revenue. The Oak Grove/"Bottle Cap Lots" area are identified as a "smart growth" redevelopment area within the master plan. The Town has obtained

assistance from Mass Development to conduct a Development Feasibility Study. Mass Development and the Town seek to determine the viability of a business park at the Oak Grove site.

The presentation gave an overview in the following areas:

- Scope of the Feasibility Study
- Site Features (Site is on 47 +/- acres)
- Site Features (Land Use)
- Site Features (Topography – 30-footgrade change from lowest to highest elevations)
- Site Features (Soils – sandy loam)
- Environmental (Flood Plain – 500 year flood boundary in southwest corner)
- Environmental (Wetland Resources)
- Environmental (NHESP- No NHESP Resources, no certified vernal pools)
- (Hazardous Materials –no reportable releases)
- Site Access: (Extensive roadway frontage)
- Utilities: Water- water service available
 Sewer- no public sewer service on site
 Electric- NStar, Verizon, & Comcast
 Gas- Columbia Gas
 Storm Water- drainage along public roadways, no stormwater collection
- Zoning: Site Split Zoning
 Industrial District III
 Agricultural Residential II
 New Zoning will be needed (mixed uses)
- Site Development Consideration: (Opportunities, Constraints)
- Estimates Development Potential

The second part of the presentation was by Niniget Partners. This portion of the presentation showed a market trend analysis. The report indicated that there are 320 businesses which employ 3300 people in Medway. There is not a demand for office space. The major area of business is manufacturing and industry. The report noted that some of the major sources of employment growth are not accessible to Medway.

The Route 495 corridor has less office space but substantially more industrial space than the Route 128 corridor. For purposes of this analysis the competitive market area has been defined as running from Westborough down to Taunton in the 190/495 corridor.

There was a market perspective done.

Analysis was done in relation to the framework for examining competitive supply. This was broken down into 6 levels.

The analysis also provided examples of available product in the area at various stages of market readiness. There were visuals to show the examples of the 6 levels.

There is currently an estimated 681 acres are available for commercial or industrial development across the I 495 corridor.

Active searches provide an indication of the type of real estate required that are in the marketplace to assist in site planning.

At the height of the Massachusetts economy an additional 3.1 million sq. ft. of industrial space was in demand over the present 5 million with more than 72 % of space being less than 50k sq. ft.

The study further looked at biomedical industry employment in suburban Boston. This is the fastest growing industry.

Medway is strategically located as a potential location for life sciences.

Competing for biotech/life science site, there are three levels of “Bio Ready” community designations.

There is heightened competition among health systems. Medway could also serve as a site for an expansion of ambulatory medical capacity for a health system.

There may be potential development along the 495 corridor, particularly if employment continues to expand. The amount of retail in the region is between 90 and 95 built out so retail seems to be unlikely in the near future as a use for the Oak Grove area.

Within 10 miles of Medway there are 17 large multifamily apartments.

The projected household growth suggests that there is a continued need for multifamily units as part of the required housing mix.

It was discussed that site prep required for some nearby developments has a number of distinct advantages over remaining opportunities if site assembly can be addressed.

Questions and Discussion from the public

What can the Town do without ownership of these lots?

Chairman Rodenhiser responded that currently, this land can't be developed by anyone. The Board of Selectmen is essentially responsible for executing any contracts for the purchase of land. The purpose of this study is to provide ideas for the potential use of this area.

Mr. Burke indicated that the study is to evaluate what is the potential and is there a project which is worthy for development.

BOS Chairman Dennis Crowley responded that he is wondering if there is enough consensus to move ahead with planning and zoning. He was also questioning if there is sufficient space.

Mr. Burke responded that he will have an answer to that at the next meeting.

Mr. Burke noted that there are good clusters and chunks of developable land.

Mr. Crowley stated that the Board of Selectmen will be aggressive in pursuing this since 89% of tax rate falls on residents of Medway. There is not enough industry in town. The Board of Selectmen will develop around those lots.

How aggressive does the Town need to be in order for the site to be ready?

Mr. Burke responded that this property would utilize the 43 D expedited permitting. This would expedite the process. There is a criteria which has been established and the Town would need to meet this criteria. This could be accomplished in 12-18 months.

One resident wants the Town to consider the infrastructure that may be needed. She does support the idea of industrial development.

Ms. Mike Mitchell responded that a strategic plan will be put in place.

Mr. Crowley informed residents that the state mandates how much water the town can draw. The Mass DEP has reduced the draw amount so we are in the process of putting in an application to increase the amount of draw. The Town is almost at capacity for sewer. The infiltration needs to be cleaned up. There has been very little done with the I & I containment.

One resident has a concern about making sure the Town looks into the future for 30 years. It is great to be aggressive on the development but in the context of this, it is just as important to protect the residents. It is important that the Town does this right.

Mr. Burke responded that the desire is to create a plan which is sustainable for the community and respectful for the surrounding communities.

Why invest money when this site may never be developed?

Mike Mitchell responded that the Town does have a developable area. It is the goal to see how any site development will impact the future and to understand what the opportunities are for the businesses to compete. It is highly competitive right now.

This site is perfect, but the problem has been that it is difficult to assemble.

PEDB Member Chan Rogers further explained that Medway has only small area for industrial use, and the problem is the bottlecaps. This area could be developed and zoned for commercial and industrial use. The town owns a third of this. The town owns 40% of land and took this portion from tax title.

Chairman Rodenhiser explained the map which showed ownership.

EDC Member Kent Scott explained that with this information it enables us to have dialogue to determine how we as a Town need to move forward. A cost benefit will need to be provided for possible tax revenue. The Town needs to examine if this is viable for the Town of Medway.

Is the Town going to sell or lease?

Chairman Rodenhiser communicated that an agreement with the participants would need to be worked out. It is important to treat all parties as equals.

Are we part of the Charles River Watershed?

Chairman Rodenhiser indicated that the Town of Medway is part of Charles River Watershed.

Susy Affleck-Childs informed all members that if anyone has further questions, please call her office and she will be happy to assist.

(See Attached for complete presentations)

Adjourn:

The meeting was adjourned at 9:00 PM.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

**February 16, 2011
Medway Planning and Economic Development Board
155 Village Street**

Board Members Present: Bob Tucker, Tom Gay, Karyl Spiller-Walsh, Chan Rogers,
Andy Rodenhiser arrived at 8:05

Also Present: Susy Affleck-Childs, Planning and Economic Development Coordinator
Gino Carlucci, PGC Associates
John Schroeder, Member of the Open Space Committee
Fran V Hutton Lee, Administrative Secretary

Meeting opened at 7:03 by Vice Chairman Bob Tucker

**Workshop to Discuss Proposed Zoning Bylaw Amendments
for 2011 Annual Town Meeting**

(See Attached for draft of proposed OSRD Bylaw amendments.)

Bob Tucker – The last time we met we were going over the OSRD and Paul Yorkis' letter. There was long discussion regarding this section of the OSRD.

Susy Affleck-Childs - We need to come to a decision whether to mess with the formula or not.

The general consensus initially was to leave it alone, to leave in the requirement for a 30 foot separation between buildings. It was agreed that the OSRD is good, but not where it results in a denser than a traditional subdivision.

Section e was marked with strike through.

Susy Affleck-Childs – This section is repetitive. It is stated elsewhere.

Tom Gay – Where?

Susy Affleck-Childs – In 4d under applicant procedures, to be called applicant requirements.

Tom Gay – 30 foot separation—where is that elsewhere?

Susy Affleck-Childs – It was decided to recommend removing it as it restricts layout options and views.

Tom Gay – Well, can they be five feet apart? How close can they be? I don't like to react to just one project. We should have something.

Karyl Spiller-Walsh – There is a way to resolve it. There is an example of units close together in another town...staggered and angled, small, but very nicely done.

Tom Gay – We still need a requirement so we don't have row houses 2 feet apart.

Chan Rogers – There should be some separation number...20 feet

Susy Affleck-Childs – It is better to start low and then increase it (if it has to be changed at town meeting).

Tom Gay – Add language about geometric patterning.

John Schroeder – The buildings are limited by formula, so the only reason to join them together is to open up a space. The nature of the project dictates placement for marketable attractiveness.

Karyl Spiller-Walsh – Well what happened in that project was with that spacing they did become evenly spaced.

Tom Gay – We need to consider other things like the footprint of the building, area, spacing...other things. We need to continue to discuss the formula. As it is now we need to go by the letter.

Karyl Spiller-Walsh – I disagree. We also need to consider intent.

Tom Gay – It is hard to reason intent.

There was continued discussion on intent and the letter of the formula.

Bob Tucker – We need to work on the formula and the bonus...will take some time.

Karyl Spiller-Walsh – It is an enormous problem now and we will choke on the next project.

Susy Affleck-Childs – We have tonight to get this submitted for the 2011 annual town meeting.

Tom Gay – Set a formula, but set a max density.

Bob Tucker – An average or Chan's 20 feet.

Gino Carlucci – Could be contingent on the size of the building. The average could be 20 feet...not mutually exclusive ideas.

There was a general consensus to let Gino Carlucci work out the spacing requirements.

Bob Tucker – They have the option of building their affordable units elsewhere, but it isn't happening.

Tom Gay – A professional developer is looking at the bottom line.

John Schroeder – Not all builders are like that. One of the builders moved into an OSRD he built.

John Schroeder passed out a draft paper from the Open Space Sub-Committee on the OSRD bylaw. He then excused himself from the meeting as he had to leave.

(See Attached)

John Schroeder – Please remember the first 11 OSRD items.

Karyl Spiller-Walsh – We need to interpret the special permit. It is the Board's decision...it is repeated over and over in the bylaw "interpret". But no one does. Numbers create a safe project, but not necessarily a good project.

Susy Affleck-Childs – Open ended can also lead to abuse.

Karyl Spiller-Walsh – I agree. How do we balance?

Bob Tucker – After Town Meeting we really need to go over this OSRD and work it well...take the time.

Susy Affleck-Childs – Can Gino and I have some flexibility to work some numbers?

It was agreed that Gino Carlucci and Susy Affleck-Childs would work on the numbers for the formula and in regards to spacing.

Susy Affleck-Childs - Lets move to page 7 item c.

Bob Tucker – I have a question for Gino. What is typical?

Gino Carlucci – So far none of the OSRDs have built any of the accessory structures noted in section c on page 7.

It was decided to leave alone Section c on page 7.

Susy Affleck-Childs – Let's go to Section e on page 7. Number 8 was added because it appears that around the perimeter there must be a buffer. Developers are trying to use the buffer as open space.

Karyl Spiller-Walsh – A buffer has its own job. It is not open space.

Tom Gay – We need to be careful about the wording...or a buffer will surround all.

Gino Carlucci – It could be worded so there is no buffer around the open space, but next to other developable space.

Bob Tucker – Buffer only on the length of space being developed, not the open space area.

Tom Gay – And it does not count as open space.

There was discussion by all regarding trails through the buffer. It was noted that the language in the OSRD seemed to support it. The consensus was to keep number 8, and to clarify it with a few words as needed. It was also agreed to change the 50% to 75% under number 3 in section c on page 7.

Susy Affleck-Childs – Karyl Spiller-Walsh expressed concern about storm water areas in the open space. In part e it shows surface storm water as surface area.

Karyl Spiller-Walsh – Rain gardens should not be open space. Nothing should be put in the open space.

Susy Affleck-Childs – And that language needs to be in here.

It was agreed by all that these things needed to be in the developed area.

Susy Affleck-Childs – Moving on to page 8, part g.

Bob Tucker – We need suggestions here, not just an “at our whim.” We need established standards. What is excessively steep...15%...50%...?

There was general discussion of what defined excessively steep or wet.

Karyl Spiller-Walsh – Include the outcropping in the open space, but not in the minimum open space area.

Gino Carlucci – Wetlands are already defined and included.

Chan Rogers – All we need to define is steep.

Andy Rodenhiser – Give a percent for steep. Define wetlands as defined by Medway Conservation.

There was additional discussion on what to allow in wetlands, and to define standards. Karyl Spiller-Walsh noted that not all open space need be accessible.

Bob Tucker – Can we remove the whole paragraph?

Andy Rodenhiser – Go back to what is not allowed, and add steepness. Address the issue. Under section e on page 7, add a point 9 and say “no slope” at, say, 25%.

Andy Rodenhiser and Tom Gay both noted that they might want a slope in the open space, depending on the site. There was more discussion about including or not including sloped areas in open space, accessibility, and if it is to be part of the minimum open space area if it is included.

Bob Tucker – Are there width requirements...15 foot minimum width requirements?

Tom Gay – Use the word ‘configuration’ in section g, size, shape and configuration.

Bob Tucker – I am still uncomfortable without specific criteria.

Karyl Spiller-Walsh – Why? We have discretion.

There was additional discussion regarding criteria, discretion, and direction for the building community. There was a consensus to use Tom Gay’s language on “configuration on page 8 section g.

Bob Tucker – Next we go to i on page 9.
The change was agreed to by consensus.

Bob Tucker – The next item is j on page 9.

It was agreed to change the requirement to 3 off-street parking spaces for each unit in the developable area—an open area not part of the open space.

Tom Gay – Is a garage part of the parking?

Susy Affleck-Childs – Yes.

Andy Rodenhiser – So with a car in a garage you can have 2 cars in the driveway.

Karyl Spiller-Walsh – You need space for visitors, company.

The change to three off street parking spaces was agreed to by consensus.

The change in section I on page 9 was agreed to by consensus.

Susy Affleck-Childs – Next is m on page 10.

It was suggested that trails be 20 feet from developable areas, and that definitions in developed areas call it sidewalk, in open space a trail. There was more discussion on terms and materials...sidewalks, walkway, path, gravel or paved, and 20-50 foot distances.

Susy Affleck-Childs – Let's keep the first sentence and lose the second sentence.

There was general consensus to agree to that change in m on page 10.

It was then noted that the lettering was off, that k was left out of the ordering. It was agreed to correct the lettering of sections.

Susy Affleck-Childs – We need to talk about adding some criteria regarding the adequacy of access to the development parcel.

Karyl Spiller-Walsh – It needs to follow the Subdivision Rules and Regulations, and then consider waivers.

Susy Affleck-Childs – There is no specific language on adequacy of access is in the OSRD bylaw.

There was discussion regarding that within the OSRD the streets are private but connecting to a public way.

Tom Gay – You need to be careful how you word it.

Karyl Spiller-Walsh – Does it call out what it accesses onto?

Susy Affleck-Childs – At the definitive stage.

There was more discussion about past issues of access, sidewalks, widths, rules and regulations, and the adequacy of a second road. Susy Affleck-Childs noted that construction standards in the Definitive Stage are specific.

There was a consensus to revisit the issue later after Town Meeting. Bob Tucker noted that there was a need to start the revisit process early, right after town meeting, to deal with the issues.

Susy Affleck-Childs – Can we take a quick look at John Schroeder’s notes of suggestions?

Point 1. There was a consensus that it was not a good use of funds to mark the open space with granite markers, and not productive where there were curved lines to the open space area.

Points 2 & 3. It was noted that the removal of invasive species can cause more harm and damage than good. It was suggested that the language say “require” landscape.

Regarding 2d. Tract size: The Board was against lowering the 8 acre minimum size, and noted that it is already lower when near certain waterways.

Regarding 4a. Informal Review: Chan Rogers was opposed to requiring the developer to hire a landscape architect, but the rest of the board felt it would produce a responsibly thought out plan. It was agreed to keep it in the OSRD language.

Regarding 4b. Site Visits: Adding the Open Space Committee to site visits was considered a good idea.

Regarding 6. Applicant requirements: It was agreed to move the lettering down and have that section as an introductory paragraph.

The rest of the issues John Schroeder raised in his notes had already been addressed in earlier discussions—parking, the formula for spacing would be addressed, and section e on page 8, and l and m on pages 9 and 10.

**The next draft was for adding a new AOUD district.
(See Attached.)**

Bob Tucker – Susy Affleck-Childs, will you guide us?

Susy Affleck-Childs - This paper shows the proposed language changes. Item 1 as written, item 2...I’ll pass this to Gino Carlucci.

Gino Carlucci pointed out the boundaries in the C3 zoning district and the area in the proposed new AUOD (around Medway Village).

Andy Rodenhiser – This may make some in compliance if it is allowed.

Gino Carlucci – Still need a special permit.

2a: There was discussion about certain sites that might benefit. There was a discussion regarding the lot lines, and that the lot lines will need to be called out in any new definition of the zone, and the cleanup of the lines on the map. It was agreed to adopt the proposed new C3 lines and overlay area as presented.

2b: The frontage requirement is okay.

3a and 3b were deemed okay.

Susy Affleck-Childs – This next item, 5j, in on sidewalks. We didn't have legal grounding before to push sidewalks. This helps and matches what we have done with site plans and other development regulations.

It was decided to keep the pricing on the sidewalks at the discretion of the Board.

5k: the reference to signage was okay.

Susy Affleck-Childs – Do you want to go to **estate lots**, now?
(see Attached).

A map showing potential estate lots was presented by Gino Carlucci, and discussed. It was noted that as frontage was not in the database any lot of the right size regardless of frontage was shown in yellow on the map. The consensus was to table the discussion on estate lots for now, after some discussion on the need to consider such issues as driveways and estate lots next to estate lots.

There was discussion on whether or not a property's assessed value would change if it had the potential to become an estate lot. As a special permit must still be granted, no changes in property value would occur until such a permit was granted.

Susy Affleck-Childs – To summarize, we have changes in the OSRD as noted, the AUOD as suggested, and changes on the zoning map for C3 where there still needs to be some clean-up of lines to follow the parcels and bring in that small area to the north. The other things we will hold and keep for another time.

Meeting Minutes

Chan Rogers – do we have minutes from...January 11?

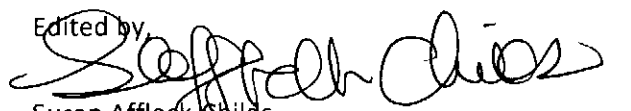
Susy Affleck-Childs – I went over them with Karyl Spiller-Walsh and Amy Sutherland (to make edits). We viewed the videotape. There was a revised set for January 11th sent out to you Monday afternoon and the ones from last week, February 8.

A motion to adjourn was made by Karyl Spiller-Walsh, and seconded by Chan Rogers.
The motion passed unanimously
The meeting was adjourned at 10:00.

Respectfully Submitted,


Fran V Hutton Lee
Administrative Secretary

Edited by,


Susan Affleck-Childs
Planning and Economic Development Coordinator

John
V. Vles

Tuesday, February 15, 2011

Notes from an Open Space Sub-Committee meeting held for the purpose of reviewing the Draft Proposed Revisions to OSRD Bylaw PGC Associates – January 7, 2011

Attendees: Glenn Murphy and John Schroeder

General Notes: It is our opinion that Open Space Residential Development is preferred over conventional sub division development and should be, therefore encouraged. We would like to see the following included in the OSRD Bylaw.

1. Permanent markers (granite) designating protected open space.
2. Language that encourages the use of indigenous species in the landscape plan.
3. Language that encourages the removal of invasive species from the site in both the initial construction and in the maintenance plan.

Specific Sections:

2. d) *Tract Size* – There may be smaller parcels in Medway that could be very interesting OSRD projects that may be contiguous with other protected open space of interest in addition to the mentioned waterways.

4. a) *Informal Review* – The first sentence states that the purpose of this section is to "minimize the applicant's cost of engineering and other technical experts," The proposed new language requires "input from a Registered Landscape Architect". This seems contradictory and it is our opinion that a perspective developer could prepare an "as found plan" using available GIS tools for an Informal Review.

4. b) *Site Visit* – It is our opinion that at this stage it would be helpful to include the Open Space Committee, CONCOM and any other boards and committees in the site walk and that the "as found plan" mentioned previously should be available to those walking the site as a map and for confirmation and recommendation.

6. *Application Requirements*

a) This is not one of the requirements rather a leading paragraph that should be followed by

- a) Site Context....
- b) Concept Plan
- c) Yield Plan
- d) Design Plan
- e) Mi...

7. *Maximum Number of Dwelling Units/Yield Plan*

Section a) contains a specific formula and the new language in section b) renders that specific formula as a general guideline. We find this inconsistent. Again it is important that it is our opinion that OSRD's are to be encouraged and therefore the application process as understandable and clear as possible.

10. j) Why 3 parking spaces. Parking spaces will take away from open spaces, not from building footprints. Could it be 2.2 spaces with a designated overflow lot that could potentially be additional parking for access to the protected Open Space?

10. l) This is confusing and is covered in section 5. c)

10. m) section 8. e) is being removed presumably because it is too restrictive. This section, if approved could potentially lead to a 100' spacing plus the trail width between dwelling units if there is a trail in the center. We believe that it would certainly not be in the best interest of the developer to put a trail on the site and therefore access to the Open Space would be restricted and less appealing. 15' of wooded buffer could be sufficient if done well and a rock outcropping could completely conceal a dwelling from the trail. We would ask that more general language be used - Perhaps a "Reasonable Buffer".

In conclusion, section 1. lists 11 very good reasons why we want to encourage Open Space Residential Development. We believe that those 11 goals should be reflected in any language included within the bylaw.

SECTION V. W - ADAPTIVE USE OVERLAY DISTRICT

To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USEE REGULATIONS, Sub-Section W. Adaptive Use Overlay District as follows:

To delete item a) in Paragraph 2 General Requirements in its entirety and replace it as follows:

- a) Location: The Adaptive Use Overlay District is superimposed on:
- 1) That portion of the ARII zoning district along the north side of Main Street between Mechanic Street and a line formed by the extension of the centerline of Cottage Street across Main Street except for Choate Park/Pond (Assessors Map 5, Parcel A) and along the south side of Main Street between a line formed by the extension of the centerline of Mechanic Street across Main street and the western boundary of the Commercial I zoning district at Elm Street and
 - 2) That portion of the Commercial III and ARII zoning districts in the Medway Village area on the north and south sides of Village Street and along portions of _____.

Both as shown on maps on file with the Town Clerk's office

To delete item b) in Paragraph 2 General Requirements and replace it as follows:

- b) Frontage: Only properties with a minimum of 50' of frontage on a Town way within the Adaptive Use Overlay District shall qualify for a special permit granted by the Planning and Economic Development Board hereinafter referred to as an "Adaptive Use Special Permit".

To delete item a) in Paragraph 3 Permitted Uses in its entirety and replace it as follows:

- a) Uses Allowed as of Right: All uses allowed as of right in the underlying zoning district shall remain as of right within the Adaptive Use Overlay District

To delete item b) in Paragraph 5 Site Development Standards in its entirety and replace it as follows:

- b) Each Adaptive Use project shall include the restoration, renovation or improvement of the primary existing building (s) on the site sufficient to maintain or enhance the building's original architectural integrity and character. Construction of an addition to an existing building or construction

of a new building on the premises may be permitted provided that it is designed to be compatible with the other building (s) on the lot and maintain the overall character of the underlying zoning district.

To add new item j) and k) in Paragraph 5 Site Development Standards as follows:

- j) Sidewalks shall be provided or replaced along the entire frontage of the AUOD parcel along existing Town ways, including the frontage of any lots held in common ownership with the parcel within five (5) years prior to the submission of the AUOD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Medway Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Special Sidewalk Account in an amount determined by the Board at the recommendation of the Town's Consulting Engineer.
- k). Business signage is permitted as specified in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations of the Medway Zoning Bylaw.

ARI – Estate Lots

sac – revised draft 1-10-2011(2) This draft incorporates edits recommended by Gino Carlucci and Town Counsel, comments from John Emidy, and additional ideas from comparable bylaws in Easton & Northbridge

Add a new item 7. Estate Lots in the ARI zoning district

7. Estate Lots – The purpose of estate lot zoning is to provide, through a special permit process, for the reasonable use/development of residential parcels which significantly exceed the minimum lot area required by the zoning district but which also do not have the required minimum frontage. This is provided as an alternative to creating multiple minimum size lots under a conventional subdivision plan. This alternative is meant to preserve rural character by reducing density, infrastructure construction, and congestion.

The **PEDB or ZBA** may grant a Special Permit for development of a single family dwelling on a lot in the ARI district which lacks the minimum frontage required for the district by designating it as an Estate Lot, subject to the criteria as set forth herein.

Estate Lot status may be granted to pre-existing parcels or to newly established parcels.

- a) **General Requirements/Conditions** – A parcel which lacks the minimum frontage requirement may be designated as an Estate Lot and utilized for residential purposes provided that all of the following conditions are met.
1. An Estate Lot shall be located entirely within the ARI zoning district.
 2. All Estate Lot shall have a minimum street frontage of least 50' (35', 40')
 3. The area of an Estate Lot shall be at least three times the minimum area required for this district.
 4. The Estate Lot must be capable of containing a square with each side having a length equal to or greater than the standard minimum required lot frontage.
 5. All buildings and structures on an Estate Lot shall be located at least 100' from any street.
 6. Front, rear and side yard setbacks. All buildings on an Estate Lot shall be located a minimum distance of 50' from abutting property lines.
 7. All utilities shall be installed underground.
 8. No Estate Lot shall be permitted adjacent to any other Estate Lot.
 9. Access/egress to and from the Estate Lot from a public or private way shall be within the boundary lines of the lot and shall not be subject to any right-of-way nor any public or private easement over adjacent land.
 10. The driveway to provide access for the house to be constructed on an Estate Lot shall be at least 14' in width; its first 50' shall be paved.

ARI – Estate Lots

sac – revised draft 1-10-2011(2)

11. Said Estate Lot shall be in compliance with all other standard zoning requirements.
12. No Estate Lot shall be further subdivided or developed pursuant to other special permit options.
13. The Plan for an approved Estate Lot shall be endorsed "Approved as an Estate Lot." The following notes shall also be placed on the plan: *"Lot shown on this plan shall not be further subdivided."* and *"No building permit shall be issued to construct a dwelling on the subject lot until a copy of the recorded special permit is provided to the Medway Building Commission."*

b) **Application** – The applicant shall submit with the special permit application a plan depicting the proposed Estate Lot.

1. The plan shall be prepared by a civil engineer, land surveyor, or landscape architect registered in the Commonwealth of Massachusetts and shall be in such form as will be required for recording with the Registry of Deeds or filing with the Land Court.
2. A building area shall be designated on the plan. Front, rear and side yard lots shall be shown.
3. The plan shall show the frontage and area of all lots abutting and across the street.

c) **Findings** – The **PEDB** **ZBA** shall not issue a special permit under this section except upon the following findings:

1. The applicant has provided for safe access for public safety vehicles and personnel to the residence to be constructed on the Estate Lot, and the intersection of such access driveway and the public way has been planned so as to minimize conflicts with curb cuts on abutting lots and to maximize sight distances for exiting traffic.
2. Egress from the Estate Lot must have no greater hazard owing to grade and visibility limitations than would be expected for a standard land subdivision road at that location.
3. The development of the property as an Estate Lot will be more in keeping with the character of the adjacent neighborhood and the protection of open space, significant or important natural resources and to historic structures or places (where such features are present) than other development options available to the applicant would be.

ARI – Estate Lots

sac – revised draft 1-10-2011(2)

4. The existing drainage patterns shall not be disrupted by the construction of a driveway on the reduced frontage portion of the Estate Lot.
- d) **Decision** - In determining whether or not to grant a special permit for an Estate Lot, and in determining what conditions, if any, to impose on such a special permit, the **PEDB or ZBA** may consider circumstances relating to soil conditions, topography, lot history, wetlands, proposed building locations, and public safety and convenience. Such limitations, conditions and safeguards shall be included in the written decision.

DRAFT

**February 22, 2011
Medway Planning and Economic Development Board
Medway Senior Center
76 Oakland Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Chan Rogers, Bob Tucker, Tom Gay, and Karyl Spiller-Walsh.

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susan Affleck-Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Planning Consultant
Town Counsel Barbara Saint Andre, Petrini & Associates

The Chairman opened the meeting at 7:05 pm.

The Chairman asked for any citizen comments.

There were no citizen comments.

25 Summer Street Definitive Subdivision:

The Board is in receipt of an estimate for PGC Associates, Inc. dated February 22, 2011 to review the 25 Summer Street Definitive Subdivision Plan. The cost estimate is for \$552.50.

- **On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the cost estimate for \$552.50 from PGC Associates. (no vote Chan Rogers- not present)**

The Board is also in receipt of an estimate from Tetra Tech Rizzo dated February 17, 2011 to review the 25 Summer Street Definitive Subdivision Plan in the amount of \$2,735.00.

- **On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the cost estimate for \$2,735.00 from Tetra Tech Rizzo. (no vote Chan Rogers – not present)**

Minutes:

February 8, 2011:

- **On a motion made by Bob Tucker and seconded by, Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from February 8, 2011.**

Appointments:

- **On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted unanimously to appoint Dan Hooper to the Design Review Committee as an associate member for the term ending June 30, 2012.**

Chan Rogers arrives at 7:15 pm.

Minutes January 11, 2011:

The Board goes back to discuss the revised draft minutes from the January 11, 2011 meeting.

Member Spiller Walsh communicated that this was the third revision. There were some grammatical and conceptual errors. She references page 3 paragraph three regarding: “This change would be an improvement to the existing conditions.” It is her opinion that this is not the essence of what was said.

Susy Affleck-Childs responds that this is the opinion of Faist Engineering.

Spiller-Walsh is questioning if this is verbatim or if David Faist thought this was an improvement.

Susy Affleck-Childs responds that she believes this captures what was said.

Spiller-Walsh is comfortable with this if Susy believes this is what David Faist was saying.

The next item was the sentence “Based on the input...” This needs a verb.

Spiller-Walsh moves to page 5 paragraph to edit “This design will cause a problem for busing.”

The Chairman communicated that the minutes do not need to be verbatim and he reminds members that we should be more clear with how we say things.

Spiller-Walsh next referenced page 5 paragraph 9 – because of her experience “with” and not “and” her subdivision plan (Wingate Farm), where however, there is room to walk next to the roadway.

The last revision is to page 5 paragraph 10- There is not enough space to walk within the right of way.

- **On a motion made by Chan Rogers, and seconded by Bob Tucker, the Board votes unanimously to approve the minutes from January 11, 2011 with the changes which were identified.**

Oak Grove Feasibility Study Presentation

Member Rogers communicated that the Board did not state any position during the 2/15/2011 public forum in relation to the Bottlecap Lots. The Board does have a positive interest in sorting this out. The Planning and Economic Development Board made no presentation to the audience about what our hopes and aims were. It helps to show leadership to develop the land for

commercial and industrial use. He reiterates that a positive statement from the Board should have been made.

The Chairman responds to member Rogers by indicating that the Board is moving forward with the Bottlecap lots. The Board is working with Mass Development and the Board of Selectmen. It is an obvious effort. The Board is also working on zoning requirements. The Board should create a positive statement.

Member Rogers agrees to draft a positive statement in relation to the Board's position. He will supply it to Susy.

This will be placed on the agenda for the March 8, 2011 meeting.

Pine Meadow Subdivision:

Resident, Mrs. Turi, 8 Fisher St was present at the meeting. She owns property which abuts the subdivision known as Pine Meadow. Her purpose at the meeting is to inquire about the status of the project. She sent an email dated September 24, 2010 to the Planning and Economic Development Board relative to the lack of activity on this project. It has been 3 1/2 years since any work has been done. Her family is tired of looking at rocks, and dirt. There are piles of rock and overgrown weeds. She wants to know why nothing is happening. There are other projects around the corner that are being built. Mrs. Turi is tired of looking at the vacant lots.

The Chairman communicated that we can't force the developer to build. There is a timeframe for the permitting. The permit has been renewed. The State Legislature extended the permits due to the economic conditions. These were extended for two years.

Mrs. Turi indicated that someone did come to grade and seed. Then the weeds started to grow and now the weeds are 8 feet tall.

The Chairman indicated that it is the Board's desire to also see this project completed.

Mrs. Turi asks what can she do. It is her belief that the property she resides on has lowered in value due to this situation. She also is concerned that the developer is not here to discuss this.

The Chairman responded that if you feel damaged, you can hire a lawyer.

Mrs. Turi also indicated that people are starting to use this area to dump their trash.

Member Rogers reported that he had viewed the site and confirmed that there is debris starting to be dumped at this site. Rogers indicated that he is concerned about this, but the Planning Board's hands are tied. We can ask the developer to clean up the weeds.

The Chairman would like answers about why nothing is happening?

(Gary Feldman, construction manager arrives with Eddy, one of the owners of the subdivision.)

Mr. Feldman communicates that he feels bad about this situation. Unfortunately, there are financial issues which needed to be addressed. All parties have agreed to put money in the bank to pay the engineer and landscaper. There is currently no commitment to build. One of the owners to Lot 7 is trying to get a loan, but it has not been given yet.

Member Rogers asks if any lots have been sold.

Mr. Feldman responded that no lots have been sold. He also communicated that he is the project manager for the road. It is his intention to get the road finished. The curbing was done last year. It is an issue with money. People will not work without deposits. Since some money has been deposited, the work will begin.

The Chairman wanted to know what is the first project that Mr. Feldman will undertake.

Mr. Feldman indicated that he will do the landscaping, fence and final coat to the road.

Member Rogers asked if Mr. Feldman could cut the weeds.

Mr. Feldman responded that Mr. Fasolino was asked to cut the grass but it was communicated to Mr. Feldman that a wild flower mix was requested to be put down. This was done.

Member Spiller-Walsh responded that this situation is a mess. She suggested that they try something else.

Mr. Feldman responded that a wildflower mix was asked for and that is what was put down.

Member Tucker wanted to know what the original extension date is.

Susy Affleck-Childs communicated that the deadline to complete the construction of the Pine Meadow II Subdivision infrastructure was June 30, 2011. The State law extension would allow this to be completed by June 30, 2013. This means that the infrastructure needs to be done, not the houses built.

Mrs. Turi wants to know if anything can be done about the bulldozer which has just been left there.

Mr. Feldman indicated that he asked the contractor to move the piece of equipment, and he believes that this piece of equipment will not start until the spring.

Susy Affleck Childs wants to know if Mr. Feldman can make a commitment to clean up the debris by June 30, 2011.

Mr. Feldman responded yes.

It was communicated to Mr. Feldman that the more responsibility he demonstrates, it is better for all.

Susy Affleck Childs wanted to know if there been a resolution about fencing.

Mr. Feldman indicated that he needs to get a quote.

The Chairman reminds Mr. Feldman that the Board will be watching to see what is done.
Mr. Eddy wants the Board to give them a chance to get it going.

Member Tucker left the meeting at 7:46 pm to attend the BOS meeting and will return.

Mullin Rule Certification:

- **On a motion made by Chan Rogers, and seconded by Tom Gay, the Board voted unanimously to accept the certification from Karyl Spiller-Walsh in relation to viewing the video and transcript of the public hearing on February 8, 2011 relating to Charles River Village OSRD. (Karyl Spiller abstained, Bob Tucker was not present)**

Charles River Village OSRD Special Permit – Discussion and Deliberations

Susy Affleck-Childs informed the members that the entire packet of supplemental information is present. The members are also in receipt of a worksheet which can be used as a working document to prepare the findings. (See Attached.) The list of waivers was also given to the Board. (See Attached.) A master list of all supplemental information will be developed.

Consultant Carlucci will be working on writing the Findings based on the discussion tonight...

The Board was also in receipt of a list of questions from member Spiller-Walsh which she would like addressed by Town Counsel.

Member Rogers disagrees with having Town Counsel spending time on issues which he does not feel are real issues.

Town Counsel noted she had received the questions today.

The Chairman asked if Town Counsel was comfortable giving answers to the questions.

Town Counsel indicated that she has not prepared with written responses, but she can certainly try to answer the questions. She further explains that some of the questions are not legal questions.

Member Spiller-Walsh referenced question number one. Will the Board accept the recommendation from Tetra Tech Rizzo?

Member Rogers does not feel that Tetra Tech Rizzo has made a recommendation.

Member Spiller-Walsh believes that Tetra Tech Rizzo did make a recommendation.

Member Rogers notes that Tetra Tech Rizzo was guiding the Board on the what if...? Tetra Tech made a presentation and it is up to the Board to accept the presentation or not.

Member Spiller Walsh responds that she was at that meeting and recalls exactly what Mr. Daylor from Tetra Tech Rizzo said. Her recollection is that he clearly said that to determine where the roadway layout was, it would have to be decided in Land Court.

Member Rogers disagrees that this was a statement made by Tetra Tech Rizzo.

The Chairman asks member Gay if he has an opinion on the matter.

Member Gay responds that it is a matter of understanding whether it has any due bearing on the rest of the decision.

Town Counsel noted that this is not a title dispute. It is really a question of where the layout of the road is. Town Counsel could spend some hours at the Registry and research the deeds and then give her opinion. It would be a fascinating thing to do, but she is not sure that she would be able to come up with anything that the Board has not heard already. Obviously if there is going to be adjudication of land rights, it would end up in Land Court. It was her opinion that this was simply what Tetra Tech was saying. The real question is what can you find for your findings? We know that there was a statutory right of way which was laid out in 1863. It is 25 feet wide. The Board has letters representing the abutters, raising questions about where it is, and you have a letter from Tetra Tech, and you have further another letter from attorney Don Quinn responding to the Tetra Tech letter. This establishes that the applicant has gone out, addressed it to the satisfaction of the Board and has recommended that the road is where it is and noted on the plans. The applicant feels confident that this is where the road is. There is still a question about the access. If the Board is not comfortable with what has been provided you could comfortable deny it if you find there is not adequate access. Town Counsel is not sure how much is gained by going down that road.

Member Spiller-Walsh feels this is important to be on the same page in relation to where the layout is. The first reason is that on the west side you have the possibility to create a sidewalk. On the east side, you have an abutter that has issues with pre-existing non-conforming and close proximity. The pavement will greatly affect their front yard.

Member Rogers addressed the Chairman by indicating that the Board is going to have to make a series of votes in order for the Board to move ahead. Member Rogers does not feel the location of the road is an issue. There is no point spending hours and hours discussing the alternatives.

The Chairman responds that the waiver list which was provided addresses sidewalks on what they are seeking. The waivers will allow the discussion to move forward.

Member Rogers responds that the discussion can follow on the rise or fall of a vote. It has already been proposed that the sidewalk access go through Cherokee Lane. The applicant does not own Neelon Lane so the sidewalk on Neelon Lane is mute in his eyes.

The Chairman responded that it is within the Boards purview. The Board must come to the findings. We have heard from some of the residents about this. Their proposed plan does not include sidewalks, but an emergency access through Cherokee.

Member Gay wants the Board to be careful to not lump a lot of questions into a vote. There may be a series of votes. It gets messy when things get lumped together.

The Chairman states that there is either access or not. You have to agree that the right of way exists, that it is a 25 ft wide way and there is a right to pass. It is not the Board's responsibility to make sure it is on the location that it is supposed to be on, that is to be done by the applicant.

Town Counsel responds that the applicant has submitted a plan to the Board saying that this is where they think the road is. The abutters disagree because of the noted issues. The Board needs to make a finding. The applicant needs to make a prema facsia case. If there is not adequate information, and you feel strongly enough, then the Board needs to vote accordingly.

Member Spiller-Walsh wants to know if the Board can ask that question of Counsel.

Town Counsel responds that she would need to do some serious research on this before any opinion is given. She has reviewed what has been supplied to her. Any decision can be appealed to Land Court or Superior Court. The Court will be the deciding opinion if it is appealed. The Board needs to approve or deny and give the findings.

The Chairman responds that if the road is not where it is supposed to be, that makes the McDonald property a non-conforming lot.

Town Counsel asks if the applicant can meet the criteria of the special permit.

Member Gay responds that the dispute could shift the road either way and could accommodate either way on the width of the pavement. Nothing says that the road needs to be in the middle of the road. Member Gay is looking at the numbers and the dimensional integrity of this exercise.

Member Rogers and Member Spiller Walsh have a difference of opinion on the interpretation of the Tetra Tech letter.

Member Gay read the last paragraph of the letter from Tetra Tech.

The Chairman wants to know what dispute exists now.

Member Spiller-Walsh responds that the dispute is the positioning and layout of Neelon Lane and the location is not clear.

The Chairman believes that the information provided to the Board is sufficient, and there is not a dispute with the parties.

Town Counsel reiterates that it is the Board's job is to make findings and render a decision based on the evidence presented at the public hearing.

The only concern of Member Spiller-Walsh is where the road goes. There needs to be some sort of consensus before this project proceeds. This has a huge impact on the abutters. It will impact the abutters directly on where those 4 feet are.

Member Rogers notes that Spiller-Walsh is the only one who thinks there is a dispute.

Member Spiller-Walsh responds that there is no clarification on where the road is going to be.

Chairman Rodenhiser wants to know what questions exist when you look at the plan from Guerriere and Halnon and what other evidence draws you to the issue that you are making?

Member Spiller-Walsh communicates that she does not take any of the letters which were written as gospel.

Town Counsel reminds the Board that they are a quasi-judicial board and must fact find and base their decision on the evidence submitted.

The Chairman responds to Spiller-Walsh that the Board will use the logic that member Gay has referenced.

Member Spiller-Walsh responds that the applicant did this to make the road more flexible, and that was an improvement to the paved way.

The Chairman reiterates that the road is 18 feet and that is what we asked for and if we apply the reasoning of member Gay, we have seven feet of play to get it right.

Member Spiller –Walsh responds to the Chairman asks if he as a Board member is comfortable with the flexibility of the paved way, and is there is enough flexibility to avoid creating an egregious situation.

The Chairman responds that we look at the edge of the right of way, if it shifts away, what becomes of the McDonald property line, we would have a lot without frontage.

Member Gay notes that there is a combination of hard evidence, along with what is on the ground and the descriptions provided to support the right to pass.

Member Spiller-Walsh notes that it is now for us to decide whose findings we believe.

Member Gay communicates that there are so many opinions out there. The Board has paid a consultant to interpret that interpretation which was presented. It was determined that they have a right to pass. There can be a dispute on the location on the ground, but if we decide this with a tolerance of 3 to 4 feet either way, why is there a problem?

Member Spiller-Walsh responds that the pavement is not an issue. The possibilities of the pavement and how it will affect the abutters is the issue.

The Chairman responds that this will affect the abutters.

Member Rogers communicates that the applicant has the right to use the land. By having only 13 houses, this would not be detrimental.

The Chairman asks the Board if they find that the access is adequate.

Member Rogers wanted to know when was the first public hearing for Charles River was?

Susy Affleck-Childs indicated that the public hearing started on August 24, 2010.

Member Rogers communicates that the Board has been reviewing this project and accepting testimony for over 6 months. He states the Board could have finished this in two months.

Mr. Yorkis communicates to the Board that the information was requested by your Board.

Member Spiller-Walsh does not believe she has the letter from Tetra Tech Rizzo dated February 4, 2011.

Member Gay read the letter from Tetra Tech Rizzo dated February 4, 2011.

The Chairman asks the Board if they agree with the adequacy which exists and is the 25 foot right of way adequate for the project.

Town Counsel has recommended that the Board hold off with further discussion until member Bob Tucker returns from the BOS meeting.

NOTE - Member Tucker returned at 8:53 pm.

The Chairman provides an overview about the discussion to member Tucker.

The Board then continues and begins to discuss the questions which Spiller-Walsh provided to Counsel and the Board.

Affleck-Childs explains that the intent of the OSRD formula is to match the number of units for a conventional development but in this case it may not. But the formula is precise.

The Chairman noted the Board needs to decide what evidence supports or does not support a finding within the decision.

Member Tucker wanted to know if the Board is required to know where the street is before we come up with the findings.

Town Counsel responded no.

Member Tucker wanted to know what kind of accuracy is required.

Town Counsel responds that there is no sort of accuracy required within the bylaw. The applicant has submitted plans to be reviewed, and a question has been raised by the abutters whether the plan accurately depicts the statutory private way. The Board then requested additional information from the applicant and this was provided. All the evidence is before the Board. The public hearing has been closed and all the evidence is before the Board to render a decision. Now the Board has to determine if the applicant can build this road where he intends to build it.

The Chairman then references a February 4, 2011 letter which was presented by Tetra Tech Rizzo. The Quinn letter was referenced in relation to the westerly property lines.

Member Tucker confirms that the McDonald property would be pre-existing, non-conforming. This fact has no bearing in relation to the location.

The Chairman indicated that the McDonald property had frontage at some point.

Member Tucker explained that when the McDonald property was divided and sold to McDonald, using reasonable data which was available at the time, it was determined that the right of way abutted that property. There is nothing in the letter that would convince him otherwise. There was frontage since there has been nothing referencing a variance.

Member Gay explained that he can accept the right of way as 25 ft wide or in that vicinity and that there is a right to pass and repass by the abutters. The dispute is in the regards to the 3 to 4 feet either way. The question Gay asks was, if the actual width of the access road fits within the 25 foot right of way and does not exceed the tolerance of the dispute, are we ok? There is still 19 feet and we are discussing an 18 foot roadway. He is not worried about if the lots are legal. The real question is if the paved roadway can fit within the right of way given the tolerance.

Member Tucker states he is looking if the proposed access will fit within the right of way and the answer is yes.

Member Gay communicates that if it does not favor either side of the dispute, then there is no damage to either side. The proposed access can fit within the right or way and tolerance.

Member Tucker also agrees that the access will fit within the right of way. The location of the road will not change a whole lot based on whatever records you go by.

Member Spiller-Walsh communicates her concerns to member Tucker. The location of the road is important since it affects the frontage of the abutters and the amount of linear footage she may have or not have. It will also affect Mr. Bancewitz's property in relation to how much actual space there is next to the roadway. It will have an impact.

Member Rogers feels there is enough access. He further communicates that no matter what the Board does, we will not determine how much this shifts. It will ultimately be where the Land Court comes in if someone appeals the decision. The Board does not draw the Land Court in.

The Chairman asks if the Board is in agreement that there is enough access.

The Board is in agreement that there is enough access.

Member Spiller Walsh states that the only hang up she has is in relation to location.

The Chairman wanted to know if Spiller-Walsh wants the Board to make a finding that the location be somewhere else.

Member Spiller-Walsh indicates yes.

Member Rogers states he is ready to approve the plan as presented in the location noted on the plan.

Member Tucker communicates that the information is reasonable but he will not say accurate.

Member Spiller-Walsh agrees that the plan is reasonable but not accurate.

Member Tucker responds that this is reasonable based on what he has seen.

The Chairman wanted to know if the information or any other information presented is more reasonable.

Member Tucker agrees with the methodology used by the applicant.

Member Spiller-Walsh is not sure.

The Chairman asks Town Counsel for her understanding of the location of the road.

Town Counsel explains that with the plans which have been presented, and when the Board votes on this Special Permit, you as a Board are voting on the location of it as presented on the plans.

Member Rogers moves to approve the plan in relation to the location as presented.

The motion dies for lack of a second.

The Chairman appreciates what member Rogers is trying to do in trying to move this process forward. The Court cannot change the location. The Board is simply approving the plan. The Chairman explained that he is in support of the drawing as presented by Mr. Yorkis. It was the letter from the applicant dated February 4, 2010 that helped to formulate his opinion.

Mr. Yorkis wanted clarification about what dated plan the Board is referencing.

The Chairman indicated the plan dated December 29, 2010.

The Chairman now moves to reference the OSRD Special Permit Worksheet. (See Attached)

Consultant Carlucci informed the Board that the findings should make reference to the four step design process. It is not a criteria but part of the process for achieving the criteria.

Member Spiller-Walsh communicates that there needs to be some discussion about the Four Step Design Process. She further explains that there are flaws with this.

Consultant Carlucci communicated how you should reference the four step design process. It is not a criteria but part of achieving the criteria. Consultant Carlucci will draft language for the Board to review.

The Chairman explained that the decision will incorporate the documents which were presented.

The Chairman asked if there are any other questions to be answered by Town Counsel.

Member Spiller Walsh notes that with the number of units in the yield formula, she feels there is a conflict between the purpose and intent section of the bylaw and the yield formula. There is also a problem with the density in relation to the intent of the bylaw.

Town Counsel responds and advises that the Board must go from the formula as it is written. The Board must look at the Bylaw as a whole. A Bylaw helps guides the Court to reconcile any ambiguity. In the law of court, something more specific prevails over a general statement. If there is a specific formula to calculate the number of lots, it would take precedence over a general statement. It is important to make sure the Bylaw reflects what the intent is. If the intent does not match the bylaw, then it should be changed, but not on this application.

The Board now switched to discuss the questions from Spiller Walsh referencing #3.

Town Counsel is not sure if this is truly a legal question.

Town Counsel notes that it is up to the Board to determine if there is adequacy.

Member Spiller-Walsh notes that if land is on a steep slope, the Board can decide to consider or not consider it as open space. The Board can decide if it is adequate or not adequate. She asks Town Counsel if this is adequate and still viable.

Town Counsel does not know if it is viable, but it is the Board's decision.

Member Spiller-Walsh wants to know if the Board has the right to mitigate matters with neighbors.

Town Counsel stated that there is no particular role the Board plays in mitigating. You basically make a decision. The Board can place conditions upon that decision. The Board does not have a role as arbitrators.

Spiller-Walsh now wants to discuss the open space. A scenic view and vista is called out for in the bylaw and since this is an aesthetic term and not a planning term, can that be a driving force for existence for the OSRD? Can a vista be preserved or created by part of the existing elements on the land?

Town Counsel would need to look at the land and how the bylaw is worded to address this. She asks Spiller-Walsh what she is trying to do.

Karyl Spiller-Walsh is trying to link the development of the lot and the element to the open space by opening it up.

Town Counsel informs the Board that there is a criteria established. Conditions can be placed upon that, but she warns the Board that if they go beyond that, it can be challenged. This is a special permit and if the yield has indicated that the applicant can put up 13 units, and you tell them that they can only have 11 units, the applicant can challenge. There is some discretion.

Karyl-Spiller-Walsh communicates that with the OSRD there is clustering and the land becomes embellished. The land image is what you are trying to preserve through the OSRD, otherwise why not do a conventional subdivision?

Chairman Rodenhiser responds that the density is needed to preserve the open space land. He notes that member Spiller-Walsh would like the two units to be taken out to create a vista, but the nature of the vista is that the taking out of units creates the vista but is contradictory to the clustering which is the intent of the bylaw. The formula takes care of this. The formula is what it is.

Member Spiller-Walsh responds that there are enough people that would agree that this is exactly why the open space bylaw was created for the purpose of creating these vistas.

The Chairman responds to member Spiller-Walsh, so is it your idea is to take those two units out to create a vista?

Member Spiller-Walsh responds that this would not be the first time.

Member Rogers states that member Spiller-Walsh is taking up Town Counsel's time and the Board has to pay for her time, when some of these issues are not legal issues.

NOTE - Town Counsel will be reviewing the decision once it is written.

The Board then moves to discuss the design standards from the Findings Worksheet.

Member Tucker wants to know how the Board is suppose to address these items when they have no idea what the drainage is going to look like.

The Chairman communicated that the drainage will not be shown until drainage plan comes in at the next stage.

Member Tucker wants to know what is the basis for this worksheet.

It was communicated that the worksheet is to be used to guide the Board in making their decision.

Design Standards – The following General Design Standards shall apply to all OSRDs.

(a)The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.

The Board is comfortable that the landscape will be preserved in its natural state by minimizing the removal.

(b)Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.

Member Tucker notes that there are no major issues.

The Board discussed that it is possible that a better design could have been developed that preserved and enhanced views. It was also discussed that the requirements of the OSRD Bylaw (required 30' between buildings) constrained the design somewhat. The street provides closer access to views of the open space while the building locations inhibit those views.

Member Gay is not totally convinced, but does not know why he is not convinced.

Member Spiller-Walsh does not have any trouble with any of it, but there could be an amazing vista to the pine trees at the end. This is now blocked by the circular concept. No, on that basis.

Member Rogers notes that this is not excessive cramming.

Member Gay does not have anything particular he can take on as a reason. Whenever the Board talks about the maximum numbers, everything is at the minimum, all the setbacks. He thinks that the formula works and the numbers work and he does not have a lot to dispute, but it is one of those things that his logical brain says that it is ok and his emotional brain thinks it could have been better.

The Chairman communicates that he is fine with the way that the development lays out. The vistas are there but you have to look between the buildings.

(c)The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship

to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.

Member Tucker wanted to see the pictures of the proposed architecture.

Member Spiller-Walsh communicates that the represented home is a good direction.

Member Gay references that the homes would be 1200-1800 square feet.

Susy Affleck-Childs showed the pictures of the houses to the Board members.

Affleck-Childs read the letter from the Design Review Committee to the Board members. She informs the Board that as a condition of the findings, the Board can write that the applicant would need further review at another point from the Design Review Committee.

The Board did discuss that there is limited information about the building design concepts. The requirement has been met, but additional information and details regarding the building designs as well as additional review by the Design Review Committee will come at the Definitive Plan Stage.

(d)All open space (*landscaped and usable*) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

The Chairman needed clarity about the area of the “legal” open space.

Susy Affleck-Childs communicated that this should be interpreted broadly.

Member Rogers notes that most of it is wooded but left in its natural condition.

Member Gay mentioned that a discussion needs to take place about whether that open space is even accessible. Is it in the better interest to that neighborhood and property to not open it for public access? The design is to leave it alone.

Member Spiller-Walsh responds that the plan mentions all open space and the space near the road and the rain gardens and spaces between the property. It includes all of that.

Member Gay reiterates that maybe it is in the Town’s best interest to not have this public access and leave it alone.

Member Tucker suggested that this item be revisited at the next stage of review.

Member Rogers agrees to leave it as it is and not have public access.

Member Rodenhiser is comfortable with just leaving it.

The Board proposes to leave it in its natural state and not allow public access.

Member Tucker wants to know what the vistas look like and the information is not available to the Board yet. This will have to be discussed and looked at further down in this process. He has no problem with what has been shown thus far.

Member Gay responds that once they go to a Definitive Plan would we need more knowledge about what direction those would be? When he looks at the neighborhoods around the site, there are dense neighborhoods around it, there is limited parking, there are big pieces of private property and by opening that area to the public, it opens the property to be tromped on. But we could preserve it in some form for the buffer and not add traffic to those neighborhoods and open the possibilities for private property to be breached. He sees this as a fundamental issue.

The Board finds that this requirement is met.

(e)The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

The Chairman asks if the members have a problem with the first house being razed/demolished.

Member Tucker asks how old is the house, and does this have to go to the historical society.

Susy Affleck Childs explains that if the home is over 100 years old, and a demolition permit is applied for, it may need to be reviewed by the Historical Commission. This is done through the building inspector.

Member Tucker notes that there is a process in place for this.

Susy Affleck-Childs suggests that language be added to reference that this may be subject to the demolition bylaw and must go through the process.

The Board finds that this requirement is met.

(f)Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.

The Board is comfortable with the housing type being detached single-family homes.

(g)Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning & Economic Development Board.

The Board is in favor of the adding language to indicate that the maximum number of shared driveways be created to reduce the surface area. It was also discussed that the applicant should

consider additional shared driveways in its Definitive Plan. The Board finds the requirement is met.

(h) Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space.

The Board is ok with this.

(i) A fifteen foot (15') wide visual buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning Board, shall be located along the perimeter of the OSRD tract, unless a reduction is otherwise authorized by the Planning Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.

The Board would like to recommend some buffer. In the Definitive Stage it could be noted that they get recommendations from the Design Review Committee. One example might be staggered pine trees.

Member Gay would like to see a buffer at the North end northern to Cherokee.

The Board would like to see some language added in relation to a visual buffer.

(j) A minimum of two (2) off-street parking spaces shall be required for each dwelling. The Board discusses that the concept plan does indicate a minimum of 2 off-street parking spaces per dwelling unit. The plan also shows 2 additional parking for public parking. The Board finds that the requirement is met.

(k) Sidewalks shall be provided along the entire frontage of the OSRD tract along the existing Town ways including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application.

The Board discussed that there were no sidewalks proposed along these ways, but a walkway is proposed to connect the end of the private way within the development to the existing end of the paved portion of Cherokee Lane.

The Board also discussed making a contribution to the sidewalk fund in lieu of the sidewalk construction.

The Board will continue its discussion and deliberations for Charles River Village on March 8, 2011 at Sanford Hall.

Adjourn:

On a motion made by Bob Tucker, and seconded by Tom Gay, the Board voted unanimously to adjourn the meeting at 10:30 pm.

Future Meetings:

The next meetings scheduled are:

- Regular Meeting March 8 & 22, 2011
- 2011 Annual Town Meeting – Monday, May 9, 2011

The meeting was adjourned at 10:30 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck Childs
Planning and Economic Development Coordinator

OSRD Special Permit REVIEW CRITERIA WORKSHEET

PROJECT NAME: _____

Dimensional Requirements - The Planning & Economic Development Board may authorize modification of lot size, shape, and other bulk requirements for lots within an OSRD, subject to the following limitations:

- (a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning & Economic Development Board may waive this requirement where it is determined that such lot(s) reduced area and/or frontage are consistent with existing development patterns in the neighborhood.
- (b) Lot frontage shall not be less than fifty feet (50').
- (c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning & Economic Development Board.
- (d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located. (ARI = 44,000 sq. ft; ARII = 22,500 sq. ft.)
- (e) Building footprints or envelopes shall be shown on the plan, and no structure shall be located closer than thirty feet (30') from any other-structure. Furthermore, a landscaped buffer shall be provided between houses to enhance privacy.

- (f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning & Economic Development Board for corner lots where the garage door faces a different street than the front of the house or for other extraordinary circumstances that the Planning & Economic Development Board deems to be in the Town's best interests.

Open Space Requirements - A minimum of fifty percent (50%) of the tract shown on the concept plan shall be open space. For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (f) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

Total Land Area of OSRD _____

Total Area of Open Space _____ As a % of total land area: _____

- (a) The percentage of the minimum required open space that is wetlands shall not exceed the percentage of the total tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in any proposed open space beyond the minimum.
- (b) The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning & Economic Development Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas.

(c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning & Economic Development Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (*i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities*). The open space shall be accessible to the public, unless the Planning & Economic Development Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning & Economic Development Board may require a minimum number of parking spaces to facilitate such public access.

(d) While protecting resources and leaving land in its natural state is a primary goal, the Planning & Economic Development Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.

(e) Wastewater and stormwater management systems serving the OSRD may be located within the open space. However, surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.

(f) Ownership of the Open Space - The open space shall, at the Planning & Economic Development Board's discretion, be conveyed to:

- (1) The Town or its Conservation Commission, upon its agreement;
- (2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;
- (3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning & Economic Development Board for approval, and shall thereafter be recorded.

Design Standards – The following General Design Standards shall apply to all OSRDs.

- (a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.
- (b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.

- (c) The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.
- (d) All open space (*landscaped and usable*) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- (e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- (f) Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.
- (g) Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning & Economic Development Board.
- (h) Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space.

- (i) A fifteen foot (15') wide visual buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning Board, shall be located along the perimeter of the OSRD tract, unless a reduction is otherwise authorized by the Planning Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.

Decision of the Planning & Economic Development Board - The Planning & Economic Development Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:

- (a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;
- (b) Whether the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;
- (c) Whether the OSRD promotes less sprawl and a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;

- (d) Whether the OSRD reduces the total amount of disturbance on the site;
- (e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;
- (f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and
- (g) Whether the *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.
- (h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning & Economic Development Board's Design Review Guidelines

- (i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.
- (j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.
- (k) Whether the impact of the OSRD on abutting properties and abutting neighborhoods has been adequately mitigated.
- (l) Whether the OSRD protects and enhances community character.

Updated – February 17, 2011

“CHARLES RIVER VILLAGE-OSRD”
MEDWAY, MA
July 28, 2010

19. Waivers- PRELIMINARY WAIVER WORKSHEET

As you know, the “Charles River Village” Open Space Residential Subdivision is a condominium project rather than a traditional single-family residential subdivision. Because the Town of Medway Planning Board Subdivision Rules and Regulations are focused upon conventional single family residences the Applicant is requesting each of the following waivers based upon our experience with previous OSRD projects.

WAIVERS RELATING TO THE SUBDIVISION RULES AND REGULATIONS

5.6.3 NAVD 88 Datum -

Plans reference NGVD 1929 to correspond to current Town of Medway FEMA Flood Plain mapping FIRM Community Panel Number 250243-0005-B effective date June 18, 1980.

5.7.19 Layout of Proposed Electric, Telecomm, Gas, & Cable TV Utility Lines

NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service. Verizon and Comcast follow the NSTAR design. Additionally, NSTAR will not begin the design process until they receive three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

5.20.2 (a) Ways and service to be complete before such lot may be built upon.

6.4.1 Allow for one (1) single family unit building permit with no occupancy until completion of driveway base coat.

6.6.3 Partial Bond Release

“**Private Way**” will be a Private Roadway when constructed.

6.8.1 Street Acceptance: Legal Description, Deeds, & Easements

“Private Way” will be a Private Roadway when constructed.

6.8.2 Street Acceptance/Infrastructure Acceptance Fee

“Private Way” will be a Private Roadway when constructed.

6.8.3 Street Acceptance Plan

"Private Way" will be a Private Roadway when constructed.

6.8.4 Pre-Acceptance Inspection & Review by Other Town Boards

"Private Way" will be a Private Roadway when constructed.

6.8.6 Board Recommendation

"Private Way" will be a Private Roadway when constructed and therefore will not be recommended for acceptance on the Town Meeting Warrant.

6.8.7 Town Meeting Warrant

"Private Way" will be a Private Roadway when constructed and therefore does not need to be on the Town Meeting Warrant.

6.8.8 Board of Selectman Establish Roadway Layout

"Private Way" will be a Private Roadway when constructed and therefore the Board of Selectmen need not take any action.

6.8.9 Approval of Street Acceptance Plans

"Private Way" will be a Private Roadway when constructed and therefore the Board of Selectmen and Planning Board are not required to endorse any plans.

6.8.10 Town Meeting Acceptance

"Private Way" will be a Private Roadway when constructed and therefore no action is required at a Town Meeting.

6.8.11 Recording

"Private Way" will be a Private Roadway when constructed, no action will be taken by the Board of Selectmen, Planning Board, or Town Meeting and therefore no recording is necessary.

7.9.1.e Number of Dwellings on a Private Way

The Town of Medway subdivision rules and regulations state "d) Use of Local Street construction standards is required for subdivisions of six (6) and more lots/dwelling units." (It should be letter "e" as it is the second "d" as the regulations appear on the Town Web Site.) The waiver request is for a Private Roadway which will not conform to all of the construction standards.

7.9.4.a Minimum Right of Way width = 50 ft.

7.9.7.g Minimum Roadway Width for a Local Street

"Private Way", a Private Roadway, is proposed to have a pavement width of eighteen (18') feet which is less than that for a Neighborhood Street width of twenty (20') feet.

7.10.2 Sloped Granite Edging (Type S-A) Roadway Curbing

"Private Way" is proposing to utilize a low impact development design. Curbing will not be proposed along all of the edges of the Private Roadway. Where necessary for drainage purposes cape cod or bituminous style curbing will be used.

7.13.2 Sidewalks shall be 6 ft. wide. – No sidewalks are proposed

7.13.3 Sidewalks shall also be provided along the entire frontage of the subdivision parcel along existing Town ways

No sidewalk is proposed on Neelon Lane on the plans as part of the Special Permit and none will be proposed as part of the definitive plan review. There are no existing sidewalks along either side of Neelon Lane due to the existing right-of-way width. The frontage of the property on Neelon Lane is 23.70 ft.

7.19.2, 7.19.4 Street Trees

The applicant in compliance with the OSRD bylaw will prepare and submit a landscape plan for the entire project.

WAIVERS RELATING TO THE OSRD BY-LAW

Reserved for Future Use

**March 8, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Chan Rogers, Bob Tucker, Tom Gay, and Karyl Spiller-Walsh.

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susan Affleck-Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Planning Consultant

The Chairman opened the meeting at 7:05 pm.

The Chairman asked for any citizen comments. There were no citizen comments.

Plan Review Fee Norwood Acres Preliminary Subdivision Plan:

The Board is in receipt of a cost estimate in the amount of \$340.00 from PGC Associates to review and comment on the preliminary subdivision plan called “Norwood Acres”. This is for property at 61 Summer Street. (See Attached).

- **On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to approve the cost estimate for Norwood Acres Preliminary Subdivision Plan in the amount of \$340.00.**

Appointment to EDC:

The Board is in receipt of a memo dated March 4, 2011 relative to the appointment to the EDC Committee. (See Attached).

- **On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted unanimously to appoint Paul Yorkis to the Medway Economic Development Committee for a term through June 30, 2012.**

**Planning and Economic Development Board Meeting Minutes:
February 16, 2011**

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to accept the minutes from February 16, 2011 as presented.

PUBLIC HEARING - 25 Summer Street Definitive Subdivision Plan

The Chairman opened the public hearing for 25 Summer Street. The Chairman provided an introduction of the Board along with consultants.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to excuse the Chairman from the reading of the public hearing notice. (See Attached).

The Board is in receipt of an application from Fasolino Home Improvements of Medway, MA. The plan submitted is dated January 10, 2011. This plan was prepared by Faist Engineering. The surveying was completed by O'Driscoll Land Surveying Co.

The applicant is proposing to develop a 2-lot private way residential subdivision on a 1.98 acre parcel. This parcel is located in Agricultural Residential II zoning district.

The parcel does have a bordering vegetated wetlands in the southwest corner.

The proposal includes a creation of a private roadway to establish legal frontage.

The applicant proposes to use swales and a small stormwater basin for infiltration of sewer and water to connect to existing systems.

Faist Engineering is in receipt of the letter from Tetra Tech dated March 4, 2010 and will address the noted comments. (See Attached).

There will be a forced main sewer system.

Member Rogers communicates that there has been a problem with the drainage due to the existing force main in the area. There have been failures in the past.

Abutter, John Clark 25 Summer Street: Mr. Clark communicated that there was a public meeting years prior at Speroni's Restaurant and there was an agreement that the property owners of the south side (of the Speroni Acres subdivision) would be allowed to hook into the sewer system. There must be a copy of this agreement somewhere!?

Affleck-Childs communicated that she will check the PB meeting minutes if there was an agreement made. This is not something that the Planning Board does, but maybe the Water and Sewer commission made such an agreement. Another place to check is the deeds. The burden is on the applicant to find this evidence.

Member Rogers communicated that he is the Chairman of the Water and Sewer commission and the only responsibilities this Commission has is to set the water rate. They are not able to sign or enter into agreements.

The approved plans for Speroni Acres were shown and the sewer runs through the back of the property.

The Chairman would like Affleck-Childs to consult with Town Counsel relative to the tie in.

Member Rogers communicates that it only becomes a problem if the applicant wants to pursue connecting. He can provide his own septic system on each lot.

Affleck Childs communicates that this would need to be shown on the plan.

Member Tucker indicates that Parcel A would be a paper street (to establish frontage) and that each lot would have its own driveway off of Summer Street.

Member Spiller-Walsh would like to see the driveways combined. She also noted that the detention pond is not on a separate lot (as is required by the *Subdivision Rules and Regs*).

Member Tucker communicated that the current plan would create an 18 inch puddle. He suggests using an underground holding tank such as a cultec unit to be located on the paper street parcel in lieu of the 18" puddle in order to comply with storm drainage regulations.

The Board suggested using a separate parcel for storm water management.

David Faist wanted to know if the Board would consider a waiver since the applicant is constrained by the Regulations.

Member Gay noted that Faist is taking a hard line engineer approach to the stormwater management.

Consultant Carlucci wanted to inform the applicant that the house footprints should be shown as 40' by 80'.

David Faist indicated that the house footprints can be revised.

David Pellegrini of Tetra Tech Rizzo indicated that the only concern he has is the risk of increased peak flow at the driveways onto Summer Street.

The Chairman communicated that if a waiver was not granted and this is approved, it would set precedent. The Board needs to stay consistent.

Engineer Faist indicated that he can look into putting the drainage on Parcel A.

Member Spiller-Walsh wants to know if there was something written to not use paper streets. She thinks it was a standard practice or maybe a regulation was written.

Member Rogers responds that this could never be a public street since it is not being used as a street. The Board is not bound by anything related to paper streets.

David Faist indicated that by having two separate driveways, it makes it easier to put the drainage in.

The Chairman asked if there were public comments. There were none.

The Board continued the public hearing for the 25 Summer Street Definitive Subdivision Plan to Tuesday, April 12, 2011 at 7:15 pm.

The applicant will provide any revised plans to the Board two weeks prior to the next meeting (March 29, 2011).

Hill View Estates Preliminary Subdivision Plan (32R Hill St.)

The Board is in receipt of an application from Christine Price for the approval of a preliminary subdivision plan for a proposed two lot residential subdivision at 32R Hill Street to be known as Hill View Estates.

The plan was prepared by Paul DeSimone from Colonial Engineering. Mr. DeSimone began the presentation by explaining that this piece of property is on 12.706 acres and is located in the Agricultural Residential I zoning district.

The applicant is represented by Tony Biocchi of Medway, MA.

The plan shows that the division of land into two residential lots (one containing the existing dwelling at 32R Hill Street and a second lot for a new residential construction), the construction of an approximately 388 foot long, 18' wide permanent private roadway. This proposal is for a "by right" use in this zoning district.

Mr. DeSimone communicated that the applicant wants to put in blue stone pavers for a turnaround at the end of the roadway. He asks the Board to reference sheet 2. His objective for this project is to create a swale and he does not want to create any more than what is already there now. The applicant wants to provide a trail easement to access the back land. It is indicated that there are wetlands on property.

The Chairman wanted to know if a conservation easement will be done.

Mr. DeSimone indicated that a conservation easement would be done.

The Board is in receipt of a memo from PGC Associated dated March 3, 2011. (See Attached)

The letter from Consultant Carlucci makes reference that a statement block must be included on the plan sheets to make reference that the Board's endorsement does not constitute a determination of compliance with the Zoning Bylaw and that approval under the subdivision control law is not required.

Mr. Carlucci further explained that since only two lots are proposed, this subdivision would qualify as a permanent private way. The point that was brought up was that the Holliston Planning Board may need to approve this as well.

Susy Affleck-Childs noted that the Holliston Planning Board had been informed of this meeting, but neither a member of the Board nor the Town Planner was able to attend the meeting. They have asked for a copy of the meeting minutes.

The Chairman was wondering if the applicant has to show the drainage design if the road is not to be fully constructed.

Consultant Carlucci indicated that the applicant can swale the entire road.

Mr. DeSimone responds that they can look into putting the drainage on a separate parcel but it was their main objective of putting in a swale.

Affleck-Childs expressed concerns about putting in a swale. After awhile, the owner forgets that the swale is there. A swale needs to be protected and it has a job to do.

Mr. DeSimone indicated that a fence could be put around it.

Member Rogers wanted to know if the applicant is asking to build a road?

Mr. DeSimone responded no.

Member Rogers wants to know why the Board is talking about drainage if there will be no road.

Affleck-Childs informs all that the current driveway to the existing house is functioning as a road.

Mr. DeSimone has a concern for the two major abutters on either side of the driveway. He does not want to change anything. His goal is to keep it simple with the least amount of disturbance.

Member Rogers communicates that the only change is to add another house.

Mr. DeSimone further explained that the applicant wants to provide a 6 foot wide trail easement which would be left in its natural state. The applicant would like to put a deed restriction on the property which would have language that no further development can occur.

Member Tucker wanted to know if the easement will be for public access.

Mr. DeSimone indicated that the some of the land may become public but with no vehicle parking.

Member Tucker communicates that based on the topography of the area, the Town would need to have proof that we can handle the run-off.

After checking the *Subdivision Rules and Regulations*, Consultant Carlucci explains that there is not a rule that says you have to design the road completely.

Mr. DeSimone responds that if we design the drainage, then it is opened up to an 18' width road, the whole idea is to not make this any bigger.

Member Gay communicates that an opening is already there, we are only talking about two lots.

Member Rogers communicates that you do not need to design a road. You can ask for a waiver from the designing and building of the road.

Affleck-Childs communicates to the Board that the options relative to the deed restriction, and the public versus private access must be discussed and options must be established.

Member Gay responds that the two options are to have a deed restriction or allow the public to enjoy it.

The Chairman communicated that if the applicant wants to have public access, they must go to Open Space Committee for input.

Member Gay prefers that the conservation area stays the way it is by simply putting together a conservation easement.

Member Spiller-Walsh communicated that her experiences with public land with access can cause some difficulty (for adjacent owners).

Member Rogers would like to leave the land as it is.

Mr. DeSimone asks if they need to construct a road. A list of waivers was supplied.

Member Tucker wants to make sure the applicant identifies what and where easements will be going across this property.

The Board recommends that the applicant speak to the Open Space Committee and come back to the Board before the definitive stage.

Charles River Village OSRD – Discussion and Deliberations

The Board was supplied with an updated OSRD Special Permit Review Criteria Worksheet. The revised draft date was March 4, 2011. (See Attached).

The Board is also in receipt of a supplemental documentation sheet. This is an accumulation of all the documents which were submitted in relation to the Charles River Village public hearing. (See Attached).

Affleck-Childs also informs the Board that the Conservation Commission has supplied a letter dated February 17, 2011 regarding the future conveyance of the open space parcel. (See Attached).

Affleck-Childs suggests that the Board go through the findings which Gino Carlucci drafted based on the Board's discussion from the last meeting. Pages 1 – 11 include the required findings per the Bylaw. There were additional findings talked about that are not necessarily prescribed by the Bylaw but are part of the practice of the board.

The Chairman asks the Board if they want to go through each section.

Member Rogers suggests the Board review the documents on our own and come back to the next meeting with recommendations.

Member Spiller-Walsh is comfortable discussing it now.

The Chairman asks if Spiller-Walsh has specific noted issues.
Member Spiller-Walsh will locate the issues.

Member Rogers moves to approve the document as is written. There is no second. The motion dies.

The Chairman references the letter from the Conservation Agent, Karon Skinner Catrone on behalf of the Conservation Commission. The letter references that “There be no restrictions associated with this donation to ban passive recreation on this land.”

Member Gay communicates that he is not saying that the Board should restrict public access, but he does not know if the Town should further facilitate this. There is impact on the site itself. The Board is talking about small streets in dense areas and creating parking spots which people have to drive down other streets to get to. This is not in the best interest of the Town. He feels the Town does not want to encourage this.

Affleck-Childs communicates that getting the open space is the trade off the Board is making in return for the cluster development.

The Board is comfortable with the document as written up to page two. The Board wanted to discuss further the waiving of the requirement for garages.

Susy Affleck Childs informs the Board that there is no provision for garages in the (2) affordable units (as shown on the concept plan). She is concerned that this might disqualify those units from being included on the Subsidized Housing Inventory as they could be identified as different from the market rate units.

The Chairman wanted to ask Mr. Yorkis if there are market rate units without garages.

Mr. Yorkis communicated that some may not have garages. We have made no determination yet. Mr. Yorkis stated there is no state law that requires garages.

Susy Affleck-Childs stated that she will check with the Mass Department of Housing and Community Development regarding the garage issue.

Consultant Carlucci will rewrite the language in regards to the garages.

The Board is comfortable with Consultant Carlucci rewriting this portion. This will be reviewed again by the members.

The Board next moved to discuss page 3, Section (c) relative to the open space.

Affleck-Childs reminds the Board that part of the Open Space rationale is to get land to be in open space for the enjoyment for the public. By protecting the land but not having it be publically accessible, are you meeting the intent of the bylaw? The Board has a responsibility to make it accessible to the public.

The Chairman noted that to compromise, guest parking could be available (on the street) near the trail head but it would not necessarily be designated for guests but it could be used by people wanting to walk the open space.

Member Spiller-Walsh responds that the Bylaw calls out that the Board may decide that the open space be active recreation or made available within the community or left as is and not accessible to the public. This does not mean we need to invite the entire town.

Member Gay agrees that yes we want open space, but asks do we need to encourage the access to this? He does not think so.

Chairman Rodenhiser responds that some of the vistas which member Spiller-Walsh has referenced are best seen from the river.

Member Spiller-Walsh disagrees. Those vistas are not the vistas which she was referencing.

Member Gay responds there is no open space to the west or east of this parcel. We have a responsibility to the people in the immediate area, and the property. The responsibility of the Board is to protect this area. It outweighs the need for two parking spaces. The trade off is to keep this area protected from further disturbance.

Member Spiller-Walsh agrees with member Gay.

Member Rogers wants to know what banning “passive recreation” means since it is indefinable. We simply do not add access or anything to this area, and the board should not make it anymore available.

Affleck-Childs asks, then why are we doing open space developments?

The members do not want to put anything there.

Affleck-Childs responds that you have to start somewhere.

The Chairman communicates that because the pathway already exists, why add more parking spaces. There is already access to this from four points. Are we going to require more parking for visitors?

There was a discussion about what is really passive recreation. Consultant Carlucci will research this and will report back to the Board about his understanding of this.

- **On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted unanimously to not provide any parking spaces for public access in the open space.**

The Board next moves to discuss the overflow parking.

The Board next moves to discuss page 5 (a) under the Design Standards.

Member Spiller-Walsh communicates that this has not been a clear process relative to the required four step design process. She also notes that the first landscape architect had indicated he had not yet put pencil to paper while providing input to the applicant on the site analysis.

The Chairman wanted to know what may need to be added for overflow parking for guests.

Member Gay indicated that each driveway can handle two cars.

Member Tucker asks how many do we need to allot?

Member Gay responds that the proposed pavement will be 18 ft. wide. If the intent was to make the road one way around the circle instead of two ways, there would be parking on the street for overflow guests. There is no issue if the circle is one-way.

Mr. Yorkis indicates that the loop road will be one way only.

The Chairman responds that if you are not from the development, where can residents from the Town park?

It was communicated that the guests can park on the cul-de-sac.

The public parking would be available on Neelon Lane.

The Board next moves to page 5 under Design Standards (a).

Member Spiller-Walsh makes reference that in the FINDINGS provided by Consultant Carlucci, it calls out the bylaw's OSRD Design Standards. Member Spiller-Walsh begins reading "The most sensitive portions...." She communicates that there has not been a clear design standard. The problem is that a lot of the issues with the vistas and road layout should be subjective and should have been evaluated for the site analysis and not for evaluation for other aspects. There is nothing about this project that supersedes a conventional subdivision. There is no advantage to the Town with the exception of securing the open space.

Member Spiller Walsh quotes that the original landscape architect was quoted saying "I have not yet put anything to pencil and paper." The landscape architect did nothing, he stamped it.

Affleck-Childs understands that Spiller-Walsh is questioning if the applicant truly embraced the full four step design process as described in the OSRD bylaw. The quality of this assessment should have been addressed at the beginning of the process.

Member Rogers made a motion to accept the basic layout by the applicant as is and the details could be engineered and the applicant has followed the four step design process. There was no second. The motion dies.

Member Gay read a section from the existing OSRD bylaw and agrees with Consultant Carlucci. The applicant has the places noted where they cannot go. They have identified the places that they would rather not go, and they have located the street site within that. Member Gay does not agree with maximizing this yield and adding bonus, but he can't challenge it a whole lot. The affordable housing gives the bonuses based on numbers. He clearly understands Member Spiller-Walsh's frustration.

Member Spiller-Walsh understands that the applicant followed the formula, but there has to be some advantage of submitting an OSRD over a conventional subdivision. Why is this a better way? The applicant has not diversified housing by clustering the housing units.

Member Gay communicates that the open space on the river is very valuable.

The Chairman thinks the applicant has met the criteria.

Member Tucker communicates that the plan serves its purpose and its worthwhile, but not ideal.

The discussion then goes to page 11 of the draft FINDINGS.

Member Spiller-Walsh wants clarity on the turning radius at the end of Neelon Lane. She has a lot of trouble with this. The 18 feet within the 25 feet layout was a problem at the end of the road. This is inadequate access at the mouth of the road.

Mr. Yorkis wanted to ask that since Mr. Tucker is leaving, he is concerned about when the Board makes the decision, will it get the full consideration. Will this effect the deliberations?

Affleck-Childs responds that Mr. Tucker will review the changes which will be made to the FINDINGS.

Member Gay notes that this is an additional access, so do we need to define this better.

The section about additional FINDINGS will be reworked by Consultant Carlucci.

Member Tucker left at 10:15 pm.

The Board next discusses the garages. The bylaw requires that garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent of the garage doors within an entire OSRD shall face the street from which it is accessed.

Member Gay had questions in relation to page two and the garages.

Affleck-Childs was wondering about the requirements for garages in the affordable housing units. There is a sensibility about them being the same.

Mr. Yorkis disagrees and notes that there is no requirement for garages for the affordable units. The affordable units will not be different as far as design. The garage does not constitute a discernable difference.

The Chairman asks if the market rate units have garages.

Mr. Yorkis is not sure about the final exterior plan for the garages. A final determination has not been made.

Member Gay notes that it has been identified that there are two units without garages.

Member Rogers notes that the length of the driveway may allow for more than two parking spaces for each unit.

The Chairman is assuming that there are three people driving in each unit.

Mr. Yorkis disagrees that this is an assumption that there will be three drivers per dwelling unit. This is not a correct assumption. There is adequate space within the driveway with less pavement. Why require three parking spaces for every dwelling? The layout is going to change slightly in the definitive stage. To make a decision on the number of parking spaces, there needs to be good planning making this decision.

Member Rogers feels this is an exception since it is for condominium housing.

Member Gay does not see that there is a big issue. It can maybe be addressed at the definitive stage.

Member Spiller-Walsh thinks that the square footage of the units will get bigger and not smaller.

Member Gay thinks that Unit 12 is the only one that may have a problem.

The Chairman brings up that the garages could go away all together.

Member-Spiller-Walsh recommends gravel.

Member Rogers communicates that the Board needs to vote on the plan as it was presented.

Member Gay wants to add language to include three off street parking places per dwelling unit.

The Chairman notes that we should specify that three off-street parking places be supplied.

Member Spiller-Walsh has no issue with three.

The Chairman asks Consultant Carlucci if there is anything that the Board has not covered.

Consultant Carlucci wants the Board to reference page 5 relative to the open space. The bold will be taken out.

The Board next moves to page seven (i). It was recommended that a condition be added to specify the visual buffer.

(k) The Board does find that this requirement is met. Consultant Carlucci suggests making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account.

Member-Spiller-Walsh thinks that there should be a contribution to the Sidewalk Fund.

Member Gay agrees with member Spiller-Walsh.

Mr. Yorkis wants clarity about the existing frontage on Neelon Lane. The property line for Neelon Lane is 25 feet frontage. The rest is an easement. The property line ends as noted and the easement extends beyond that and it is not being disputed. The frontage on Neelon Lane is 25 feet.

Consultant Carlucci is not 100% sure. He will look into it.

Member Rogers feels the question is mute.

Consultant Carlucci explained that those requirements can be waived by the Planning and Economic Board for corner lots where the garage door faces a different street than the front of the house. Regarding the 5 foot setback, Units 8 & 10 do not meet this requirement.

Consultant Carlucci commented that the Board will have to decide whether they waive this requirement. A rationale for waiving this could be that two units will not have garages at all and/or that the “spirit” of the requirement is met since only 2 out of 11 garages fail to meet this. It could also be waived subject to some kind of specific “attractive” garage door design. Alternatively, the applicant could be required to meet this requirement in the definitive plan submittal.

The Board is comfortable with the waiving of the five foot requirement of two garages. Consultant Carlucci will draft the language.

The Board then moves to page 9. Under Section (f).

Member Rogers was questioning what is the new street?

Consultant Carlucci will change this language to reference Neelon Lane as an existing statutory way.

Mr. Yorkis communicated that he understands from the Medway Department of Public Services that they will continue to maintain Neelon Lane in a manner that it is currently being maintained. This is an existing statutory way.

Consultant Carlucci will redraft language which will note that the OSRD will result in the improvement of an existing statutory way to the resulting new street only to the new cul-de-sac. The roadway internal to the development will be owned and maintained by a condominium association rather than at the Town’s expense.

The Board will review the new changes from Consultant Carlucci.

Susy Affleck-Childs will also consult with Town Counsel relative to the long-term options relative to the language of this.

There was a question about does it require modification at town meeting.

Mr. Yorkis communicates that it has been proven that Neelon Lane has already been proven as a statutory private way.

Member Gay is wondering why the bulb even needs to be there?

Mr. Yorkis indicates that it was asked to be there for safety purposes, trash trucks, and snow plows. They were asked to include it as a turnaround.

Susy Affleck-Childs will speak with Town Counsel.

This will be further discussed at the March 22, 2011 meeting.

Birch Hill Street Acceptance:

The Board will table this matter until the next meeting.

Proposed Zoning Articles:

The Public Hearing for the Zoning Articles will be Thursday, March 24, 2011.

Adjourn:

On a motion made by Chan Rogers, and seconded by Karyl Walsh-Spiller, the Board voted unanimously to adjourn the meeting at 11:15 pm.

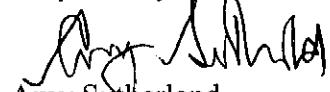
Future Meetings:

The next meetings scheduled are:

- Regular Meetings on March 8 & 22, 2011
- 2011 Annual Town Meeting – Monday, May 9, 2011

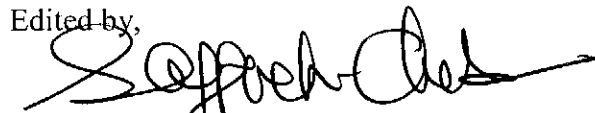
The meeting was adjourned at 10:30 PM.

Respectfully Submitted,

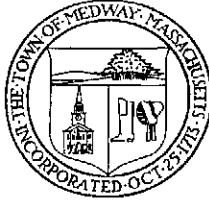


Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

Approved

March 4, 2011

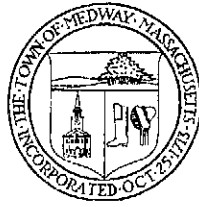
TO: PEDB Members
FROM: Susy Affleck-Childs
RE: Appointment to Medway EDC

You may recollect that Paul Yorkis resigned from the Medway Economic Development Committee in early December. He did so because that committee (among many other town boards/committees) had not been specifically designated by the Board of Selectmen to have its members serve as "special municipal employees" under state law. Special municipal employees have certain parameters under which they can serve on municipal boards/committees without concern for violating state conflict of interest laws. Without that status, Mr. Yorkis might have been in violation of the conflict of interest laws because of his role as both an EDC member and as official representative of an applicant before the Planning and Economic Development Board (Charles River Village OSRD).

At its February 21, 2011, meeting the Board of Selectmen voted to determine that the members of an extensive list of Town boards and committees are "special municipal employees". That list includes a number of committees for which the PEDB is the appointing authority (Economic Development Committee, Open Space Committee and Design Review Committee).

Accordingly, Mr. Yorkis is now able to serve on the EDC and has asked to be considered for re-appointment.

I would recommend a term through June 30, 2012.



RECEIVED

FEB 10 2011

TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

NOTICE OF PUBLIC HEARING
25 Summer Street Definitive Subdivision Plan

In accordance with the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws and the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*, notice is given that **the Medway Planning & Economic Development Board will conduct a public hearing on Tuesday, March 8, 2011 at 7:15 p.m. in the Sanford Room of Town Hall, 155 Village Street, Medway, MA to consider the application of Fasolino Home Improvements, Inc. of Medway, MA for approval of the 25 Summer Street Definitive Subdivision Plan.** The plan is dated January 10, 2011 and was prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying Co of Medway, MA.

The applicant proposes to develop a 2-lot, private way residential subdivision on a 1.98 acre parcel located at 25 Summer ST (*Medway Assessors Map/Parcel 2B-7*) in the Agricultural Residential II zoning district. Owned by Fasolino Home Improvements, Inc. the property is bounded on the east by Summer ST; on the north by property owned by Heuklom and Lynch; on the west by land owned by Mohka and Burill; and on the south by property owned by Jason. The parcel includes a small bordering vegetated wetlands area in its southwest corner. The proposal includes creation of an approximately 158 foot private roadway to establish legal frontage; use of swales and a small stormwater basin for infiltration; and installation of sewer and water to connect to existing systems.

You are receiving this notice as you are the record owner of property located within 300 feet of 25 Summer ST. The *25 Summer Street Definitive Subdivision Plan* is on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 am to 1:00 p.m. It is also available for viewing at the Medway Planning and Economic Development office at Town Hall.

Interested persons or parties are invited to review the plan, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to planningboard@townofmedway.org. For additional information, please contact the Medway Planning and Economic Development office at 508-533-3291.

Andy Rodenhiser
Chairman

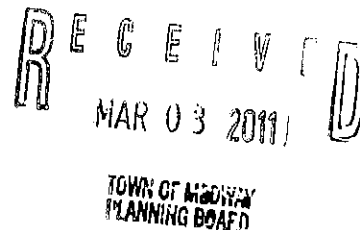
Telephone: 508-533-3291 Fax: 508-533-3252
planningboard@townofmedway.org

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
pgca@comcast.net

March 3, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053



Re: 25 Summer Street Definitive Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the definitive subdivision plan submitted by owner/applicant Fasolino Home Improvements, Inc. of Medway and prepared by Faist Engineering, Inc. of Southbridge and O'Driscoll Land Surveying Company of Medway. The plan is dated January 10, 2011. The plan divides a lot of 86,367 square feet into 2 lots with areas of 33,837 and 38,813 square feet plus a private way of 13,717 square feet. The property is located within the AR-II district. I have comments as follows:

Zoning

1. The lots in the subdivision plan appear to comply with the zoning bylaw.

Subdivision Rules and Regulations

2. Section 5.7.12 requires that the ROW and pavement width of streets within 700 feet of the subdivision be provided. No dimensions are provided but the pavement location for Summer Street is shown on the plan.
3. Section 5.7.16 requires that waiver requests be listed on the cover sheet. No waivers are listed, but one waiver was separately.
4. Section 5.7.18 requires that a note indicating that the plan is subject to a covenant, which is to be recorded with the plan, be on all sheets. There is a note on the cover sheet regarding the Certificate of Action, but the note regarding the covenant should be on all sheets near the signature block.
5. Section 5.7.19 requires that electrical, telecommunications and cable TV lines be shown on the plan. This was not done, and a waiver is requested.
6. Section 5.7.20 requires that roadway profiles be included on the profiles. This was not done, and a waiver is requested.

7. Section 5.7.21 requires that topography be shown at least 20 feet beyond the property boundaries. This was not done and no waiver is requested.
8. Section 5.7.22 requires soil tests be provided indicating ledge, water table, etc. It is not clear if this was provided.
9. Section 5.7.23 requires stormwater information including a long-term operations and maintenance plan to be shown on the plans. This was not done.
10. Section 5.7.24 requires information on street trees. This was not done, and a waiver is requested.
11. Section 5.7.27 requires that street and traffic control signs be shown on the plans. This was not done, presumably because two driveways are shown rather than an actual street.
12. Section 5.7.28 requires that streetlights be shown on the plans. This information was not provided, but a waiver has been requested.
13. Section 5.7.31 requires open space to be shown. None is proposed and a waiver is requested.
14. Section 5.7.32 requires cul-de-sac landscaping. No actual cul-de-sac is proposed and a waiver from the landscaping requirement is requested.
15. Section 5.7.33 requires a Preliminary Stormwater Pollution Prevention Plan. This was not done, and a waiver is requested.
16. Section 5.7.36 requires that house footprints of 40' x 80' be shown. Smaller footprints are shown and no waiver is requested.
17. Section 7.7.2 (p) requires detention and retention basins to be on a separate parcel. This was not done, and a waiver is requested.
18. Section 7.9.3 requires that intersection sight distances be shown on the plan. This was not done, and no waiver is requested.
19. A waiver is requested from Section 7.9.5 requiring a minimum centerline grade of 2%, but the proposed grade is not indicated.
20. Section 7.9.6 prohibits dead-end streets except where development would not be feasible otherwise or in open space subdivisions to minimize impacts on resources. The subdivision includes a dead end street. A waiver is requested.
21. Section 7.9.6 (d) and (e) require a turnaround for dead end streets of either a cul-de-sac or hammerhead. This was not done, and a waiver is requested.

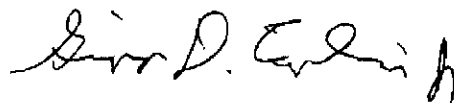
22. A waiver is requested from Section 7.9.7 regarding width of a local street (26'). However, the request should be from the requirement for a permanent private way (18'). No actual street is proposed, only a single driveway within the right-of-way (See Comment #30 below).
23. Similarly, a waiver is requested from Section 7.10.2 requiring granite curbs. The waiver should be from the Cape Cod berm required on permanent private ways.
24. Section 7.13.3 requires that a sidewalk be provided along the frontage of a subdivision, including property that was held in common ownership within the past five years. An existing sidewalk is shown along the portion of the frontage.
25. Section 7.19.2 requires that street trees be 12 feet high and with a 2 ½ inch caliper at 4 feet above grade. This section also specifies that they be located outside the right-of-way and at intervals of every 40 feet. No new trees are shown. A waiver is requested.
26. Sections 7.19.9 requires the center island of a cul-de-sac to be 24' in diameter with a 10' apron around it. The island shown exceeds this dimension. No center island is shown
27. Section 7.20.1 requires that applicants obtain a street name from the Street Naming Committee prior to submitting a definitive plan. This was not done, and a waiver is requested.
28. Section 7.21.1 pertains to street lights. None are proposed and a waiver is requested.
29. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed and a waiver is requested.

General Comments

30. There is an existing circular driveway on the site that served a house that has been removed. The applicant proposes to use each of the curb cuts from the circular driveway to serve each of the two new houses that are proposed. One of the curb cuts (and proposed driveway) is completely outside the proposed street right-of-way. Consideration should be given to requiring that the driveways for both houses be located within the right-of-way and that the common portion of that driveway (the "street"), if not 18 feet, be sufficient to serve 2 houses.

If there are any questions about these comments, please call or e-mail me.

Sincerely,



Gino D. Carlucci, Jr.

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
pgca@comcast.net

March 3, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

RECEIVED
MAR 03 2011

TOWN OF MEDWAY
PLANNING BOARD

Re: Hill View Estates Preliminary Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the preliminary subdivision plan submitted by Christine Price of Medway for property off Hill Street. The plan was prepared by Colonial Engineering, Inc. of Medway, and is dated November 25, 2010. The site is within the AR-I district.

The plan proposes to construct a private way cul-de-sac in order to create frontage and divide an existing nonconforming lot on Hill Street with an existing house on it into two lots. It appears that an existing house on the property would remain. It should be noted that the portion of Hill Street from the existing gets its access is in Holliston (as is 1369 square feet of the lot area). The total size of the parcel is 12.706 acres. The new lots would have areas of 8.089 and 4.029 acres respectively.

I have comments as follows:

Zoning

1. As noted above, the existing lot is currently nonconforming. Due to the proposed road layout, both new lots in the subdivision as shown on the plan appear to comply with the zoning bylaw.

Subdivision Rules and Regulations

2. Section 4.4 requires that an engineer and surveyor prepare the plan. Only a surveyor is indicated on the plans, although an engineer is named in the application.
3. Section 4.6.7 requires general information on existing and proposed drainage, sewer disposal and water distribution. The plan indicates an existing driveway with 3 feet of gravel on each side for drainage. A septic system and well serving the existing house are also shown on the plan. The application states that the new house will also be served by a well and septic system. The plan indicates a drainage easement off the cul-de-sac, and the application states that Merrikin Engineering will be performing drainage calculations and design the drainage system at the definitive plan stage. It should be noted that a separate parcel is required for a detention basin or underground infiltration system.
4. Section 4.6.10 requires that existing and proposed topography be shown at 2' intervals. The existing topography is shown but the proposed topography is the same as no changes are

Planning

Project Management

Policy Analysis

proposed within the right-of-way except for a hammerhead. It also requires that a datum reference be shown. No datum reference is provided. The definitive plan regulations require NAVD88 be used.

5. Section 4.6.11 requires that a proposed street name be shown on the plan. The road is shown as "Road A."

6. Section 7.9.5 specifies a maximum grade for a permanent private way of 8%. The grade is not shown, but the road does up a steep hill.

7. Section 7.9.6 requires a turnaround on dead ends. A hammerhead design is proposed that would consist of compacted blue stone (not paved).

General Comments

8. The signature block includes the statement that endorsement does not constitute a determination of compliance with the Zoning Bylaw and that approval under the subdivision control law is not required. These statements are required on ANR plans but not on subdivision plans. While it is technically true that approval of a preliminary subdivision plan is not required under the subdivision control law, such a statement on a preliminary plan could create the impression that a definitive plan is not required.

9. The plan also has a statement for Town Clerk to sign that 20 days have elapsed without an appeal. This statement is not necessary on a preliminary plan.

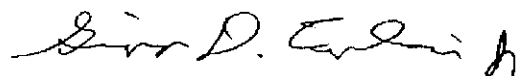
10. Since only two lots are proposed, this subdivision would qualify as a permanent private way. In considering whether there is a possibility of extending the way onto adjacent developable land, it does not appear an extension is likely or possible due to surrounding development.

11. Since a portion of the subdivision is in Holliston, approval from the Holliston Planning Board may also be required.

12. Waivers are requested to allow the existing 12-foot driveway with 3-foot shoulders remain as the road in lieu of an 18-foot paved way. A waiver is also requested from the requirement for Cape Cod berms.

If there are any questions about these comments, please call or e-mail me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr.", with a stylized flourish at the end.

Gino D. Carlucci, Jr.

DRAFT PROPOSED REVISIONS TO OSRD BYLAW

Further revised 2-28, 2011

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) as follows:

In **Paragraph 1 Purpose and Intent**, delete “discourage sprawl and” in item e) and delete the word “diversity” in item k) and replace it with “diversify”

Delete Paragraph 4 Pre-Application Phase in its entirety and replace it as follows:

4. *Pre-Application Phase*

- a) *Pre-Application Review* -The purpose of the pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development. The applicant is required to schedule a pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to attend the informal pre-application review. At the pre-application review, the applicant shall:
- 1) outline the proposed OSRD (including presentation of a preliminary Site Context and Analysis Plan prepared with input from a Registered Landscape Architect)
 - 2) seek preliminary feedback from the Planning and Economic Development Board and/or its agents,
 - 3) review potential open space, trails and trail connections
 - 4) present a preliminary concept for handling stormwater runoff
 - 5) discuss potential mitigation measures pursuant to paragraph 13. B) herein
 - 6) and set a timetable for submittal of a formal application.

At the applicant's request and expense, the Planning and Economic Development Board may engage technical experts to review the applicant's informal plans and facilitate submittal of a formal application for an OSRD special permit.

- b) *Site Visit* – As part of a request for a pre-application review, the applicant shall grant permission to Planning and Economic Development Board and Open Space Committee members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

Delete Paragraph 5. Four-Step Design Process in its entirety and replace it as follows:

5. ***Four-Step Design Process*** - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and considered in determining the layout of proposed streets, house lots and/or dwelling units, and open space.

a) *Identify Conservation & Potential Development Areas*

1) Identify and delineate Conservation Areas. This includes:

- a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)
- b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views.

2) Identify and delineate Potential Development Area(s). To the maximum extent feasible, the Potential Development Area(s) shall consist of land outside identified *Primary and Secondary Conservation Areas*.

The specific features of the parcel that are proposed to be preserved shall be identified. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potential Development Area be preserved.

b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the Potential Development Area(s) and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails shall be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.

d) *Draw in Parcel Lines*

A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.

Delete Paragraph 6. a) in its entirety and replace it as follows:

6. OSRD Application

- a) Contents - An application for an OSRD Special Permit shall include
- 1) *Site Context and Analysis Plan* - The *Site Context and Analysis Plan* shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.
 - 2) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The *Concept Plan* shall show the proposed Development Area(s) and proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development. (Revised June 15, 2009)
 - 3) *Yield Plan* – See Paragraph 7 herein.
 - 4) *Design Plan* – The *Design Plan* shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping plan identifying typical features, such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.
 - 5) *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-section 13 (b) shall be included as part of the application.
 - 6) Narrative statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interests of the Town to grant the OSRD Special Permit rather than approve a conventional subdivision plan.
 - 7) *Other Information* - The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

Delete Paragraph 8. Reduction of Dimensional Requirements in its entirety and replace it as follows:

8. ***Adjustment of Dimensional Requirements*** - The Planning and Economic Development Board may authorize modification of lot size, shape, and other bulk requirements for lots within an OSRD, subject to the following limitations:

- a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
- b) Lot frontage shall not be less than fifty feet (50').
- c) Each structure shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.
- d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.
- e.) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	Average Separation Distance (feet)
Single family detached dwelling units with 2500 ft ² or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Single family detached dwelling units with more than 2500 ft ² of habitable space	30
Four or five attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft ² of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages or sheds shall not be considered in the calculations.

f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the dwelling unit or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

In Paragraph 9. Open Space Requirements, delete item e) and replace it as follows:

- e) The following shall not qualify toward the required minimum open space area:
- 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
 - 2) Sub-surface drainage, septic and leaching systems per Title 5
 - 3) Seventy-five percent (75%) of the land area subject to any type of utility easement
 - 4) Land within thirty feet (30') of any dwelling unit
 - 5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
 - 6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
 - 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
 - 8) Buffer areas in the Development Area as required in Subsection 10 (i).

In Paragraph 9. Open Space Requirements, delete item g) and replace it as follows:

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

In Paragraph 10. General Design Standards, delete item i) in its entirety and replace it as follows:

i) A minimum fifteen foot (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.

In Paragraph 10, General Design Standards, delete item j) Parking in its entirety and replace it as follows:

j) Parking – A minimum of three (3) off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Development Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan.

In Paragraph 10, Design Standards, add item l) and m) as follows:

l) Pedestrian circulation measures shall be provided to facilitate movement within the Development Area as well as between it and the Open Space and the abutting existing neighborhood(s).

m) Trails shall be provided to facilitate public access to the Open Space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel.

In Paragraph 11, Decision of the Planning and Economic Development Board, correct the labeling of item l) to k) and item m) to l).

Or to act in other manner relating thereto.

Planning and Economic Development Board

Zoning Map Changes

Revised 3-1-2011

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Map as follows:

Revise the boundaries between the Commercial III and Agricultural Residential I (AR1) and Agricultural Residential II (AR2) zoning districts by rezoning the following parcels so that the zoning district boundaries follow parcel lines:

- from AR2 to Commercial III:

1B-111	7 Sanford Street
1B-112	139 Village Street
1B-113	131 Village Street

- from AR1 to Commercial III

1B-6	45 Broad Street
1B-5	43 Broad Street
1B-4	41 Broad Street
1B-3 & 3A	39 Broad Street
1B-7	42 Broad Street
1B-7a	40 Broad Street

- from AR1 to split AR1 and Commercial III

1B-2	0-R Broad Street
------	------------------

(That portion, approximately .2 acres, of Lot 1B-2 that lies between Lots 1B-3 & 3A and Lot 1B-4 and east of a line formed by connecting the rear lot lines of Lots 1B-3 & 3A and Lot 1B-4 would become Commercial III; the rest of Lot 1B-2 remains AR1)

- from split AR2 and Commercial III to being completely in Commercial III

1B-41	25 Barber Street
1B-52	35 Broad Street
1B-97	171 Village Street
1B-98	169 Village Street
1B-100A	155A Village Street
1B-119	125 Village Street
1B-164	136 Village Street
1B-165	144 Village Street
1B-198	16 Broad Street
1B-207	3 Barber Street

- from split AR2 and Commercial III to being completely in AR2

1B-42	23 Barber Street
1B-43	21 Barber Street
1B-44	19 Barber Street
1B-46	23 North Street
1B-117	3 John Street
1B-118	1 John Street

1B-202	15 Barber Street
1B-203	11 Barber Street
1B-203-1	13 Barber Street
1-47	12R River Street

- from split AR2 and Commercial III to split AR2 and Commercial III but with an adjusted boundary line

1B-51 37 Broad Street
(That portion, approximately .25 acres, of Lot 1B-51 that lies east of a line formed by a northerly extension of the rear lot line of Lot 1B-52 is zoned AR2; the remainder of Lot 1B-52 is zoned Commercial III)

All as shown on a map on file with the Medway Town Clerk

Or to act in any manner relating thereto.

Planning and Economic Development Board

Proposed C-III District Adjustment



WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District as follows:

To delete item a) in Paragraph 2 General Requirements in its entirety and replace it as follows:

- a) Location: The Adaptive Use Overlay District is superimposed on:
 - 1) That portion of the ARII zoning district along the north side of Main Street between Mechanic Street and a line formed by the extension of the centerline of Cottage Street across Main Street except for Choate Park/Pond (Assessors Map 5, Parcel A) and along the south side of Main Street between a line formed by the extension of the centerline of Mechanic Street across Main street and the western boundary of the Commercial I zoning district at Elm Street; and
 - 2) The entire Commercial III district and portions of the ARII zoning district in the Medway Village area on the north and south sides of Village Street.

Both as shown on maps on file with the Town Clerk's office.

To delete item b) in Paragraph 2 General Requirements and replace it as follows:

- b) Frontage: Only properties with a minimum of 50' of frontage on a Town way within the Adaptive Use Overlay District shall qualify for a special permit granted by the Planning and Economic Development Board (hereinafter referred to as an "Adaptive Use Special Permit".

To delete item a) in Paragraph 3 Permitted Uses in its entirety and replace it as follows:

- a) Uses Allowed As of Right: All uses allowed as of right in the underlying zoning district shall remain as of right within the Adaptive Use Overlay District

To delete item b) in Paragraph 5 Site Development Standards in its entirety and replace it as follows:

- b) Each Adaptive Use project shall include the restoration, renovation or improvement of the primary existing building (s) on the site sufficient to maintain or enhance the building's original architectural integrity and character. Construction of an addition to an existing building or construction of a new building on the premises may be permitted provided that it is designed to be compatible with the other building (s) on the lot and maintain the overall character of the underlying zoning district.

To add new items j) and k) in Paragraph 5 Site Development Standards as follows:

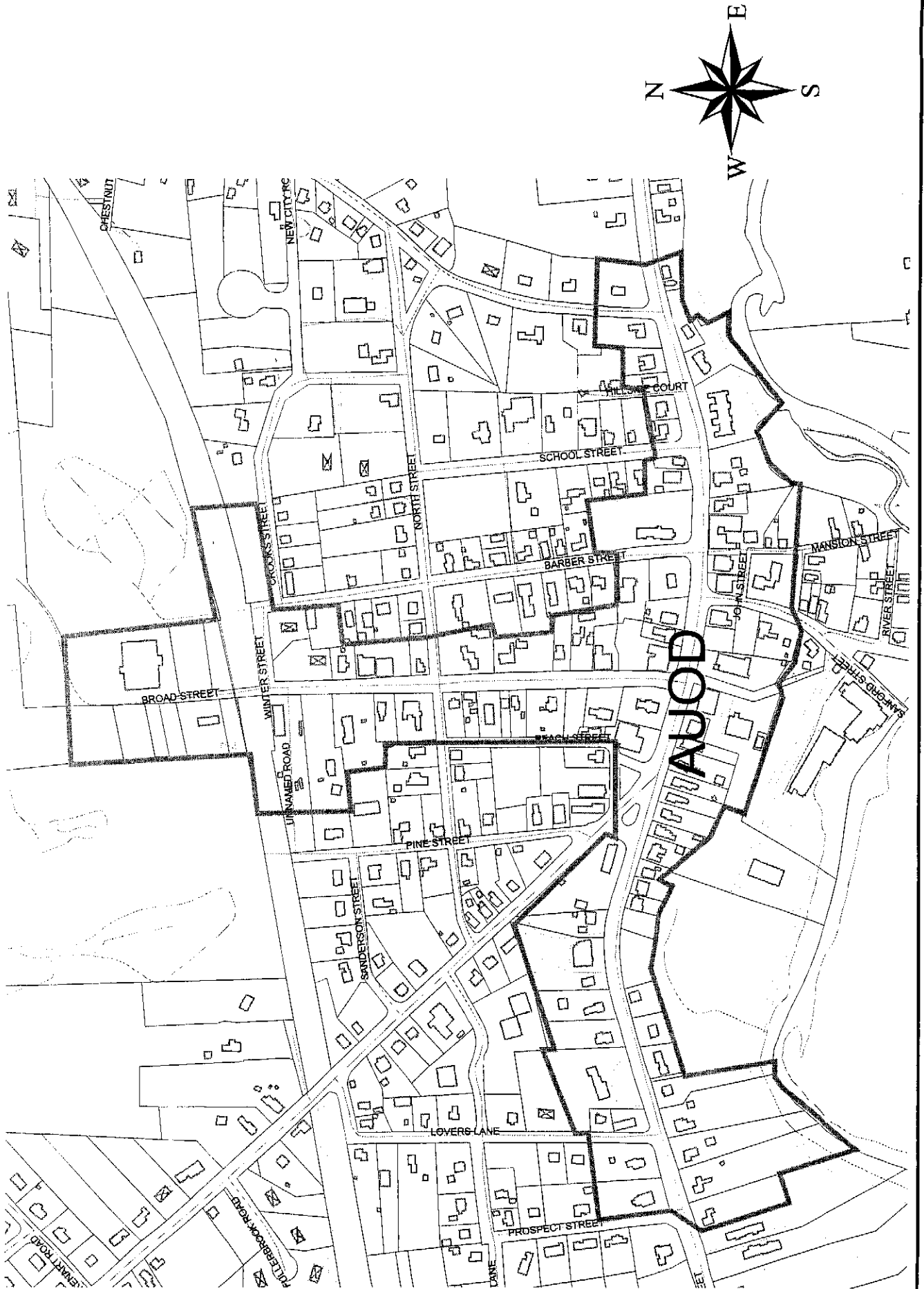
- j) Sidewalks shall be provided or replaced along the entire frontage of the AUOD parcel along existing Town ways, including the frontage of any lots held in common ownership with the parcel within five (5) years prior to the submission of the AUOD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Medway Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Special Sidewalk Account in an amount determined by the Board at the recommendation of the Town's Consulting Engineer.
- k). Business signage is permitted as specified in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations of the Medway Zoning Bylaw.

AND to amend the Medway Zoning Map to show the additional AUOD in the Medway Village area as shown on a map on file with the Medway Town Clerk.

Or to act in any manner relating thereto.

Planning and Economic Development Board

Proposed AUOD District



Warrant Article : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations as follows:

To add the following item 3) in Paragraph 4. m) Types of Illumination

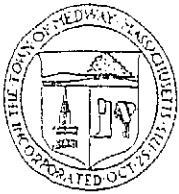
3) *Light emitting diodes (LED)* - An electronic semi-conductor device that emits visible light in one direction when applied voltage (electric current) passes through it; used in lamps and digital displays

And to add item t) in Paragraph 6 Prohibited Signs

t) Signs which use light emitting diodes (LED) for illumination.

Or to act in any manner relating thereto.

Planning and Economic Development Board



TOWN OF MEDWAY
CONSERVATION COMMISSION

155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053

RECEIVED
FEB 21 2011

TOWN OF MEDWAY
PLANNING BOARD

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

February 17, 2011

Ms. Affleck-Childs:

Please be advised that at the Medway Conservation Commission meeting of February 17, 2011, the Commission unanimously agreed to support the donation of a 3.92 acre parcel shown on the plan dated July 28, 2010 revised December 30, 2010, titled "CHARLES RIVER VILLAGE SPECIAL PERMIT – CONCEPT PLANS OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) IN MEDWAY, MASSACHUSETTS" associated with the Charles River Village development proposed on Neelan Lane.

In addition to the recommendations from the Open Space Committee, documented in the letter from the Committee dated September 14, 2010 the Conservation Commission would like the Planning Board to take the following recommendations into consideration:

1. The Conservation Commission are to be stewards of this land supervising any requests from the public to manage or improve the parcel.
2. The path along the river be preserved as a path, with at least minimal maintenance from the neighborhood association.
3. That there be no restrictions associated with this donation to ban passive recreation on this land.

The Commission is pleased that this parcel may be included in the Town's open space inventory.

On behalf of the Medway Conservation Commission,

Karon Skinner Catrone
Conservation Agent
Town of Medway

**March 22, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Chan Rogers, Bob Tucker, and Tom Gay

ABSENT WITH NOTICE: Member Spiller-Walsh left at the very beginning of the meeting for a family emergency

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susan Affleck-Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Planning Consultant

The Chairman opened the meeting at 7:05 pm.

The Chairman asked for any citizen comments. There were no citizen comments.

146 Main Street :

Mr. Steinhoff was present at the meeting to give a project overview. It was brought to the attention of the Board by Mr. Steinhoff that the moving of the gutted building is problematic and is a safety concern. Instead, he proposes to disassemble the building in sections. Mr. Steinhoff indicated that he wants no one under the building due to its instability. The clapboards have been tested for lead paint. The materials which are being removed are going to be disposed of since some of it has lead paint.

Mr. Steinhoff presented a memo in regards to the demolition. **(See Attached)**

- **On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to approve Mr. Steinhoff's procedure for building renovation at 146 Main Street.**

Norwood Acres Preliminary Subdivision Plan:

The Board has received an application from Wayne Marshall for approval of a preliminary subdivision plan for a two lot residential subdivision at 61 Summer Street. The two single-family homes will be owned by Mr. Marshall's sons.

The plan was prepared by Paul Atwood from Guerriere & Halnon. The plan is dated February 23, 2011.

The intent is to have the road be an a8' gravel private way. It is proposed to be called Trail Drive. Both of the houses would be built outside of the wetlands buffer zone. There will be no clearing in the buffer zone. There will be a conservation easement for the back land/open space area. The detention basin would be maintained by the Marshalls. There would be a homeowners association created for the maintenance of the road. There is adjacent open space to this parcel that is now in the custody of the Conservation Commission. The applicant was at the Conservation meeting last week to brief them about their plans.

An email from Tina Wright of the Open Space Committee was received which indicated that she would like to see the open space area donated to the Town. **(See Attached)** Her communication also noted that public access should be provided to the open space from the end of the new private way.

Consultant Carlucci provided a memo dated March 17, 2011. **(See Attached)** Consultant Carlucci suggested that the applicant design the project to accommodate stormwater drainage needed if the road was ever paved in the future.

Consultant Carlucci noted several other issues:

1. The proposed road right-of-way extends onto an abutter's property with an easement.
2. No dimensions are given.
3. The sewer currently runs throughout the property. This is currently a gravity system and ties into Summer St.
4. It was recommended to put a paved apron at the end of the gravel road at Summer Street.

The Chairman suggested that the applicant could move one of the house lots out further to get room for a drainage parcel.

Mr. Atwood explained that the subdivision proposal includes a detention basin near the end of Trail Drive.

It was noted that moving the detention basin would save some trees.

Mary Black, Abutter at Woodside Condominium/Kingson Lane:

Ms. Black wanted to know if some of the trees or shrubbery will be coming cut down. Ms. White and another abutter are looking for a buffer to be installed between the new homes and the condos (to the south). She further communicated that currently, they are able to look at beautiful vistas along the property line.

The engineer indicated that some of the trees will have to come out and he showed the potential area on the plan where the trees will likely be cut.

The engineer indicated that the stone walls will not be taken out.

Mr. Jim Wickis from the Open Space Committee wanted to know about the donated land. He was inquiring about what type of open space land is this?

The engineer indicated that this is a vegetated wooded wetlands. He noted the open space area would be donated to the Town. This open space area is next to several acres of existing Town-owned conservation land.

Mr. Wickis wanted to know if the applicant has considered putting in a walking path connecting the 4.57 acres to the Town owned land, leading to the Medway Fire Station. He further wanted to know if the applicant would be adverse to this happening? The idea of this contiguous open space land is attractive. Mr. Wickis communicated that he is not sure about the difference between donating land and creating an easement.

The engineer indicated that there has been a problem in the past with ATVs and dirt bikes utilizing Town owned open space properties for joy rides.

Mr. Marshall indicates he has no problem with foot traffic, but feels it is impossible to police the ATVs and dirt bikes.

Member Gay asks why would we want them to create another way into this open space?

Mr. Wickis notes that the comment in Tina Wright's email about access from Summer St. does not represent the view of all the members of the Open Space Committee.

Member Tucker wanted to know if there are existing paths already.

Mr. Wickis indicated no.

The applicant is looking to come back at a later date with a definitive subdivision plan.

Charles River Village:

The Board is in receipt of the most recently revised draft of the Charles River Village decision dated March 21, 2011. **(See Attached.)**

Page 7 (f):

The Board would like the language in relation to the 2 affordable units to have garages clarified. The Board further needs to decide whether to waive the 5' setback standards. There also needs to be clarity in relation to the garages for the affordable units and how those doors will be oriented.

Affleck-Childs provided a memo regarding her discussion with Janet Lesniak of the Mass Department of Housing and Community Development regarding garages for affordable units. She reports that the State's guidelines require that the affordable units not be distinguishable from the market rate units. She recommends the Board require the affordable units to have garages comparable to the majority of the market rate units.

Mr. Yorkis indicated that there is no design standard from the state in relation to garages for the affordable units.

Affleck Childs indicated that the language from the state will be reviewed further and included if needed.

Chairman Rodenhiser is wondering if the Board is being premature in requiring garages.

Member Gay notes that the Board must watch for consistency.

Member Rogers notes that the concept plan has been provided.

Mr. Yorkis wants the Board to step back and think about Williamsburg. The Board approved a plan which had affordable units with no garages. The applicant/developer made a decision to add garages. This was their own choice. It was pointed out earlier that one of the problems with the site design was the required 30 foot separation between dwellings. Mr. Yorkis further communicated that during discussion with a representative from the State, (Janice Lesniak), he learned that there is no garage requirement. The applicant has agreed that the affordable units must meet the State's guidelines. This is a premature recommendation. It is too arbitrary to say that the two units have to have 2 car garages. The state agency has to certify this, but not the Planning and Economic Board. We will be in compliance. This is overspecificity in the decision. The applicant knows what you want. The Guidelines are subject to interpretation.

Chairman Rodenhiser wonders if overspecificity is a risk on our part. He wonders if the Board is putting a burden on the developer based on something that we are not the approving authority for.

Member Tucker suggested eliminating bullet item four since the content of it is covered in three. This can be discussed at a different level.

Affleck-Childs reminds the Board that there is more allowance for additional findings and conditions now during the Special Permit stage. She does agree that four can be eliminated.

Member Gay does not want to take out four entirely.

Mr. Yorkis communicates that the Department of Housing and Community Development has great and substantial leverage. We are not at the point to present yet. We do not know the exact configurations. There may be alterations which change the configuration slightly. The applicant is not trying to avoid complying with the guidelines.

Member Gay suggested deleting the end of the sentence “ and have garages comparable to the majority of the market rate units.”

The members agree.

Member Rogers is concerned about requiring architectural/building elevations for the buildings.

Member Gay wants to make sure that the Section on page 13, 20 and 6 relative to the open space are consistent in the wording of the decision.

Susy Affleck-Childs will check this for internal consistency.

Member Tucker wants to reference pg. 13 second paragraph. He is not comfortable with the word “substandard”. It was recommended that the word be taken out.

The Board is in agreement.

The Board then discussed that it has been practice to allow the builder to have a model home.

Section 5.20.2(a):

The Board would like more language added in relation to a restrictive 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 may be built upon or conveyed.

Consultant Carlucci will draft language for this section.

Page 19:

(a)

The Board would like to delete the end of the sentence and... “garages comparable to the majority of the market rate units.

(b) 3)

The Board recommended to add the word “definitive” after approved .

Page 19:

2. a.

It was recommended to change the word “existing” to “proposed”. It was also suggested to include the date of the plan.

Page 19:

3. b).

The Board recommends adding language about site clearing being prohibited except for a demolition permit (for the house at 6 Neelon Lane).

Page 19 :

d) 1)

Mr. Yorkis does not think there is a justification for requiring floor plans and materials information will be supplied when needed.

The Board would like to include requiring the front and a typical side elevations in the definitive plan and recommends eliminating the rest.

Page 20:

4).

The Board wants to be more specificity noting Northern End starting at Cherokee to Neelon Lane creating a buffer and would like the properties which this covers listed out individually.

Page 20:

3 f).

Mr. Yorkis wants to make sure that this is modified to reflect item D.1) and that the language is consistent.

Page 20:

d. 5).

Mr. Yorkis notes that there will be no mowing.

Page 20 :

Stormwater Drainage System-

a).

It was recommended that the word “substantial” be deleted.

Page 21:

g) 4).

The Board would like to delete the end of the sentence “have garages comparable to the majority of the market rate units.”

Page 22:

8. Preservation of Site Features:

The Board would like further clarity about the site features specifically the topography. Consultant Carlucci will draft some language for the Board to review.

Page 22:

10. Architecture:

The Board recommended adding “a minimum of four different units” and delete the reference to floor plans.

Page 23:

14 c).

Mr. Yorkis communicates that they are not going to be mowing.

The Board would like the word “maintenance” added.

Page 24:

16. Signage:

Mr. Yorkis communicates that they would like to have a small granite sign on the inside of the development.

The Board would like the decision to make reference to the sign bylaw.

Page 25:

22 b).

It was recommended that all utilities and stormwater management will be installed within 5 years of the decision.

Page 25:

23. This section will be deleted.

Page 27 :

(f)

Susy Affleck-Childs will be adding more language from recommendations from Town Counsel relative to the Neelon Lane extension.

The members concluded their discussion on the draft decision.

Mr. Yorkis wants to know when the Board will be voting on the decision.

The members would like Susy Affleck-Childs to highlight the most recent changes to the Charles River Draft Decision to allow for quick reference.

Member Gay indicates that he will not be available for the April 12, 2011 meeting.

The Board decided to have a special meeting on Tuesday, March 29, 2011 at 7:00 pm. with the location to be determined.

Speroni Acres:

The Board is in receipt of a memo from Susy Affleck-Childs dated March 4, 2011. The memo is in regards to the Speroni Acres – Application for Modification to Definitive Subdivision Plan.

The application was prepared by engineer Rick Merrikin.

A copy of an email dated March 2, 2011 from Rick Merrikin was also provided to the Board members.

A copy of an email dated March 2, 2011 from Dave Pellegrini from Tetra Tech Rizzo was also provided to the Board members. This email would like Merriken to provide updates as-built sketches of the detention basins.

This application is determined to be not complete as no plans were provided with the submittal.

Tetra Tech Rizzo has provided a proposal for professional engineering services associated with the proposed Speroni Acres Definitive Subdivision Modification plan. The cost estimate is \$2,950.00

In relation to the sewer connection relative to the definitive subdivision plan for 25 Summer Street, there is no evidence relative to the connection. Each owner has responsibility of their own pump. There is reference that there was supposed to be a homeowners association, but there is no evidence that one has been established to date.

Birch Hill Acres Street Acceptance:

The members are in receipt of a memo from the Board of Selectmen dated March 22, 2011. regarding the laying out as public ways portions of Ivy and Hunter Lanes. The memo states that the Board of Selectmen voted to refer this matter to the Planning and Economic Board for a report and recommendations.

- **On a motion made by Bob Tucker and seconded by Chan Rogers, the Planning and Economic Planning Board voted unanimously to recommend to the Medway Board of Selectmen that it lay out as a public ways a portion of Ivy Lane from Station 00 to Station 1090.48 and a portion of Hunter Lane from Station 700 to Station 15026.83 as shown on the street acceptance plan dated June 29, 2009, last revised October 28, 2009, prepared by J.D. Marquedant & Associates, Inc.**

Appointment to Medway Economic Development Committee:

The Board is in receipt of a memo dated March 18, 2011 relative to the appointment of Dr. Hathaway to the Economic Development Committee. (See Attached).

- **On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to appoint Dr. David Hathaway to the Economic Development Committee.**

Meeting Minutes:

February 22, 2011

- **On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to accept the minutes from February 22, 2011.**

March 8, 2011

The minutes from the March 8, 2011 meeting will be held over until the next meeting.

Granite Estates Subdivision:

The Board is made aware that the decision for Granite Estates Subdivision will need to be modified. There will need to be a public hearing. This will take place prior to the Town Meeting vote to accept a drainage parcel and another undeveloped parcel.

Town Meeting:

The 2011 Annual Town Meeting has been rescheduled to June 13, 2011.

Adjourn:

On a motion made by Bob Tucker, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 10:00 pm.

Future Meetings:

The next meetings scheduled are:

- Regular Meeting March 8 & 22, 2011
- 2011 Annual Town Meeting – Monday, June 13, 2011

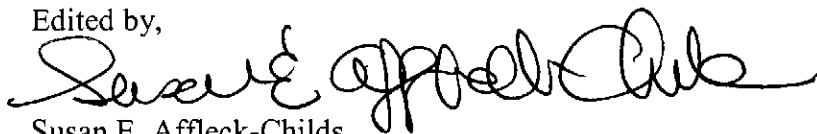
he meeting was adjourned at 10:00 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

11 March 2011

Steinhoff Realty Trust

Proposed Process Modification to:

Project Overview for The Steinhoff Building

Re: Project Overview for The Steinhoff Building dated 22 June 2010 provided to the Medway PBEC during the public hearings. Project approved: 14 December 2010.

As a result of ongoing discussions with potential construction firms, it has become evident that moving the gutted building at 146 Main St., Medway is rather problematic and will incur unnecessary risks to both the building and construction workers. Thus Steinhoff Realty Trust recommends changing the renovation process – not the end result – to greatly reduce this dual risk. The below process changes will not modify the designed, and PBEC approved, building renovation. It will – in fact – allow for use of the additional 1830s framing and sheathing materials throughout more of the existing renovation section and new building construction.

Recommended Process Change:

Re: Construction Approach paragraph, sub-paragraph a. Renovation Segment
Replace existing description items 1. through 5. with the following:

1. Remove the single pane windows and disassemble the existing building. Mark sections for later re-assembly.
2. Pour new concrete basement and assemble new 1st floor.
3. Frame the new walls & re-assemble the 1830s sections in the renovated portions of the building. Similarly, assemble and re-assemble the 2nd Flr plus add new roof.
4. Install new R-3 windows, exterior clapboards, insulate and finish to spec.
5. Use available 1830s materials to enhance both lobby interiors. (All 1830s framing & sheathing materials will either be reused onsite or recycled for re-use.)

Note: This recommended renovation procedural update to the earlier PBEC approved Project Overview has been reviewed and approved by Mr. J. Doherty, Architect with The Turner Group. He indicates: *"The thought would be to disassemble the frame and use the materials in other places in the building."*

Project Overview for The Steinhoff Building

The key renovation and new construction aspects of **The Steinhoff Building** located at 146 Main Street, Medway, MA 02053 are based upon upgrading the property to Town of Medway Building Codes and achieving an **Energy Neutral Design** by:

- adhering to Green Building concepts (see Appendix for Definitions & Note 1)
- using sustainable façade concepts
- implementing geothermal w/solar heating & AC climate control features
- optimizing use of natural light
- utilizing EnergyStar® approved equipment/fixtures
- integrating wind turbine electrical energy production equipment.

In this manner, the completed building will produce as much or more energy then it uses. Thus **The Steinhoff Building** goal is designed to have a **ZERO CARBON FOOTPRINT and be LEED® compliant**. The following narrative is presented per the overview format specified.

Brief Building History:

Based on available Town of Medway historical information, plus the buildings framing approach, the building at 146 Main St. construction date is estimated between 1830 and 1840. In addition, the building was initially attached to a multi-storied boot and shoe manufacturing plant which later incurred fire damage and was demolished. The building was since used in a residential manner until purchased by Steinhoff Realty Trust in November, 2009. In July, 2009 the Town Historical Commission agreed that the residence had no historical features and could be demolished, see Note 2. However, the building is located in the Town of Medway's Adaptive Use Overlay District (AUOD) and therefore can be renovated into a variety of non-residential uses.

Proposed Use:

Steinhoff Realty Trust's intent is to obtain an Special Permit per AUOD Article IV, s.504-3 Sub-s A to renovate, to the extent possible, the existing residential property into Business and Professional Offices, plus add new office space, both of which are described below.

Construction Approach:

With the purchase of 146 Main St., Steinhoff Realty Trust decided to comply with the AUOD and apply for a Special Permit to construct a multi-unit office building by renovating the historical building into office space and adding new office space/construction for a total of 8,677 SF. The following describes briefly the By-Law compliant construction approach for the buildings office renovation segment and the new construction office segment.

a. Renovation Segment

The existing building interior was removed in 2009 (Note 2) as it was determined that the electrical wiring would not allow for use of today's typical office equipment. This also allowed

for detailed frame and foundation inspection by structural engineers. It was determined by The Turner Group, Architect and Engineering Contractor, that the buildings sills needed to be replaced plus the frames wall depth extended to meet existing building insulation codes. The foundation also needed strengthening as it consists of fieldstone w/granite on top. Thus the buildings renovation had to be designed from the foundation up. In any case, the building exterior appearance will be maintained although completely updated to current codes.

As Steinhoff Realty Trust specified that the buildings unique construction techniques be revealed in the interior finished product, The Turner Group developed a process to:

1. Remove the single pane windows and jack up the existing building.
2. Pour concrete inside to strengthen the fieldstone foundation.
3. Replace the sills and reset the building.
4. Remove the building's exterior and extend the wall frames insulation depth
5. Rebuild the wall sheathing plus add new windows and exterior clapboards.

With completion of the above, the historical building exterior will have its original look plus interior renovation can be initiated along with the new construction presented below.

b. New Construction Segment

The new construction will add approximately 7,045 SF to the existing 1,632 SF historical residential structure resulting in four office areas accessed through a common area side lobby as follows:

1. The existing first floor will be enlarged to include two offices with a lobby entrance. A pedestrian walkway will be available from Main St. sidewalk to the Lobby entrance. A deck off the lobby is available to office tenants.
2. The existing second floor will be enlarged to include two offices with an upper lobby entrance and break room w/deck.
3. Both second floor office areas will utilize an open ceiling concept.
4. The lower lobby consists of an entrance area w/restrooms, wheel chair lift and service area plus front and back office area access. A deck area can also be accessed from the lobby common area. Stairs also provide second floor access.
5. The upper lobby consists of access to both front and back offices, restrooms, service area and a break room. A deck area can also be accessed from the upper lobby Break Room.
6. Fire escapes are added for all office areas. The north fire escape will also function as an employee entrance from the parking lot.
7. The basement will include both existing and new construction areas and be used for all mechanicals and additional office storage space.
8. The off Main St. parking area consists of 29 parking spots including handicapped parking. The existing driveway will be expanded to allow entrance/exit off Main St. The dumpster in back will be hid from neighbors view with shrubs. A bicycle rack will be available.
9. The sites exterior sign will be installed inside a landscaped area on the SE corner along with a flag pole.
10. The sites western boundary is adjacent to a tree line. Thus an informal hedge is only added along the north and east boundaries in accordance with the Landscape Plan.

c. Mechanicals

The Steinhoff Building HVAC system will utilize a hybrid geothermal heat pump and solar heating panel design. The geothermal wells are located on the west side of the building and the well heads will be hid from neighbors view by shrubs. No fossil fuel HVAC equipment will be employed. The electrical energy will initially be provided by the NSTAR grid as the wind turbine technology design cannot start until the building has been constructed. The NSTAR grid connection will be maintained to compensate for no wind or low wind periods. The wind turbines, which operates on a 7/24 basis, will be designed to compensate for the grid load so that, on a yearly basis, the turbines produce more electrical energy than is consumed. With installation of the wind turbines, **The Steinhoff Building will become energy neutral.**

Site Impacts:

The completed 4-office building minimizes any impact to the area by:

- maintaining the residential look of the area which is becoming more commercial as AUOD special permits are approved. On the west side is a 2-unit condo and on the east a residence that also provides nursery services. Across Main St. is the Maids Cleaning Service building and a Real Estate & Construction office building plus properties for sale.
- developing a landscape plan designed to provide an informal look as a natural buffer between the northerly and easterly neighbors. An existing tree line separates the west side neighbor. The dumpster and geothermal well heads will be buffered from view by shrubbery.
- shielding parking light spill over into adjacent properties.
- employing pervious parking lot materials to allow natural drainage.

Conclusion:

The multi-office building to be located at 146 Main Street has been architecturally designed and engineered to meet or exceed all of the Town of Medway's AUOD Special Permit Standards and Criteria as specified in Planning Board Rules and Regulations Chapter 500 and associated By-Laws.

Overview Appendix

Definitions and Notes

Definitions:

Green Building, also known as **green construction** or **sustainable building**, is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and deconstruction. This practice expands and complements the classical building design concerns of economy, utility, durability, and comfort.

Although new technologies are constantly being developed to complement current practices in creating greener structures, the common objective is that green buildings are designed to reduce the overall impact of the built environment on human health and the natural environment by:

- Efficiently using energy, water, and other resources
- Protecting occupant health and improving employee productivity
- Reducing waste, pollution and environmental degradation.

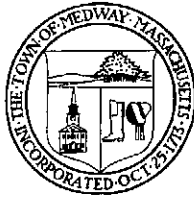
LEED® (Leadership in Energy & Environmental Design) is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies aimed at improving performance across all the metrics that matter most: energy savings, water efficiency, CO2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

A **carbon footprint** is "the total set of greenhouse gases (GHG) emissions caused by an organization, event or product". For simplicity of reporting, it is often expressed in terms of the amount of carbon dioxide, or its equivalent of other GHGs, emitted.

All definitions are from Wikipedia, the free encyclopedia

Notes:

1. Steinhoff Realty Trust's goal is for The Steinhoff Building is to be LEED® compatible, not LEED® certified. LEED® Certified requires extensive documentation deemed not viable for this size development.
2. The Town of Medway's Historical Commission issued a decision allowing the 146 Main St. building to be demolished on July 28, 2009.



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street - Medway, Massachusetts 02053
508-533-3291

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh

Revised Draft – March 21, 2011

PLANNING & ECONOMIC DEVELOPMENT BOARD DECISION

Charles River Village

Open Space Residential Development (OSRD) Special Permit – ????????
Open Space Residential Development (OSRD) Concept Plan – ????????
Affordable Housing Special Permit - ???????

Name/Address of Applicant: Charles River Village, LLC
Mr. John Claffey
PO Box 1
Medway, MA 02053

Name/Address of Property Owner: Michael Acquafresca & Carol Supernor
Executrix of Helen Grudzinkas
71 A Timrod Drive
Worcester, MA 01603

Official Representative: Patriot Real Estate
159 Main Street
Medway, MA 02053

Engineer: Faist Engineering, Inc.
600 Charlton Street
Southbridge, MA 01550

Land Surveyor: O'Driscoll Land Surveying, Co.
46 Cottage Street
Medway, MA 02053

Landscape Architect: Lowell Robinson, A.S.L.A.
92 Seekonk Street
Norfolk, MA 02056-1113

Landscape Architect: W. Philip Barlow, A.S.L.A.
TO DESIGN, LLC
114 West Main Street
New Britain, CT

Plan Dated: July 28, 2010, last revised December 30, 2010

Location: 6 Neelon Lane

Assessors' Reference: Map 1-7, parcel 1D/33

Zoning District: AR-II

Purpose:

To construct a 13 dwelling unit, cottage style residential community

PROJECT DESCRIPTION

The subject property is a 7.61 acre site at the end of Neelon Lane adjacent to the Charles River. The proposal is for a 13 unit, detached single family home residential condominium community to be known as Charles River Village on Parcel A (3.43 acres) including 2 affordable dwelling units and 4.18 acres of protected open space accessible to the general public (Parcel B). Vehicular access to the site is proposed from the end of Neelon Lane (off of the south side of Village Street, a Medway Scenic Road).

The applicant plans to upgrade the entire existing length of Neelon Lane to a full-depth 18' paved width and construct a 150' long southerly extension of Neelon Lane including a turnaround at the end. From the "new" end of Neelon Lane at the turnaround, the proposal is to construct approximately 445 linear feet of an 18' wide, private roadway to access the 13 dwellings. Within the roadway loop serving units # 6 – 12, the roadway will be one way only. Connections to Town sewer and water and the installation of two fire hydrants are also planned along with emergency access/egress and a sidewalk to Cherokee Lane.

PROCEDURAL BACKGROUND

In accordance with the provisions of Section V., Sub-Section T. and X. of the Medway Zoning Bylaw and Section 9 of Chapter 40A of the Massachusetts General Laws, an application dated July 28, 2010 for an Open Space Residential Development (OSRD) special permit was filed by Charles River Village, LLC with the Planning and Economic Development Board and the Town Clerk on July 28, 2010. The companion application for an Affordable Housing Special Permit was submitted on September 7, 2010.

The public hearing was scheduled to begin on August 24, 2010, at which time comments would be received from the general public, municipal boards and/or departments and the Planning and Economic Development Board's consultants. The public hearing noticed was filed with the Medway Town Clerk on August 2, 2010 and posted to the Town of Medway web site on the same day. The public hearing notice was published in the *Milford Daily News* on August 9, 2010 and August 17, 2010. Notices were sent by certified mail to parties of interest and the Planning Boards of all adjacent towns on ?????????????? – check with Fran.

On August 2, 2010, a transmittal memo from the Planning and Economic Development Board soliciting comments on the application was circulated with the application and plan to the Board of Selectmen, Board of Assessors, Board of Health, Building Inspector/Zoning Enforcement Officer, Conservation Commission, Department of Public Services, Design Review Committee, Disability Commission, Fire Department, Open Space Committee, Police Department, and Water/Sewer Department, and the Town's consulting planner. The memo noted that a public hearing was scheduled to begin on August 24, 2010 and requested comments by that date.

On August 24, 2010 the public hearing was convened and continued to September 28, 2010.

Subsequent to the August 24th public hearing, it was discovered that the video recording equipment in the meeting room did not function properly during the August 24th meeting and consequently no videotape of the session was produced. This was particularly problematic as one of the members of the Planning and Economic Development Board could not attend the August 24, 2010 public hearing and therefore would not be able to participate in the review and vote on this project because there was no videotape to view. On August 30, the Board informed the applicant of the problem; On September 7, 2010, the applicant notified the Board that he was withdrawing the application and wished to refile and start the public hearing process anew.

The "new" public hearing was scheduled for September 28, 2010. The notice for the "new" public hearing was filed with the Medway Town Clerk on September 8, 2010 and posted to the Town of Medway web site on the same date. Notices of the public hearing were published in the *Milford Daily News* on September 13 and 21, 2010. Notices regarding the "new" public hearing were sent by mail to parties of interest and the Planning Boards of all adjacent towns on September 8, 2010.

The Planning and Economic Development Board convened the "new" public hearing in the Sanford Room of Town Hall. The public hearing was continued to October 12, 2010, November 9 & 16, 2010, December 14, 2010, January 11, 2011 and February 8, 2011, at which time the public hearing was closed. A site walk was conducted on 11/16/2010. At the public hearings, comments were received from abutters and their representatives, municipal boards and/or departments, PGC Associates (the Town's planning consultant), Tetra Tech Rizzo (the Town's consulting engineer), the applicant, and members of the applicant's development team. All persons in attendance were provided the opportunity to comment and present evidence.

All members voting on this Special Permit were present at all sessions or have provided a certification pursuant to General Laws c. 39 section 23D.

All matters of record were available for public review in the office of the Planning and Economic Development Board and the Town Clerk for all times relevant thereto.

EXHIBITS – PLANS and DOCUMENTS - The following exhibits were submitted for the Board's review and deliberations.

The **Application Package** consisted of:

- An application and related materials dated July 28, 2010 for an OSRD and affordable housing special permits;
- A plan entitled "Charles River Village" – Special Permit Concept Plans - Open Space Residential Development (OSRD), dated July 28, 2010 prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying of Medway, MA
- OSRD Project Narrative dated July 28, 2010 prepared by Paul Yorkis, Patriot Real Estate.
- Yield Plan Summary "Charles River Village", dated July 28, 2010 prepared by Faist Engineering
- Description of Easements and Agreement.
- Development Impact Report – Form F dated July 28, 2010 prepared by Faist Engineering.
- Form F Addendum – Utilities and Municipal Services
- Certified list of abutters within 300 feet of the site.
- Request for waivers from the *Subdivision Rules and Regulations*, dated July 28, 2010.
- Assessor's Locus Map
- "Charles River Village" Special Permit – Concept Plans, Open Space Residential Development (OSRD) dated July 28, 2010.

Subsequent to the application package, the applicant submitted the following additional items.

- A letter from O'Driscoll Land Surveying Co. dated October 20, 2010.
- Charles River Village Special Permit Concept Plan – revised date September 24, 2010
- Charles River Village Special Permit Concept Plan- revised date December 30, 2010
- Proposed conditions sketch from Faist Engineering dated October 29, 2010
- A letter with supplemental documents from Attorney Donald Quinn dated January 7, 2011.
- Documents from Conley Associates dated September 2, 2010
- Letter from Cain Hibbard & Myers dated September 21, 2010
- A letter from Cain Hibbard & Myers dated November 4, 2010.

PUBLIC HEARING TESTIMONY & EVIDENCE

Other Information/Evidence

- Minutes from the January 26, 2010 Planning and Economic Development Board.
- Planning Board decision for Charles River Acres OSRD Special Permit – Granted, OSRD Concept Plan – Approved – [more info here](#)
- Minutes from March 23, 2010 Planning and Economic Development Board.
- A letter from Guerriere & Halnon, Inc. dated November 12, 2010.
- Report of September 9, 2010 Site Visit by Medway Planning and Economic Development Board
- Applicant's PowerPoint presentation at public hearing dated September 28, 2010.
- A letter from Paul Yorkis dated September 29, 2010. (public disclosure)
- An email from Mr. Yorkis dated December 9, 2010.
- Proposed conditions sketch from Faist Engineering revised date December 29, 2010.
- A letter from Faist Engineering dated December 10, 2010.
- A plan "Assessor's Map Density Estimate Charles River Village" dated December 8, 2010. prepared by ????????????????
- Medway Town Clerk - Certification that Neelon Lane is an accepted street dated August 9, 2010
- Medway Town Clerk - Certification that Neelon Lane is on list of accepted street dated August 24, 2010.
- Plan of land dated November 6, 1959
- Copy of a deed dated July 29, 2002.
- Copy of minutes from ???????????????? April 1863, received August 12, 2010.
- A copy of the Town of Medway Assessor's Field Card for Map 1D, Parcel 33.
- Minutes from a meeting with Tetra Tech Rizzo dated December 14, 2010.
- Certification of the Mullin Rule, member Thomas Gay, dated January 20, 2011.
- Certification of the Mullin Rule, member Robert Tucker, dated January 25, 2011.
- Certification of the Mullin Rule, member Karyl Spiller-Walsh, dated February 14, 2011.
-

Written Comments/Review Letters – Medway Municipal Departments/Boards/Committees & Consultants

- Gino Carlucci, PGC Associates (Medway Planning Consultant) – Review letters dated August 3, 2010 (for application completeness) and August 17, 2010.
- Medway Police Department – Review memo dated November 16, 2010
- Medway Open Space Committee – Review letter dated September 14, 2010
- Medway Design Review Committee - Review letter dated September 17, 2010
- Medway Fire Department – Email memo dated November 16, 2010
- Medway Department of Public Works – A letter dated August 24, 2010
- A letter from Robert Daylor, Tetra Tech Rizzo dated December 10, 2010.
- A letter from Tetra Tech Rizzo dated December 13, 2010. – who????
- A letter from Robert Daylor, Tetra Tech Rizzo dated February 4, 2011.
- Medway Conservation Commission – A letter dated February 24, 2011
- A letter from Petrini & Associates, P.C. (Medway Town Counsel) dated October 8, 2010.
- A letter from Petrini & Associates, P.C. (Medway Town Counsel) dated October 15, 2010.

Professional Commentary

- David Faist, Faist Engineering, Southbridge, MA
- Gino Carlucci, PGC Associates, Franklin, MA
- Dave Pellegri, Tetra Tech Rizzo, Framingham, MA
- Daniel A. O'Driscoll, Professional Land Surveyor, 46 Cottage Street, Medway, MA.
- Attorney at Law, Thomas Valkevich, Saugus, MA.
- Senior Vice President Robert Daylor, P.E., PLS, Tetra Tech Rizzo, Framingham, MA.
- Paul Atwood, PLS, Guerriere & Halnon, 55 West Central Street, Franklin, MA.

- Daniel A. O'Driscoll, Professional Land Surveyor, 46 Cottage Street, Medway, MA.
- Lowell Robinson, A.S.L.A.
- W. Philip Barlow, A.S.L.A.
- John Scarik, - friend of Beth McDonald

Applicant Commentary

- John Claffey, Charles River Village LLC, Medway, MA

Citizen Commentary

- Abutter, Beth McDonald, 6 Neelon Lane, Medway, MA.
- Abutter, Richard & Susan DiIulio, 7 Massasoit Street, Medway, MA.
- Abutter, Marielainia Kaplan, 221 Village Street, Medway, MA.
- Abutter, Peter and Michelle Newell, 2 Neelon Lane, Medway, MA.
- Abutter, Ken Bancewicz, 223 Village Street, Medway, MA.
- Abutter, Joanne Kramer, 231 Village Street, Medway, MA.

Written Testimony from Abutters

- A letter with photographs from abutter Joanne Kramer, 231 Village Street dated October 12, 2010 and November 15, 2010.
- A letter from the Charles River Neighborhood Alliance dated November 16, 2010.
- A letter and photographs from abutter Peter and Michelle Newell, 2 Neelon Lane dated October 12, 2010 and November 21, 2010.
- A letter from abutter Ken and Teri Bancewicz, 223 Village Street dated February 8, 2011.
- A letter from Charles River Neighborhood Alliance dated January 27, 2011

Professional Written Comments

- Letter dated August 24, 2010, ????????????
- A letter from Attorney Thomas Valkevich dated November 16, 2010.
- A letter from Guernere & Hainon dated November 16, 2010.
- A letter from Gillon Associates dated November 16, 2010.
- A letter from Attorney Thomas Valkevich dated December 14, 2010.
- An email from Attorney Thomas Valkevich dated January 10, 2010.
- A letter from Attorney Thomas Valkevich dated January 31, 2011.
- A letter from Attorney Thomas Valkevich dated February 3, 2011.
- A letter from Attorney Thomas Valkevich dated February 8, 2011.

FINDINGS

To make its findings, decision and conditions of approval, the Planning and Economic Development Board carefully reviewed the proposed plan, dated July 28, 2010 as revised from time to time and last revised December 30, 2010 and all the materials, studies and documentation presented by the applicant, the Board's consultants, letters and testimony from Town officials and boards, together with the comments and correspondence of abutters and members of the public, and carefully analyzed the general purpose of the OSRD and Affordable Housing provisions of the Zoning Bylaw and its specific requirements and standards, as well as the requirements of Section 9 of Chapter 40A of the Massachusetts General Laws specifically relating to Special Permits

- A. As indicated above, based on the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, the Planning and Economic Development Board, on [REDACTED] made the following **GENERAL FINDINGS**, as conditioned by this decision, regarding this application in accordance with Section V. Sub-Section T. Open Space Residential Development of the Zoning Bylaw:

1. Purpose and Intent – The Planning and Economic Development Board finds that the proposed Charles River Village OSRD as conditioned by this decision meets the Purpose and Intent of Subsection T.1 of the Zoning Bylaw in that the development:
 - a) Uses flexibility and creativity in its design as a more compact development;
 - b) Protects community water supplies by protecting the riparian zone of Hopping Brook;
 - c) Minimizes disturbance on the site by limiting it to less than ____.
 - d) Permanently preserves ____ acres of mostly sensitive lands;
 - e) Uses land more efficiently in its compact design;
 - f) Furthers the goals of the Medway Master Plan by and Open Space Plan by preserving open space along a waterway;
 - g) Facilitates construction and maintenance of housing, streets, utilities and public service by developing the site in a more compact style and providing private maintenance of roadways and infrastructure.
 - h) Preserves and enhances community character by preserving open space ;
 - i) Does not protect agricultural land because none is present on or adjacent to the site;
 - j) Protects real property values by providing buffers to adjacent property;
 - k) Provides housing types (single family detached condominiums) that increase the diversity of the community's housing stock, plus two affordable units will be provided.
2. Site Eligibility – The Planning and Economic Development Board finds that the site meets the eligibility requirements in that it is located in the AR-II district, consists of contiguous parcels, and is presented as a condominium development. The tract size of 7.63 acres is acceptable as this parcel abuts the Charles River.
3. Permit Required – The Planning and Economic Development Board finds that an application for a special permit for an OSRD was submitted by the applicant on ????????????????????
4. Pre-Application – The Planning and Economic Development Board finds that the requirements of Subsection T. 4 are met. An informal, pre-application meeting occurred at the January 26, 2010 Planning and Economic Development Board meeting. A site visit took place on September 9, 2010.
5. Four-Step Design Process – The Planning and Economic Development Board finds that the applicant has fulfilled the requirement of Subsection T. 5 for a Registered Landscape Architect to follow the specified four-step design process to design the site. Landscape Architects Lowell Robinson of Norfolk, MA and W. Phillips Barlow of TO Design, LLC of New Britain, CT was retained to function as part of the applicant's development team. Mr. Barlow is registered landscape architect in the Commonwealth of Massachusetts. The four-step design process is documented in that a Registered Landscape Architect was part of the design team and a Site Context and Analysis Plan identified the sensitive natural resources on the site. House and road locations were then kept away from the resources. Step 4 was not necessary in this case because it is condominium development with no lot lines.
6. Procedures – The Planning and Economic Development Board finds that, subject to the Conditions noted below, the required application procedures in subsection T. 6 have been followed and the application documents required to be submitted have been provided including a Site Context and Analysis Plan, a Concept Plan and a Yield Plan. Also submitted was a Narrative Statement describing how the proposed OSRD meets the general purposes and evaluation criteria of the bylaw and why it is in the best interests of the Town to allow an OSRD rather than a conventional subdivision on this site. The plan was distributed to Town boards/departments for review and comment. Additionally, the application was reviewed by the Town's planning consultant.
7. Maximum Number of Dwelling Units - Applying the Yield Plan formula as specified in Sub-Section T.7 to determine the maximum possible number of OSRD dwelling units for this site results in a maximum of 11 units. However, since two affordable units are being provided pursuant to SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, the applicant is entitled to two additional market rate units (to offset the affordable units) bringing the maximum possible number of dwelling units to 13. The applicant proposes to construct

thirteen (13) single family residences on one (1) lot. The Planning and Economic Development Board finds that the construction of thirteen (13) dwelling units complies with this requirement.

8. Reduction of Dimensional Requirements – The Planning and Economic Development Board finds that the development meets the Dimensional Requirements as specified in Subsection T. 8 of the bylaw. Items (a) through (d) are not applicable to this project because the project is proposed as a condominium project as allowed under Section T.2 (c) of the Zoning Bylaw and no individual subdivision lots are created.

- (e) *Building footprints or envelopes shall be shown on the plan, and no structure shall be located closer than thirty feet (30') from any other structure. Furthermore, a landscaped buffer shall be provided between houses to enhance privacy.*

The plans as revised through December 30, 2010, demonstrate that a distance of at least 30 feet between structures is achieved. However, no landscape buffer between houses is shown on the plans. Therefore, this requirement is met through Condition 3. D) 3) herein that requires such a landscape buffer to be included on a Landscape Plan incorporated into the definitive plan.

- (f) *Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning & Economic Development Board for corner lots where the garage door faces a different street than the front of the house or for other extraordinary circumstances that the Planning & Economic Development Board deems to be in the Town's best interests.*

RE: setback of garage doors - There are 11 garages shown on the plans (2 of the 13 units are shown with no garages). Of those, 10 are 2-car garages and one is a 1-car garage. Regarding the 5-foot setback, Units 8 and 10 do not meet the setback requirement. The Board hereby waives the requirement for garages to be set back 5 feet from the front wall of the principal building for a maximum of 2 of the dwelling units in order to allow for some diversity of housing styles within the development. **However, as we need to require the 2 affordable units to also have garages, the Board needs to decide whether it will waive this 5' setback standard for those garages as well.**

RE: location of garage doors vis-à-vis the street - Assuming that each garage space will have an individual door, there will be 21 garage doors within the development as presently proposed. The garage doors of Units 1, 7, 8, 9 and 10 clearly face the street for a total of 9 out of 21 doors. Units 2 and 3 are functionally (though not technically) on a "corner" since the garage facades are at a 90-degree angle from the house facades. The garages for Unit 11 and 13 clearly do not face the street. The Unit 5 garage and house face what is essentially a common driveway that serves only Units 4 and 5. Unit 4 is similar, but is more a borderline case. The house clearly faces the main access road for the development that everyone uses. However, the garage is accessed from, and faces, the common driveway and not the main access road. Therefore, 9 out of 21 is less than 50% and the Board finds that this criterion is met. **With the addition of garages for the affordable units, how will those doors be oriented?**

9. Open Space Requirements - A minimum of fifty percent (50%) of the tract shown on the concept plan shall be open space. For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (f) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

Total Land Area of OSRD tract: **7.61 acres**

Total Area of Open Space: **4.18 acres** As a % of total land area: **54.9%**

- (a) *The percentage of the minimum required open space that is wetlands shall not exceed the percentage of the total tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in any proposed open space beyond the minimum.*

As indicated by this requirement, the minimum of 50% open space is constrained by the additional requirement that the minimum must include no greater percentage of wetlands than the tract as a whole. The tract has an area of 7.61 acres so the minimum required open space is 3.805 acres. Resource areas, including wetlands and floodplains comprise 10% of the total area. Therefore, wetlands and floodplains can constitute no more than 10% of the minimum required open space area of 3.805 acres, or .3805 acres so a minimum of 3.4245 (which rounds to 3.42) acres of the open space must be upland. The open space includes 3.42 acres of uplands so this requirement is met. It should also be noted that no more than 50% of any utility easement can be counted toward the minimum required open space. A sewer easement through the open space area appears to contain approximately 10,320 square feet. Since all of the easement is within the open space, and only half counts toward the minimum, at least 3.92 acres of open space must be provided rather than 3.805. Since 4.18 acres is provided, this requirement is met. The resource areas are based on a previous plan and need to be confirmed by a new filing with Conservation Commission before the open space calculations can be finalized.

- (b) *The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning & Economic Development Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas.*

Since the open space is provided in a single parcel, the Board finds that this requirement is met.

- (c) *The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning & Economic Development Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities). The open space shall be accessible to the public, unless the Planning & Economic Development Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning & Economic Development Board may require a minimum number of parking spaces to facilitate such public access.*

The applicant proposes to leave the open space area in its natural state except to add a public access trail from the end of Massasoit Street to connect with an existing cart path. Public access is also proposed from Cherokee Lane and Riverview Street. Two public

parking spaces are proposed at the end of Neelon Lane and another two (gravel) spaces within the Massasoit Street right-of-way are also proposed. Therefore, the Board finds that this requirement is met.

- (d) *While protecting resources and leaving land in its natural state is a primary goal, the Planning & Economic Development Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.*

The slope of the land and its proximity to the Charles River preclude any significant playground use of the open space. However, the river, existing cart path, proposed trail connection and access from 4 points, provide significant value to the use of the parcel for passive recreation. The Board finds that this requirement is met.

- (e) *Wastewater and stormwater management systems serving the OSRD may be located within the open space. However, surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.*

The Board finds that this requirement is not applicable since no wastewater nor stormwater system components are proposed within the open space.

- (f) *Ownership of the Open Space - The open space shall, at the Planning & Economic Development Board's discretion, be conveyed to:*

- (1) *The Town or its Conservation Commission, upon its agreement;*
- (2) *A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;*
- (3) *A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning & Economic Development Board for approval and shall thereafter be recorded.*

The applicant proposes to convey the open space to the Town of Medway under the care and custody of the Conservation Commission. The Conservation Commission has agreed to such a donation – ~~date of meeting and letter~~. The Board concurs with this proposal and therefore this requirement is met.

10. Design Standards – The following General Design Standards shall apply to all OSRDs.

- (a) *The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.*

The most sensitive portions of the site, the river, wetlands, floodplain and slope have been identified by the required four-step design process and they are included within the open space. The developable area consists of the flattest portion of the site so topographical changes are minimized. No significant grade changes deviating from the general appearance of neighboring developed areas are proposed, though this is subject to the definitive plan following a more detailed analysis of the site, especially pertaining to drainage issues. **Subject to Condition # __ [requiring that topographical changes be kept to a minimum]**, the Board finds that this requirement is met.

- (b) *Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.*

The location of the proposed street shown on the Concept Plan does maintain and preserve natural topography. No significant landmarks are disturbed, and cuts and fills are minimized since the road is on the flattest portion of the site. It is possible that a better design could have been developed that preserved and enhanced views to a greater extent. It is also true that dimensional requirements of the bylaw constrained the design somewhat. The street itself provides closer access to views of the open space while the building locations inhibit those views. While an actual road design will not be provided until the definitive plan stage, the Concept Plan does indicate that this requirement can be met.

- (c) *The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.*

By locating the houses on the flattest portion of the site and preserving the slope, wooded areas and land closest to the Charles River, the development does relate harmoniously to the terrain. The development proposes single-family cottages of a scale similar to those of other houses in the vicinity. The architecture is not incompatible with the surrounding neighborhoods. The buildings maintain adequate setbacks from abutting properties and those that abut the open space have decks to enhance the views. However, as indicated in the Design Review Committee letter of September 17, 2010 only limited information about the building design concepts have been provided so it cannot make a recommendation as to design at this stage. Therefore, the Board finds that this requirement is met subject to Conditions # 3. D) 1) and e. f) herein that require additional information and details regarding the building designs as well as additional review by the Design Review Committee at the definitive plan stage.

- d) *All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.*

The proposed open space already exists so it will not add to the visual amenities of the area, and its visibility from nearby properties will not change. While the internal road is a private way, persons passing by on it will have a closer view of the open space (looking between the proposed houses) than from Village Street or the existing Neelon Lane. The circular road will have a rain garden in the middle, which will add to the visual amenities of the area. The Board finds that this requirement is met.

- (e) *The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.*

No historic, traditional or significant uses, structures or architectural elements will be removed or disrupted. An existing house on the property will be razed, but it is not of a historic nature. Therefore, the Board finds that this requirement is met.

- (f) *Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.*

Since the development consists entirely of single-family homes, the Board finds that this requirement is met.

- (g) *Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning & Economic Development Board.*

The development, as proposed, includes a shared driveway for Units 2 and 3, and another for Units 4 and 5. The Board hereby allows these shared driveways and encourages the applicant to consider additional shared driveways in its definitive plan. The Board finds that this requirement is met.

- (h) *Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space.*

Since 8 of the 13 units have direct access to the open space and the remaining 5 units have reasonable access, the Board finds that this requirement is met.

- (i) *A fifteen foot (15') wide visual buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning Board, shall be located along the perimeter of the OSRD tract, unless a reduction is otherwise authorized by the Planning Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.*

A minimum 15-foot buffer is provided around the perimeter of the developable area. Adjacent to Units 6, 7, 11, 12, and 13 the buffer area may be coterminous with the open space strips that abut the property line in those areas. The type of visual buffer to be provided within these areas is a detail that shall be provided as part of the definitive plan (See Condition #3, D) 8). However, at a minimum it shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation. Therefore, the Board finds that this condition is met.

- (j) *The Planning Board may require additional off-street parking areas for use in common by residents and guests. Locations for additional guest parking shall be shown on the Concept Plan. A minimum of two (2) off-street parking spaces shall be required for each dwelling unit.*

The Concept Plan does indicate a minimum of 2 off-street parking spaces per dwelling unit. Condition # ___ specifies that each unit shall have at least 3 off-street parking spaces. The 18 foot on-way loop road is adequate for on-street guest parking. Therefore, the board finds that this condition is met.

- (k) *Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of*

Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer.

The Charles River Village parcel has frontage along several existing Town ways. There are three 30-foot strips across the ends of the rights-of-way of Cherokee Lane, Massasoit Street and Riverview Street. There is also 100 ft. of frontage along Neelon Lane, which is a statutory private way. No sidewalks are proposed along these ways, but a walkway is proposed to connect the end of the private way within the development to the existing end of the paved portion of Cherokee Lane. **The Board finds that this requirement is met subject to Condition 1 regarding a payment to the Medway Sidewalk Special Account.**

B. As indicated above, based on the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, the Planning and Economic Development Board, on 12/15/2010, made the following **AFFORDABLE HOUSING FINDINGS** regarding this application in accordance with Section VI, USE REGULATIONS, Sub-Section X. Affordable Housing of the Medway Zoning Bylaw. The Planning and Economic Development Board finds that the Charles River Village OSRD, as conditioned by this decision, complies with the Affordable Housing Requirements of Sub-Section X. as follows:

1. The plan includes the construction of two affordable dwelling units on the subject site. As the total number of dwelling units is 13, the provision of two affordable units meets the requirement that at least 15% of the dwelling units in a multiple unit residential development are affordable.
2. Siting of affordable housing units – **Subject to the provisions of Condition 2**, the Planning and Economic Development Board finds that the affordable units are suitably sited within the development.
3. Minimum design and construction standards – **Subject to the provisions of Condition 3** the Planning and Economic Development Board finds that these standards are met.
4. Two market rate bonus units are authorized.

C. As indicated above, based on the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, the Planning and Economic Development Board, on 12/15/2010, made the following **ADDITIONAL FINDINGS** regarding this application.

1. *Is access to the site adequate?*

The adequacy of Neelon Lane to serve the new development has been a major focus of discussion during the public hearing process. The Board has heard and reviewed testimony from several engineers and surveyors and lawyers provided by the applicant, abutters and hired directly by the Planning and Economic Development Board. The discussion involved two major issues.

First, is the exact location of the Neelon Lane right-of-way established? The Board finds that establishing the exact location is not within the purview of the Board's authority. However, sufficient evidence has been submitted to provide a significant level of confidence that the easterly boundary of the right-of-way can be established and it is quite clear that the width of the right-of-way is 25 feet.

Second, is an 18-foot roadway adequate to serve the 13-unit development plus the existing houses on the street? The Board has reviewed testimony from traffic engineers and concludes that the proposed 18-foot width is adequate. In particular, the applicant's traffic engineer cites the standards American Association of State Highway and Transportation Officials (AASHTO) publication "A Policy on Geometric Design of Highway and Streets." That document states that an 18-foot roadway is sufficient to accommodate

up to 400 vehicles per day. The estimated traffic, based on the 8th edition of Trip Generation, published in 2008 by the Institute of Traffic Engineers, is 152 vehicles. This is well below the maximum.

The radii at Village Street and Neelon Lane are substandard, but adequate for limited traffic. Also, the proposed improvements to Neelon Lane do not include sidewalks. Again, due to limited traffic and the installation of a pedestrian pathway connecting to Cherokee Lane, pedestrian access is adequate.

Therefore, the Board finds that the proposed access to the site is adequate for the size and nature of the development and it can be located within the right-of-way of Neelon Lane.

2. *Is the 18-foot wide road within the development adequate?*

As stated above, an 18-foot road width is adequate for up to 400 vehicles per day. Therefore, presumably if the access TO the site is adequate at 18 feet, then an 18 foot wide roadway WITHIN the site should be adequate as well. However, the concept plan shall be revised to clarify that traffic around the loop is restricted to one-way and the definitive plan shall include appropriate signage and details to ensure this result.

Therefore, while this is a detail that would normally addressed at the definitive plan stage, the Board finds that the 18-foot road provides adequate access within the development with the stipulation that travel around the loop be one-way only.

3. *Should the open space be accessible to the public?*

The Board finds that:

- Public access to the Charles River is a goal of the Medway Master Plan and the Medway Open Space and Recreation Plan
- Existing residents adjacent to the subject parcel who are impacted by this development would get mitigation by having access to the open space and river
- As more abutting land is acquired, a continuous path along the Charles River could be developed
- One of the public benefits of an OSRD is access to open space.

Accordingly, the Board finds that the proposed open space shall be accessible to the public. However, in order to limit the impacts of public access to the open space on the current adjacent neighborhoods, no additional parking for access to the open space shall be provided either on or off site.

WAIVERS TO SUBDIVISION RULES AND REGULATIONS – During the course of the public hearing on the Charles River Village OSRD Special Permit, the applicant made known his intent to request waivers from the following sections of the *Subdivision Rules and Regulations*. Formal action on the requests for waivers will be addressed once the applicant submits the OSRD Definitive Plan and the Planning and Economic Development Board acts on that submittal. During the course of that review, the need for other waivers may be identified. In acting on any waiver request, the Planning and Economic Development Board may impose conditions, safeguards and limitations in the best interest of the Town of Medway. Based on the information presently available, the Planning and Economic Development Board provides the following guidance regarding the waiver requests. In reviewing and acting on waiver requests, the Board considers the project as a whole, including conditions and other requested waivers, in order to achieve the purposes of the Zoning Bylaw.

The following list includes the specific *Subdivision Rules & Regulations* from which waivers have been requested and one additional regulation from which a waiver needs to be considered.

Section 5.6.3

All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).

Explanation – The applicant requests a waiver from this regulation. The plans reference NGVD 1929 which corresponds to the current Town of Medway FEMA Flood Plain Mapping effective June 18, 1980.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 5.7.19

Proposed Layout of Electric, Telecomm, Gas, & Cable TV Utility Lines is to be shown on the definitive plan.

Explanation – The applicant requests a waiver from this regulation as it is not possible to show these locations on the definitive plan. NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service; Verizon and Comcast follow the NSTAR design. NSTAR does not begin the design process until it receives three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

Guidance – Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 5.20.2 (a)

A restrictive 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 may be built upon or conveyed .

Explanation – The applicant has not provided any explanation as to why this is requested

Guidance –

Section 6.4.1

No building permit shall be issued within a subdivision without written permission from the Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.

Explanation – The applicant has not provided any explanation as to why this is requested

Guidance –

6.3

Partial Bond Release – The Board shall not grant a partial release from such security for the partial completion of improvements until certain items are installed, inspected and approved by the Board or its agent.

Explanation – Applicant requests a waiver from this regulation as the development roadway will be a Private Roadway when constructed to be owned and maintained by the condominium association.

Guidance – The Board is not inclined to grant this waiver. The future OSRD Definitive Plan decision will specify minimum construction work to be completed before any performance guarantee is adjusted.

Section 6.8.1 Street Acceptance: Legal Description, Deeds, & Easements

Explanation – Applicant requests a waiver from this regulation as the development roadway be a Private Roadway when constructed and therefore these items are not needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.2 Street Acceptance/Infrastructure Acceptance Fee

Explanation – Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed, the Town will not be accepting the road as a public way and therefore, the requirement for a street acceptance fee does not apply to this development. Therefore, no fee is needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.3 Street Acceptance Plan

Explanation – The Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, the requirement for a street acceptance plan does not apply to this development. Therefore, a street acceptance plan is not needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.4 Pre-Acceptance Inspection & Review by Other Town Boards

Explanation – The Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the various town boards and departments do not need to conduct such inspections.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for the particular site.

Section 6.8.6 Street Acceptance - Planning Board Recommendation

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the Planning Board does not need to make any recommendation regarding street acceptance.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.7 Street Acceptance Town/Meeting Warrant

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, this matter does not need to be included on a warrant for town meeting consideration.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.8 Street Acceptance/Board of Selectman Establish Roadway Layout

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the Board of Selectmen does not need to approve a roadway layout.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.9 Approval of Street Acceptance Plans

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore no action to approve a street acceptance plan is needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.10 Street Acceptance/Town Meeting Acceptance

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore no action is required at a Town Meeting.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.11 Street Acceptance/Recording of Street Acceptance Plan

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. As no action will be taken by the Board of Selectmen, Planning Board, or Town Meeting, no recording is necessary.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.9.1.e Use of Local Street construction standards for subdivisions of six and more lots/dwelling units.

Explanation - The Applicant requests a waiver from this regulation. Although the development roadway will serve thirteen dwelling units, the roadway will be private and will not conform to all of the construction standards for a *Local Street*.

Guidance - Based on the information that has been provided, the Planning and Economic Development Board cannot provide any guidance to the applicant on this waiver request. Although the applicant has requested that the Town's Local Street subdivision construction standards not apply to this development, the applicant has not specified what construction standards are proposed instead.

Section 7.9.4 The minimum right of way width of any permanent private way, neighborhood, minor or secondary street will be fifty feet.

Explanation - The applicant requests a waiver from this regulation. The roadway will be a permanent private way to be owned by the Charles River Village Condominium Association. The roadway is planned to be eighteen feet paved with and one way only on the loop. The roadway will not exist as a separate parcel but as a piece of the development parcel. While there is not a right-of-way of any width per se, there is a functional ROW of 30 feet to allow for snow storage and possible future roadway widening by the Condominium Association if needed.

Guidance - Based on the information presently available, this waiver has merit and appears to be reasonable for this particular site.

Section 7.9.6 Dead End Streets -

Explanation - The applicant proposes to rebuild and extend Neelon Lane and then construct a loop road within the development site. This results in a dead end street longer than allowed by the *Rules and Regulations*. However, an emergency access to Cherokee Lane will be constructed as part of the project.

Guidance - Based on the information presently available, this waiver has merit and appears to be reasonable for this particular site.

Section 7.9.7.g Minimum Paved Roadway Width - 26' for a Local Street; 20' for a Neighborhood Street & 18' for a Private Way

Explanation - The applicant requests a waiver from this regulation. The proposed development roadway will serve 13 homes and would need to be constructed to Local Street standards if it was to be accepted by the Town as a public way. However, the roadway is planned to be a Private Roadway with a pavement width of eighteen feet.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.10.2 Curbs/Berms - Sloped Granite Edging (Type S-B) for a Local Street

Explanation - The applicant proposes to utilize a low impact drainage design to manage stormwater. Curbing is not proposed along all of the edges of the Private Roadway. Where necessary for drainage purposes, cape cod or bituminous style curbing will be used.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.13.2 ***Sidewalks shall extend the full length of the street and around the perimeter of a cul de sac with pedestrian ramps at both sides of the cul-de-sac entry. For a Local Street, they shall be six feet wide on one side – Hot Mix Asphalt with a minimum six and one-half foot grass strip.***

Explanation – The applicant requests a waiver from this regulation. The proposed development roadway will serve 13 homes and its sidewalk would need to be constructed to Local Street standards if it was to be accepted by the Town as a public way. However, the roadway is planned to be a Private Roadway with no internal sidewalks.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.13.3 ***Sidewalks shall be provided along the entire frontage of the subdivision parcel along existing Town ways . . . (or make a payment in lieu of sidewalk construction to the Town of Medway for off site sidewalk construction.)***

Explanation – The applicant requests a waiver from this regulation. The applicant states that no sidewalk is proposed on Neelon Lane due to limitations of the existing 25' right of way.

Findings – The Board finds that this parcel does have frontage along 3 public ways – Cherokee, Massasoit and Riverview Streets, each 30 feet in width. The parcel also has 23.7 feet of frontage on Neelon Lane. Total frontage on a public way = 113.7 feet.

Guidance – As specified in Condition # _____ herein, the applicant is required to make a payment in lieu of sidewalk construction. Accordingly, it appears that this waiver request can be granted.

Section 7.19.2 ***Street Trees shall be planted on each side of the street (at least three trees per lot).***

Explanation - The applicant requests a waiver from this regulation. This development will not be divided into individual house lots. Instead there will be one development parcel with thirteen residential structures. The applicant, in compliance with the OSRD bylaw, will prepare and submit a landscape plan for the entire project during the OSRD Definitive Plan phase. That landscape plan will include street trees for the private roadway.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

CONDITIONS OF APPROVAL – The following conditions shall be binding upon the applicant and its assigns or successors. Failure to adhere to these conditions shall be cause for the Planning and Economic Development Board to hold a public hearing in order to determine whether the Special Permit shall be revoked or whether the violation warrants any other action relative thereto. The Town of Medway may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

1. **Limitations** - Notwithstanding any future amendment of the Medway Zoning Bylaw, MGL c. 40A, or any other legislative act:

- a) The maximum number of dwelling units to be constructed under this Special Permit shall be thirteen (13). This shall include two (2) affordable dwelling units which shall each have at least 3 bedrooms and garages comparable to the majority of the market rate units.
 - b) The tract(s) of land on which this OSRD is to be located shall not be altered or used except:
 - 1) as granted by this Special Permit;
 - 2) as shown on the Charles River Village Special Permit Concept Plans OSRD, dated July 28, 2010, last revised December 30, 2010 to be modified and recorded as referenced herein; and
 - 3) in accordance with subsequent approved plans or amendments to this Special Permit.
 - c) The entire tract of land and buildings to be constructed shall not be used, sold, transferred or leased except in conformity with this Special Permit, or if the Special Permit is not exercised, the land must be developed in accordance with the underlying zoning.
2. **OSRD Concept Plan Modifications** – Before the Charles River Village OSRD Concept Plans are endorsed by the Planning and Economic Development Board and recorded with this Special Permit at the Norfolk County Registry of Deeds, the plans dated July 28, 2010, last revised December 30, 2010 shall be further revised to incorporate the following items:
- a. The existing building elevations shall be included as Sheet 5 of the Plan Set
 - b. Remove any reference to public parking in the Open Space Parcel at the end of Neelon Land and on Massasoit Street.
3. **OSRD Definitive Plan**
- a) This special permit and the approved Charles River Village OSRD Concept Plans - OSRD are subject to the submission and approval of a Charles River Village s OSRD Definitive Plan and compliance with all conditions of a Certificate of Planning and Economic Development Board Action approving the Charles River Village OSRD Definitive Plan under the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions* and the *Site Plan Rules and Regulations* in effect at the time of application.
 - b) No clearance or construction shall begin on site and no building permit shall be issued before the Planning and Economic Development Board has approved or conditionally approved and endorsed the Charles River Village OSRD Definitive Plan.
 - c) The Charles River Village OSRD Definitive Plan shall substantially comply with the approved Charles River Village OSRD Special Permit Concept Plans (*as specified in SECTION V., Subsection T. 12. of the Zoning Bylaw*).
 - d) Notwithstanding any other requirements, the following items shall be incorporated on the plan set for the Charles River Village OSRD Definitive Plan:
 - 1) Detail of building elevations from all 4 sides for all unit types/floor plans, including materials specifics and color palette .
 - 2) Street name.
 - 3) Detailed Landscape Plan including specific plans for landscaped buffer areas between the structures and elsewhere on the site, locations where stone walls will be disturbed and relocated or used. The Landscape Plan will identify significant trees to be saved/retained and the locations for new street trees to be installed along the roadway.

- 4) Detailed design for a landscape barrier/buffer to screen the Charles River development from 231 Village Street (Kramer)
 - 5) Maintenance plan for the open space parcel including schedule for mowing, removal of underbrush.
 - 6) Bench and light post specifications.
 - 7) Specification that any stone wall construction shall be consistent with the existing stone walls on site and shall replicate a rustic, dry laid construction style.
 - 8) Details regarding the type and materials of a minimum 15 foot visual buffer on the perimeter of the developable area shall be included in the definitive plan. However, at a minimum the buffer shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation.
 - 9) Specifications for the provision of a pathway/trail on Open Space Parcel B connecting the end of the Neelon Lane cul de sac to the existing cart path shown on Parcel B.
- e) The Charles River Village OSRD Definitive Plan decision will include provisions for performance guarantees, construction inspection, construction phasing, project completion requirements including as-built plans and engineering certification.
 - f) The Landscape Plan, building materials specifications for exteriors, and any building elevation designs submitted to the Planning and Economic Development Board as part of the OSRD Definitive Plan process shall be reviewed by the Design Review Committee for its recommendations and shall be prepared to the satisfaction of the Planning and Economic Development Board and subject to its approval.

4. Open Space

- a)) Open Space Parcel B shall remain as permanent open space accessible to the general public. The Conservation Commission, at its _____, 2011 meeting, agreed in principle to receive on behalf of the Town of Medway the conveyance of Open Space Parcel B for open space/conservation purposes. It is understood that the construction of trails on Open Space Parcel B may occur in the future by other parties subject to appropriate approvals. Notwithstanding the provisions of Condition 4. a. herein, this condition does not require nor specifically allow the Charles River Village Condominium Association to construct additional trails on Parcel B in the future.
- c) Prior to the conveyance of Parcel B to the Town, the applicant shall provide a pathway/trail on Open Space Parcel B connecting the end of the Neelon Lane cul de sac to the existing cart path shown on Parcel B?
- d) The open space parcel shall be conveyed to the Town before the building permit for the last building is issued and before the final bond release is authorized.

5. **Stormwater Drainage System** - The planned stormwater management system for Charles River Village shall comply with the current Massachusetts DEP Stormwater policy. The stormwater drainage system shall be designed to include appropriate Low Impact Development (LID) best management practice techniques including the use of rain gardens; roof runoff collectors and other suitable techniques to minimize the project's impact on resource areas, reduce stormwater discharge to the street, and maximize the recharge of stormwater into the ground, subject to the following limitations/conditions:

- a) substantial landscape screening shall be provided at any locations where rip rap is used.

- b) any detention basin shall be designed to be integrated into the site's topography and natural features such that the contours are softened and a naturalized appearance is achieved.

6. Affordable Housing

- a) Two dwelling units within Charles River Village will be affordable housing units that will comply with the requirements for inclusion on the Subsidized Housing Inventory established by the Massachusetts Department of Housing and Community Development.
- b) The affordable dwelling units are hereby designated as units #6 and #12.
- c) As part of the Definitive Plan process, the applicant shall prepare or cause to be prepared an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Massachusetts Department of Housing and Community Development and Charles River Village LLC, or its successors/assigns and recorded at the Norfolk County Registry of Deeds. The affordable units are subject to the Regulatory Agreement and shall be sold and resold in accordance with the provisions of the Regulatory Agreement.
- d) As part of the Definitive Plan process, the applicant shall prepare or cause to be prepared a marketing plan for the selection of qualified purchasers for Planning and Economic Development Board approval. The marketing plan shall be prepared after consultation with the Medway Affordable Housing Committee and shall comply with the requirements of the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, 10. 3.
- e) A long term Affordable Housing Deed Rider/Restriction, as specified in Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing and in a form acceptable to the Town, shall be recorded with the deeds for the affordable units.
- f) The Charles River Village Condominium Master Deed and all legal documents related to the affordable units shall include language to specify:
 - 1) the unit numbers of the designated affordable units
 - 2) that the affordable units shall be sold to income eligible persons or households
 - 3) that the local preference criteria for the sale and re-sale of the affordable units shall be in accordance with the Massachusetts Department of Housing and Community Development Local Initiative Program or other applicable state housing program that provides units eligible for inclusion in the Subsidized Housing Inventory
- g) *Minimum design and construction standards for affordable housing units* – The affordable housing units shall:
 - 1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units;
 - 2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;
 - 3) comply in all respects to the minimum design and constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and
 - 4) have a minimum size of 1,500 square feet, at least three bedrooms and 1.5 bathrooms, excluding basement space and have garages comparable to the majority of the market rate units.

- h) The owners and tenants of affordable housing units shall have the same rights and privileges and responsibilities as do the owners and tenants of the market rate dwelling units including access to and use of any amenities within the development.
 - i) All other provisions of Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing shall apply.
7. **Water Conservation** – As part of the OSRD Definitive Plan application, the applicant shall propose specific water conservation measures that will be employed in the design of the residential dwellings, appliance selection, site landscaping, etc. in an effort to keep residential water use below 65 gallons per capita per day in accordance with DEP policy and the Town of Medway's water withdrawal permit.
8. **Preservation of Site Features**
- a) *Stone Walls*
 - 1) The applicant, its successors or assigns, and the contractor shall make the maximum effort to retain the site's existing stone walls. Where a road or path must disturb a stone wall, the applicant shall rebuild the wall in the same style and/or use the removed stone elsewhere on the site.
 - 2)) Wall construction or reconstruction shall be completed in a highly rustic, dry laid, unfinished fashion.
9. **Sidewalk Construction**
- a) The construction standards of the *Subdivision Rules and Regulations* require the installation of sidewalks along a property's frontage of existing public ways. For this site, the frontage along Neelon Lane, Cherokee Lane, Massasoit Street and Riverview Street is approximately ____ linear feet. The Planning and Economic Development Board has found that sidewalk construction along the property's frontage on these ways is not practical. Accordingly, in lieu of such sidewalk construction and to fulfill its responsibility to support sidewalk construction in Medway, the applicant or its assigns shall make a payment in lieu of sidewalk construction to the Medway Sidewalk Improvement Fund. This payment shall be provided to the Town before the occupancy permit for the ____ market rate dwelling unit is granted or within three years after the building permit for the first market rate dwelling unit is issued, whichever comes first. At that time, the amount of the payment in lieu of sidewalk construction shall be determined by the Planning and Economic Development Board and shall be calculated based on the latest Weighted Average Bid Prices issued by Mass Highway in effect at that time. The payment amount shall be equal to the estimated cost for the Town to construct ____ linear feet of bituminous concrete sidewalk with hot mix asphalt standup berm (Curb Type 3) in accordance with the Town's requirements per the *Medway Subdivision Rules and Regulations*; total width from street to edge of sidewalk including the curb would be 6 feet. The payment in lieu of sidewalk construction amount will not include any additional construction contingency percentage. Due to the development's inclusion of two affordable dwelling units (15.38% of the total number of 13 dwelling units), a 15.38% discount will then be applied to determine the final amount of the required payment in lieu of sidewalk construction.
10. **Architecture**
- a) The development, when completed, shall include ____ different unit types/floor plans.
 - b)

11. **Parking** - As there is very limited room for on-street parking, each dwelling unit shall provide at least three (3) off street parking spaces which may include garage spaces.

12. Condominium Management

- a) A Charles River Village Condominium Association shall be established and be responsible for the on-going upkeep and maintenance of the roadway, drainage system and Open Space Parcel. B
- b) Prior to the issuance of an occupancy permit for any unit in the development, the following documents shall be recorded at the Norfolk County Registry of Deeds.
 - 1) Charles River Village Condominiums Master Deed including Bylaws, Rules & Regulations, and the Stormwater Operation and Maintenance and Management Plan
 - 2) Declaration of Trust of the Charles River Village condominium organization

13. **Scenic Road** – The applicant will be improving Neelon Lane which includes its intersection with Village Street, a Medway Scenic Road. As part of the definitive plan process, a scenic road public hearing with the Planning and Economic Development Board must occur with suitable mitigation measures established if found to be required.

14. Ownership/Maintenance of Common Areas

- a) All roads and drainage facilities on the development parcel shall be owned and maintained by the Charles River Village Trust. It is the intent of the Planning and Economic Development Board and the applicant that the roadway system and drainage facilities will not be accepted by the Town of Medway.
- b) The Planning and Economic Development Board requires that the following aspects of the development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for the operation and maintenance of the following:
 - 1) roadways and parking areas
 - 2) stormwater management system
 - 3) snowplowing/sanding and other road maintenance and repairs
 - 4) landscaping
 - 5) street lighting
 - 6) Sewer and water systems

Such services shall be the responsibility of the Charles River Village Condominium Association.

- c) The Open Space Parcel shall be maintained by the Charles River Village Condominium Association including mowing at least twice a year and the annual mowing/packing/preparation of a pathway on Parcel B. All maintenance work performed on the Open Space Parcel after it has been conveyed to the Town shall be performed in accordance with all requirements of the Town of Medway, through the Director of the Department of Public Services in concert with the Medway Conservation Commission. The Association will notify the Director of the Department of Public Services prior to performing any maintenance on the Open Space Parcel after it has been conveyed to the Town, and shall provide the Town with adequate evidence of insurance prior to performing maintenance work, and shall execute an agreement saving the Town harmless and indemnifying the Town for such maintenance work, and comply with any other directives and requirements of the Town in performing the maintenance work on the Open Space Parcel. .

15. **Fire Protection** – In lieu of installing a fire alarm system within the development, the Planning and Economic Development Board requires a sum of money be paid to the Town equal to the cost of such installation for use by the Fire Department for future capital expense to upgrade the town's

fire alarm system. A fee of \$1,000.00 per fire alarm box has been established by the Fire Department for this purpose. The Charles River Village concept plan shows approximately ____ linear feet of roadway. Therefore, a fee of \$1,000 shall be paid to the Town of Medway for the Fire Alarm Special Capital Account prior to the issuance of the occupancy permit for the ____ market rate dwelling or within three years after the first building permit is issued, whichever comes first.

16. **Signage** – The Charles River Village development ~~will/will not???????????????~~ include any development identification signage except for standard private way street signs.

17. **Demolition of 6 Neelon Lane** - The applicant plans to demolish this building as part of the development plan. The applicant is advised that the property is subject to the Medway Demolition Delay Bylaw and may require review by the Medway Historical Commission. The applicant shall provide a determination from the Medway Historical Commission with the definitive plan application materials.

18. **Restriction on Construction Activities** - During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following restrictions on construction activity shall apply:

- a) Outside construction shall not commence any day before 7 am and shall not continue beyond 6:00 p.m.
- b) There shall be no construction on any Sunday or legal holiday without the advance approval of the Board of Selectmen.
- c) Blasting, if necessary, shall be limited to the hours between 9:00 am and 5:00 pm Monday through Friday.

19. **Payment of Balance of Fees/Taxes** - Prior to Planning and Economic Development Board's signature on this special permit, the Applicant shall pay the balance of any outstanding fees for plan review services provided by any outside consultants retained by the Planning and Economic Development Board who assisted in the review of this project and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/ Collector that all real estate taxes and any penalties and back charges resulting from the non-payment of taxes for all property included in this development are paid in full.

20. **Recording of Plans and Documents** - The following documents shall be recorded at the Norfolk County Registry of Deeds before the Charles River Village OSRD Definitive Plan and application are filed with the Town of Medway.

- a) Charles River Village OSRD and Affordable Housing Special Permit Decision
- b) Charles River Village OSRD Concept Plans dated July 28, 2010, last revised December 30, 2010 to be further revised as specified herein.

21. **Modifications** – No modification shall be made to the Charles River Village OSRD Definitive Plan and development without modification of this Special Permit or as set forth herein. The approval of the Planning and Economic Development Board under then applicable zoning bylaw requirements shall be required for any modification of the record plans, whether substantial or insubstantial. The Planning and Economic Development Board reserves its right and power to modify or amend the record plans and the terms and conditions of this Special Permit upon request of the Applicant, his designees or assigns. It shall be within the Planning and Economic Development Board's sole discretion to determine whether any proposed modification is substantial and what constitutes such. Substantial modifications shall be subject to the same review standards and procedures applicable to the original application for this Special Permit including a public hearing. The Planning and Economic Development Board may authorize insubstantial changes without a public hearing. If the Applicant petitions for amendments to the Definitive OSRD Plan or this Special Permit, the applicant must submit all plans and information to the change as required by the applicable *Rules and Regulations* in effect at that time.

22. Project Completion

- a) This special permit shall lapse if substantial use thereof has not commenced within two years of the filing of this decision with the Town Clerk, except for good cause, in the event of an appeal, or if construction is not continued through to completion as continuously and expeditiously as is reasonable. For substantial use to have commenced, construction of the entire length of the private roadway must be underway or completed. For construction to continue toward completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than one year or in the case of a permit for construction, if construction has not begun except for good cause.
 - b) The applicant, its successors or assigns, shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the OSRD Concept Plan, to the satisfaction of the Planning and Economic Development Board, within _____ years of the date this decision is filed with the Town Clerk. A request to extend the completion time limit must be made in writing to the Planning and Economic Development Board at least thirty days prior to said expiration date. The Board reserves its right and power to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications to the OSRD Definitive Plan.
23. Upon the expiration of the twenty day appeal period after the approval of the OSRD Definitive Plan, the applicant or its assigns shall submit a letter to the Medway Zoning Board of Appeals requesting that its comprehensive permit granted on June 16, 2005 for the subject property be declared null and void.

LIMITATIONS – Other approvals or permits required by the Medway Zoning Bylaw, Medway General Bylaws, or other governmental boards, agencies or bodies have in jurisdiction shall not be assumed or implied by this Special Permit Decision.

DECISION/VOTE

After reviewing the application and all information gathered during the public hearing process, the Medway Planning and Economic Board, at a duly posted meeting on _____ voted _____ in favor and _____ opposed to grant an Open Space Residential Development Special Permit and an Affordable Housing Special Permit to Charles River Village LLC and to approve the Charles River Village OSRD Concept Plan prepared by Faist Engineering and O'Driscoll Land Surveying dated July 28, 2010, last revised December 30, 2010 to be further revised as specified herein and attached hereto as Exhibit A, to develop a thirteen unit OSRD including 2 affordable dwelling units, subject to the CONDITIONS and LIMITATIONS specified herein. This approval is transferable to successors in title of the subject property, or assignees.

This decision is based on the following factors as specified in SECTION V, Sub-Section T. 11. of the Medway Zoning Bylaw.

- (a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;

The proposed OSRD development achieves greater flexibility and creativity than a conventional plan. The OSRD allows 54.9% of the site to be preserved as open space abutting the Charles River. A conventional plan may have had fewer units, but the land along the river would have become part of private lots. A conventional plan may also have resulted in disturbance of the slope on the property and the removal of many more of the trees on the tract. Also, the condominium type of ownership provides the opportunity for collective sharing of responsibility for maintenance. Therefore, the Board finds that this criterion is met.

- (b) Whether the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands,

and historical and archeological resources;

The proposed development preserves 4.18 acres of open space along the Charles River, including abutting wetlands, flood plain and wooded land. Therefore, the Board finds that this criterion is met.

- (c) Whether the OSRD promotes less sprawl and a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;

By concentrating the housing units on 3.43 acres of the 7.61-acre tract, less sprawl is produced. Also, the portion of the site where the housing units are located is the flattest portion of the site so it conforms better to the existing topography and natural features to a significantly greater degree than would a conventional subdivision. Therefore, the Board finds that this criterion is met.

- (d) Whether the OSRD reduces the total amount of disturbance on the site;

Since the developable area is confined to less than half of the area of the tract, the sloped area is not disturbed and the remainder is preserved as open space, disturbance of the site is less than that of a conventional subdivision and the Board finds that this criterion is met.

- (e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;

Among the goals and objectives of the Medway Master Plan and Medway Open Space and Recreation Plan are the following:

Master Plan

Goals and Objectives for Open Space

Goal 1: Identify and protect undeveloped land.

Identify and protect undeveloped land that directly affects aquifers and groundwater, wildlife habitats, ponds and waterways, and improve access to the Charles River.

Goal 3: Promote trails and access to open spaces

... further the establishment and expansion of greenbelts along the Charles River.

Goal 5: Encourage open space preservation

Develop and maintain an active community culture of open space acquisition and habitat preservation.

Goal 6: Encourage compact development

Encourage compact development to reduce sprawl.

Open Space and Recreation Plan

GOAL 1: Identify and protect undeveloped land that directly affects aquifers and groundwater, wildlife habitats, ponds and waterways.

- Encourage/promote the incorporation of open space into new development plans (especially by the use of the open space residential subdivision (OSRD) and the Adult Retirement Community Planned Unit Development (ARCPUD) sections of the Zoning Bylaw), and use these tools to establish "eco-corridors" or greenbelts where appropriate*

GOAL 2: Provide and maintain a diversity of conservation and recreation land uses, with opportunities for both passive and active recreation.

- *Establish/expand greenbelts along the Charles River and other water bodies as well as other corridors as appropriate.*

Therefore, the Board finds that this criterion has been met.

- (f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and

*The OSRD will result in the substantial improvement of the existing Neelon Lane, a statutory private way along with its extension and added cul-de-sac. The resulting new street internal to the development will be owned and maintained by a condominium association rather than at Town expense. Therefore, the Board finds that this criterion has been met. **CLARIFY who will own Neelon Lane extension and cul de sac.***

- (g) Whether the Concept Plan and its supporting narrative documentation complies with all sections of this Zoning By-Law.

*As documenting in the preceding findings, the Concept Plan does comply with all sections of the Zoning Bylaw with the exception of areas where additional information or documentation is needed. These include the need to provide landscape buffers between buildings within the development, two garage facades that are not set back 5 feet from the house facades (waived for up to 2 garage facades), the need to provide additional building design details to ensure that they relate to their surroundings in a positive manner, and the need to provide details for a visual buffer around the perimeter of the development. **Subject to Conditions _____ requiring that the required information and documentation be provided, the Board finds that this criterion is met.***

- (h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning & Economic Development Board's Design Review Guidelines

Subject to the Condition to provide additional design details regarding the design of the buildings, the Board finds that this criterion is met.

- (i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.

The density of the proposed development is similar to that of adjacent neighborhoods and the cottage style homes are similar in size and design to nearby houses. Therefore, the Board finds that this criterion is met.

- (j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.

The proposed development will result in altering a parcel of land and building 13 houses where there is currently one. This will result in additional traffic and activity. However, it will also result in permanently preserved open space and provide a diversity of housing types. As conditioned, the impacts on the abutting properties will be reduced and there will be positive impacts as well. These include an improved Neelon Lane, a new looped water line, and a walkway to Cherokee Lane. The Board finds that this criterion is met.

- (k) Whether the impact of the OSRD on abutting properties and abutting neighborhoods has been adequately mitigated.

The impacts on abutting properties are mitigated by the improved Neelon Lane, the new waterline, the walkway to Cherokee Lane, the permanently protected open space along the Charles River, and a visual buffer around the perimeter of the developed area. Therefore, the Board finds that this criterion is met.

- (l) Whether the OSRD protects and enhances community character.

The development protects and enhances community character by providing valuable open space along the Charles River in accordance with the goals of the Master Plan and Open Space and Recreation Plan. It also provides a diversity of housing that is similar in scale and nature to that of adjacent neighborhoods. Therefore, the Board finds that this criterion is met.

Voting Planning and Economic Development Board Member **Grant/Not Grant**

Andy Rodenhiser
Cranston (Chan) Rogers
Karyl Spiller-Walsh
Thomas A. Gay
Robert K. Tucker

APPEALS – Appeals of this decision, if any, shall be pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws, as amended, and shall be filed within twenty (20) days after the date of filing of this notice in the Office of the Town Clerk. A copy of this decision has been filed with the Town Clerk.

After the appeals period has expired, the applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed at the Registry of Deeds with this special permit and the accompanying Charles River Village s-Concept Plan OSRD. A copy of said recording must be returned to the Town Clerk and the Planning and Economic Development Board to complete the file.

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

Date Approved: _____

Date Signed: _____

Andy Rodenhiser

Cranston (Chan) Rogers

Karyl Spiller-Walsh

Thomas A. Gay

Robert K. Tucker

I hereby certify that 20 days have elapsed from the date of this decision and that no appeal has been filed in this office.

A True Copy Attest: _____
Maryjane White, Town Clerk

Date

cc: Affordable Housing Committee
Planning Boards of Bellingham, Franklin, Holliston, Millis, Milford, and Norfolk
Board of Assessors
Building Commissioner/Zoning Enforcement Officer
Board of Health
Board of Water/Sewer Commissioners
Conservation Commission
Department of Public Services
Design Review Committee
Fire Chief
Open Space Committee
Police Safety Officer
Town Administrator/Board of Selectmen
Town Counsel
Zoning Board of Appeals
John Claffey, Charles River Village LLC
Paul Yorkis, Patriot Real Estate
David Faist, Faist Engineering

DRAFT

*from Open Space
Committee*

Susan Affleck-Childs

From: Tina Wright [Tina.Wright@tbrassociates.com]
Sent: Thursday, March 17, 2011 3:26 PM
To: Susan Affleck-Childs
Subject: Norwood Acres Preliminary Subdivision Plan - 61 Summer Street

I recieved the following comment from Bruce - I think they are valid so I will echo his comments. No response from other committe members to date.

Tina

Tina Lee Wright



the benefits resource

14 Ross Avenue

Millis, MA 02054

508 376 4570 (PH)

508 376 4577 (FX)

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the benefits resource

From: Bruce Hamblin [<mailto:bruceh508@yahoo.com>]
Sent: Wednesday, March 16, 2011 1:08 PM
To: Tina Wright
Subject: Re: Norwood Acres Preliminary Subdivision Plan - 61 Summer Street

Tina,

Overall the subdivision looks OK. I would like to see the open space parcel donated to the town but there needs

to be access to the lot from the proposed street. I disagree with the applicant on the need for a sed. and soil erosion plan. Lot two has significant slopes and needs to be preserved during construction. I don't see evidence of catch basins to handle runoff from the street onto Summer St. Also block corner turning radius should be added to the south side of proposed intersection with Summer St. Hope this helps. Bruce

--- On Wed, 3/16/11, Tina Wright <Tina.Wright@tbrassociates.com> wrote:

From: Tina Wright <Tina.Wright@tbrassociates.com>

Subject: Norwood Acres Preliminary Subdivision Plan - 61 Summer Street

To: "Jim & Betty Wickis" <jbwickis@verizon.net>, "Jim Sullivan" <sullijc96@comcast.net>, "JohnS" <jcsch6r@comcast.net>, "GLENN J MURPHY" <glennmurphy@verizon.net>, "Patrick McHallam" <pmchallam@gmail.com>, "Bruce Hamblin" <bruceh508@yahoo.com>

Date: Wednesday, March 16, 2011, 10:42 AM

Please review and respond to me with any comments/concerns, etc. I will coordianate and reply to Suzie.

Thanks.

Tina

Tina Lee Wright

TBR

the benefits resource

14 Ross Avenue

Millis, MA 02054

508 376 4570 (PH)

508 376 4577 (FX)

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TBR

the benefits resource

From: Susan Affleck-Childs [<mailto:sachilds@townofmedway.org>]

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

March 17, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053



Re: Norwood Acres Preliminary Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the preliminary subdivision plan submitted by Wayne Marshall of Medway for property on Village Street. The owners of the property are Andrew and Matthew Marshall. The plan was prepared by Guerriere and Hanlon, Inc. of Milford, and is dated February 23, 2011.

The plan proposes to construct a private way cul-de-sac right-of-way with a hammerhead style turnaround in order to create frontage and divide a 7.78-acre parcel on Summer Street into two lots of 57,214 and 50,630 square feet respectively plus a 4.57-acre parcel to be conveyed to the Conservation Commission or to have a conservation restriction placed on it.

I have comments as follows:

Zoning

1. The lots in the subdivision as shown on the plan appear to comply with the zoning bylaw.
2. It should be noted that the existing parcel has only 22.4 feet of frontage on Summer Street. The proposed road right-of-way extends onto an abutter's property with an easement. No dimensions are given, but using a scale it appears that the abutter's property may be either exactly at or just short of the required 180 feet of frontage.

Subdivision Rules and Regulations

3. Section 4.6.2 requires that a locus plan showing property lines and buildings within 500 feet of the subject land. The plan provides the information for only 300 feet.
4. Section 4.6.5 requires a scale of 1" = 40'. A scale of 1" = 50' was used.
5. Section 4.6.6 requires certain site features, including trees with diameters larger than 24". The Development Impact Report indicated a tree of more than 30" was on the property near the boundary with Snow, but it was not shown on the plan.

6. Section 4.6.7 requires general information on existing and proposed drainage, sewer disposal and water distribution. The proposed drainage system is a swale directing water to a detention basin. There is a sewer main easement across the property, but there is no information on sewer or septic service for the lots.

7. Section 4.6.9 requires the names and widths of streets near the subdivision. The names are provided for Summer Street and Kingson Lane, but no dimensions are shown.

8. Section 4.6.10 requires that a datum reference be shown. No datum reference is provided. The definitive plan regulations require NAVD88 be used.

9. Section 4.6.11 requires that a proposed street name be shown on the plan. The proposed name is Trail Drive.

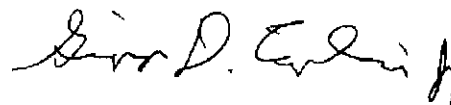
General Comments

10. Since only two lots are proposed, this subdivision would qualify as a permanent private way. In considering whether there is a possibility of extending the way onto adjacent developable land, due to wetlands, conservation land and already-developed land, extension does not appear to be likely.

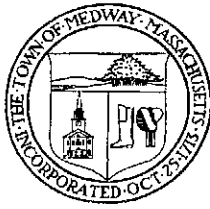
11. A permanent private way requires an 18-foot paved roadway. The proposed is 18 feet, but it is proposed as a gravel road. Waivers are requested for most of the road construction requirements, including that requiring a street sign. If the street has a name, it should have a sign. If the two houses are intended to have Summer Street addresses, then the street should not have a name.

If there are any questions about these comments, please call or e-mail me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr.", with a stylized flourish at the end.

Gino D. Carlucci, Jr.



TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

Approved

March 18, 2011

TO: PEDB Members
FROM: Susy Affleck-Childs
RE: Appointment to Medway EDC

Attached is a resume of Dr. David Hathaway. He is interested in serving on the Medway Economic Development Committee.

Dr. Hathaway has an extensive background in biomedical and would be an asset to the Town as we explore new options for economic development in our community.

I would recommend a term through June 30, 2013.

**March 24, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE: Tom Gay

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susan Affleck-Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Planning Consultant

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were no citizen comments.

Susy Affleck-Childs informed the members that the Town received notification that its application for Green Energy Grant in the amount of \$158,000 was approved by the Mass DOER.

Proposed Amendments to the Medway Zoning Bylaw:

The Chairman opened the hearing for the proposed amendments to the Medway Zoning Bylaw.

- **On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh voted unanimously to waive the reading of the public hearing notice.**

The Chairman provided a background to the existing bylaw. The steps to amend the Medway Zoning Bylaw were reviewed by the Chairman. **(See Attached)**

The Chairman next explained that the new proposed amendment would establish a new Adaptive Use Overlay District (AUOD) in the area comprised by the entire Commercial 3 zone and portions of the AR2 Zone in the Medway Village area. It included property on the north and south sides of Village Street (from 90-214) and along the east and west sides of Broad Street and a small portion of Sanford Street. The map was referenced. **(See Attached)**

It was further explained that the proposed amendment allow property within the district to be renovated and used for limited commercial uses and for mixed commercial/residential uses upon the granting of an Adaptive Use Special Permit by the Planning and Economic Development Board.

The purpose of an Adaptive Use Overlay District is to provide a streamlined process for renovating and converting existing properties within the area to limited commercial or a

combination of commercial and residential uses. The Adaptive Use Overlay District encourages the preservation of historic resources and community character by providing new economic uses for older buildings that no longer function well as single-family residences. The approval of an adaptive Use Special Permit exempts the project in

The thought process behind this is to encourage economic investment in the community and expand the community's commercial/business tax base.

Resident, Lisa Mitchell – 25 Broad St.:

A resident who lives in the Commercial III zone finds that a neighbor of hers has equipment in the front of its property and is operating this business and whether it is an allowed business. She is concerned about the change of the bylaw and how it will effect her property.

The Chairman indicated that in relation to the business which abuts the property at 25 Broad Street, he suggested that the abutter can check to see if the business has a permit.

Consultant Carlucci indicated that the commercial use will be added to the adaptive use. The zoning does not change with residency.

Susy Affleck-Childs read from the zoning bylaw a list of uses which would be allowed in this district.

The Chairman communicated that by adopting this, we are making investments in this type of neighborhood by maintaining the residential component.

Resident, Bob Heavey, 6 Sanford Street:

Mr. Heavy wanted to know what mechanism is in place if a person wants to challenge a decision.

The Chairman responded that the decision could be appealed to Land Court.

Consultant Carlucci communicated that before the decision is made, the Board would need to hold a public hearing for any abutters or residents to express their concerns.

Mr. Heavy communicated that there is currently a problem with Village Street. It is like a race way for 18 and 25 wheelers. Cars are currently going 40 to 50 miles an hour. The traffic on Village Street is dangerous. This is a death trap. He applauds the efforts of the Planning Board, but it is his opinion that Village Street cannot take any more traffic. He would like to see something done about widening streets.

He also communicated that there is a store which currently has a delivery truck unloading on this busy street.

The Chairman communicated that by making the streets smaller, not larger, would slow actually down the vehicles. The Board has research done on Village Street and it has been determined that this street can handle more traffic.

One of the residents suggests that a study be done to see if this area can take more businesses or traffic. This area could use a stop sign or flashing red light.

Member Tucker communicated that when we look at special permits, we will work with an applicant to make improvements in this area.

The Chairman communicated that we can effect change and can make a difference. We are all elected and want to make this area better. The Board wants to preserve the character of the Medway Village area.

Resident, Bob Heavey 6 Sanford St.:

Mr. Heavy would like to see the village character maintained and this area preserved.

The Chairman asked member Rogers how difficult is it to get a traffic light at Sanford St.

Member Rogers responds that Mass Highway needs to determine whether a light is warranted.

Consultant Carlucci responded that there is a set criteria which needs to be met in relation to traffic counts, and accident counts to meet the criteria to be able to put up a traffic light.

Susy Affleck-Childs informs the residents that in the five years since the adaptive use district was established on Main Street, only three parcels have used this bylaw. There should not be a big concern about a huge increase in applications.

Resident, John Reagan, 180 Village St.:

Mr. Reagan was inquiring about Commercial III and up to two residential units.

Susy Affleck-Childs indicted that this is not by right, and cannot go above the two units.

Mr. Reagan has a three unit now and was inquiring about if the lot could be subdivided in the future.

Susy-Affleck-Childs informed the resident that he could certainly come in an meet with her to discuss his parcel.

Resident, Wayne Podzka, 15 Board St.:

He was inquiring about if the property is zoned both residential and commercial. He does not want the bylaw to change how he can use his property.

The Chairman explained that it will allow him to change but only with the special permit.

Susy Affleck Childs explained that the Planning and Economic Development Board is looking to clean up the property lines in another article regarding the boundaries of the Commercial III zone.

Consultant Carlucci indicated that Mr. Podkza is currently only in the Commercial III zone.

The abutter explained that he bought property ten years ago, went to get a permit to add a garage and said it was communicated to him that he was allowed to have a business.

Susy Affleck-Childs read through the list of permitted uses in the Commercial III zone.

The Chairman indicated that outside storage is not permitted in this area. He advised the resident to speak with the Zoning Enforcement Officer for further clarification. He also indicated that churches and schools are exempt uses. These are allowed everywhere.

Ms. Mitchell wanted to know if these type of businesses would have an obligation to make improvements to the sidewalks, parking, or street repairs.

The Chairman communicated that a Sidewalk Fund has been started to improve and do repairs on the sidewalks.

Resident, Hugh Kentley, 14 Oakland Street:

He wanted to know if the list of uses can be changed without notification.

Susy Affleck-Childs responded that the Special Permit would indicate and specify the use in the special permit decision. This process and determination would take place during the public hearing.

COMMERCIAL III Boundaries

The discussion next moved to inform the public that there is a warrant article to revise the boundaries between Commercial III and Agricultural Residential I and Agricultural Residential II zoning districts by rezoning a number of parcels so that the zoning district boundaries follow parcel lines. (See Attached.)

Draft Proposed Revisions to OSRD Bylaw:

The Board is in receipt of the most recently revised draft dated February 28, 2011 of the Proposed Revisions to OSRD Bylaw. (See Attached.)

The Chairman discussed that the town is at risk of 40 B projects. The idea is that you are exempt from subdivision and zoning if developed as a 40 B.

The Town must show that the town is making progress towards our 10% number which that state is mandating.

The intensity is possible on smaller lots. The idea of OSRD is to allow with density but preserve the density and we would get sprawl.

The Board is comfortable with the language as written on page one.

5. Four Step Design Process:

Member Spiller-Walsh would like to require that the four step design process be performed by a registered landscape architect.

Member Tucker disagrees. We should include a diversity of backgrounds to make the evaluations.

Member Rogers disagrees and believes that a collaborative group effort should be used.

Member Spiller-Walsh feels that there was no four step-design process for the most recent OSRD applicant.

The Board was in agreement that the quality and standard could be better.

The Chairman noted that the vote has not taken place for the most recent four step design process application. This is a bylaw not an actual application in front of us.

Member Rogers does not feel that the 4 step design process has failed with the previous application.

Susy Affleck-Childs notes that we probably need to do a better job at communicating the four step design process.

Member Rogers does not want the bylaw to exclusively specify that a registered landscape architect has to perform the 4 step design process.

Member Spiller-Walsh wants to leave the existing bylaw alone as is and not make this proposed change.

Member Tucker suggests putting the vote off until member Gay is present.

The proposed changes to the OSRD bylaw will be discussed at the next meeting.

Member Spiller-Walsh does not agree with allowing the bonus market rate units.

The Board has not done a conventional subdivision for three years.

The Chairman communicated that there has been no big subdivisions in a while. The housing types which are selling are Pine Ridge and Williamsburg.

Susy-Affleck-Childs informs all that the town meeting date has been moved to June 13, 2011.

- **On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to continue the public hearing until Tuesday March 29, 2011 at 7:30pm**

Susy Affleck-Childs reminded the Board that there is a public forum for the Oak/Grove/Bottle Cap Lot Area on Monday, March 28, 2011 and April 11, 2011 at 7:00 pm at the Medway Public Library.

Member Roger communicated that he attended a MAPC meeting which discussed the ability of Massachusetts to compete with other states.

Adjourn:

On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to adjourn the meeting at 9:30 pm.

Future Meetings:

The next meetings scheduled are:

- Oak Grove Public Forums – Monday March 28 and April 11, 2011 at 7:00 pm – Medway Public Library
- Regular PEDB Meeting April 12 & 26, 2011
- 2011 Annual Town Meeting – originally scheduled for Monday, May 9, 2011- changed to June 13, 2011.

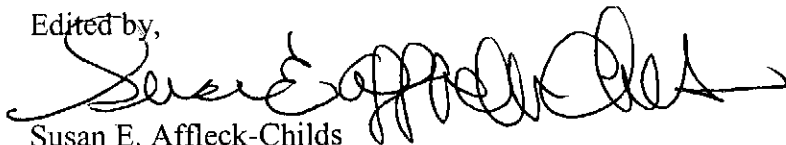
The meeting was adjourned at 10:00 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

Steps to Amend the Medway Zoning Bylaw

Q: *Who can propose an amendment to the Medway Zoning Bylaw?*

A: Any of the following - the Planning & Economic Development Board, the Zoning Board of Appeals (ZBA), the Board of Selectmen (BOS), a property owner who would be affected by a change, a citizens' petition by registered voters in the town, and the regional planning agency (Metropolitan Area Planning Council – MAPC) - may submit a proposal to amend the Medway Zoning Bylaw to the Board of Selectmen (BOS) to be included on the warrant for a future town meeting.

Q: *Who approves a change to the Medway Zoning Bylaw?*

A: State law requires that any amendment to a municipal zoning bylaw must be approved by at least a 2/3 vote of Town Meeting. In Medway, there is an additional local requirement that at least 100 registered voters must be in attendance at a town meeting at the time of any proposal to amend the Zoning Bylaw is on the warrant.

Q: *Who is involved in reviewing proposed amendments to the Medway Zoning Bylaw?*

A: In Medway, all proposed Zoning Bylaw amendments are reviewed/discussed by the Board of Selectmen at a public meeting before an article is included on a town meeting warrant. Proposed articles are also reviewed by Town Counsel. The Board of Selectmen and the Finance Committee each recommend whether the proposal should be approved.

State law also requires the Planning & Economic Development Board to conduct a public hearing on any proposed amendment to the Medway Zoning Bylaw and to make a report to town meeting with its recommendation regarding adoption, further revision, withdrawal, or denial.

Q: *How is the public notified about a proposed amendment to the Medway Zoning Bylaw?*

A: In Medway, the Planning & Economic Development Board prepares and files the official public hearing notice with the Town Clerk; it is posted at the Town Clerk's office at least



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

March 24, 2011

**Proposed Medway Village
Adaptive Use Overlay District (AUOD)**

BACKGROUND - In 2004, the Medway Town Meeting amended the Medway Zoning Bylaw to establish new provisions to allow certain property improvements and uses within an Adaptive Use Overlay District (AUOD). Property within an AUOD district can be used for limited commercial purposes and for mixed commercial/ residential uses upon the granting of an Adaptive Use Special Permit by the Planning Board.

That Bylaw amendment designated Medway's first AUOD - a portion of Main Street/Route 109 on the north side running easterly from Mechanic Street (except for Choate Park) to a line formed by the extension of the centerline of Cottage Street across Main Street and along the south side of Main Street/Route 109 running easterly between a line formed by the extension of the centerline of Mechanic Street across Main Street to the western edge of the Commercial I zoning district at Elm Street.

CURRENT PROPOSAL - This proposal would establish a new Adaptive Use Overlay District (AUOD) in the area comprised by the entire Commercial 3 zone and portions of the AR2 zone in the Medway Village area. It includes property on the north and south sides of Village Street (from 90 – 214) and along the east and west sides of Broad Street and a small portion of Sanford Street. See attached map. This is the area around Medway Town Hall, commonly referred to as Medway Village.

Q. Who has put forth this proposal to establish another AUOD?

A. The Medway Planning and Economic Development Board

Q. Why?

A. The Town wants to encourage economic investment in the community and expand the community's commercial/business tax base. An AUOD is one way to provide additional opportunities for business growth in Medway.

Q. How does this proposal to establish a new AUOD affect the existing zoning on my property?

A. The underlying “by right” zoning applicable to your property is not changed by creating the new AUOD. In this proposed AUOD, the underlying zoning is either AR2 or Commercial 3 and will remain in effect as the “by right” zoning. The AUOD is superimposed on top and creates another option for using the property. But the AUOD uses for a specific property must be authorized by special permit from the Planning and Economic Development Board.

Q. What are the requirements for an AUOD project?

A. **RENOVATION** - The most essential requirement is that the primary existing building on the property has to be renovated/restored/improved in a way that enhances the building’s original architecture and maintains the overall residential character of the neighborhood.

PARKING – 1 off street parking space for every 300 sq. ft of gross floor space; 2 off-street spaces for each residential unit. Parking should be to the rear or side of the building.

LANDSCAPING – Each project must include landscaping to create a buffer/provide screening with the adjacent properties.

DRAINAGE – Provisions must be made for on-site retention and treatment of stormwater

Q. What uses can be undertaken in an AUOD?

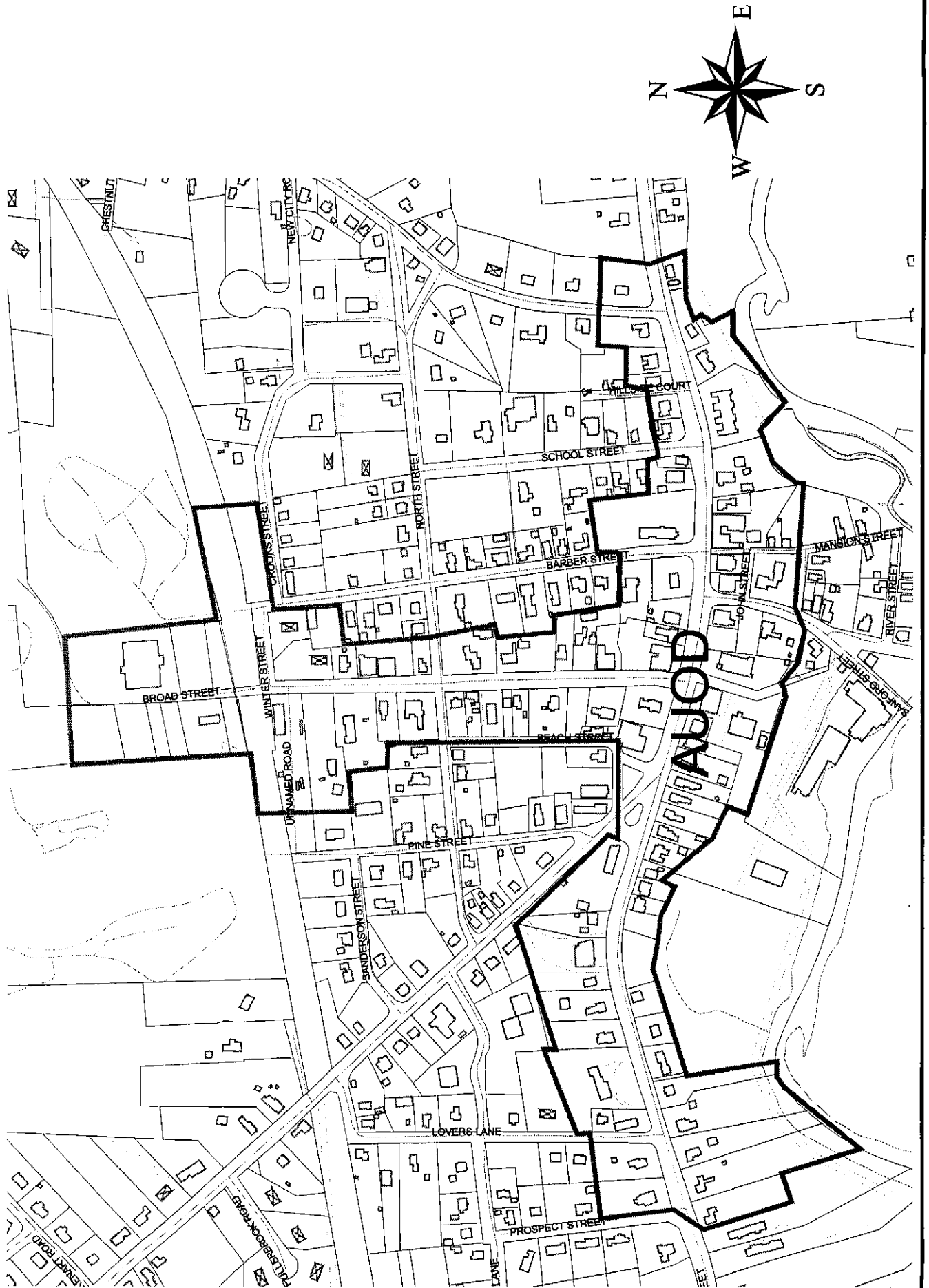
A. If authorized by an AUOD special permit, a property can be used for:

- offices for professional uses
- studios for artists, photographers, decorators and other design related uses
- retail sales for handcrafted merchandise, arts/crafts, antiques, second hand goods
- personal care services
- florists
- limited food services (café, deli, pastry shop)
- up to 2 residential units but only if one or more of the other business uses previously noted is also included

NOTE – The AUOD is NOT the mechanism for securing approval to create a two family dwelling. Converting an existing single family residential structure in the underlying AR2 zoning district to a two family building (with no separate business uses) may be authorized only by a special permit from the Zoning Board of Appeals.

ALSO – An AUOD project can include new construction such as an addition or a new building provided its design is compatible with the other building(s) on the parcel.

Proposed AUOD District



2-22-2011 draft – sac

Warrant Article : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations as follows:

To add the following item 3) in Paragraph 4. m) Types of Illumination

3) *Light emitting diodes (LED)* - An electronic semi-conductor device that emits visible light in one direction when applied voltage (electric current) passes through it; used in lamps and digital displays

And to add item t) in Paragraph 6 Prohibited Signs

t) Signs which use light emitting diodes (LED) for illumination.

Or to act in any manner relating thereto.

Planning and Economic Development Board

Zoning Map Changes

Revised 3-1-2011

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Map as follows:

Revise the boundaries between the Commercial III and Agricultural Residential I (AR1) and Agricultural Residential II (AR2) zoning districts by rezoning the following parcels so that the zoning district boundaries follow parcel lines:

- from AR2 to Commercial III:

1B-111	7 Sanford Street
1B-112	139 Village Street
1B-113	131 Village Street

- from AR1 to Commercial III

1B-6	45 Broad Street
1B-5	43 Broad Street
1B-4	41 Broad Street
1B-3 & 3A	39 Broad Street
1B-7	42 Broad Street
1B-7a	40 Broad Street

- from AR1 to split AR1 and Commercial III

1B-2	0-R Broad Street
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(That portion, approximately .2 acres, of Lot 1B-2 that lies between Lots 1B-3 & 3A and Lot 1B-4 and east of a line formed by connecting the rear lot lines of Lots 1B-3 & 3A and Lot 1B-4 would become Commercial III; the rest of Lot 1B-2 remains AR1)

- from split AR2 and Commercial III to being completely in Commercial III

1B-41	25 Barber Street
1B-52	35 Broad Street
1B-97	171 Village Street
1B-98	169 Village Street
1B-100A	155A Village Street
1B-119	125 Village Street
1B-164	136 Village Street
1B-165	144 Village Street
1B-198	16 Broad Street
1B-207	3 Barber Street

- from split AR2 and Commercial III to being completely in AR2

1B-42	23 Barber Street
1B-43	21 Barber Street
1B-44	19 Barber Street
1B-46	23 North Street
1B-117	3 John Street
1B-118	1 John Street

1B-202	15 Barber Street
1B-203	11 Barber Street
1B-203-1	13 Barber Street
1-47	12R River Street

- from split AR2 and Commercial III to split AR2 and Commercial III but with an adjusted boundary line

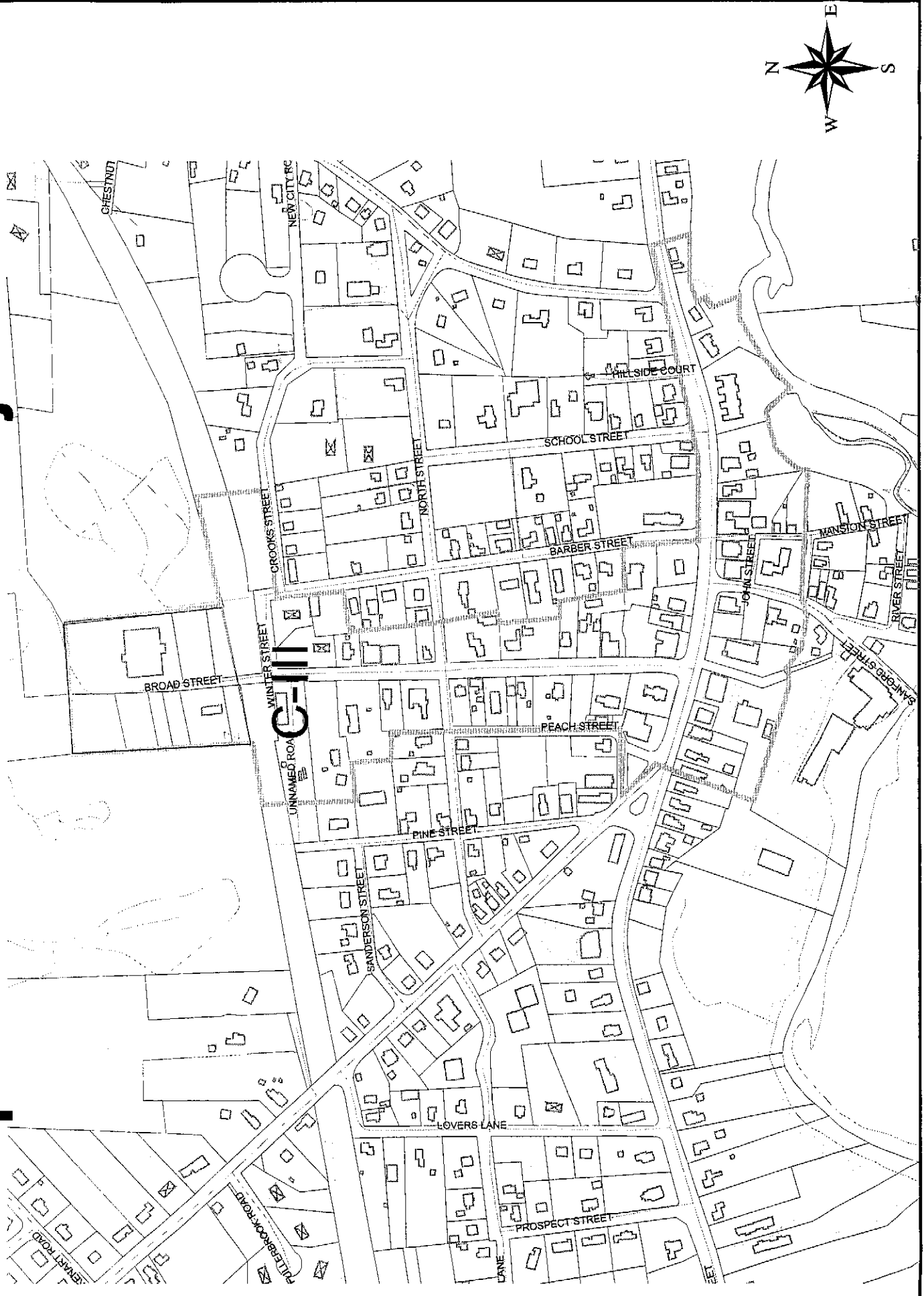
1B-51 37 Broad Street
(That portion, approximately .25 acres, of Lot 1B-51 that lies east of a line formed by a northerly extension of the rear lot line of Lot 1B-52 is zoned AR2; the remainder of Lot 1B-52 is zoned Commercial III)

All as shown on a map on file with the Medway Town Clerk

Or to act in any manner relating thereto.

Planning and Economic Development Board

Proposed C-III District Adjustment



WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District as follows:

To delete item a) in Paragraph 2 General Requirements in its entirety and replace it as follows:

- a) Location: The Adaptive Use Overlay District is superimposed on:
 - 1) That portion of the ARII zoning district along the north side of Main Street between Mechanic Street and a line formed by the extension of the centerline of Cottage Street across Main Street except for Choate Park/Pond (Assessors Map 5, Parcel A) and along the south side of Main Street between a line formed by the extension of the centerline of Mechanic Street across Main Street and the western boundary of the Commercial I zoning district at Elm Street; and
 - 2) The entire Commercial III district and portions of the ARII zoning district in the Medway Village area on the north and south sides of Village Street.

Both as shown on maps on file with the Town Clerk's office.

To delete item b) in Paragraph 2 General Requirements and replace it as follows:

- b) Frontage: Only properties with a minimum of 50' of frontage on a Town way within the Adaptive Use Overlay District shall qualify for a special permit granted by the Planning and Economic Development Board (hereinafter referred to as an "Adaptive Use Special Permit".

To delete item a) in Paragraph 3 Permitted Uses in its entirety and replace it as follows:

- a) Uses Allowed As of Right: All uses allowed as of right in the underlying zoning district shall remain as of right within the Adaptive Use Overlay District

To delete item b) in Paragraph 5 Site Development Standards in its entirety and replace it as follows:

- b) Each Adaptive Use project shall include the restoration, renovation or improvement of the primary existing building (s) on the site sufficient to maintain or enhance the building's original architectural integrity and character. Construction of an addition to an existing building or construction of a new building on the premises may be permitted provided that it is designed to be compatible with the other building (s) on the lot and maintain the overall character of the underlying zoning district.

To add new items j) and k) in Paragraph 5 Site Development Standards as follows:

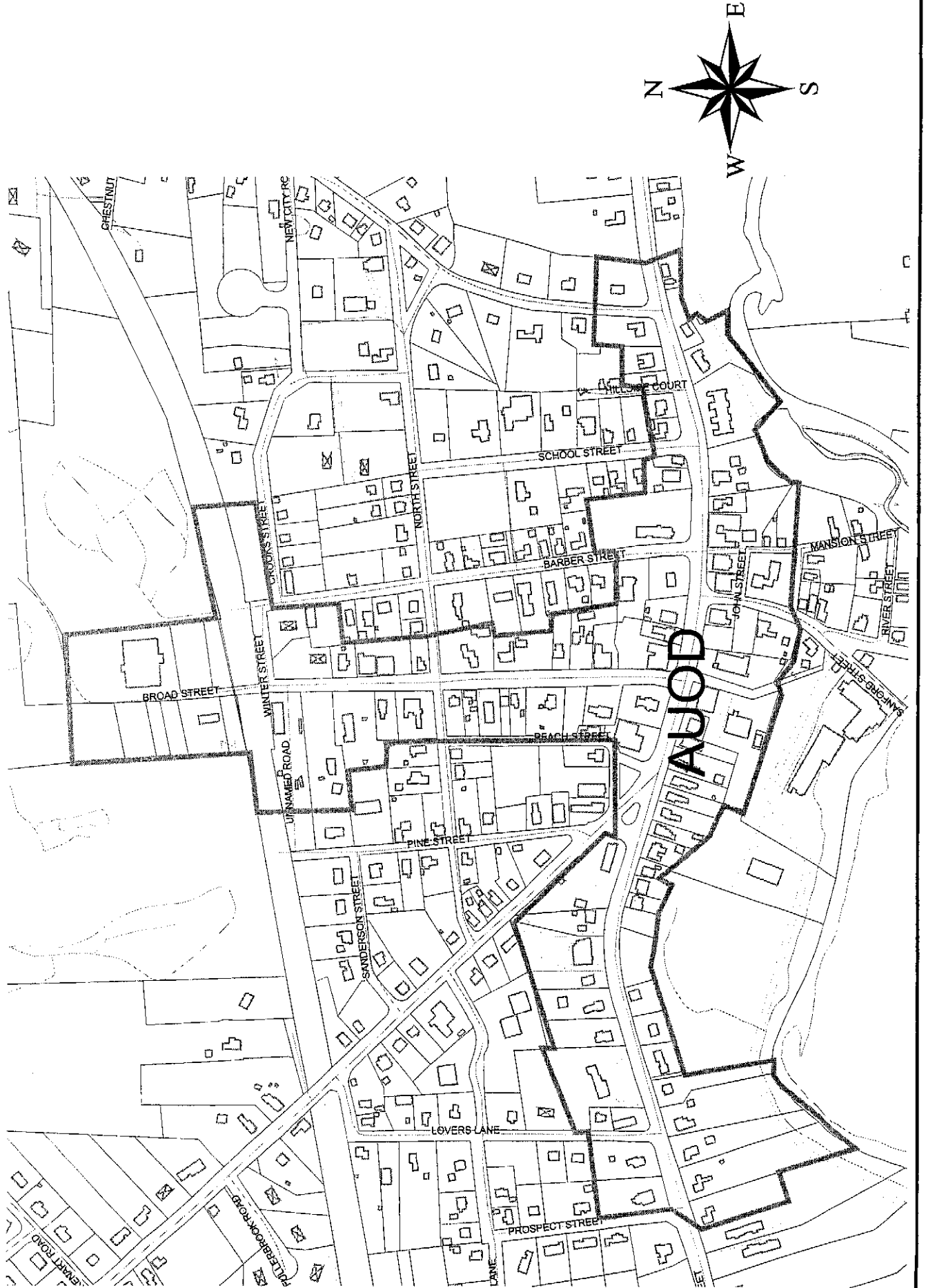
- j) Sidewalks shall be provided or replaced along the entire frontage of the AUOD parcel along existing Town ways, including the frontage of any lots held in common ownership with the parcel within five (5) years prior to the submission of the AUOD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Medway Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Special Sidewalk Account in an amount determined by the Board at the recommendation of the Town's Consulting Engineer.
- k). Business signage is permitted as specified in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations of the Medway Zoning Bylaw.

AND to amend the Medway Zoning Map to show the additional AUOD in the Medway Village area as shown on a map on file with the Medway Town Clerk.

Or to act in any manner relating thereto:

Planning and Economic Development Board

Proposed AUOD District



DRAFT PROPOSED REVISIONS TO OSRD BYLAW
Further revised 2-28, 2011

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) as follows:

In **Paragraph 1 Purpose and Intent**, delete “discourage sprawl and” in item e) and delete the word “diversity” in item k) and replace it with “diversify”

Delete Paragraph 4 Pre-Application Phase in its entirety and replace it as follows:

4. ***Pre-Application Phase***

- a) ***Pre-Application Review*** -The purpose of the pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development. The applicant is required to schedule a pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to attend the informal pre-application review. At the pre-application review, the applicant shall:
- 1) outline the proposed OSRD (including presentation of a preliminary Site Context and Analysis Plan prepared with input from a Registered Landscape Architect)
 - 2) seek preliminary feedback from the Planning and Economic Development Board and/or its agents,
 - 3) review potential open space, trails and trail connections
 - 4) present a preliminary concept for handling stormwater runoff
 - 5) discuss potential mitigation measures pursuant to paragraph 13. B) herein
 - 6) and set a timetable for submittal of a formal application.

At the applicant's request and expense, the Planning and Economic Development Board may engage technical experts to review the applicant's informal plans and facilitate submittal of a formal application for an OSRD special permit.

- b) ***Site Visit*** – As part of a request for a pre-application review, the applicant shall grant permission to Planning and Economic Development Board and Open Space Committee members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

Delete Paragraph 5. Four-Step Design Process in its entirety and replace it as follows:

5. ***Four-Step Design Process*** - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and considered in determining the layout of proposed streets, house lots and/or dwelling units, and open space.

a) *Identify Conservation & Potential Development Areas*

1) Identify and delineate Conservation Areas. This includes:

- a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)
- b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views.

2) Identify and delineate Potential Development Area(s). To the maximum extent feasible, the Potential Development Area(s) shall consist of land outside identified *Primary and Secondary Conservation Areas*.

The specific features of the parcel that are proposed to be preserved shall be identified. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potential Development Area be preserved.

b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the Potential Development Area(s) and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails shall be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.

d) *Draw in Parcel Lines*

A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.

Delete Paragraph 6. a) in its entirety and replace it as follows:

6. OSRD Application

- a) Contents - An application for an OSRD Special Permit shall include
- 1) *Site Context and Analysis Plan* - The *Site Context and Analysis Plan* shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.
 - 2) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The *Concept Plan* shall show the proposed Development Area(s) and proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development. (Revised June 15, 2009)
 - 3) *Yield Plan* – See Paragraph 7 herein.
 - 4) *Design Plan* – The *Design Plan* shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping plan identifying typical features, such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.
 - 5) *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-section 13 (b) shall be included as part of the application.
 - 6) Narrative statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interests of the Town to grant the OSRD Special Permit rather than approve a conventional subdivision plan.
 - 7) *Other Information* - The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

Delete Paragraph 8. Reduction of Dimensional Requirements in its entirety and replace it as follows:

8. ***Adjustment of Dimensional Requirements*** - The Planning and Economic Development Board may authorize modification of lot size, shape, and other bulk requirements for lots within an OSRD, subject to the following limitations:

- a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
- b) Lot frontage shall not be less than fifty feet (50').
- c) Each structure shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.
- d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.
- e.) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	Average Separation Distance (feet)
Single family detached dwelling units with 2500 ft ² or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Single family detached dwelling units with more than 2500 ft ² of habitable space	30
Four or five attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft ² of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages or sheds shall not be considered in the calculations.

f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the dwelling unit or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

In Paragraph 9. Open Space Requirements, delete item e) and replace it as follows:

- e) The following shall not qualify toward the required minimum open space area:
- 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
 - 2) Sub-surface drainage, septic and leaching systems per Title 5
 - 3) Seventy-five percent (75%) of the land area subject to any type of utility easement
 - 4) Land within thirty feet (30') of any dwelling unit
 - 5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
 - 6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
 - 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
 - 8) Buffer areas in the Development Area as required in Subsection 10 (i).

In Paragraph 9. Open Space Requirements, delete item g) and replace it as follows:

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

In Paragraph 10. General Design Standards, delete item i) in its entirety and replace it as follows:

i) A minimum fifteen foot (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.

In Paragraph 10, General Design Standards, delete item j) Parking in its entirety and replace it as follows:

j) Parking – A minimum of three (3) off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Development Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan.

In Paragraph 10, Design Standards, add item l) and m) as follows:

l) Pedestrian circulation measures shall be provided to facilitate movement within the Development Area as well as between it and the Open Space and the abutting existing neighborhood(s).

m) Trails shall be provided to facilitate public access to the Open Space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel.

In Paragraph 11, Decision of the Planning and Economic Development Board, correct the labeling of item l) to k) and item m) to l).

Or to act in other manner relating thereto.

Planning and Economic Development Board

**March 30, 2011
Medway Planning and Economic Development Board
Medway Senior Center, 76 Oakland Street
Medway, MA**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, Tom Gay, and Karyl Spiller-Walsh

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susan Affleck-Childs, Planning and Economic Development Coordinator
Gino Carlucci, PGC Associates Planning Consultant
Thomas Valkevich, attorney for Beth McDonald
John Claffey, Charles River Village LLC

The Chairman opened the meeting at 7:05 pm.

The Chairman asked for any citizen comments. There were no citizen comments.

Susy Affleck-Childs distributed the new informational post card from the Medway Community Farm at 50 Winthrop Street. She also distributed the PowerPoint presentation from the March 28, 2011 Oak Grove Public Forum.

Deliberations on the Charles River Village OSRD and Affordable Housing Special Permit

The Board reviewed the revised draft decision dated March 29, 2011. **(See Attached).**

Ms. Affleck-Childs reviewed the various changes with the Board. Text to be eliminated is shown with ~~strikethroughs~~. New text is highlighted in **grey**.

The Board reviewed the **GENERAL FINDINGS** section (pages 6 – 12).

Item 10 (j) on page 11 will be revised to indicate that the 18 foot wide one way loop road within the development will be adequate for on-street parking.

A motion was made by Chan Rogers, and seconded by Bob Tucker to approve the **GENERAL FINDINGS** (pages 6 – 12) as amended during the course of the meeting. The motion was approved by a vote of 4 in favor (Rodenhiser, Gay, Tucker and Rogers) and 1 opposed (Spiller-Walsh).

The Board reviewed the **AFFORDABLE HOUSING FINDINGS** section (page 12)

A motion was made by Bob Tucker, seconded by Chan Rogers to approve the AFFORDABLE HOUSING FINDINGS (page 12) as presented. The motion was approved by a vote of 4 in favor (Rodenhiser, Gay, Tucker and Rogers) and 1 opposed (Spiller-Walsh).

The Board reviewed the **ADDITIONAL FINDINGS** section (pages 12 & 13)

In the third paragraph under *Question #1 – Is access to the site adequate?*, the text will be revised to insert “*of the*” between standards and American Association.

A motion was made by Chan Rogers, seconded by Bob Tucker, to approve the ADDITIONAL FINDINGS (pages 12 & 13) as amended during the course of the meeting. The motion was approved by a vote of 4 in favor (Rodenhiser, Gay, Tucker and Rogers) and 1 opposed (Spiller-Walsh).

The Board reviewed the **WAIVERS TO SUBDIVISION RULES AND REGULATIONS** section (pages 13 – 18).

On page 17, in the text regarding Section 7.9.6, the text will be corrected so that “*vehicles have access*”.

The Board reviewed the **CONDITIONS** section (pages 19 – 26).

Considerable discussion took place regarding Condition 3. d) 1) and the language that the applicant will have to provide (during the definitive plan phase) building elevations for 2 sides of the structures instead of all 4 sides as had been recommended by the Design Review Committee.

Member Spiller-Walsh argued in favor of requiring building elevations of all 4 sides of each models as some of them will be able to be viewed from the back. She noted that the PEDB had required this with other OSRD projects. She was opposed to going against the DRC’s recommendation.

A motion was made by Karyl Spiller-Walsh to change the text of this condition so that building elevations would have to be provided for 4 sides instead of 2 sides. The motion was not seconded and died.

After further discussion, it was decided that Condition 3. D) 1) will be revised to read: “ . . . *proposed materials and color palette*” The word “*specifics*” is removed.

Condition 3. f) will be revised to read: “*The Landscape Plan, proposed materials and color palette, and any building elevation designs . . .*”.

Condition 4. 3) will be revised to read: “ . . . *access and use easement over the Neelon Lane extension . . .*” Susy Affleck-Childs will check with Town Counsel to work out exact language.

Condition 6. g) 4) will be revised to adjust the spacing/justification of the text.

Condition 11. will be revised to eliminate the text: *“As there is very limited room for on-street parking”*.

Condition 12. B) will be revised for the condition to be applicable to the “2nd” dwelling unit in the development.

Condition 18. Protection of Abutting Properties During Construction is eliminated and the remaining conditions 19 – 23 are renumbered accordingly to 18 – 22.

New Condition 13. Restriction on Construction Activities is revised as follows: Eliminate “Prior to any blasting” and note that the list of requirements be specified as *“including but not limited to”*. The text should reference that any required state and local permits must be obtained before blasting.

Susy Affleck-Childs suggested the Board consider another Condition regarding the existing trees in or adjacent to Neelon Lane. This could address what to do if the trees were damaged or removed during the reconstruction of Neelon Lane. The developer would be required to mitigate that loss by planting new trees.

Consultant Gino Carlucci noted it is important to try to save the trees. He suggested the Decision be further revised to require the developer, during the definitive plan process, to include an evaluation of the status of the trees and an identification of ways to preserve or mitigate against their loss. This could be added as a new item in Condition 3. d)

The Board concurred with this approach.

A motion was made by Bob Tucker, seconded by Chan Rogers, to grant an Open Space Residential Development Special Permit and an Affordable Housing Special Permit to Charles River Village LLC and to approve the Charles River Village OSRD Concept Plan prepared by Faist Engineering and O’Driscoll Land Surveying dated July 28, 201, last revised December 30, 2010 to be further revised as described in the Decision, to develop a thirteen unit OSRD including 2 affordable dwelling units, subject to the decision’s Conditions and Limitations as amended during the course of the meeting. The motion was approved by a vote of 4 in favor (Rodenhiser, Gay, Tucker and Rogers) and 1 opposed (Spiller-Walsh).

Susy Affleck-Childs noted that the Decision would be finalized and filed with the Town Clerk on March 31st or April 1st.

Public Hearing Continuation – Proposed Amendments to the Medway Zoning Bylaw

The Chairman asked if there were any additional comments. No one from the public was in attendance.

A motion was made by Chan Rogers, seconded by Karyl Walsh, to close the public hearing. The motion was unanimously approved.

Board Deliberations on Proposed Zoning Bylaw Amendments

OSRD Bylaw (See Attached.)

Member Spiller-Walsh expressed her disappointment that the proposed revised language changes the existing requirement for a landscape architect to conduct the 4 step design process. She feels this is a step backwards.

Other members noted that the proposed amendment requires a landscape architect to be included in the 4 step design process but that others can be involved as well.

Member Spiller-Walsh indicated that there needs to be dialogue about what is supposed to happen in the pre application phase of an OSRD. She feels the site analysis needs to occur earlier on. She feels these changes do not reflect the purposes of the OSRD bylaw. She stated she is not comfortable with having the bonus units.

NOTE – Bob Tucker leaves at 9:30 p.m.

In Paragraph 8. Item e), it was decided that detached accessory buildings such as garages “*up to 2 bays and 1 story*” or sheds “*of a size not requiring a building permit*” shall not be considered in calculating distances between buildings.

In Paragraph 10. item j), it was decided to further amend the text to specify that the three required off street parking spaces could include garage spaces.

A motion was made by Chan Rogers, seconded by Tom Gay to recommend approval of the proposed OSRD bylaw changes, as further amended as noted above. The motion was approved 4 in favor (Tom Gay, Andy Rodenhiser, Chan Rogers and Karyl Spiller-Walsh) and 0 opposed.

Sign Regulation (See Attached.)

The Board decided in Paragraph 6, item t) to specify that signs using LED for internal illumination would be prohibited.

A motion was made by Tom Gay, seconded by Chan Rogers, to recommend approval of the proposed Sign Regulations changes, as further amended as noted above. The motion was approved 4 in favor (Tom Gay, Andy Rodenhiser, Chan Rogers and Karyl Spiller-Walsh) and 0 opposed.

Amend Zoning Map for Commercial III (See Attached).

A motion was made by Tom Gay, seconded by Karyl Spiller-Walsh, to recommend approval of the proposed changes to the Medway Zoning Map pertaining to the Commercial III zoning district as presented. The motion was approved 4 in favor (Tom Gay, Andy Rodenhiser, Chan Rogers and Karyl Spiller-Walsh) and 0 opposed.

Adaptive Use Overlay District (AUOD) (See Attached)

A motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers, to recommend approval of the proposed changes to the Adaptive Use Overlay District provisions as presented. The motion was approved 4 in favor (Tom Gay, Andy Rodenhiser, Chan Rogers and Karyl Spiller-Walsh) and 0 opposed.

Adjourn:

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting.

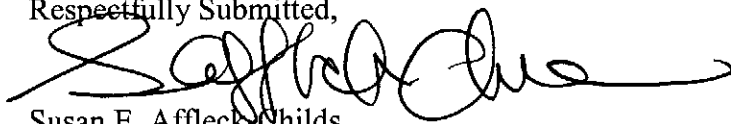
Future Meetings:

The next meetings scheduled are:

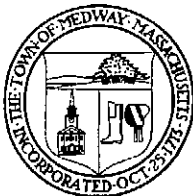
- Oak Grove Public Forums – Monday April 11, 2011 at 7:00 pm – Medway Public Library
- Regular PEDB Meeting April 12 & 26, 2011
- 2011 Annual Town Meeting – originally scheduled for Monday, May 9, 2011- changed to June 13, 2011.

The meeting was adjourned at 10:00 PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Saffleck-Childs", written over the printed name.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street - Medway, Massachusetts 02053
508-533-3291

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh

Revised Draft – March 29, 2011

PLANNING & ECONOMIC DEVELOPMENT BOARD DECISION

Charles River Village

Open Space Residential Development (OSRD) Special Permit – _____
Open Space Residential Development (OSRD) Concept Plan – _____
Affordable Housing Special Permit - _____

Name/Address of Applicant: Charles River Village, LLC
Mr. John Claffey
PO Box 1
Medway, MA 02053

Name/Address of Property Owner: Michael Acquafresca & Carol Supernor
Executrix of Helen Grudzinkas
71 A Timrod Drive
Worcester, MA 01603

Official Representative: Patriot Real Estate
159 Main Street
Medway, MA 02053

Engineer: Faist Engineering, Inc.
600 Charlton Street
Southbridge, MA 01550

Land Surveyor: O'Driscoll Land Surveying, Co.
46 Cottage Street
Medway, MA 02053

Landscape Architect: Lowell Robinson, A.S.L.A.
92 Seekonk Street
Norfolk, MA 02056-1113

Landscape Architect: W. Philip Barlow, A.S.L.A.
TO DESIGN, LLC
114 West Main Street
New Britain, CT

Plan Dated: July 28, 2010, last revised December 30, 2010

Location: 6 Neelon Lane

Assessors' Reference: Map 1-7, parcel 1D/33

Zoning District: AR-II

Purpose:

To construct a 13 dwelling unit, cottage style residential community

PROJECT DESCRIPTION

The subject property is a 7.61 acre site at the end of Neelon Lane adjacent to the Charles River. The proposal is for a 13 unit, detached single family home residential condominium community to be known as Charles River Village on Parcel A (3.43 acres) including 2 affordable dwelling units and 4.18 acres of protected open space accessible to the general public (Parcel B). Vehicular access to the site is proposed from the end of Neelon Lane (off of the south side of Village Street, a Medway Scenic Road).

The applicant plans to upgrade the entire existing length of Neelon Lane to a full-depth, 18' paved width and construct a 150' long southerly extension of Neelon Lane including a turnaround at the end. From the "new" end of Neelon Lane at the turnaround, the proposal is to construct approximately 600 additional linear feet of an 18' wide, private roadway to access the 13 dwellings. Within the roadway loop serving dwelling units 6 – 12, the road will be one way only. Connections to Town sewer and water and the installation of two fire hydrants are also planned along with emergency access/egress and a sidewalk to Cherokee Lane.

PROCEDURAL BACKGROUND

In accordance with the provisions of Section V., Sub-Section T. and X. of the Medway Zoning Bylaw and Section 9 of Chapter 40A of the Massachusetts General Laws, an application dated July 28, 2010 for an Open Space Residential Development (OSRD) special permit was filed by Charles River Village, LLC with the Planning and Economic Development Board and the Town Clerk on July 28, 2010. The companion application for an Affordable Housing Special Permit was submitted on September 7, 2010.

The public hearing was scheduled to begin on August 24, 2010, at which time comments would be received from the general public, municipal boards and/or departments and the Planning and Economic Development Board's consultants. The public hearing noticed was filed with the Medway Town Clerk on August 2, 2010 and posted to the Town of Medway web site on the same day. The public hearing notice was published in the *Milford Daily News* on August 9, 2010 and August 17, 2010. Notices were sent by certified sent to parties of interest and the Planning Boards of all adjacent towns on August 2, 2010. .

On August 2, 2010, a transmittal memo from the Planning and Economic Development Board soliciting comments on the application was circulated with the application and plan to the Board of Selectmen, Board of Assessors, Board of Health, Building Inspector/Zoning Enforcement Officer, Conservation Commission, Department of Public Services, Design Review Committee, Disability Commission, Fire Department, Open Space Committee, Police Department, and Water/Sewer Department, and the Town's consulting planner. The memo noted that a public hearing was scheduled to begin on August 24, 2010 and requested comments by that date.

On August 24, 2010 the public hearing was convened and continued to September 28, 2010. Subsequent to the August 24th public hearing, it was discovered that that the video recording equipment in the meeting room did not function properly during the August 24th meeting and consequently no videotape of the session was produced. This was particularly problematic as one of the members of the Planning and Economic Development Board could not attend the August 24, 2010 public hearing and therefore would not be able to participate in the review and vote on this project because there was no videotape to view. On August 30, the Board informed the applicant of the problem; On September 7, 2010, the applicant notified the Board that he was withdrawing the application and wished to refile and start the public hearing process anew. The "new" public hearing was scheduled for September 28, 2010. The notice for the "new" public hearing was filed with the Medway Town Clerk on September 8, 2010 and posted to the Town of Medway web site on the same date. Notices of the public hearing were published in the *Milford Daily News* on September 13 and 21, 2010. Notices regarding the "new" public hearing were sent by certified mail sent to parties of interest and the Planning Boards of all adjacent towns on September 9, 2010.

The Planning and Economic Development Board convened the "new" public hearing in the Sanford Room of Town Hall. The public hearing was continued to October 12, 2010, November 9 & 16, 2010, December 14, 2010, January 11, 2011 and February 8, 2011, at which time the public hearing was closed. A site walk

was conducted on September 9, 2011. At the public hearings, comments were received from abutters and their representatives, municipal boards and/or departments, PGC Associates (the Town's planning consultant), Tetra Tech Rizzo (the Town's consulting engineer), the applicant, and members of the applicant's development team. All persons in attendance were provided the opportunity to comment and present evidence.

All members voting on this Special Permit were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

All matters of record were available for public review in the office of the Planning and Economic Development Board and the Town Clerk for all times relevant thereto.

EXHIBITS – PLANS and DOCUMENTS - The following exhibits were submitted for the Board's review and deliberations.

The **Application Package** consisted of:

- An application and related materials dated July 28, 2010 for an OSRD and affordable housing special permits;
- A plan entitled "Charles River Village" – Special Permit Concept Plans - Open Space Residential Development (OSRD), dated July 28, 2010 prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying of Medway, MA.
- OSRD Project Narrative dated July 28, 2010 prepared by Paul Yorkis, Patriot Real Estate.
- Yield Plan Summary "Charles River Village", dated July 28, 2010 prepared by Faist Engineering
- Description of Easements and Agreement.
- Development Impact Report – Form F dated July 28, 2010 prepared by Faist Engineering.
- Form F Addendum – Utilities and Municipal Services
- Certified list of abutters within 300 feet of the site.
- Request for waivers from the *Subdivision Rules and Regulations*, dated July 28, 2010.
- Assessor's Locus Map
- "Charles River Village" Special Permit – Concept Plans, Open Space Residential Development (OSRD) dated July 28, 2010.

Subsequent to the application package, the applicant submitted the following additional items.

- A letter from Dan O'Driscoll, O'Driscoll Land Surveying Co., dated October 20, 2010.
- Charles River Village Special Permit Concept Plan - revised date September 24, 2010
- Charles River Village Special Permit Concept Plan - revised date December 30, 2010
- Village Street – Neelon Lane Proposed Conditions Sketch from Faist Engineering, dated October 29, 2010
- A letter dated January 7, 2011 with supplemental documents from Attorney Donald Quinn
- Memo and associated documents from Brian Beisel, Conley Associates, dated September 2, 2010
- Letter from Attorney F. Sydney Smithers, Cain Hibbard & Myers, dated September 21, 2010
- Letter from Attorney F. Sydney Smithers, Cain Hibbard & Myers, dated November 4, 2010.
- REVISED Village Street – Neelon Lane Proposed Conditions Sketch from Faist Engineering revised date December 29, 2010.

PUBLIC HEARING TESTIMONY & EVIDENCE

Other Information/Evidence

- Minutes from the January 26, 2010 Planning and Economic Development Board.
- Planning Board decision of September 26, 2011 for Charles River Acres OSRD Special Permit – Granted, OSRD Concept Plan – Approved

- Minutes from March 23, 2010 Planning and Economic Development Board.
- A letter from Paul Atwood, PLS, Guerriere & Halnon, Inc., dated November 12, 2010.
- Report of September 9, 2010 Site Visit by Medway Planning and Economic Development Board
- Applicant's PowerPoint presentation at public hearing dated September 28, 2010.
- A letter from Paul Yorkis to Medway Town Clerk Maryjane White, dated September 29, 2010. (public disclosure)
- An email from Paul Yorkis, official representative of the applicant, dated December 9, 2010.
- A letter dated December 10, 2010 and attached plan "Assessor's Map Density Estimate - Charles River Village" dated December 8, 2010. prepared by Faist Engineering
- Medway Town Clerk - Certification dated August 9, 2010 that Neelon Lane is an accepted street
- Medway Town Clerk - Certification dated August 24, 2010 that Neelon Lane is on list of accepted streets
- Approval Not Required Plan of Land, dated November 6, 1959, pertaining to the division of land owned by William S. McDonald at 221 Village Street
- A series of deeds pertaining to the history of conveyances of 6 Neelon Lane
- Medway Town Clerk certification of transcription of minutes from the April 6, 1863 Medway Town Meeting (received August 12, 2010)
- A copy of the Town of Medway Assessor's Field Card for Map 1D, Parcel 33.
- Minutes from a 12/3/2010 meeting of the applicant and its development team with Tetra Tech Rizzo, abutter Beth McDonald and staff from Guerriere and Halnon, prepared by David Pellegrini of Tetra Tech Rizzo, dated December 14, 2010.
- Certification of the Mullin Rule, member Thomas Gay, dated January 20, 2011.
- Certification of the Mullin Rule, member Robert Tucker, dated January 25, 2011.
- Certification of the Mullin Rule, member Karyl Spiller-Walsh, dated February 14, 2011.

Written Comments/Review Letters – Medway Municipal Departments/Boards/Committees & Consultants

- Gino Carlucci, PGC Associates (Medway Planning Consultant) – Review letters dated August 3, 2010 (for application completeness) and August 17, 2010.
- Sergeant Jeffrey Watson, Medway Police Department – Review memo dated November 16, 2010
- Medway Open Space Committee – Review letter dated September 14, 2010
- Medway Design Review Committee – Review letter dated September 17, 2010
- Medway Fire Department – Email memorandum on behalf of Chief Paul Trufant, dated November 16, 2010
- Medway Department of Public Works – A letter dated August 24, 2010
- A letter from Robert Daylor, Tetra Tech Rizzo dated December 10, 2010.
- A letter from Robert Daylor, Tetra Tech Rizzo dated February 4, 2011.
- Medway Conservation Commission – A letter dated February 24, 2011
- A letter from Barbara Saint Andre, Petrini & Associates, P.C. (Medway Town Counsel) dated October 8, 2010.
- A letter from Barbara Saint Andre, Petrini & Associates, P.C. (Medway Town Counsel) dated October 15, 2010.

Professional Commentary

- David Faist, P.E., Faist Engineering, Southbridge, MA
- Gino Carlucci, A.I.C.P., PGC Associates, Franklin, MA
- Dave Pellegrini, P.E. Tetra Tech Rizzo, Framingham, MA
- Daniel A. O'Driscoll, PLS, O'Driscoll Land Surveying, Medway, MA.
- Attorney at Law, Thomas J. Valkevich, Saugus, MA.
- Robert Daylor, P.E., PLS, Senior Vice President, Tetra Tech Rizzo, Framingham, MA.
- Paul Atwood, PLS, Guerriere & Halnon, Franklin, MA.
- Lowell Robinson, A.S.L.A.
- W. Philip Barlow, A.S.L.A.
- John Sarkis, Sarkis Development and member of West Newbury, MA Planning Board

Applicant Commentary

- John Claffey, Charles River Village LLC, Medway, MA

Citizen Commentary

- Abutter, Beth McDonald, 6 Neelon Lane, Medway, MA.
- Abutter, Richard & Susan DiIulio, 7 Massasoit Street, Medway, MA.
- Abutter, Marielaina Kaplan, 221 Village Street, Medway, MA.
- Abutter, Peter and Michelle Newell, 2 Neelon Lane, Medway, MA.
- Abutter, Ken Bancewicz, 223 Village Street, Medway, MA.
- Abutter, Joanne Kramer, 231 Village Street, Medway, MA.

Written Testimony from Abutters

- A letter with photographs from abutter Joanne Kramer, 231 Village Street, dated October 12, 2010 and November 15, 2010.
- A letter from the Charles River Neighborhood Alliance dated November 16, 2010.
- A letter and photographs from abutter Peter and Michelle Newell, 2 Neelon Lane, dated October 12, 2010 and November 21, 2010.
- A letter from abutting property owner Ken and Terri Bancewicz, 223 Village Street, dated November 15, 2010.
- A letter from abutting property owner Ken and Terri Bancewicz, 223 Village Street, dated February 8, 2011.
- A letter from Charles River Neighborhood Alliance dated January 27, 2011
- A letter with photographs from abutter Richard and Susan DiIulio, 7 Massasoit ST, dated November 15, 2011.

Professional Written Comments

- A letter from Attorney Thomas J. Valkevich, dated August 24, 2010,
- A letter from Attorney Thomas J. Valkevich, dated September 28, 2010
- A letter from Attorney Thomas J. Valkevich dated November 16, 2010.
- A letter from Guerriere & Halnon dated November 16, 2010.
- A letter from John T. Gillon, PE, Gillon Associates dated November 16, 2010.
- A letter from Attorney Thomas J. Valkevich dated December 14, 2010.
- An email from Attorney Thomas J. Valkevich dated January 10, 2010.
- A letter from Attorney Thomas J. Valkevich dated January 31, 2011.
- A letter from Attorney Thomas J. Valkevich dated February 3, 2011.
- A letter from Attorney Thomas J. Valkevich dated February 8, 2011.

FINDINGS

To make its findings, decision and conditions of approval, the Planning and Economic Development Board, hereafter referred to as the Board, reviewed the proposed plan, dated July 28, 2010 as last revised December 30, 2010 and all the materials, studies and documentation presented by the applicant, the Board's consultants, letters and testimony from Town officials and boards, together with the comments and correspondence of abutters and members of the public, and analyzed the general purpose of the OSRD and Affordable Housing provisions of the Medway Zoning Bylaw and its specific requirements and standards, as well as the requirements of Section 9 of Chapter 40A of the Massachusetts General Laws specifically relating to Special Permits

- A. After hearing the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, and in light of the conditions imposed as part of this decision, the Board, on _____, made the following **GENERAL FINDINGS**, as conditioned by this decision, regarding this application in accordance with Section V. Sub-Section T. Open Space Residential Development of the Medway Zoning Bylaw:

1. Purpose and Intent – The Board finds that the proposed Charles River Village OSRD as conditioned by this decision meets the Purpose and Intent of Subsection T.1 of the Zoning Bylaw in that the development:
 - a) Uses flexibility and creativity in its design as a more compact development;
 - b) ~~Protects community water supplies by protecting the riparian zone of Hopping Brook;~~
 - b) Minimizes disturbance on the site by limiting it to less than 3.5 acres;
 - c) Permanently preserves 4.18 acres of open space including property along the Charles River;
 - d) Uses land more efficiently in its compact design;
 - e) Furthers the goals of the Medway Master Plan by and Open Space Plan by preserving open space along a waterway;
 - f) Facilitates construction and maintenance of housing, streets, utilities and public service by developing the site in a more compact style and providing private maintenance of roadways and infrastructure.
 - g) Preserves and enhances community character by preserving open space;
 - h) Does not protect agricultural land because none is present on or adjacent to the site;
 - i) Protects real property values by providing buffers to adjacent property;
 - j) Provides housing types (single family detached condominiums) that increase the diversity of the community's housing stock, plus two affordable units will be provided.
2. Site Eligibility – The Board finds that the site meets the eligibility requirements in that it is located in the AR-II district, consists of contiguous parcels, and is presented as a condominium development. The tract size of 7.63 acres is acceptable as this parcel abuts the Charles River.
3. Permit Required – The Planning and Economic Development Board finds that an application for a special permit for an OSRD was submitted by the applicant on July 28, 2010.
4. Pre-Application – The Planning and Economic Development Board finds that the requirements of Subsection T. 4 are met. An informal, pre-application meeting occurred at the January 26, 2010 Planning and Economic Development Board meeting. A site visit took place on September 9, 2010.
5. Four-Step Design Process – The Planning and Economic Development Board finds that the applicant has fulfilled the requirement of Subsection T. 5 for a Registered Landscape Architect to follow the specified four-step design process to design the site. Landscape Architects Lowell Robinson of Norfolk, MA and W. Phillips Barlow of TO Design, LLC of New Britain, CT was retained to function as part of the applicant's development team. Mr. Robinson and Mr. Barlow are registered landscape architects in the Commonwealth of Massachusetts. The four-step design process is documented in that a Registered Landscape Architect was part of the design team and a Site Context and Analysis Plan identified the sensitive natural resources on the site. House and road locations were then kept away from the resources. Step 4 was not necessary in this case because it is condominium development with no lot lines.
6. Procedures – The Planning and Economic Development Board finds that, subject to the Conditions noted below, the required application procedures in subsection T. 6 have been followed and the application documents required to be submitted have been provided including a Site Context and Analysis Plan, a Concept Plan and a Yield Plan. Also submitted was a Narrative Statement describing how the proposed OSRD meets the general purposes and evaluation criteria of the bylaw and why it is in the best interests of the Town to allow an OSRD rather than a conventional subdivision on this site. The plan was distributed to Town boards/departments for review and comment. Additionally, the application was reviewed by the Town's planning consultant.
7. Maximum Number of Dwelling Units - Applying the Yield Plan formula as specified in Sub-Section T.7 to determine the maximum possible number of OSRD dwelling units for this site results in a maximum of 11 units. However, since two affordable units are being provided

pursuant to SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, the applicant is entitled to two additional market rate units (to offset the affordable units) bringing the maximum possible number of dwelling units to 13. The applicant proposes to construct thirteen single family residences on one lot. The Planning and Economic Development Board finds that the construction of thirteen dwelling units complies with this requirement.

8. Reduction of Dimensional Requirements – The Planning and Economic Development Board finds that the development meets the Dimensional Requirements as specified in Subsection T. 8 of the bylaw. Items (a) through (d) are not applicable to this project because the project is proposed as a condominium project as allowed under Section T.2 (c) of the Zoning Bylaw and no individual subdivision lots are created.

- (e) *Building footprints or envelopes shall be shown on the plan, and no structure shall be located closer than thirty feet (30') from any other structure. Furthermore, a landscaped buffer shall be provided between houses to enhance privacy.*

The plans as revised through December 30, 2010, demonstrate that a distance of at least 30 feet between structures is achieved. However, no landscape buffer between houses is shown on the plans. Therefore, this requirement is met through Condition 3. d) 3) herein that requires such a landscape buffer to be included on a Landscape Plan incorporated into the definitive plan.

- (f) *Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning & Economic Development Board for corner lots where the garage door faces a different street than the front of the house or for other extraordinary circumstances that the Planning & Economic Development Board deems to be in the Town's best interests.*

RE: setback of garage doors - There are 11 garages shown on the Concept Plan (2 of the 13 units are shown with no garages). Of those, 10 are 2-car garages and one is a 1-car garage. Regarding the 5-foot setback, Units 8 and 10 do not meet the setback requirement. The Board hereby waives the requirement for garages to be set back 5 feet from the front wall of the principal building for a maximum of 2 of the dwelling units in order to allow for some diversity of housing styles within the development. However, as we need to require the 2 affordable units to also have garages, the Board needs to decide whether it will waive this 5' setback standard for those garages as well.

RE: location of garage doors vis-à-vis the street - Assuming that each garage space will have an individual door, there will be 21 garage doors within the development as presently proposed. The garage doors of Units 1, 7, 8, 9 and 10 clearly face the street for a total of 9 out of 21 doors. Units 2 and 3 are functionally (though not technically) on a "corner" since the garage facades are at a 90-degree angle from the house facades. The garages for Unit 11 and 13 clearly do not face the street. The Unit 5 garage and house face what is essentially a common driveway that serves only Units 4 and 5. Unit 4 is similar, but is more a borderline case. The house clearly faces the main access road for the development that everyone will use. However, the garage is accessed from, and faces, the common driveway and not the main access road. Therefore, 9 out of 21 garage doors is less than 50% and the Board finds that this criterion is met. With the addition of garages for the affordable units, how will these doors be oriented?

9. Open Space Requirements - A minimum of fifty percent (50%) of the tract shown on the concept plan shall be open space. For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (f) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that

such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

Total Land Area of OSRD tract: **7.61 acres**

Total Area of Open Space: **4.18 acres** As a % of total land area: **54.9%**

- (a) *The percentage of the minimum required open space that is wetlands shall not exceed the percentage of the total tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in any proposed open space beyond the minimum.*

As indicated by this requirement, the minimum of 50% open space is constrained by the additional requirement that the minimum must include no greater percentage of wetlands than the tract as a whole. The tract has an area of 7.61 acres so the minimum required open space is 3.805 acres. Resource areas, including wetlands and floodplains comprise 10% of the total area. Therefore, wetlands and floodplains can constitute no more than 10% of the minimum required open space area of 3.805 acres, or .3805 acres so a minimum of 3.4245 (which rounds to 3.42) acres of the open space must be upland. The open space includes 3.42 acres of uplands so this requirement is met. It should also be noted that no more than 50% of any utility easement can be counted toward the minimum required open space. A sewer easement through the open space area appears to contain approximately 10,320 square feet. Since all of the easement is within the open space, and only half counts toward the minimum, at least 3.92 acres of open space must be provided rather than 3.805. Since 4.18 acres is provided, this requirement is met. The resource areas are based on a previous plan and need to be confirmed by a new filing with Conservation Commission before the open space calculations can be finalized.

- (b) *The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning & Economic Development Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas.*

Since the open space is provided in a single parcel, the Board finds that this requirement is met.

- (c) *The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning & Economic Development Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities). The open space shall be accessible to the public, unless the Planning & Economic Development Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning & Economic Development Board may require a minimum number of parking spaces to facilitate such public access.*

The applicant proposes to leave the open space area in its natural state except to add establish a public access trail from the end of Massasoit Street to connect with an existing cart path and to establish a public access trail from the end of Neelon Lane to connect to the existing cart path. Public access is also proposed from the ends of Cherokee Lane, Riverview Street and Massasoit Street. Two public parking spaces are proposed at the end of Neelon Lane and another two (gravel) spaces within the Massasoit Street right-of-way are also proposed. Therefore, the Board finds that this requirement is met.

- (d) *While protecting resources and leaving land in its natural state is a primary goal, the Planning & Economic Development Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.*

The slope of the land and its proximity to the Charles River preclude any significant playground use of the open space. However, the river, existing cart path, proposed trail connection and access from 4 points, provide significant value to the use of the parcel for passive recreation. The Board finds that this requirement is met.

- (e) *Wastewater and stormwater management systems serving the OSRD may be located within the open space. However, surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.*

The Board finds that this requirement is not applicable since no wastewater nor stormwater system components are proposed within the open space.

- (f) *Ownership of the Open Space - The open space shall, at the Planning & Economic Development Board's discretion, be conveyed to:*

- (1) *The Town or its Conservation Commission, upon its agreement;*
- (2) *A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;*
- (3) *A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning & Economic Development Board for approval, and shall thereafter be recorded.*

The applicant proposes to convey the open space to the Town of Medway under the care and custody of the Conservation Commission. At its February 17, 2011 meeting, the Medway Conservation Commission voted unanimously to support the future donation of Open Space Parcel B to the Town. The Board concurs with this proposal and therefore this requirement is met.

10. Design Standards – The following General Design Standards shall apply to all OSRDs.

- (a) *The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.*

The most sensitive portions of the site, the river, wetlands, floodplain and slope have been identified by the required four-step design process and they are included within the open space. The developable area consists of the flattest portion of the site so topographical changes are minimized. No significant grade changes deviating from the general appearance of neighboring developed areas are proposed, though this is subject to the definitive plan following a more detailed analysis of the site, especially pertaining to drainage issues. Subject to Condition 8 B) herein, the Board finds that this requirement is met.

- (b) *Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.*

The location of the proposed street shown on the Concept Plan does maintain and preserve natural topography. No significant landmarks are disturbed, and cuts and fills are minimized since the road is on the flattest portion of the site. It is possible that a better design could have been developed that preserved and enhanced views to a greater extent. It is also true that dimensional requirements of the bylaw constrained the design somewhat. The street itself provides closer access to views of the open space while the building locations inhibit those views. While an actual road design will not be provided until the definitive plan stage, the Concept Plan does indicate that this requirement can be met.

- (c) *The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.*

By locating the houses on the flattest portion of the site and preserving the slope, wooded areas and land closest to the Charles River, the development does relate harmoniously to the terrain. The development proposes single-family cottages of a scale similar to those of other houses in the vicinity. The architecture is not incompatible with the surrounding neighborhoods. The buildings maintain adequate setbacks from abutting properties and those that abut the open space have decks to enhance the views. However, as indicated in the Design Review Committee letter of September 17, 2010 only limited information about the building design concepts have been provided so it cannot make a recommendation as to design at this stage. Therefore, the Board finds that this requirement is met subject to Conditions 3. d) 1) and e. f) herein that require additional information and details regarding the building designs as well as additional review by the Design Review Committee at the definitive plan stage.

- d) *All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.*

The proposed open space already exists so it will not add to the visual amenities of the area, and its visibility from nearby properties will not change. While the internal road is a private way, persons passing by on it will have a closer view of the open space (looking between the proposed houses) than from Village Street or the existing Neelon Lane. The circular road will have a rain garden in the middle, which will add to the visual amenities of the area. The Board finds that this requirement is met.

- (e) *The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.*

No historic, traditional or significant uses, structures or architectural elements will be removed or disrupted. An existing house on the property will be razed, but it is not of a historic nature. Therefore, the Board finds that this requirement is met.

- (f) *Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.*

Since the development consists entirely of single-family homes, the Board finds that this requirement is met.

- (g) *Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning & Economic Development Board.*

The development, as proposed, includes a shared driveway for Units 2 and 3, and another for Units 4 and 5. The Board hereby allows these shared driveways and encourages the applicant to consider additional shared driveways in its definitive plan. The Board finds that this requirement is met.

- (h) *Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space.*

Since 8 of the 13 units have direct access to the open space and the remaining 5 units have reasonable access, the Board finds that this requirement is met.

- (i) *A fifteen foot (15') wide visual buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning Board, shall be located along the perimeter of the OSRD tract, unless a reduction is otherwise authorized by the Planning Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.*

A minimum 15-foot buffer is provided around the perimeter of the developable area. Adjacent to Units 6, 7, 11, 12, and 13 the buffer area may be coterminous with the open space strips that abut the property line in those areas. The type of visual buffer to be provided within these areas is a detail that shall be provided as part of the definitive plan (See Condition 3. d) 8) herein. However, at a minimum it shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation. Therefore, the Board finds that this condition is met.

- (j) *The Planning Board may require additional off-street parking areas for use in common by residents and guests. Locations for additional guest parking shall be shown on the Concept Plan. A minimum of two (2) off-street parking spaces shall be required for each dwelling unit.*

The Concept Plan indicates a minimum of 2 off-street parking spaces per dwelling unit. Condition 11 herein specifies that each unit shall have at least 3 off-street parking spaces which may include garage spaces. The 18 foot on-way loop road is adequate for on-street guest parking. Therefore, the board finds that this condition is met.

- (k) *Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public*

Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer.

The Charles River Village parcel has approximately 93 feet of frontage along several existing Town ways – Cherokee Lane, Massasoit Street and Riverview Street. There is also 25 ft. of frontage along the parcel's property line at Neelon Lane, which is a statutory private way. This totals 118 linear feet. No sidewalks are proposed along these ways, but a walkway is proposed to connect the end of the private way within the development to the existing end of the paved portion of Cherokee Lane. The Board finds that this requirement is met subject to Condition 9 herein regarding a payment to the Medway Sidewalk Special Account.

- B. As indicated above, based on the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, the Board on _____ made the following **AFFORDABLE HOUSING FINDINGS** regarding this application in accordance with Section V. USE REGULATIONS, Sub-Section X. Affordable Housing of the Medway Zoning Bylaw. The Board finds that the Charles River Village OSRD, as conditioned by this decision, complies with the Affordable Housing Requirements of Sub-Section X. as follows:

1. The plan includes the construction of two affordable dwelling units on the subject site. As the total number of dwelling units is 13, the provision of two affordable units meets the requirement that at least 15% of the dwelling units in a multiple unit residential development are affordable.
2. Siting of affordable housing units – Subject to the provisions of Condition 6 herein, the Board finds that the affordable units are suitably sited within the development.
3. Minimum Design and Construction Standards – Subject to the provisions of Condition 6 herein, the Board finds that these standards are met.
4. Two market rate bonus units are authorized.

- C. As indicated above, based on After hearing the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, the Planning and Economic Development Board, on _____, made the following **ADDITIONAL FINDINGS** regarding this application.

1. *Is access to the site adequate?*

The adequacy of Neelon Lane to serve the new development has been a major focus of discussion during the public hearing process. The Board has heard and reviewed testimony from several engineers and surveyors and lawyers provided by the applicant, abutters and hired directly by the Planning and Economic Development Board. The discussion involved two major issues.

First, is the exact location of the Neelon Lane right-of-way established? The Board finds that establishing the exact location is not within the purview of the Board's authority. However, sufficient evidence has been submitted to provide a significant level of confidence that the easterly boundary of the right-of-way can be established and it is quite clear that the width of the right-of-way is 25 feet.

Second, is an 18-foot roadway adequate to serve the 13-unit development plus the existing houses on the street? The Board has reviewed testimony from traffic engineers and concludes that the proposed 18-foot width is adequate. In particular, the applicant's traffic engineer cites the standards American Association of State Highway and Transportation Officials (AASHTO) publication "A Policy on Geometric Design of Highway and Streets." That document states that an 18-foot roadway is sufficient to accommodate up to 400 vehicles per day. The estimated traffic, based on the 8th edition of Trip

Generation, published in 2008 by the Institute of Traffic Engineers, is 152 vehicles. This is well below the maximum.

The Board finds that the radii at Village Street and Neelon Lane are substandard, but adequate for limited traffic. Also, the proposed improvements to Neelon Lane do not include sidewalks. Again, due to limited traffic and the installation of a pedestrian pathway connecting to Cherokee Lane, pedestrian access is adequate.

Therefore, the Board finds that the proposed access to the site is adequate for the size and nature of the development and it can be located within the right-of-way of Neelon Lane.

2. *Is the 18-foot wide road within the development adequate?*

As stated above, an 18-foot road width is adequate for up to 400 vehicles per day. Therefore, presumably if the access to the site is adequate at 18 feet, then an 18 foot wide roadway WITHIN the site should be adequate as well. However, the concept plan shall be revised to clarify that traffic around the loop is restricted to one-way and the definitive plan shall include appropriate signage and details to ensure this result.

Therefore, while this is a detail that would normally addressed at the definitive plan stage, the Board finds that the 18-foot road provides adequate access within the development with the stipulation that travel around the loop be one-way only.

3. *Should the open space be accessible to the public?*

The Board finds that:

- Public access to the Charles River is a goal of the Medway Master Plan and the Medway Open Space and Recreation Plan
- Existing residents adjacent to the subject parcel who are impacted by this development would get mitigation by having access to the open space and river
- As more abutting land is acquired, a continuous path along the Charles River could be developed
- One of the public benefits of an OSRD is access to open space.

Accordingly, the Board finds that the proposed open space shall be accessible to the public. However, in order to limit the impacts of public access to the open space on the current adjacent neighborhoods, no additional parking for access to the open space shall be provided either on or off site.

WAIVERS TO SUBDIVISION RULES AND REGULATIONS – During the course of the public hearing on the Charles River Village OSRD Special Permit, the applicant made known his intent to request waivers from the following sections of the *Subdivision Rules and Regulations*. Formal action on the requests for waivers will be addressed once the applicant submits the OSRD Definitive Plan and the Board acts on that submittal. During the course of that review, the need for other waivers may be identified. In acting on any waiver request, the Board may impose conditions, safeguards and limitations in the best interest of the Town of Medway. Based on the information presently available, the Board provides the following guidance regarding the waiver requests. In reviewing and acting on waiver requests, the Board considers the project as a whole, including conditions and other requested waivers, in order to achieve the purposes of the Zoning Bylaw.

The following list includes the specific *Subdivision Rules & Regulations* from which waivers have been requested and one additional regulation from which a waiver needs to be considered.

Section 5.6.3

All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).

Explanation – The applicant requests a waiver from this regulation. The plans reference NGVD 1929 which corresponds to the current Town of Medway FEMA Flood Plain Mapping effective June 18, 1980.

Guidance – Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 5.7.19

Proposed Layout of Electric, Telecomm, Gas, & Cable TV Utility Lines is to be shown on the definitive plan.

Explanation – The applicant requests a waiver from this regulation as it is not possible to show these locations on the definitive plan. NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service. Verizon and Comcast follow the NSTAR design. NSTAR does not begin the design process until it receives three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

Guidance – Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 5.20.2 (a)

A restrictive 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 may be built upon or conveyed.

Explanation – The applicant has not provided any explanation as to why this is requested

Guidance – The applicant must fully explain this waiver request during the definitive plan process for the Board to consider this request favorably. As general guidance however, the Board will not waive the requirement for a restrictive Covenant. However, as has been the case in past practice, the Board will consider a Covenant that allows a single building permit to be issued to construct a model home in order to market the other units in the development.

Section 6.4.1

No building permit shall be issued within a subdivision without written permission from the Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.

Explanation – The applicant has not provided any explanation as to why this is requested

Guidance – The applicant must fully explain this waiver request during the definitive plan process for the Board to consider this request favorably. As guidance to the applicant and as noted above, the Board will consider a Covenant that allows a single building permit to be issued to construct a model home in order to market the other units in the development.

6.3

Partial Bond Release – The Board shall not grant a partial release from such security for the partial completion of improvements until certain items are installed, inspected and approved by the Board or its agent.

Explanation – Applicant requests a waiver from this regulation as the development roadway will be a Private Roadway when constructed to be owned and maintained by the condominium association.

Guidance – The Board is not inclined to grant this waiver. The future OSRD Definitive Plan decision will specify minimum construction work to be completed before any performance guarantee is adjusted.

Section 6.8.1 Street Acceptance: Legal Description, Deeds, & Easements

Explanation – Applicant requests a waiver from this regulation as the development roadway be a Private Roadway when constructed and therefore these items are not needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.2 Street Acceptance/Infrastructure Acceptance Fee

Explanation – Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed, the Town will not be accepting the road as a public way and therefore, the requirement for a street acceptance fee does not apply to this development. Therefore, no fee is needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.3 Street Acceptance Plan

Explanation – The Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, the requirement for a street acceptance plan does not apply to this development. Therefore, a street acceptance plan is not needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.4 Pre-Acceptance Inspection & Review by Other Town Boards

Explanation – The Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the various town boards and departments do not need to conduct such inspections.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for the particular site.

Section 6.8.6 Street Acceptance - Planning Board Recommendation

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the Planning Board does not need to make any recommendation regarding street acceptance.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.7 Street Acceptance Town/Meeting Warrant

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, this matter does not need to be included on a warrant for town meeting consideration.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.8 Street Acceptance/Board of Selectman Establish Roadway Layout

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the Board of Selectmen does not need to approve a roadway layout.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.9 Approval of Street Acceptance Plans

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore no action to approve a street acceptance plan is needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.10 Street Acceptance/Town Meeting Acceptance

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore no action is required at a Town Meeting.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.11 Street Acceptance/Recording of Street Acceptance Plan

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. As no action will be taken by the Board of Selectmen, Planning Board, or Town Meeting, no recording is necessary.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.9.1.e Use of Local Street construction standards for subdivisions of six and more lots/dwelling units.

Explanation - The Applicant requests a waiver from this regulation. Although the development roadway will serve thirteen dwelling units, the roadway will be private and will not conform to all of the construction standards for a *Local Street*.

Guidance - Based on the information that has been provided, the Planning and Economic Development Board cannot provide any guidance to the applicant on this waiver request. Although the applicant has requested that the Town's Local Street subdivision construction standards not apply to this development, the applicant has not specified what construction standards are proposed instead.

Section 7.9.4 The minimum right of way width of any permanent private way, neighborhood, minor or secondary street will be fifty feet.

Explanation - The applicant requests a waiver from this regulation. The roadway will be a permanent private way to be owned by the Charles River Village Condominium Association. The roadway is planned to be eighteen feet paved with and one way only on the loop. The roadway will not exist as a separate parcel but as a piece of the development parcel. While there is not a right-of-way of any width per se, there is a functional ROW of 30 feet to allow for snow storage and possible future roadway widening by the Condominium Association if needed.

Guidance - Based on the information presently available, this waiver has merit and appears to be reasonable for this particular site.

Section 7.9.6 Dead End Streets - The maximum distance of a dead end street shall be six-hundred feet (600')

Explanation - The applicant proposes to rebuild and extend Neelon Lane and construct a loop road within the development site. This results in a dead end street longer than allowed by the *Rules and Regulations*. However, an emergency access to Cherokee Lane will be constructed as part of the project.

Guidance - Based on the information presently available, this waiver has merit and appears to be reasonable for this particular site. The applicant has provided information from a traffic engineer indicating that the constructed Neelon Lane will be sufficient for the additional traffic generated by the development, and the emergency access to the development through Cherokee Lane will ensure that public safety vehicle have access to the site from 2 directions.

Section 7.9.7.g Minimum Paved Roadway Width - 26' for a Local Street; 20' for a Neighborhood Street & 18' for a Private Way

Explanation - The applicant requests a waiver from this regulation. The proposed development roadway will serve 13 homes and would be need to be constructed to Local Street standards if it was to be accepted by the Town as a public way. However, the roadway is planned to be a Private Roadway with a pavement width of eighteen feet.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.10.2 **Curbs/Berms - Sloped Granite Edging (Type S-B) for a Local Street**

Explanation – The applicant proposes to utilize a low impact drainage design to manage stormwater. Curbing is not proposed along all of the edges of the Private Roadway. Where necessary for drainage purposes, cape cod or bituminous style curbing will be used.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.13.2 **Sidewalks shall extend the full length of the street and around the perimeter of a cul de sac with pedestrian ramps at both sides of the cul-de-sac entry. For a Local Street, they shall be six feet wide on one side – Hot Mix Asphalt with a minimum six and one-half foot grass strip.**

Explanation – The applicant requests a waiver from this regulation. The proposed development roadway will serve 13 homes and its sidewalk would need to be constructed to Local Street standards if it was to be accepted by the Town as a public way. However, the roadway is planned to be a Private Roadway with no internal sidewalks.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.13.3 **Sidewalks shall be provided along the entire frontage of the subdivision parcel along existing Town ways . . . (or make a payment in lieu of sidewalk construction to the Town of Medway for off site sidewalk construction.)**

Explanation – The applicant requests a waiver from this regulation. The applicant states that no sidewalk is proposed on Neelon Lane due to limitations of the existing 25' right of way.

Findings – The Board finds that this parcel does have frontage along 3 public ways – Cherokee, Massasoit and Riverview Streets, for a total of 92 feet. The parcel also has 25 feet of frontage on Neelon Lane. Total frontage on a public way = 117 feet.

Guidance – As specified in Condition 9 herein, the applicant is required to make a payment in lieu of sidewalk construction. Accordingly, it appears that this waiver request can be granted.

Section 7.19.2 **Street Trees shall be planted on each side of the street (at least three trees per lot).**

Explanation - The applicant requests a waiver from this regulation. This development will not be divided into individual house lots. Instead there will be one development parcel with thirteen residential structures. The applicant, in compliance with the OSRD Bylaw and as specified in Condition 3 f) herein, will prepare and submit a landscape plan for the entire project during the OSRD Definitive Plan phase. That landscape plan will include street trees for the private roadway.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

CONDITIONS OF APPROVAL – The following conditions shall be binding upon the applicant and its assigns or successors. Failure to adhere to these conditions may ~~shall be~~ cause for the Planning and Economic Development Board to hold a public hearing in order to determine whether the Special Permit shall be revoked or whether the violation warrants any other action relative thereto. The Town of Medway may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

1. **Limitations** - Notwithstanding any future amendment of the Medway Zoning Bylaw, MGL c. 40A, or any other legislative act:
 - a) The maximum number of dwelling units to be constructed under this Special Permit shall be thirteen. This shall include two affordable dwelling units which shall each have at least 3 bedrooms. ~~and garages comparable to the majority of the market rate units.~~
 - b) The tract(s) of land on which this OSRD is to be located shall not be altered or used except:
 - 1) as granted by this Special Permit;
 - 2) as shown on the Charles River Village Special Permit Concept Plans OSRD, dated July 28, 2010, last revised December 30, 2010 to be modified and recorded as referenced herein; and
 - 3) in accordance with subsequent approved Charles River Village Definitive plan or amendments to this Special Permit.
 - c) The entire tract of land and buildings to be constructed shall not be used, sold, transferred or leased except in conformity with this Special Permit, or if the Special Permit is not exercised, the land must be developed in accordance with the underlying zoning.
2. **OSRD Concept Plan Modifications** – Before the Charles River Village OSRD Concept Plans are endorsed by the Planning and Economic Development Board and recorded with this Special Permit at the Norfolk County Registry of Deeds, the plans dated July 28, 2010, last revised December 30, 2010 shall be further revised to incorporate the following items:
 - a. The proposed building elevations (as included as a supplemental sheet in the revised Concept Plan submittal dated 28, 20010) showing House Styles A – E, shall be included as Sheet 5 of the Plan Set
 - b. Remove any reference to public parking in the Open Space Parcel at the end of Neelon Lane and on Massasoit Street.
3. **OSRD Definitive Plan**
 - a) This special permit and the approved Charles River Village OSRD Concept Plans - OSRD are subject to the submission and approval of a Charles River Village s OSRD Definitive Plan and compliance with all conditions of a Certificate of Planning and Economic Development Board Action approving the Charles River Village OSRD Definitive Plan under the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions* and the *Site Plan Rules and Regulations* in effect at the time of application.
 - b) ~~Except for a demolition permit for the existing structure at 6 Neelon Lane,~~ no clearance or construction shall begin on site and no building permit shall be issued before the Planning and Economic Development Board has approved or conditionally approved and endorsed the Charles River Village OSRD Definitive Plan.
 - c) The Charles River Village OSRD Definitive Plan shall substantially comply with the approved Charles River Village OSRD Special Permit Concept Plans *(as specified in SECTION V., Subsection T. 12. of the Zoning Bylaw).*

d) Notwithstanding any other requirements, the following items shall be incorporated on the plan set for the Charles River Village OSRD Definitive Plan:

- 1) Details of front and typical side building elevations from all 4 sides for all unit types. ~~floor plans.~~ including materials specifics and color palette.
- 2) Street name.
- 3) Detailed Landscape Plan including specific plans for landscaped buffer areas between the structures and elsewhere on the site, locations where stone walls will be disturbed and relocated or used. The Landscape Plan will identify significant trees to be saved/retained and the locations for new street trees to be installed along the roadway.
- 4) Detailed design for a landscape barrier/buffer to be installed on the development parcel to screen the Charles River Village development from the following adjacent properties:
 - Peter and Michelle Newel, 2 Neelon Lane
 - Jane and Allison Lemler, 231A Village Street
 - Joanne Kramer, 231 Village Street
 - Craig and Mary Lemler, 233 Village Street
 - James and Donna Fiori, 235 Village Street
 - Karen Nyquist, 3 Cherokee Lane
- 5) Maintenance plan for the open space parcel including a schedule for mowing, removal of underbrush and other suitable maintenance practices.
- 6) Bench and light post specifications.
- 7) Specification that any stone wall construction shall be consistent with the existing stone walls on site and shall replicate a rustic, dry laid construction style.
- 8) Details regarding the type and materials of a minimum 15 foot visual buffer on the perimeter of the developable area shall be included in the definitive plan. However, at a minimum the buffer shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation.
- 9) Specifications for the provision of a pathway/trail to be established on Open Space Parcel B connecting the end of the Neelon Lane cul de sac and the end of Massasoit Street to the existing cart path shown on Parcel B.

e) The Charles River Village OSRD Definitive Plan decision will include provisions for performance guarantees, construction inspection, construction phasing, and project completion requirements including as-built plans and engineering certification.

f) The Landscape Plan, ~~building materials specifications for exteriors,~~ and any building elevation designs submitted to the Planning and Economic Development Board as part of the OSRD Definitive Plan process shall be reviewed by the Design Review Committee for its recommendations and shall be prepared to the satisfaction of the Planning and Economic Development Board and subject to its approval.

4. Open Space

- a) Open Space Parcel B shall remain as permanent open space accessible to the general public. The Conservation Commission, at its February 17, 2011 meeting, agreed in principle to receive on behalf of the Town of Medway the future conveyance of Open Space Parcel B for open space/conservation purposes. It is understood that the

DRAFT PROPOSED REVISIONS TO OSRD BYLAW
Further revised 2-28, 2011

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) as follows:

In **Paragraph 1 Purpose and Intent**, delete “discourage sprawl and” in item e) and delete the word “diversity” in item k) and replace it with “diversify”

Delete Paragraph 4 Pre-Application Phase in its entirety and replace it as follows:

4. *Pre-Application Phase*

- a) *Pre-Application Review* -The purpose of the pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development. The applicant is required to schedule a pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to attend the informal pre-application review. At the pre-application review, the applicant shall:
- 1) outline the proposed OSRD (including presentation of a preliminary Site Context and Analysis Plan prepared with input from a Registered Landscape Architect)
 - 2) seek preliminary feedback from the Planning and Economic Development Board and/or its agents,
 - 3) review potential open space, trails and trail connections
 - 4) present a preliminary concept for handling stormwater runoff
 - 5) discuss potential mitigation measures pursuant to paragraph 13. B) herein
 - 6) and set a timetable for submittal of a formal application.

At the applicant's request and expense, the Planning and Economic Development Board may engage technical experts to review the applicant's informal plans and facilitate submittal of a formal application for an OSRD special permit.

- b) *Site Visit* – As part of a request for a pre-application review, the applicant shall grant permission to Planning and Economic Development Board and Open Space Committee members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

Delete Paragraph 5. Four-Step Design Process in its entirety and replace it as follows:

5. ***Four-Step Design Process*** - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and considered in determining the layout of proposed streets, house lots and/or dwelling units, and open space.

a) *Identify Conservation & Potential Development Areas*

1) Identify and delineate Conservation Areas. This includes:

- a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)
- b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views.

2) Identify and delineate Potential Development Area(s). To the maximum extent feasible, the Potential Development Area(s) shall consist of land outside identified *Primary and Secondary Conservation Areas*.

The specific features of the parcel that are proposed to be preserved shall be identified. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potential Development Area be preserved.

b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the Potential Development Area(s) and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails shall be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.

d) *Draw in Parcel Lines*

A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.

Delete Paragraph 6. a) in its entirety and replace it as follows:

6. OSRD Application

a) Contents - An application for an OSRD Special Permit shall include

- 1) *Site Context and Analysis Plan* - The *Site Context and Analysis Plan* shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.
- 2) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The *Concept Plan* shall show the proposed Development Area(s) and proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development.
(Revised June 15, 2009)
- 3) *Yield Plan* – See Paragraph 7 herein.
- 4) *Design Plan* – The *Design Plan* shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping plan identifying typical features, such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.
- 5) *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-section 13 (b) shall be included as part of the application.
- 6) Narrative statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interests of the Town to grant the OSRD Special Permit rather than approve a conventional subdivision plan.
- 7) *Other Information* - The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

Delete Paragraph 8. Reduction of Dimensional Requirements in its entirety and replace it as follows:

8. ***Adjustment of Dimensional Requirements*** - The Planning and Economic Development Board may authorize modification of lot size, shape, and other bulk requirements for lots within an OSRD, subject to the following limitations:

- a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
- b) Lot frontage shall not be less than fifty feet (50').
- c) Each structure shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.
- d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.
- e.) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	Average Separation Distance (feet)
Single family detached dwelling units with 2500 ft ² or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Single family detached dwelling units with more than 2500 ft ² of habitable space	30
Four or five attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft ² of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages or sheds shall not be considered in the calculations.

f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the dwelling unit or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

In Paragraph 9. Open Space Requirements, delete item e) and replace it as follows:

- e) The following shall not qualify toward the required minimum open space area:
- 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
 - 2) Sub-surface drainage, septic and leaching systems per Title 5
 - 3) Seventy-five percent (75%) of the land area subject to any type of utility easement
 - 4) Land within thirty feet (30') of any dwelling unit
 - 5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
 - 6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
 - 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
 - 8) Buffer areas in the Development Area as required in Subsection 10 (i).

In Paragraph 9. Open Space Requirements, delete item g) and replace it as follows:

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

In Paragraph 10. General Design Standards, delete item i) in its entirety and replace it as follows:

i) A minimum fifteen foot (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.

In Paragraph 10, General Design Standards, delete item j) Parking in its entirety and replace it as follows:

j) Parking – A minimum of three (3) off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Development Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan.

In Paragraph 10, Design Standards, add item l) and m) as follows:

l) Pedestrian circulation measures shall be provided to facilitate movement within the Development Area as well as between it and the Open Space and the abutting existing neighborhood(s).

m) Trails shall be provided to facilitate public access to the Open Space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel.

In Paragraph 11, Decision of the Planning and Economic Development Board, correct the labeling of item l) to k) and item m) to l).

Or to act in other manner relating thereto.

Planning and Economic Development Board

2-22-2011 draft – sac

Warrant Article : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations as follows:

To add the following item 3) in Paragraph 4. m) Types of Illumination

3) *Light emitting diodes (LED)* - An electronic semi-conductor device that emits visible light in one direction when applied voltage (electric current) passes through it; used in lamps and digital displays

And to add item t) in Paragraph 6 Prohibited Signs

t) Signs which use light emitting diodes (LED) for illumination.

Or to act in any manner relating thereto.

Planning and Economic Development Board

Zoning Map Changes

Revised 3-1-2011

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Map as follows:

Revise the boundaries between the Commercial III and Agricultural Residential I (AR1) and Agricultural Residential II (AR2) zoning districts by rezoning the following parcels so that the zoning district boundaries follow parcel lines:

- from AR2 to Commercial III:

1B-111	7 Sanford Street
1B-112	139 Village Street
1B-113	131 Village Street

- from AR1 to Commercial III

1B-6	45 Broad Street
1B-5	43 Broad Street
1B-4	41 Broad Street
1B-3 & 3A	39 Broad Street
1B-7	42 Broad Street
1B-7a	40 Broad Street

- from AR1 to split AR1 and Commercial III

1B-2	0-R Broad Street
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(That portion, approximately .2 acres, of Lot 1B-2 that lies between Lots 1B-3 & 3A and Lot 1B-4 and east of a line formed by connecting the rear lot lines of Lots 1B-3 & 3A and Lot 1B-4 would become Commercial III; the rest of Lot 1B-2 remains AR1)

- from split AR2 and Commercial III to being completely in Commercial III

1B-41	25 Barber Street
1B-52	35 Broad Street
1B-97	171 Village Street
1B-98	169 Village Street
1B-100A	155A Village Street
1B-119	125 Village Street
1B-164	136 Village Street
1B-165	144 Village Street
1B-198	16 Broad Street
1B-207	3 Barber Street

- from split AR2 and Commercial III to being completely in AR2

1B-42	23 Barber Street
1B-43	21 Barber Street
1B-44	19 Barber Street
1B-46	23 North Street
1B-117	3 John Street
1B-118	1 John Street

1B-202	15 Barber Street
1B-203	11 Barber Street
1B-203-1	13 Barber Street
1-47	12R River Street

- from split AR2 and Commercial III to split AR2 and Commercial III but with an adjusted boundary line

1B-51 37 Broad Street

(That portion, approximately .25 acres, of Lot 1B-51 that lies east of a line formed by a northerly extension of the rear lot line of Lot 1B-52 is zoned AR2; the remainder of Lot 1B-52 is zoned Commercial III)

All as shown on a map on file with the Medway Town Clerk

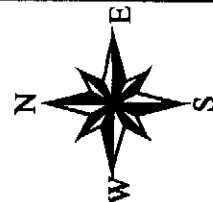
Or to act in any manner relating thereto.

Planning and Economic Development Board

A detailed street map of a residential neighborhood. The map shows a grid of streets including Broad Street, Winter Street, Crooks Street, North Street, School Street, Barber Street, Peach Street, Pine Street, Sanders Street, Lovers Lane, Prospect Street, and John Street. A large 'C-11' is printed vertically across the center. The map also shows property lines, building footprints, and a river on the right side.



Proposed C-III District Adjustment



Proposed AUOD District

Warrant Article 24

June 13, 2011
Medway
Town Meeting

Prepared by:

PGC Associates, Inc.

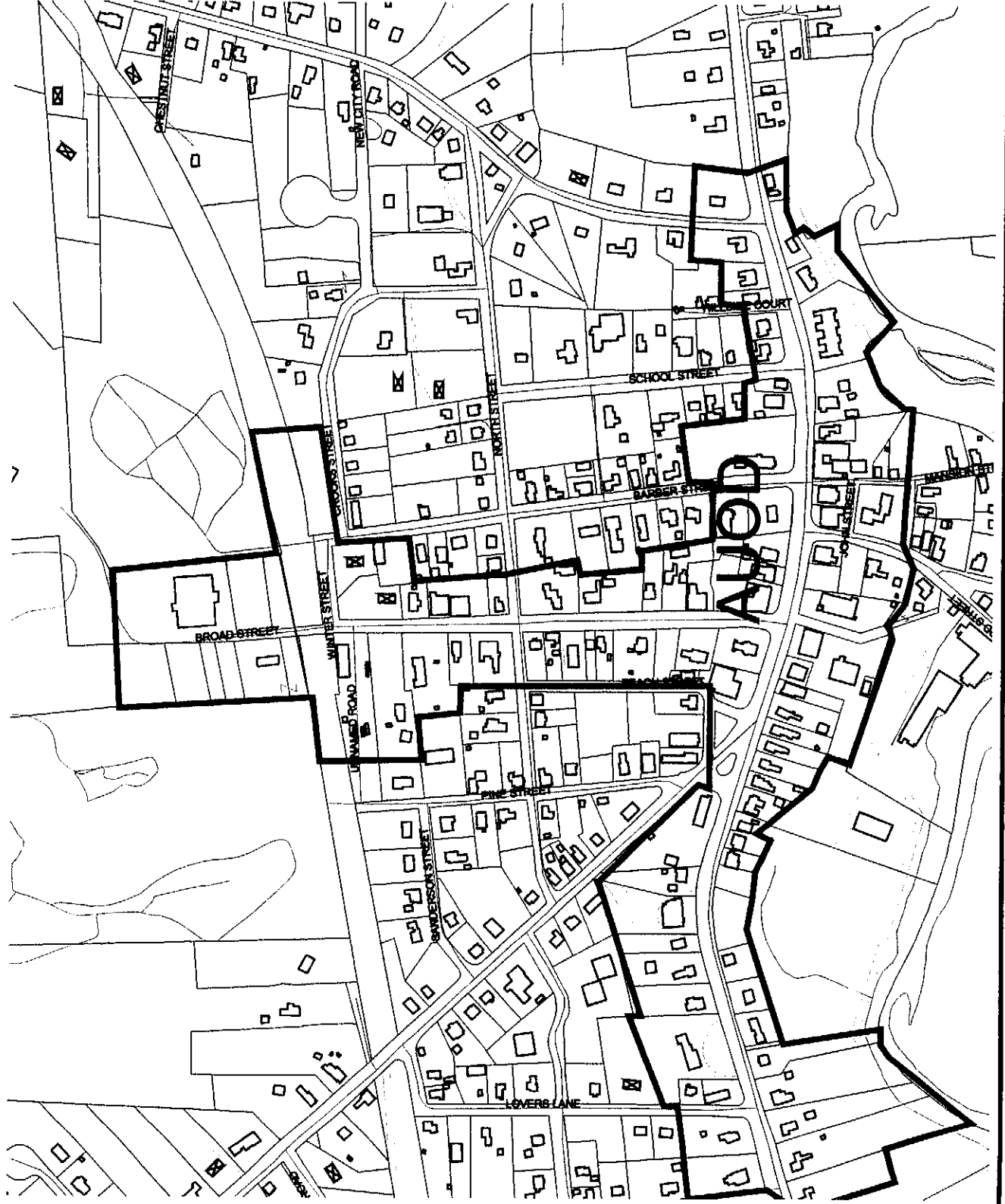
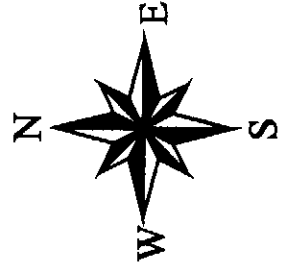
for the

Medway Planning

and

Economic Development Board

February 17, 2011



WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District as follows:

To delete item a) in Paragraph 2 General Requirements in its entirety and replace it as follows:

- a) Location: The Adaptive Use Overlay District is superimposed on:
 - 1) That portion of the ARII zoning district along the north side of Main Street between Mechanic Street and a line formed by the extension of the centerline of Cottage Street across Main Street except for Choate Park/Pond (Assessors Map 5, Parcel A) and along the south side of Main Street between a line formed by the extension of the centerline of Mechanic Street across Main street and the western boundary of the Commercial I zoning district at Elm Street; and
 - 2) The entire Commercial III district and portions of the ARII zoning district in the Medway Village area on the north and south sides of Village Street.

Both as shown on maps on file with the Town Clerk's office.

To delete item b) in Paragraph 2 General Requirements and replace it as follows:

- b) Frontage: Only properties with a minimum of 50' of frontage on a Town way within the Adaptive Use Overlay District shall qualify for a special permit granted by the Planning and Economic Development Board (hereinafter referred to as an "Adaptive Use Special Permit".

To delete item a) in Paragraph 3 Permitted Uses in its entirety and replace it as follows:

- a) Uses Allowed As of Right: All uses allowed as of right in the underlying zoning district shall remain as of right within the Adaptive Use Overlay District

To delete item b) in Paragraph 5 Site Development Standards in its entirety and replace it as follows:

- b) Each Adaptive Use project shall include the restoration, renovation or improvement of the primary existing building (s) on the site sufficient to maintain or enhance the building's original architectural integrity and character. Construction of an addition to an existing building or construction of a new building on the premises may be permitted provided that it is designed to be compatible with the other building (s) on the lot and maintain the overall character of the underlying zoning district.

To add new items j) and k) in Paragraph 5 Site Development Standards as follows:

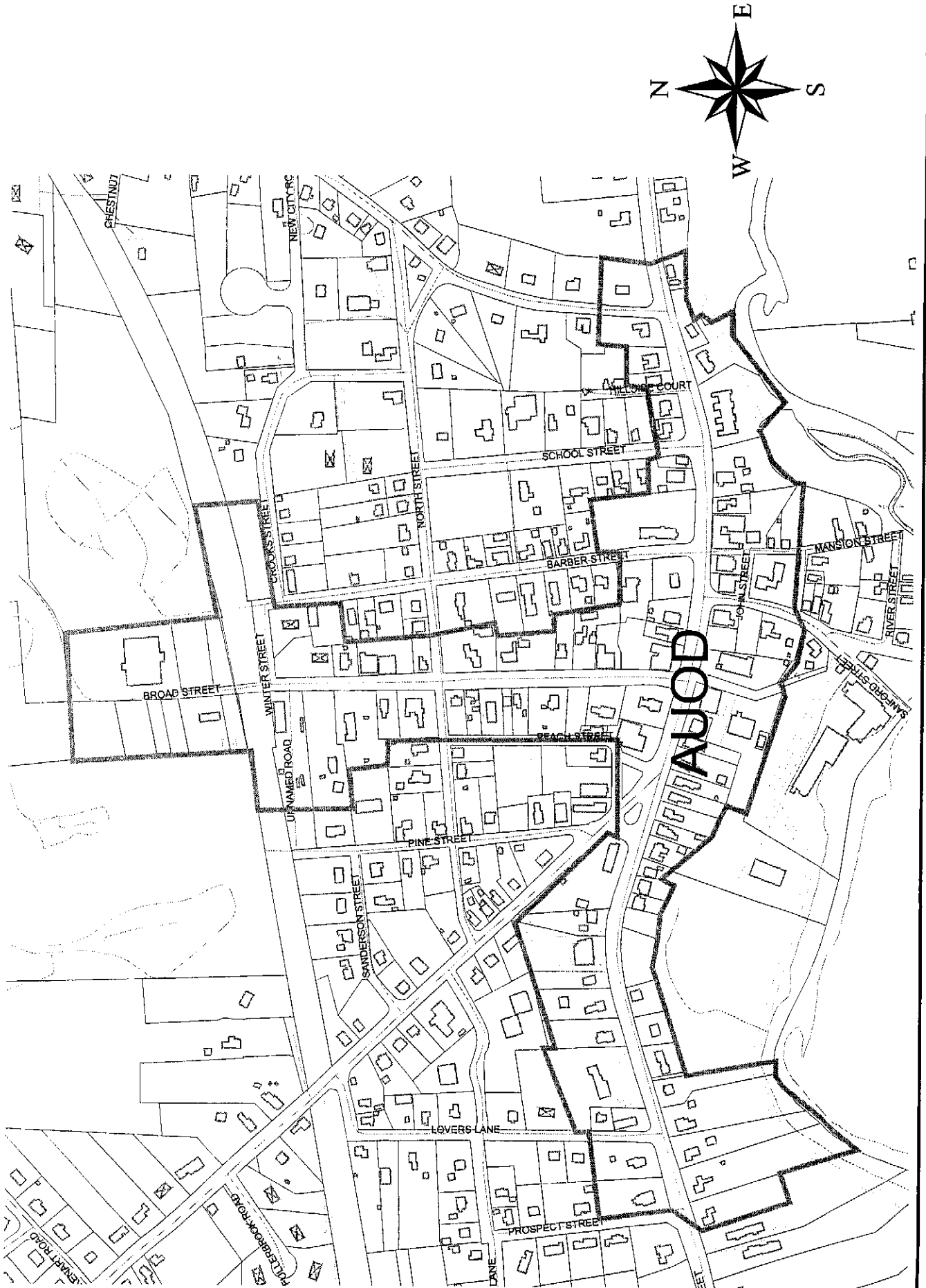
- j) Sidewalks shall be provided or replaced along the entire frontage of the AUOD parcel along existing Town ways, including the frontage of any lots held in common ownership with the parcel within five (5) years prior to the submission of the AUOD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Medway Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Special Sidewalk Account in an amount determined by the Board at the recommendation of the Town's Consulting Engineer.
- k). Business signage is permitted as specified in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations of the Medway Zoning Bylaw.

AND to amend the Medway Zoning Map to show the additional AUOD in the Medway Village area as shown on a map on file with the Medway Town Clerk.

Or to act in any manner relating thereto.

Planning and Economic Development Board

Proposed AUOD District



**April 12, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE: Tom Gay

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susan Affleck-Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Planning Consultant

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were no citizen comments.

Community Signage Program for Medway 300th

The Board is in receipt of a memo from Susy Affleck-Childs dated April 7, 2011 relative to a proposed community signage program. (See **Attached**.) It was recommended that the PEDB consider developing a proposal for the Medway 300th Committee Signage program. The intent of this is that implementation will be in 2013 as part of Medway's tercentennial celebration. The Board hopes that it would rival Franklin's Sign. The memo also noted possible locations for this sign. This will be circulated to other committees for their input. There were also price quotes provided.

The Board is in agreement with the idea and wants to discuss the concept of this more specifically. The financing of the sign has not been addressed.

Member Rogers does not want to see a sign on Fisher Street.

Minutes:

March 8, 2011:

- On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted **unanimously** to amend and accept the minutes from the March 8, 2011 meeting.

March 22 & 24, 2011:

- On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted **unanimously** to accept the minutes from the March 22 and 24, 2011 meetings.

Public Hearing Continuation - 25 Summer Street Definitive Subdivision Plan

The Board is in receipt of an email communication and revised drawing from Faist Engineering for the proposed 25 Summer Street subdivision. The revised plan now provides for a shared driveway and small stormwater basins within the limits of parcel "A" to service the two proposed single family house lots. The drainage is now included on the roadway parcel. (See **Attached.**)

It was communicated in the email note that Mike Fasolino has made contact with Owen Sullivan, the owner of the Little Tree Road sewer system. Mike has provided a letter to the Board from Mr. Sullivan regarding his approval for Mr. Fasolino to connect to the adjacent sewer force main system to service these 2 house lots on Summer Street. (See **Attached.**)

DPW Director, Tom Holder was present at the meeting. Mr. Holder indicated that there was never anything traced back to that sewer line with the problem that had occurred in the Speroni Acres neighborhood last year.

Tetra Tech Rizzo Consultant Pellegrini has not reviewed the new plan. He is waiting for the newest drainage calculations. This new plan pulls the grade away which is a better layout.

The Board discussed that there would be underground detention and there are definite options for the design of this.

Member Rogers communicates that the design is sloping to the far left of the southerly lot and the design is made according to the land. The engineer has done a good job with the layout.

The Board is comfortable with what is presented in the proposed revised drawing.

Susy Affleck-Childs wants to know if the Board is comfortable with the 12 ft wide pavement for the driveways.

The Board is comfortable with the 12 foot pavement.

Member Spiller-Walsh wants to know that the applicant will be doing for landscaping.

The landscape will be kept in the natural state.

The DPW Director, Tom Holder communicated that there is some concern that there is no clear property owners association established to own the common force sewer main in the Speroni Acres neighborhood. It is clear from old meeting minutes that the developer's intent was to develop a homeowners association. There needs to be some thought given about an arrangement with residents so they make any repairs if a failure occurs.

There is no evidence that a homeowners association has been created.

There is language written in some documents from the 1997 Water and Sewer Commission meeting minutes referencing the homeowners association by Owen Sullivan. There is a letter written assuming the connection.

Member Tucker wants to know if there is a break now, who pays for it or covers it?

DPW Director, Tom Holder communicated that the Town has no responsibility for the private sewer system in Speroni Acres.

Susy Affleck-Childs is questioning if the Town system can handle the additional flowage from these 2 houses that will ultimately come into the town system.

Member Tucker indicated the neighbors should get together to discuss the situation and address their own liability.

Member Rogers wants to know who will do the work to get the street accepted?

Member Tucker expressed his doubts that the street could ever be accepted given the problems with the stormwater system.

Member Tucker indicates that the Board should take the leadership role in giving the neighbors the guidance to protect their liability.

Member Rogers recommends that the neighbors form a Homeowners Association.

Susy Affleck-Childs suggested a letter be written to the residents indicating that the Town is not liable for a break in the private system.

The Board discussed that there could be a condition for pumps for each of the new connections from the 25 Summer Street subdivision.

The Town has no interest in the force main sewer.

The Board recommends that the applicant look at individual pumps on Summer Street.

The Public Hearing for this was continued until May 10, 2011 at 7:15 pm. This will provide time for the engineer to redo the drainage calculations and submit to the Town for review.

Susy Affleck-Childs noted that the updated drainage info and any further plan revisions should be submitted by April 26th in time for Tetra Tech Rizzo review by May 10th.

SWAP Application to MAPC for study of parking regulations

Gino Carlucci reported that the application from the SWAP towns, of which Medway is a part, to MAPC for its District Local Technical Assistance Program, has been approved. The study will

evaluate the parking standards of all the SWAP towns and develop some model standards which look at pedestrian access along with parking for motorcycles and alternative energy vehicles. Bellingham will be the lead on this.

Fox Run Farm 40 B Comprehensive Permit and Plan:

The Planning and Economic Board opened the public hearing regarding the repetitive petition to the ZBA to amend the Fox Run Farm 40 B Comprehensive Permit. (**See Attached notice**)

The members were provided with the Medway Zoning Bylaw – updated November 11, 2010 (Section F. Repetitive Petitions). State zoning law and the local bylaw require that all but one member of a Planning Board approve a repetitive petition to the ZBA if a previous petition was denied and a new petition is filed within 2 years of the denial.

The Planning and Economic Development Committee reviewed the information which was provided including the letters from the developer regarding the previous and current petitions to the ZBA.

Abutter, William Dacier: 1 Higgins Road:

Abutter Mr. Dacier reported that he had attended the recent Zoning Board of Appeals meeting regarding this matter. He communicated that Town Counsel was also present at that meeting. She had informed the ZBA that the applicant did not meet the requirements regarding performance security. The Subdivision Control statute indicates that there are only four ways this project can be secured. The security which the developer has proposed does not meet any of those requirements. The ZBA meets again on April 27, 2011. The Zoning Board of Appeals is waiting for the Planning Board to make a recommendation on the repetitive petition and the project in general.

It was explained that the developer experienced a financial issue which resulted in a change from condos as originally approved to single family homes. It was noted that the proposed open space is only 30 ft from Mr. Dacier's home. The open space area is also the overflow for stormwater and is proposed to be used as a snow storage area as well.

Member Tucker wants to know what is the grading?

Abutter Dacier communicates that the land slopes toward his property.

The Planning Board discussed several concerns:

- Run-off should stay within project boundaries (verify the change with Dave)
- Concerns about snow storage area and functionality and run off during melting period and also rain which would occur at the same time.
- Trouble with drainage
- The Board recommends that the applicant should show that the drainage will work. There is no grading on the plan.
- The Board recommends that the applicant have another full review of the drainage plan for the operation of the system.

Member Tucker expressed that this is a horrible design with too many units. He noted that the Board may not be able to recommend approval of the street and infrastructure in the future.

Susy Affleck-Childs is under the impression that the Zoning Board of Appeals public hearing has not been closed.

Mr. Dacier stated he understood the ZBA had closed its hearing.

Susy Affleck-Childs will write a letter to the ZBA regarding the Board's various concerns and recommendations.

- **On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board votes unanimously to close the public hearing for Fox Run.**
- **On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously that the repetitive petition be heard by the Medway Zoning Board of Appeals.**

Public Hearing – Proposed Modification to the Granite Estates Subdivision Certificate of Approval

The Chairman opened the public hearing regarding the proposed modification to the Granite Estates Subdivision Certificate of Approval. (See **Attached public hearing notice.**)

- **On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to waive the reading of the public hearing notice.**

Susy Affleck-Childs explained that the proposed modifications pertain to the use of the .41 acre Parcel A at 1 Tulip Way and the 3.53 acre parcel B at 13-R Tulip Way. Both parcels A and B are to be conveyed to the Town. This matter will be on the warrant for the June town meeting. Parcel A is to be used as a drainage parcel for stormwater management purposes. The Board is also looking to amend the original Certificate of Approval (2000) to specify that Parcel B is to be conveyed to the Town for general municipal purposes instead of for open space purposes. There is to be no change to the size or configuration of either Parcel A or B, to any house lot, or to the existing roadway layout.

Abutter, Carlo Cautilli, 15 Tulip Way:

Mr. Cautilli had several concerns. His property abuts Parcel B. He has a drainage basin on his property.

- He wants to know what the changes would be.
- What kind of link will happen in the future.
- There are drainage overflow issues on his parcel
- What types of vehicles would be accessing this potential road?

The Chairman communicated that there is the possibility that someday there might be a roadway between Trotter Drive and West Street that could include part of Parcel B. It might be used for a stormwater basin for the roadway or it could be used for other municipal purposes and not open space.

Mr. Yorkis communicated that he represents Granite Estate Inc., the original developer of the subdivision. He further explained that when subdivision was approved in 2000, it was in compliance with the Board's Subdivision Rules and Regs at that time. The Planning Board has changed the regulations after the subdivision was approved and now all drainage facilities must be on a separate parcel and cannot be on house lots.

Susy-Affleck Childs responds that this was a waiverless approval back in 2000.

Mr. Yorkis explains that there is a pedestrian easement going to Parcel B. The requirements were that if you have open space, we must show access.

Tetra Tech Rizzo Consultant Dave Pellegrini responded to the abutter by informing him that the wetlands on the western portion of Parcel B would serve as a buffer for his property.

Mr. Cautillo further explains that he is concerned about clearing. He also wants clarification on what does general municipal purposes mean?

The Chairman explained that the intent could be that a road be put in for development or that the parcel could be used for drainage to accommodate roadway on the other side.

Mr. Yorkis informed the abutter that Parcel B has wetlands on it. If there is any work proposed on Parcel B, the Town would need to meet with the Conservation Commission with a filing of a Notice of Intent. The Wetland Act requires that there is a 100 ft buffer zone on both sides of the wetlands. The Town cannot violate its own bylaws.

Mr. Yorkis indicated that when and if the Town ever develops Parcel B, the Town should respect the neighborhood and the open space intent. Granite Estates Inc. has no objections to this change in the decision.

Susy Affleck-Childs suggested that the Board meet with the Conservation Commission and let them know what is transpiring.

The public hearing for Granite Estates was continued until April 26, 2011 at 7:10 pm.

Correspondence:

The Board is in receipt of a letter dated April 6, 2011 from Robert and Deora Mosher of 3 John Street and John Vanrye of 1 John Street. The letter is in relation to the proposed Adaptive Use Overlay District. (See Attached)

Adjourn:

On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to adjourn the meeting at 9:30 pm.

The meeting was adjourned at 9:30 PM.

Future Meetings:

The next meetings scheduled are:

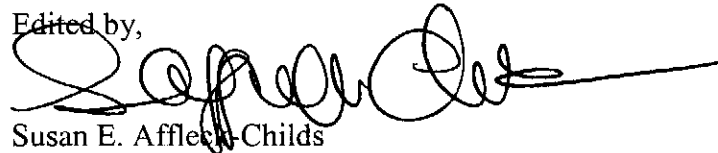
- Regular PEDB Meetings - April 26th and May 10th and May 24th, 2011
- Route 109 Reconstruction Presentation at the April 13, 2011 EDC Meeting
- 2011 Annual Town Meeting – Monday, June 13, 2011

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



RECEIVED
MAR 24 2011
TOWN CLERK

TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

March 24, 2011

PUBLIC HEARING NOTICE
Proposed Modification to the Granite Estates Definitive Subdivision
Certificate of Approval

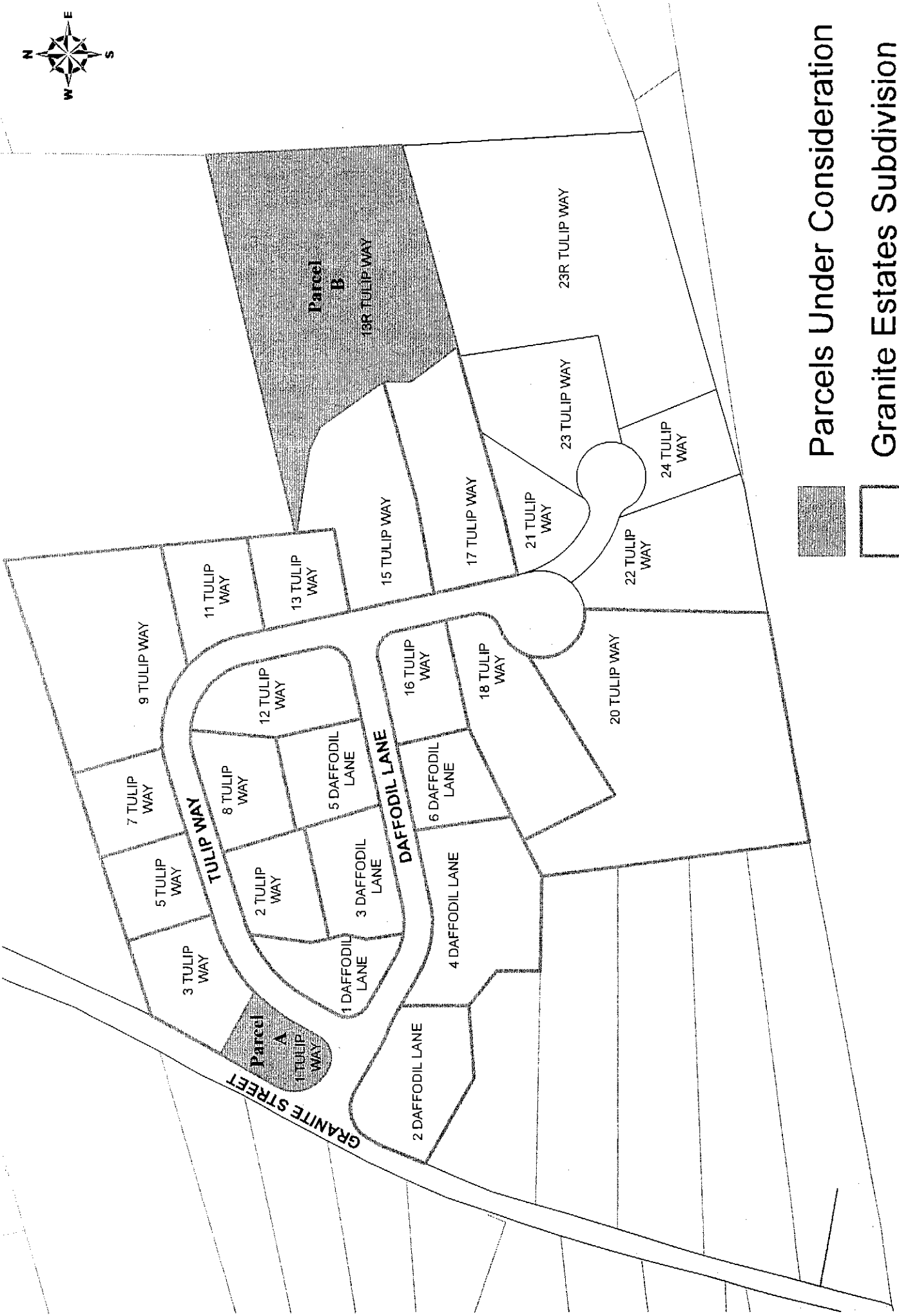
The Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, April 12, 2011 at 8:30 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street, to consider amending the May 23, 2000 Certificate of Approval for the Granite Estates Subdivision (Daffodil Lane and a portion of Tulip Way). The proposed modifications pertain to the use of the .41 acre Parcel A at 1 Tulip Way (Medway Assessor's Parcel 3-28) and the 3.53 acre Parcel B at 13-R Tulip Way (Medway Assessor's Parcel 28-B). Both parcels are shown on the Granite Estates Subdivision Definitive Subdivision Plan dated November 1999, prepared by Dillis and Mische, Inc. of Ayer, MA, and endorsed by the Medway Planning Board on 6/6/2000, a copy of which is on file with the Medway Town Clerk. The plan was recorded at the Norfolk County Registry of Deeds on 6/30/2000 in Plan Book 475 as Plan 353 of 2000.

Both Parcels A and B are to be conveyed to the Town of Medway. The Planning and Economic Development Board proposes to modify the Granite Estates Subdivision Certificate of Approval to indicate that Parcel A is to be conveyed to the Town for use as a drainage parcel for stormwater management purposes. The Board also proposes to amend the Certificate of Approval to specify that Parcel B is to be conveyed to the Town for general municipal purposes. No changes are proposed to the size or configuration of either Parcel A or B, to any house lot, or to the existing roadway layout.

The public is invited to attend the hearing, ask questions, and provide any comments you wish. Written communication may be forwarded to the Board at the above address, faxed to us at the number below, or emailed to the Board at planningboard@townofmedway.org. Any questions regarding this matter should be directed to Medway's Planning and Economic Development office at 508-533-3291. Thank you.

Andy Rodenhiser
Chairman

Telephone: 508-533-3291 Fax: 508-533-3252
planningboard@townofmedway.org



Prepared by Medway Planning & Economic Development Office

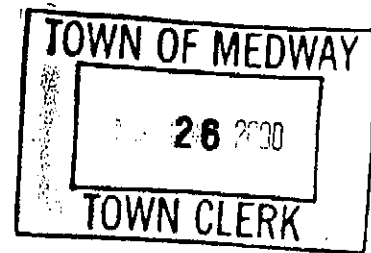
Data Provided by MassGIS and the Town of Medway

Map created by Fran V Hutton See 3-24-2011

TOWN OF MEDWAY

Planning Board

155 Village Street
Medway, Massachusetts
Telephone: 508-533-3291
Fax: 508-533-3287



Diane Borgatti, Chair
James Wieler, Vice-Chair
James Pavlik, Clerk
Donald Springer
Daniel Hooper

CERTIFICATE OF APPROVAL DEFINITIVE SUBDIVISION PLAN (Without Waivers) GRANITE ESTATES

You are hereby notified that the Town of Medway, Planning Board, on May 2, 2000, has approved the application of Toby Cossman, Trustee, Mildred Youman Revocable Trust, for the Definitive Subdivision Plan entitled, ***DEFINITIVE SUBDIVISION PLAN - GRANITE ESTATES***, Granite Street, Medway, Massachusetts, dated November 23, 1999 with the latest revision dated April 25, 2000 including parcels B, C, and D as shown, prepared by Trowbridge Engineering Company, with the following conditions:

CONDITIONS OF APPROVAL:

1. Prior to endorsement of the plan by the Planning Board, the Applicant must sign a Covenant with the Town of Medway and reference to the Covenant shall be noted on the Definitive Plan;
2. Prior to endorsement of the plan by the Planning Board, the statutory notification of the expiration of the twenty (20) day appeal must be received from the Town Clerk's office;
3. Prior to endorsement of the plan by the Planning Board, the Applicant shall provide the Planning Board with a copy of any and all "Order of Conditions" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Wetlands Protection Act. Proof of recording shall be provided to the Planning Board. Any changes to the Definitive Plan, required under the "Order of Conditions", shall be presented to the Planning Board, by the Applicant or its assign, for review and approval as a modification to the Definitive Plan. Except for very minor changes to the approved plan, a Public Hearing will be held on the modified plan. The Planning Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "Order of Conditions," that may be deemed appropriate by the Planning Board and the Planning Board's Consulting Engineer;

Additionally, upon issuance of any "Order of Conditions" for individual lot filings under the Wetlands Protection Act, the Applicant or its assign must prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant or its assign shall provide this plan for endorsement by the Planning Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed plan has been duly recorded;

4. As a PERMANENT condition of approval, the Planning Board will require that no further subdivision will be allowed without prior written approval of the Planning Board;
5. Prior to endorsement of the plan by the Planning Board, the Applicant shall provide the final revised plans that incorporate the items as presented in the Certificate of Approval voted by the Planning Board and all required documentation including the location of and construction details for the meandering path as further described in condition #13 to the Planning Board and its consulting engineer for review;
6. Signage and other plan modifications as recommended by the letters from the Police, Fire, and/or Public Services Departments shall be made a part of this approval;
7. The Applicant or its assign must provide the Board with a signed withdrawal slip from the lending institution with which he is to place a cash bond jointly with the Town of Medway;
8. Prior to the release of any lots by the Planning Board, the Applicant or its assign must provide a copy of the agreement between Boston Edison and the applicant to establish an easement for the maintenance of the infiltration structure within the Boston Edison easement;
9. Prior to endorsement of the plan by the Planning Board, all comments must be addressed in the letter of April 27, 2000 from VHB Engineering to the Medway Planning Board, attached hereto and made a part hereof, to the satisfaction of VHB Engineering and the Planning Board;
10. Prior to acceptance of the roadway by the Town of Medway, the Applicant or its assign must convey to the Medway Conservation Commission 3.53 acres of open space noted as parcel B on the Definitive Subdivision Plan dated November 23, 1999 with the latest revision dated April 25, 2000 said land being located beyond the rear detention pond adjacent to lots 6, 7, and 8;


Granite Estates Certificate of Approval
Page 3 of 4

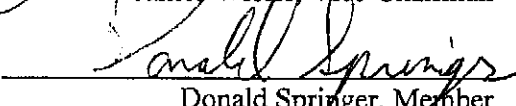
11. Prior to the acceptance of the roadway by the Town of Medway, the Applicant or its assign shall convey to the Town of Medway and duly record at the Norfolk County Registry of Deeds, a 20' public pedestrian and drainage easement located on lot 7 as shown on the plans. This easement shall provide public pedestrian access to the open space described in condition #10 above as well as access for the Town of Medway to maintain the drainage system;
12. In exchange for not providing open space on the interior of the site, the Applicant or its assign agrees to construct the roadways using the 4" thick pavement section as required by the Town of Medway Land Subdivision Rules and Regulations, as amended April 25, 2000;
13. The Applicant or its assign agrees to construct a meandering path as shown on the endorsed Definitive Subdivision Plan subject to the legal feasibility of its construction being determined by the Planning Board, VHB Engineering, Town Counsel and the Town Administrator prior to the release of any lots by the Planning Board;
14. The Applicant shall provide the Planning Board with a receipt from the Norfolk County Registry of Deeds indicating that the endorsed plan and covenant have been duly recorded.
15. Prior to endorsement of the plan by the Planning Board, all outstanding review fees shall be paid by the Applicant.

Voted by the Medway Planning Board
May 2, 2000

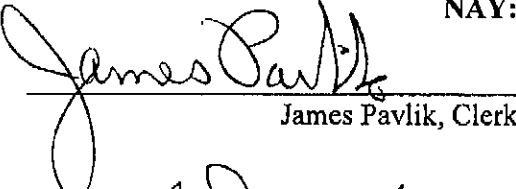
YEA:


Diane Borgatti, Chairman

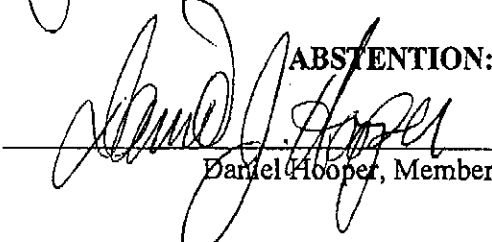

James Wieler, Vice-Chairman


Donald Springer, Member

NAY:

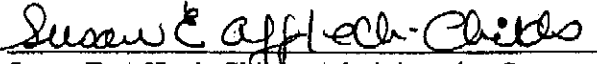

James Pavlik, Clerk

ABSTENTION:


Daniel Hooper, Member

Signed: May 23, 2000

ATTEST:


Susan E. Affleck-Chids, Administrative Secretary

May 23, 2000
Date

**Transportation
Land Development
Environmental
Services**



imagination | innovation | energy Creating results for our clients and benefits for our communities

April 27, 2000

Vanasse Hangen Brustlin, Inc.

Ref: 06764.14

Mr. Donald Springer
Chairman - Planning Board
Town of Medway
155 Village Street
Medway, MA 02053

Re: Granite Estates

Dear Mr. Springer:

As requested by the Planning Board, VHB has reviewed the Granite Estates definitive subdivision plans dated November 22, 1999, revised April 25, 2000. The plan has been reviewed for conformance with the Planning Board Rules and Regulations dated November 21, 1978. The following are VHB's comments on the proposed design.

- Proposed layout of gas, telephone and electrical utility lines could not be determined at this time as they will be installed by others. The applicant must accurately reflect those locations on the as-built plans at the completion of construction.
- The Town has approved the use of concrete flared ends in place of concrete headwalls.
- The Town of Medway has designated Granite Street as a scenic road. The hearing has been continued and must be voted on by the Board. The hearing will consider the reconstruction of the existing stone wall along Granite Street.
- The applicant has revised the proposed drainage design to balance the flows to each of the three outfalls to match that of the existing flows. The calculations performed for the outfall within the Boston Edison easement are essentially complete except for the following items.
 - The weir calculation for the recharge area appears to be for a 36 foot weir. This calculation should be revised to address the proposed 56 foot weir.
 - The proposed leaching structures will extend above the surface. Revise the detail to avoid this condition.
 - The recharge area is close to utility poles and could undermine poles or interfere with grounding grid.
 - The applicant must provide a copy of the agreement between Boston Edison and the applicant for the maintenance easement, which will be established to allow the town access rights to maintain the recharge area and recharge/energy dissipation trench. It is the understanding of VHB that this agreement will be Boston Edison's approval of the proposed drainage improvements. A plan of the drainage system, within the

Mr. Donald Springer
Project No.: 06764.14
April 27, 2000
Page 2

Boston Edison easement, must be referenced in the agreement and attached to the agreement.

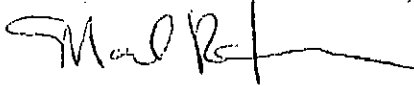
- The meandering path has been deleted from the plans as required by the Town.
- The plan will include two "not buildable" parcels located at the end of the cul-de-sac.

VHB recommends that the applicant modify the definitive subdivision plan based on the above comments for subsequent review.

Please call if you have questions or require additional information.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.



Mark R. Louro, P.E.
Project Manager

Cc: C. Caron, Environmental Consulting (fax only)
Lee Henry, DPS





TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

April 7, 2011

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Community Signage program

I would like to recommend that the PEDB consider developing a proposal to the Medway 300th Committee for a new Medway Community Signage program to be implemented during 2013 as part of Medway's tercentennial celebration.

I envision the following components:

A series of new "Welcome to Medway" roadside signs located at the "gateways" to Medway from all surrounding communities. The following are possible locations:

- Route 109 eastbound (south side of street) coming from Milford
- Route 109 westbound (north side of street) coming from Millis
- Holliston Street southbound (west side of street) coming from Holliston
- Summer Street southbound (west side of street) coming from Holliston
- Winthrop Street southbound (west side of street) coming from Holliston
- Fisher Street southbound (west side of street) coming from Holliston
- Franklin Street northbound (east side of street) coming from Franklin
- Granite Street northbound (east side of street) coming from Bellingham
- Sanford Street northbound (east side of street) coming from Franklin
- Populatic Street northbound (east side of street) coming from Franklin
- Walker Street northbound (east side of street) coming from Franklin
- Village Street westbound (north side of street) coming from Millis
- Clark Street southbound (west side of street) coming from Holliston
- Shaw Street northbound (east side of street) coming from Franklin
- Causeway Street westbound (north side of street) coming from Millis
- Hill Street westbound (north side of street) coming from Holliston
- Farm Street southbound (west side of street) coming from Millis
- Route 126 northbound (south side of the street) coming from Bellingham

A series of new signs at key Medway municipal buildings/locations – Town Hall, Senior Center, Library, Police Station, Fire Station, DPS barn, various Town parks/fields, etc. using coordinated graphics, materials, colors and lighting.

Replacement “Welcome to Medway” sign located on Route 109/West Street

A community events sign for the northeast corner of Main and Holliston Street

I envision something similar to what Franklin, Westwood and Medfield have accomplished. See attached info re: Franklin.

I would suggest this become a joint effort by the PEDB, the Design Review Committee, Medway DPS, and the Medway 300th Committee.



Cavallaro Signs
I N C O R P O R A T E D

Page 1 of 2
1/3/11

305 Union Street, Franklin, MA 02038 Phone/Fax 508-528-6545

Care of; Suzie @ saffleckchilds@townofmedway.org
Planning and Economic Office

Subject; Town Gateway Signs, and the Town Theme Signs

Hi Suzie,

Here is a picture of one of the Entry signs we designed for Norm McNeil, Town Administrator in late 1997 (bottom). The picture was taken right after we repaired some chipping in the white book area last spring. The first maintenance needed in 12 years.

One on the Bellingham 140 Entry has been hit by a truck and we may use a digital print reproduction for that, with gold leaf option.

One on Wrentham 140 line show impacts but the others look 100% so far since 1998.

Just before we began digital printing we hand enameled these paintings!

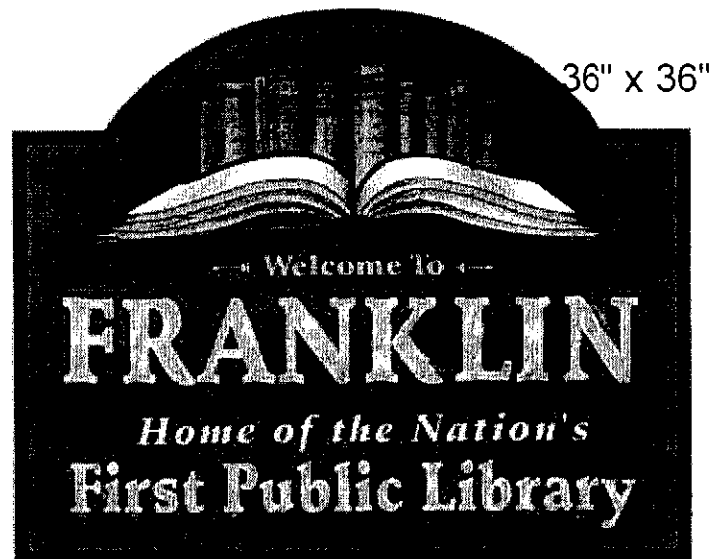
A flat sign can now also be printed of course with full color graphics...for less cost.



This is the original town theme sketch for Norm McNeil with a carving of the One Room School House and carved gold letters in mind...

1997

This was the final design for Aluminum 1/8" with hand Painted artwork with flat 23k Gold leaf for durability



36" x 36"

© Cavallaro Signs 1998

1998



Cavallaro Signs
I N C O R P O R A T E D

Page 2 of 2
1/3/11

305 Union Street, Franklin, MA 02038 Phone/Fax 508-528-6545

Care of; Suzie @ saffleckchilds@townofmedway.org
Planning and Economic Office
Subject; Town Gateway Signs, and the Town Theme Signs

Care of; Suzie @ saffleckchildtownofmedway.org
Planning and Economic Office

Subject;
Town Entry signs
Theme designs, cost, and information

The cost for new signs depends on the complexity of course but also the quantity purchased. The Franklin ones are 3' x 3' and this is a recommended minimum for roadside visibility. Faster roadways may need larger appropriate sizes.

Referring to the Franklin signs again, we used 1/8" steel plate and square post to back up the 1/8" aluminum plate sign. These are built for long term use. This type of sign with painted art and 23k gold leaf (not 22k decal type) is about 1000.00

Using digital for the art we can cut the cost about 30-40%. Still using 23k.

Premium theme signage in full color or basic on heavy aluminum can be as low as 250-350 each depending on the design/materials and mounting method etc.

Designing the theme or image is key for a memorable sign and others that may follow.

We can offer many variations and have a huge aluminum sign project for the Army in house right at the moment using 1/8" aluminum and reflectives with digital prints.

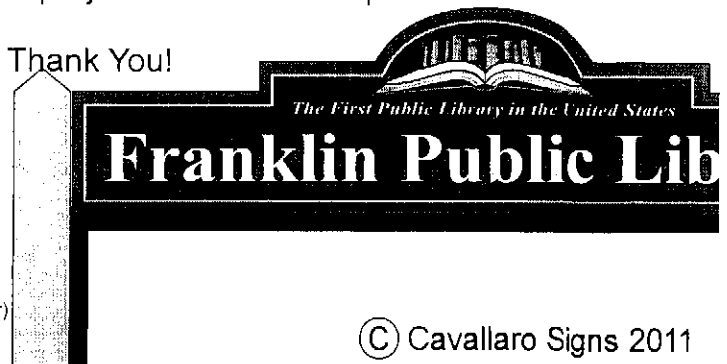
Also in house now are the designs for new Franklin Public Library sign with V-carved letters but using a color digital print of the original full color artwork.

They now will using a messege board in the design below the carving...
I would be happy to show you these materials and projects in here in shop.

Please call with any questions or for more input. Thank You!

Rocco Cavallaro
Cavallaro Signs, Inc.

V-Carved with 23k Gold leaf
Vandal resistant message cabinet
with door locks, and gas shocks (opens door)
Granite posts etc.



© Cavallaro Signs 2011

Susan Affleck-Childs

From: David Faist [dfaist@faisteng.com]
Sent: Tuesday, March 29, 2011 1:39 PM
To: Susan Affleck-Childs
Cc: mike@fashome.com
Subject: 25 SUMMER STREET - Shared Driveway Revision
Attachments: 25-SUMMER-ST-DEF-PLAN-4of5-032911.pdf

Susy,

Attached is the "Grading & Utility Plan" Sheet 4 of 5 for the 25 Summer Street Definitive Subdivision Project, revision date 03-29-11.

Given the discussions at the last Planning Board meeting we wish to discuss this alternative with the Board before finalizing Plan Revisions for the complete set.

The plan now provides for a shared driveway and small stormwater basins within the limits of Parcel "A" to service the two (2) proposed single family house lots.

It is our understanding that Mike Fasolino has made contact with the owner of the Little Tree Road sewer system and will be providing a letter to the Board regarding approval to connect to the adjacent sewer force main system. Mike hopes to have this to you first thing next week.

Please let me know how many copies of the full size and 11x17 plans you will need prior to the April 12 meeting. Thank you.

Dave

David T. Faist, P.E.
Faist Engineering, Inc.
dfaist@faisteng.com
p. (508) 864-6802

RECEIVED
APR 12 2011

TOWN OF MEDWAY
PLANNING BOARD

April 6, 2011

TO: The Members of the Planning & Economic Development Board
FROM: Robert and Debora Mosher of 3 John Street, Medway, MA
John Vanrye of 1 John Street, Medway, MA

RE: The Proposed Adaptive Use Overlay District

Dear Committee Members,

Let me start by saying that my husband and I (Debora Mosher) were out of town at the time of the Public Hearing regarding the Zoning Bylaw Amendment. Once I received the notification, I went to the Town Hall and spoke with Susy Affleck-Childs and inquired what the reasoning is for the overlay to include #1 and #3 John Street. After expressing my concerns, Susy Affleck-Childs suggested that I write a letter to the board with my concerns.

To begin with, the section of John Street that I am questioning isn't the section directly behind the stores and the Post Office. The section of John Street that I am opposed to is to be included in the overlay is #1 and #3 John Street. (See attached map) In this particular section the road is only 14'-15' wide. The home at #1 John Street sits 5' from the street and #3 John Street is only 6' from the street. The frontage is 97' for these two properties which includes the two homes and their perspective driveways. Homes along Mansion Street (not properly marked on your map) are approximately 3' from the road. Mansion Street is actually the southern border on your map.

My home dates back to 1797 and I can't understand why, after all these years, the committee wants to change this section of town with its characteristically narrow roads. I honestly believe that if I were to apply for a business permit I would be denied, and rightly so, for the reasons that the neighborhood can't handle the additional traffic; on street parking is inadequate for the whole neighborhood and these two homes obviously do not have any room for off street client parking.

Therefore, I am requesting that the proposed overlay not include #1 and #3 John Street. I would like to request that the committee consider stopping the overlay boundary at the properties on Village Street (See attached map). As I look at the map, this seems to make the most sense because the whole Southern boundary (except for this disputed section) is along Village Street. It would be so much "cleaner" to keep it at that and not start the precedence of singling out a small neighborhood.

In closing, I ask that each of you drive by this area prior to voting on this issue and please consider the impact that your decision will have on this small historic neighborhood.

Thank you for your time and consideration of this matter and again I apologize that I wasn't in attendance at the Public Meeting where these concerns would have been brought up.

Sincerely,

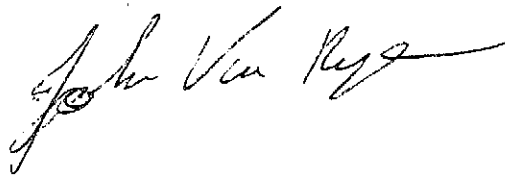


Debora Mosher



Robert Mosher

John Vanrye



Cc: Andy Rodenhiser

Robert K. Tucker

Thomas A. Gay

Cranston (Cran) Rogers

Karyl Spiller Walsh

Susy Affleck-Childs

Proposed AUOD District



**April 26, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Stacey Wetstein, Bellingham Town Planner (temporarily filling in for Susy Affleck-Childs)
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments.

There were no citizen comments.

Granite Estates Subdivision:

The Board opened the continuation hearing for the proposed modification to Certificate of Approval regarding the uses of Parcels A and B.

Member Tucker informed the Board that he met with the Conservation Commission and it was communicated that there was nothing referenced within the order of conditions relating to the conveyance of land.

The Board was forwarded an email from the Conservation Commission and are comfortable moving forward.

- **On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to close to public hearing for the Granite Estates Subdivision.**
- **On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to accept and designate Parcel A of the Granite Estates Subdivision to the Town to use for stormwater management purposes.**
- **On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to accept and designate Parcel A of the Granite Estates Subdivision to the Town to use for stormwater management purposes.**

Minutes:

March 30, 2011:

- On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted **unanimously** to accept the minutes from March 30, 2011 with the noted revisions.

April 12, 2011:

- On a motion made by Karyl Spiller-Walsh and seconded by Andy Rodenhiser, the Board voted **unanimously** to accept the minutes from April 12, 2011 with the noted revisions. (Tom Gay abstained from vote)

Adjourn:

On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsb, the Board voted **unanimously** to adjourn the meeting at 7:30 pm.

Future Meetings:

The next meetings scheduled are:

- Regular Meeting May 10th and May 24th, 2011
- Route 109 Reconstruction Presentation – EDC Meeting
- 2011 Annual Town Meeting – Monday, June 13, 2011

The meeting was adjourned at 7:30 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

**May 10, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Bob Tucker, Tom Gay, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE: Andy Rodenhiser

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Stacey Wetstein, Bellingham Town Planning (temporary fill in for Susy Affleck-Childs)
Amy Sutherland, Meeting Recording Secretary

The Vice Chairman opened the meeting at 7:00 pm.

The Vice Chairman asked for any citizen comments.

There were no citizen comments.

25 Summer Street:

The Vice Chairman reopened the public hearing for 25 Summer Street for the definitive subdivision plan.

Consultant Carlucci provided a memo dated May 5, 2011 with recommendations. The most recent plan submitted has a revision date of April 20, 2011.

The applicant has currently added the ROW and pavement width of streets within 700 feet of the subdivision.

The applicant has supplied a waiver list. The majority of the waivers are from the street construction requirements.

The applicant has added a note on the cover sheet indicating the certificate of action.

The Engineer did indicate that the applicant is proposing a shared driveway. The operations and maintenance plan has been included on the plan. There is a basin on a separate parcel within the street row. There was discussion about the requirement for a street light. There is an existing streetlight about 50 feet south of the shared driveway. The sight distance requirement has been added and is currently shown. There is currently no center island shown. A modified hammerhead design is proposed rather than a cul-de-sac.

Consultant Carlucci commented that the driveways for both houses be located within the right-of-way and that the common portion of that driveway, if not 18 feet, be sufficient to serve 2 houses. The current plan is for a single shared driveway 14' width within the right-of-way.

Member Spiller-Walsh notes that the left side of the property has a natural slope. She would like to see that no construction interferes with this.

There will need to be an agreement made for the maintenance of the basins.

- **On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to continue the public hearing for 25 Summer Street for May 24, 2011 at 7:15 pm.**

146 Main Street AUOD Project - The ValuTrack Headquarters:

Mr. Steinhoff wanted to inform the Board that there has been difficulty obtaining financing for these projects. He still plans on rebuilding the first floor but would like to leave the second floor unfinished and will expand later. He has selected a builder.

Mr. Steinhoff is looking to amend his project to reflect a smaller project. The Board was presented with a visual to explain the proposed amended first floor plan. The pictures showed the elevations to the East, North, South, and West.

The Board is open to the change but inform Mr. Steinhoff that this will be considered either a major or minor modification to the original plan. If any changes are to be made a new hearing will need to take place. Mr. Steinhoff will be meeting with Stacey Wetstein to discuss the changes and formalize the procedural requirements.

Project Updates:

Dave Pellegri from Tetra Tech Rizzo provided an update to the Board on the noted projects:

Franklin Creek:

The roadway will be finished in the Spring.

Pine Meadows:

The paved top course is in. They have met the specifications and will be looking to get approval. The berm has been finished. No house lots have been developed yet.

Evergreen Meadows:

The road is in great condition. A punch list is being created of items which need to be addressed.

Speroni Acres:

Dave Pellegi has sent a letter to Merriken asking him to address the punch items. The letter also referenced that Merriken go back to the letter from VHB and address the issues noted in that letter.

Minutes:

April 26, 2011:

- On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from April 26, 2011 with the noted revisions.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Tom Gay, the Board voted unanimously to adjourn the meeting at 9:00 pm.

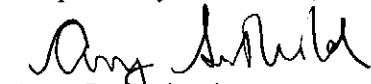
Future Meetings:

The next meetings scheduled are:

- Regular Meeting May 24th, 2011
- Route 109 Reconstruction Presentation – EDC Meeting
- 2011 Annual Town Meeting – Monday, June 13, 2011

The meeting was adjourned at 7:30 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

May 5, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Re: Revised 25 Summer Street Definitive Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the revised definitive subdivision plan submitted by owner/applicant Fasolino Home Improvements, Inc. of Medway and prepared by Faist Engineering, Inc. of Southbridge and O'Driscoll Land Surveying Company of Medway. The plan is dated January 10, 2011, with a revision date of April 20, 2011. The plan divides a lot of 86,367 square feet into 2 lots with areas of 33,837 and 38,813 square feet plus a private way of 13,717 square feet. The property is located within the AR-II district. My original comments from my March 3, 2011 letter are repeated with new comments in **bold** as follows:

Zoning

1. The lots in the subdivision plan appear to comply with the zoning bylaw.

Subdivision Rules and Regulations

2. Section 5.7.12 requires that the ROW and pavement width of streets within 700 feet of the subdivision be provided. No dimensions are provided but the pavement location for Summer Street is shown on the plan. **This information is now provided as a list on the cover sheet. OK.**
3. Section 5.7.16 requires that waiver requests be listed on the cover sheet. No waivers are listed, but one waiver was separately. **Several waiver requests are now listed on the cover sheet. Most concern street construction requirements. OK.**
4. Section 5.7.18 requires that a note indicating that the plan is subject to a covenant, which is to be recorded with the plan, be on all sheets. There is a note on the cover sheet regarding the Certificate of Action, but the note regarding the covenant should be on all sheets near the signature block. **The note is now provided. OK.**
5. Section 5.7.19 requires that electrical, telecommunications and cable TV lines be shown on the plan. This was not done, and a waiver is requested. **OK.**

6. Section 5.7.20 requires that roadway profiles be included on the profiles. This was not done, and a waiver is requested. **A shared driveway rather than a street is proposed. OK.**
7. Section 5.7.21 requires that topography be shown at least 20 feet beyond the property boundaries. This was not done and no waiver is requested. **This information has now been added. OK.**
8. Section 5.7.22 requires soil tests be provided indicating ledge, water table, etc. It is not clear if this was provided. **Applicant states that soil tests were provided. OK.**
9. Section 5.7.23 requires stormwater information including a long-term operations and maintenance plan to be shown on the plans. This was not done. **The operations and maintenance plan has now been provided. OK.**
10. Section 5.7.24 requires information on street trees. This was not done, and a waiver is requested. **Again, a shared driveway is proposed. OK.**
11. Section 5.7.27 requires that street and traffic control signs be shown on the plans. This was not done, presumably because two driveways are shown rather than an actual street. **Now a single shared driveway is proposed. OK.**
12. Section 5.7.28 requires that streetlights be shown on the plans. This information was not provided, but a waiver has been requested. **Applicant states that there is an existing streetlight about 50 feet south of the shared driveway. OK.**
13. Section 5.7.31 requires open space to be shown. None is proposed and a waiver is requested. **OK.**
14. Section 5.7.32 requires cul-de-sac landscaping. No actual cul-de-sac is proposed and a waiver from the landscaping requirement is requested. **OK.**
15. Section 5.7.33 requires a Preliminary Stormwater Pollution Prevention Plan. This was not done, and a waiver is requested. **OK.**
16. Section 5.7.36 requires that house footprints of 40' x 80' be shown. Smaller footprints are shown and no waiver is requested. **The plans now show a 40' x 80' box around the smaller house footprints. It is not clear if the drainage design and calculations are based on the 40' x 80' boxes or the smaller house footprints.**
17. Section 7.7.2 (p) requires detention and retention basins to be on a separate parcel. This was not done, and a waiver is requested. **The basin is now on a separate parcel within the street ROW. OK.**
18. Section 7.9.3 requires that intersection sight distances be shown on the plan. This was not done, and no waiver is requested. **Sight distances are now shown. OK.**

19. A waiver is requested from Section 7.9.5 requiring a minimum centerline grade of 2%, but the proposed grade is not indicated. **Applicant states that the grade will follow the existing driveway grade of 7-8%. OK.**
20. Section 7.9.6 prohibits dead-end streets except where development would not be feasible otherwise or in open space subdivisions to minimize impacts on resources. The subdivision includes a dead end street. A waiver is requested. **A waiver is requested. OK.**
21. Section 7.9.6 (d) and (e) require a turnaround for dead end streets of either a cul-de-sac or hammerhead. This was not done, and a waiver is requested. **OK.**
22. A waiver is requested from Section 7.9.7 regarding width of a local street (26'). However, the request should be from the requirement for a permanent private way (18'). No actual street is proposed, only a single driveway within the right-of-way (See Comment #30 below). **The waiver request has been changed. OK.**
23. Similarly, a waiver is requested from Section 7.10.2 requiring granite curbs. The waiver should be from the Cape Cod berm required on permanent private ways. **The waiver request has been changed. OK.**
24. Section 7.13.3 requires that a sidewalk be provided along the frontage of a subdivision, including property that was held in common ownership within the past five years. An existing sidewalk is shown along the portion of the frontage. **OK.**
25. Section 7.19.2 requires that street trees be 12 feet high and with a 2 ½ inch caliper at 4 feet above grade. This section also specifies that they be located outside the right-of-way and at intervals of every 40 feet. No new trees are shown. A waiver is requested. **OK.**
26. Sections 7.19.9 requires the center island of a cul-de-sac to be 24' in diameter with a 10' apron around it. The island shown exceeds this dimension. No center island is shown. **A modified hammerhead design is proposed rather than a cul-de-sac. OK.**
27. Section 7.20.1 requires that applicants obtain a street name from the Street Naming Committee prior to submitting a definitive plan. This was not done, and a waiver is requested. **Applicant states that the shared driveway will not be named. OK.**
28. Section 7.21.1 pertains to street lights. None are proposed and a waiver is requested. **OK.**
29. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed and a waiver is requested. **OK.**

General Comments

30. There is an existing circular driveway on the site that served a house that has been removed. The applicant proposes to use each of the curb cuts from the circular driveway to serve each of the two new houses that are proposed. One of the curb cuts (and proposed driveway) is completely outside the proposed street right-of-way. Consideration should be given to

requiring that the driveways for both houses be located within the right-of-way and that the common portion of that driveway (the "street"), if not 18 feet, be sufficient to serve 2 houses. **A single shared driveway 14' in width within the right-of-way is now proposed. OK.**

31. **It should be noted that a waiver from the 30' setback for detention basins is being requested. Based on the size of the basins and their distance from the houses, the waiver is probably warranted.**

If there are any questions about these comments, please call or e-mail me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr.", with a stylized flourish at the end.

Gino D. Carlucci, Jr.

ATTACHMENT A

**REQUEST FOR WAIVERS FROM THE
MEDWAY SUBDIVISION RULES AND REGULATIONS
REVISE DATE: APRIL 20, 2011**

“25 SUMMER STREET”
Definitive Subdivision
MEDWAY, MA
January 14, 2011
Revise Date: April 20, 2011

Request of Waivers from the Subdivision Rules and Regulations:

The Applicant, *Fasolino Home Improvements, Inc.*, is requesting each of the following waivers based upon our experience with previous Subdivision projects and due to the creation of a “permanent private way” solely to create frontage for the creation of one (1) additional single family residential building lot.

WAIVERS RELATING TO THE SUBDIVISION RULES AND REGULATIONS

5.7.19 Layout of Proposed Electric, Telecomm, Gas, & Cable TV Utility Lines

NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service. Verizon and Comcast follow the NSTAR design. Additionally, NSTAR will not begin the design process until they receive three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

5.7.19 Proposed Roadway Profiles: Waiver for Plan and Profiles of Shared Driveway. A driveway cross section detail is provided on Sheet 5 of 5.

5.7.20 Existing Roadway Profiles: Waiver for Plan and Profiles of Shared Driveway. A driveway cross section detail is provided on Sheet 5 of 5.

5.7.24 Street Trees: Waiver for installation of street trees for shared driveway.

5.7.27 Street & Traffic Control Signs for shared driveway.

5.7.28 Street Lights: Waiver for installation of street lights for shared driveway.

5.7.31 Open Space: Waiver from requirement of open space or parks.

5.7.32 Cul-de-Sac Landscaping: No cul-de-sac turnaround is proposed.

5.7.33 Preliminary SWPPP (NPDES): Waiver as site disturbance will be < 1 Ac.

5.20.2 (a) Ways and service to be complete before such lot may be built upon.

6.4.1 Allow for building permits with no occupancy until completion of driveway base coat.

- 6.8** Procedure for Street/Infrastructure Acceptance: "25 Summer Street" will be a Private Roadway when constructed.
- 7.7.2.p** Stormwater Management: Waiver from location of detention basin within 30' of lot line. Two (2) proposed interconnected dry detention basins are located within the separate Parcel "A" which also includes the shared driveway. Each dry basin is located within 10 ft. of the property line of both lots which will benefit from their construction.
- 7.9.5.a** Proposed Centerline Grade at Site Entrance Minimum 2%: Waiver request as existing driveway grade is between 5-8%.
- 7.9.7.g** Minimum Roadway Width for a "Permanent Private Way" = 18 ft.: "25 Summer Street" will remain a private shared driveway with a pavement width = 14 ft.
- 7.10.2** Hot Mix Asphalt Cape Cod Berm - Roadway Curbing
"25 Summer Street" is proposing to utilize a "country drainage" low impact design using roadside dry detention basins. Curbing will not be proposed along the edges of the shared driveway.
- 7.11.1** Driveway 3' Radius Edge Treatment: Waiver from 3' radius as existing curb cut is to remain and is within the Summer Street right-of-way, similar to the adjacent "Ardmore Circle" private way.
- 7.11.12** Driveway opening within 14 ft. of a catch basin. There is an existing catch basin located within the Summer St. right-of-way within 14' of the existing driveway curb cut.
- 7.13** Sidewalks: No sidewalks are proposed as there are existing sidewalks on both sides of Summer Street along the entire frontage of the property.
- 7.17.1** No fire alarm system or payment be required as both lots frontage on Summer St.
- 7.17.2** No fire Hydrants or Alarm Boxes: Waiver request as an existing fire hydrant is located within 300 ft. of the property on the west side of Summer St.
- 7.19.2, 7.19.4** Street Trees: Waiver for installation of street trees for shared driveway.
- 7.20** Street Signs: Waiver request from street and traffic signage, similar to the adjacent "Ardmore Circle" private way.
- 7.21** Street Lights: No street lights are proposed.
- 7.22** Walkways and Bikeways: Project is only creating one (1) additional house lot.
- 7.25.1** Monuments / Bounds: Private Way will remain as a private shared driveway.

**May 24, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Bob Tucker, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE: Andy Rodenhiser, and Tom Gay

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Stacey Wetstein, Bellingham Town Planner (temporarily filling in for Susy Affleck-Childs)
Amy Sutherland, Meeting Recording Secretary

The Vice Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments.

There were no citizen comments.

495/MetroWest Development compact Regional Study:

Cynthia Wall from Metropolitan Area Planning Council provided a presentation to the Board. She explained that the executive office of housing and economic development is partnering with the Metropolitan Area Planning Council, the Central Massachusetts Regional Planning Commission, the Metrowest Regional Collaborative, the 495/MetroWest Partnership, and Mass Audubon to engage the region in the preparation of a comprehensive land use and development plan for the 495/MetroWest Region.

The plan will identify priority development and preservation areas and significant transportation and infrastructure investments in the Medway community and for the region.

This presentation provided a draft map of priority preservation areas and also priority areas for development. The areas which were identified included:

- Chicken Brook, Open Space Corridor, preservation priority area
- Marian Community, preservation priority area
- Oak Grove/Bottle Cap Lots, development priority area
- Main Street Redevelopment, development priority area
- East Side 43 D Site, development priority area
- Medway Mill, development priority area
- Route 109 Reconstruction, significant transportation investment corridor

Consultant Carlucci will send electronically to Ms. Wall a copy of the bottlecap lots.

The Board was presented with a Map Legend of the Town of Medway which was color coded indicating the priority areas, water features, significant transportation, open space, roads, commuter rails, and land use.

It was suggested that the Medway Business Park be labeled. Consultant Carlucci also suggested that the railroad lines be highlighted including also the abandoned tracks which show connections.

Ann Sherry, member of the Economic Development Committee wanted to know how do we promote and support these sites within our community. She indicated that we need to work together to look at where the connections may be.

There will be a series of public forums:

- Wednesday, June 15, 2011 – Westborough High School (7:00 pm)
- Tuesday, June 21, 2011 – Boxborough Holiday Inn (7:00 pm)

Franklin Creek Deadline Extension Request:

The applicant, Marko Vajentic from Woodstructure Construction, Inc. is requesting an extension of six months for the Franklin Creek project. The project has a deadline of June 30, 2011 to complete the infrastructure.

It was communicated by Consultant Carlucci that the applicant qualifies for the automatic two year extension which has been granted by the state.

The new expiration date will be June 30, 2013.

Tetra Tech Consultant Dave Pellegri will re-do the estimate and will provide it to the Board at the next meeting.

The Steinhoff Building:

The Board is in receipt of a packet entitled Minor Revision Request Application for 146 Main Street for the Steinhoff Building. This was dated May 18, 2011. The Board will not be discussing this until their next meeting.

25 Summer Street Definitive Subdivision:

The Board reopened the continuation hearing for 25 Summer Street for the Definitive Subdivision.

The issues noted the May 10, 2011 included street trees and landscaping. The engineer informed the Board that a landscape plan has been completed. Plum and pear trees have been provided.

The next item discussed was the requirement for sidewalks. The Board would like to check with other projects to make sure they are consistent with the recommendations made on previous private ways relative to sidewalks. This will be looked into further. Consultant

Carlucci did note that there is a distinction relative to the sidewalks requirements for private ways and public way. Other applicants have made contributions to the sidewalk fund.

DPW Director Tom Holder has communicated to the Board that the town would prefer if the applicant closed the opening and put back the granite curbing. The applicant would need a street opening permit to do this. It was also noted in an email dated May 18, 2011 that it is suggested to sawcut the gutter even with the curb and sawcut the section of sidewalk along with repaving the sidewalk section. All seams need to be sealed.

Member Rogers recommends that a meeting take place with the Speroni Acres land owners.

The Board noted that there needs to be language in the decision relative to the shared driveway agreement and the stormwater management maintenance construction agreements so that the edge of the street is not disturbed. The applicant must use MassHighway standards for gravel borrow.

The items which need to be discussed further are the force main tie in and the street acceptance.

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to close the public hearing for 25 Summer Street.

Design Review Committee:

The Design Review Committee is working on the new logo for the 300th year. There will be a visual ready within the next few months.

Minutes:

May 10, 2011:

On a motion made by Chan Rogers, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from May 10, 2011 with the noted revisions.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 8:30 pm.

Future Meetings:

The next meetings scheduled are:

- Tuesday, June 14, 2011
- 2011 Annual Town Meeting – Monday, June 13, 2011

The meeting was adjourned at 8:30 PM.

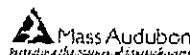
Respectfully Submitted,


Amy Sutherland
Meeting Recording Secretary

495/MetroWest Development Compact



Executive Office
of Housing and
Economic Development



For the last twenty years, the communities in the 495/MetroWest region of Massachusetts have undergone significant growth in employment and population. Looking forward, the region's public and private sector leaders recognize the need for collaborative approaches to infrastructure and land use to ensure the vitality of the region's economy and quality of life.

The 495/MetroWest Development Compact is creating a shared framework for state, regional, and local strategies for priority development and land preservation as well as transportation and other infrastructure investments in the 37 municipalities within the study area.

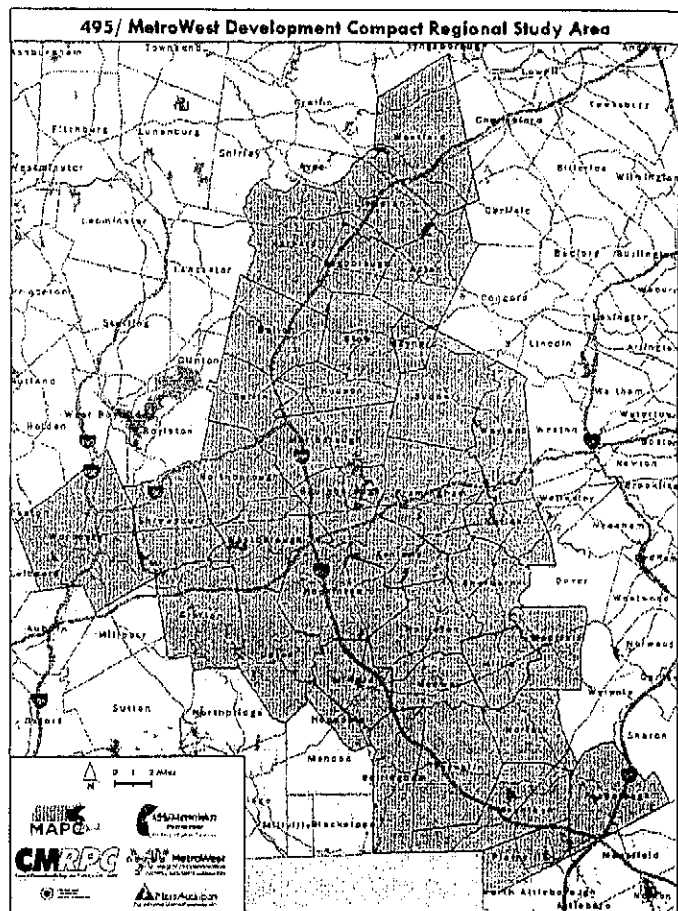
The Patrick-Murray Administration through Executive Office of Economic Development is partnering with Central Massachusetts Regional Planning Commission, the Metropolitan Area Planning Council, the MetroWest Regional Collaborative, the 495/MetroWest Partnership, and Mass Audubon to engage the region in the preparation of a comprehensive land use and development plan for the 495/MetroWest region, modeled on the award-winning South Coast Rail Corridor Plan. A key component of this plan will be identifying priority development and preservation areas and significant transportation and infrastructure investments for the region (see next page for more information). Like the South Coast Plan, the 495/MetroWest plan will be prepared in collaboration with regional and local participants and engage both public and private sectors to form the framework for public decision-making in land use regulation and infrastructure investment within the region over the next twenty years.

The Compact is guided by six fundamental principles:

- Continued new growth will likely require major transportation and other infrastructure upgrades, beyond what is needed to keep existing systems in good repair;
- New commercial and residential growth must occur in a manner that is respectful of open space resources, transportation networks, and water resources in the region;
- Land use and transportation decisions must take into account the principles established by the Global Warming Solutions Act and the transportation re-organization statute;
- Workforce housing must continue to be produced and preserved within the region;
- Sustainable new growth will involve the creation and maintenance of an effective public transit system; and
- Coordinated planning and implementation efforts between jurisdictions are necessary.

The project is slated to be completed by December 31, 2011.

Visit the project website at:
www.495partnership.org/compact



Priority Development Areas (PDA)

Locations potentially capable of supporting additional development or redevelopment, but that may first require additional investments in infrastructure.

May be a single use or mixed-use: a combination of retail, commercial, office, or housing.

Can range in size from a single lot to many acres.

May include adaptive reuse of existing buildings to preserve sense of place.

Generally characterized by good access, available infrastructure (primarily water and sewer), and an absence of environmental constraints.

Areas have undergone extensive area-wide or neighborhood planning processes and may have detailed recommendations for future actions.

Areas designated under state programs such as Chapter 43D (expedited permitting), Chapter 40R (smart growth zones) or Economic Opportunity Areas can be examples of PDAs.

Priority Preservation Areas (PPA)

Deserve special protection due to significant environmental factors and/or natural features, such as endangered species habitats, large blocks of high quality intact habitat (BioMap2), areas critical to water supply, scenic vistas, areas important to a cultural landscape, or areas of historical significance.

Are not currently permanently protected (e.g., via conservation restriction, municipal or state conservation land, land trust ownership, etc.).

In general, existing parks or new park facilities would not fall within this category.

May be critical to linking open space and also trails within a community across municipal boundaries that are part of a larger, regional network.

Significant Transportation Investments (STIs)

Transportation projects that have the potential to increase efficiency and enhance interconnectivity for facilities which serve regional transportation needs.

May be a project in a town or within a town's subregion.

In most cases, these potential projects address major roadways as well as transit, bicycle, and pedestrian facilities that either individually or collectively serves regional travel needs.

May include improvements for commercial airports and intermodal freight facilities that are key to the regional economy.

Locally identified projects, along with projects from other statewide and regional planning documents, will be evaluated to develop an initial set of Regionally Significant Transportation Investments (RSTIs).

Significant Infrastructure Investments (SIIs)

Are infrastructure projects that have the potential to increase efficiency and capacity and enhance development potential for facilities/sites which serve regional needs.

May be a project in a town or within a town's subregion.

In most cases, these potential projects address water, sewer/wastewater, stormwater, and may include new infrastructure upgrades/increase in capacity to existing infrastructure that either individually or collectively serve regional needs.

Locally identified projects, along with projects from other statewide and regional planning documents, will be evaluated to develop an initial set of Regionally Significant Infrastructure Investments (RSIIs).

495/MetroWest Development Compact Regional Study

Review of Priority Development Areas, Priority Preservation Areas and Regionally Significant Transportation and Infrastructure Investments

**Presentation to the Medway Planning Board
Facilitated by the Metropolitan Area Planning Council**

Tuesday, May 24, 2011

1. Introduction to the project and review of work to date
2. Presentation of the draft map of Priority Preservation Areas and Priority Areas for Development
3. Open discussion and prioritization of the areas identified for preservation or development and discussion of regionally significant transportation investments
4. Next steps



Executive Office
of Housing and
Economic Development



MetroWest
Regional Collaboration
Partnering to Develop Communities

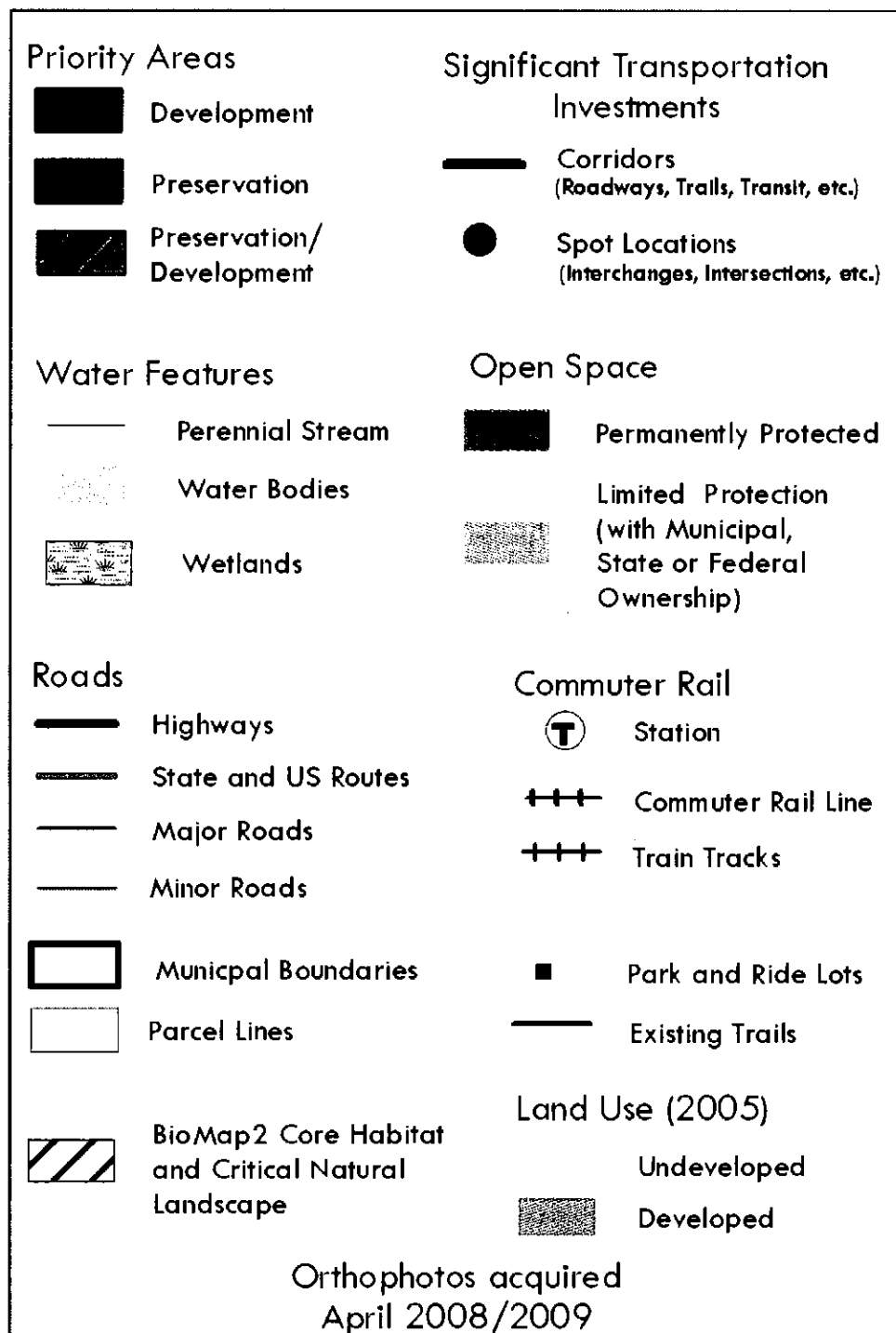


495/METROWEST
PARTNERSHIP
Working for Regional Development



Mass Audubon
Protecting the Natural World of Massachusetts

MAP LEGEND



Executive Office
of Housing and
Economic Development



Contribute to the vision for the 495/MetroWest region

Where should open space be preserved?

What transportation needs should be addressed?

How can we ensure continued prosperity in the region?

Share your input at upcoming public forums:

Wednesday, June 15
Westborough High School
90 West Main Street

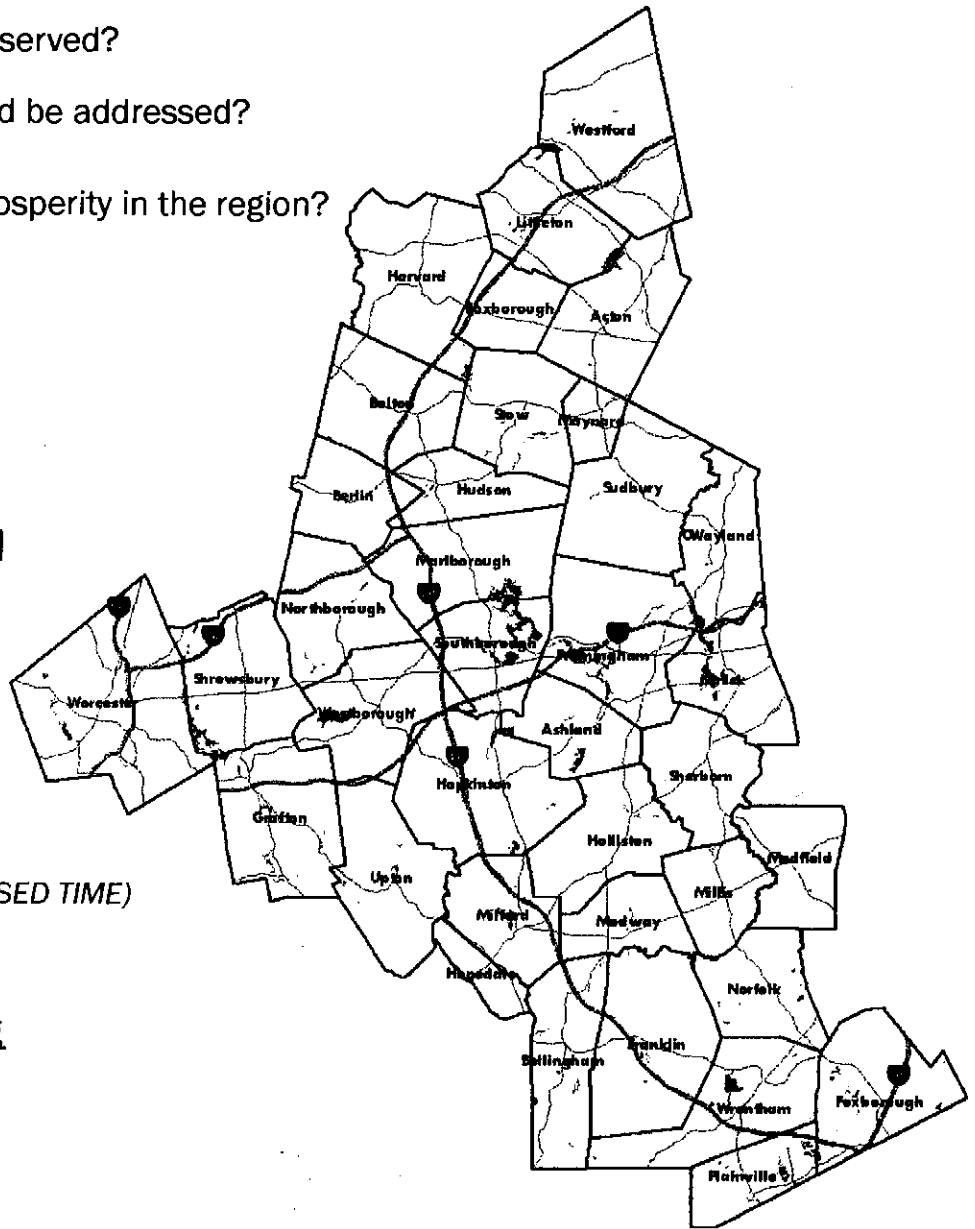
Tuesday, June 21
Boxborough Holiday Inn
242 Adams Place

Open House 5:00-7:00 p.m. (*REVISED TIME*)

Public Meeting 7:00 - 9:15p.m.

Light refreshments provided.

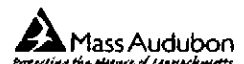
RSVP to info@495partnership.org



Learn more about how to get involved by visiting
www.495partnership.org/compact



Executive Office
of Housing and
Economic Development



The 495/MetroWest Development Compact is an initiative of the Patrick-Murray Administration through the Executive Office of Housing and Economic Development and the above agencies and organizations to create a shared framework for state, regional, and local strategies for priority development and land preservation as well as transportation and other infrastructure investments in the 37 municipalities within the study area.

495/MetroWest Development Compact Regional Study Public Planning Meeting

May 24, 2011 7 PM

Medway Town Hall
155 Village Street
Medway, MA 02053

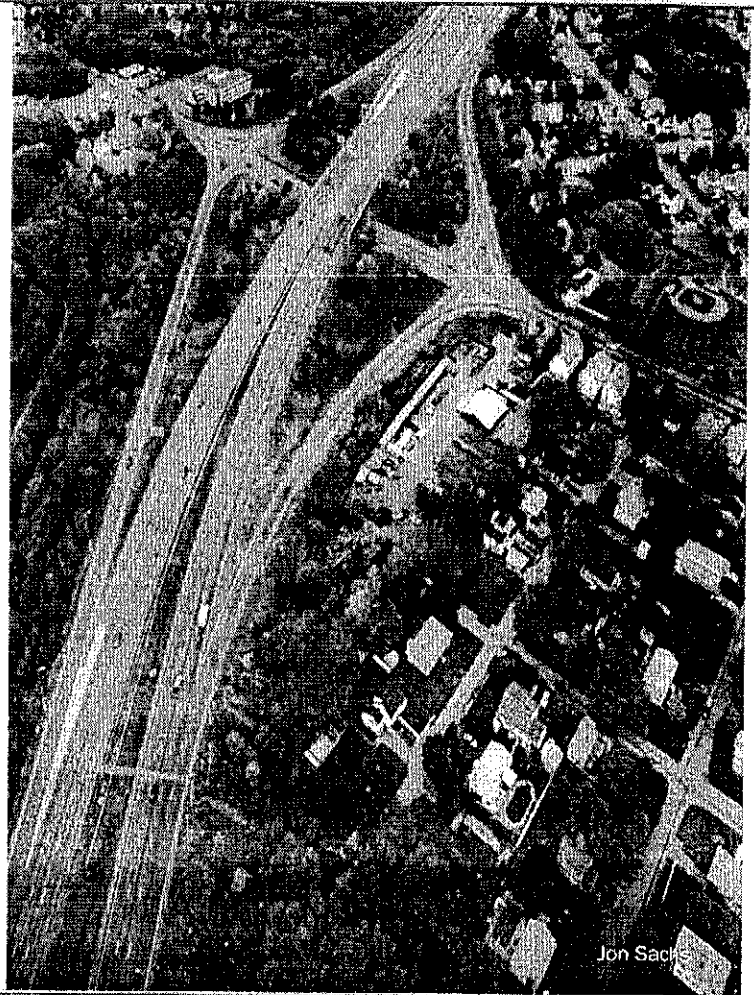
Share your comments

What are the impacts of growth and preservation in the I-495 region?

Where should development be directed in your community?

What land is a priority for protection?

Where is there a need for transportation and other infrastructure improvements?

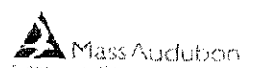


Executive Office of Housing and Economic Development (EOHED), is partnering with the Metropolitan Area Planning Council (MAPC), the Central Massachusetts Regional Planning Commission (CMRPC), the MetroWest Regional Collaborative (MWRC), the 495/MetroWest Partnership (the Partnership), and Mass Audubon to engage the region in the preparation of a comprehensive land use and development plan for the 495/MetroWest region.

A key component of this plan will be identifying priority development and preservation areas and significant transportation and infrastructure investments in your community and for the region. The plan will be prepared in collaboration with regional and local participants and engage to form the framework for public decision-making in land use regulation and infrastructure investment within the region over the next twenty years.



Executive Office of
Housing and
Economic Development



Steinhoff Realty Trust

Attachment

RECEIVED
MAY 18 2011

TOWN OF MEDWAY
PLANNING BOARD

Minor Revision Request Application

To

Approved AUOD/Special Permit

For

The Steinhoff Building

Located At

146 Main Street, Medway 02053

18 May 2011

Prepared By:
Steinhoff Realty Trust

Overview:

The Medway PEDB approved The Steinhoff Building AUOD/Special Permit located at 146 Main Street earlier in March 2011. Steinhoff Realty Trust then proceeded to successfully obtain quotes from several construction firms to build the approved project. Unfortunately, we have not been able to obtain the required financing for the total project.

We then met with the Medway PEDB on 12 May 2011 on an informal basis to address reducing the initial scope of the project to renovating the existing building plus adding approximately 246 SF in back for lavatories and computer space on the first floor only. The second floor would remain unfinished and be used for storage. The building exterior would be totally refurbished. The first floor office area will be occupied by ValuTrack Corporation. The scope and drawings were revised by The H. L. Turner Group (TTG) who also supported the existing approved plan.

Based on a review of the AUOD By-Laws, Section 505-7, it appears a reduction in scope without changing the basic approved plan falls into Section A: Minor Revisions. Note that Steinhoff Realty Trust is not changing the previously approved Type, Location, Access and Exit Curb Cut, Layout, or Overall Appearance of the building. We are only proposing to reduce the previously approved Complex Size, Overall Parking, and associated Parking Lot Screening, see below description. All other aspects of the PEDB previously approved AUOD Plan/Special Permit remain in effect.

Reduced Scope Description:

The following describes the proposed reduced scope:

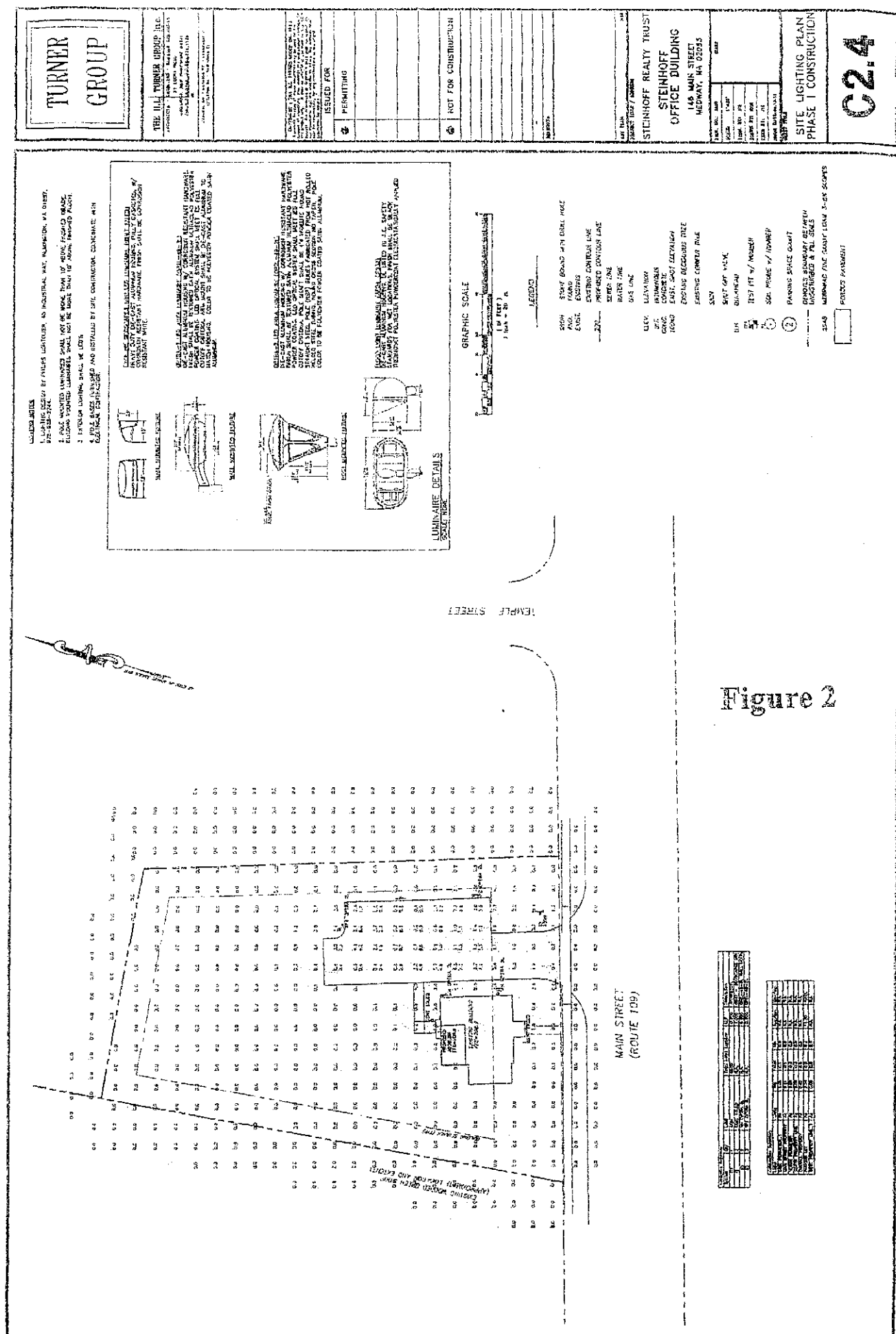
- a. Figure 1 & 1-A, (TTG Drawing C2.2 w/expanded view) indicates construction NOT part of the initial construction effort.
- b. Figure 2, (TTG Drawing C2.4) shows the revised lighting plan.

- c. Figures 3, 4, 5 and 6 show the TTG drawing for the south, east, west and north elevations. Note that the existing west addition is now being used but the two entrances are removed. Note also that the approximate 246 SF addition is on the North side as is the Handicap Access.
- d. Figure 7 shows the TTG proposed first floor layout. The second floor is only used for storage. The approximate 246 SF addition on the north side details the 2 restrooms, a mop room and a computer server room.
- e. Figure 8 (TTG Drawing C2.3) details the proposed revised Site Plan.

Recommendation:

Steinhoff Realty Trust recommends the Medway PEDB approve this Minor Revision request to the approved Steinhoff Building project at 146 Main Street, Medway that:

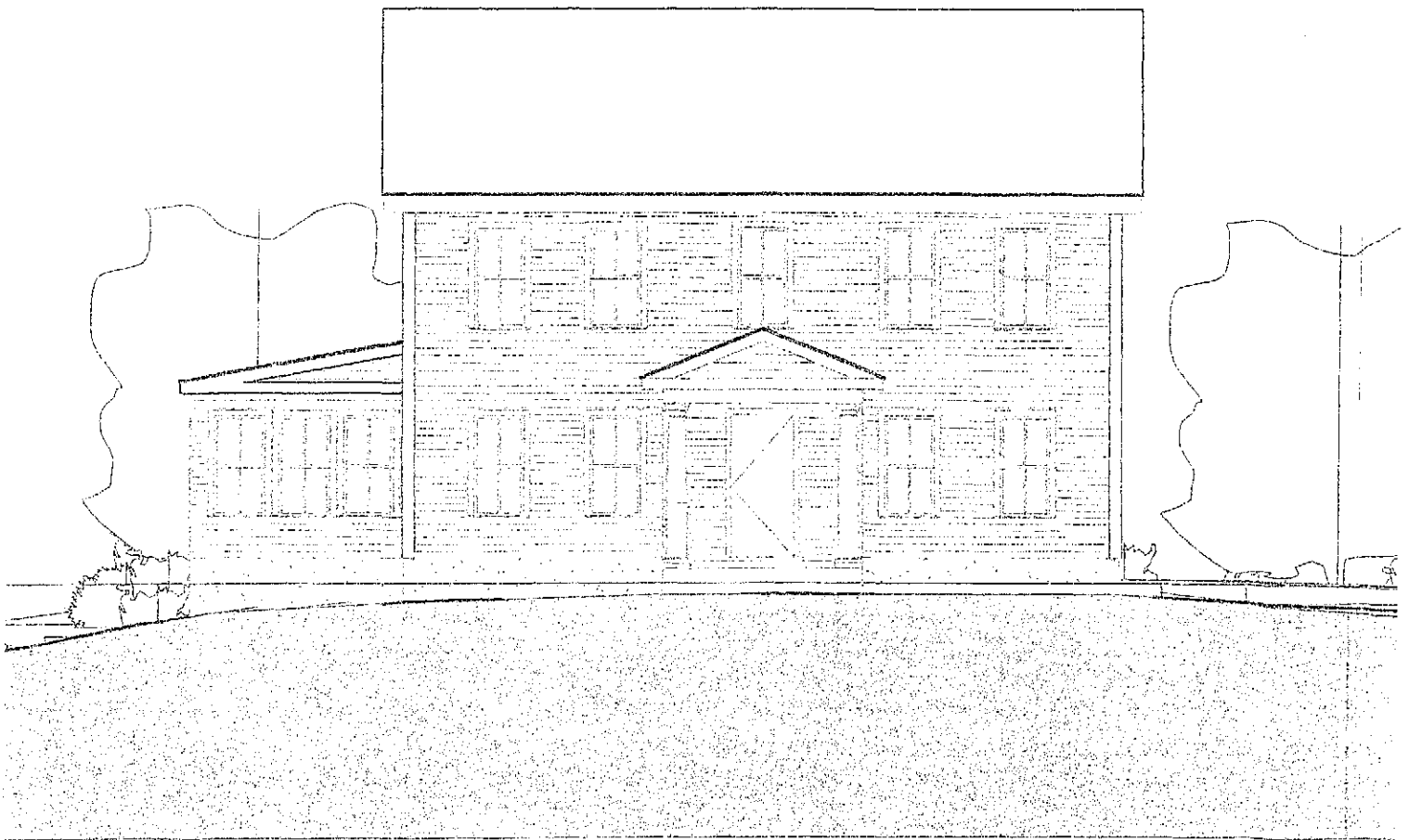
1. Reduces from a 29 car to an 8 car parking lot with appropriate reduction in lot perimeter landscaping.
2. Only renovates the existing 1840s house and does not include the additional 7,100 +/- SF of new office construction.
3. Adds approximately 246 SF on backside of building for needed facilities and handicapped access.
4. Adheres to all other previously approved AUOD/Special Permit approved conditions



THE VALUTRACK HEADQUARTERS

ELEVATION - SOUTH

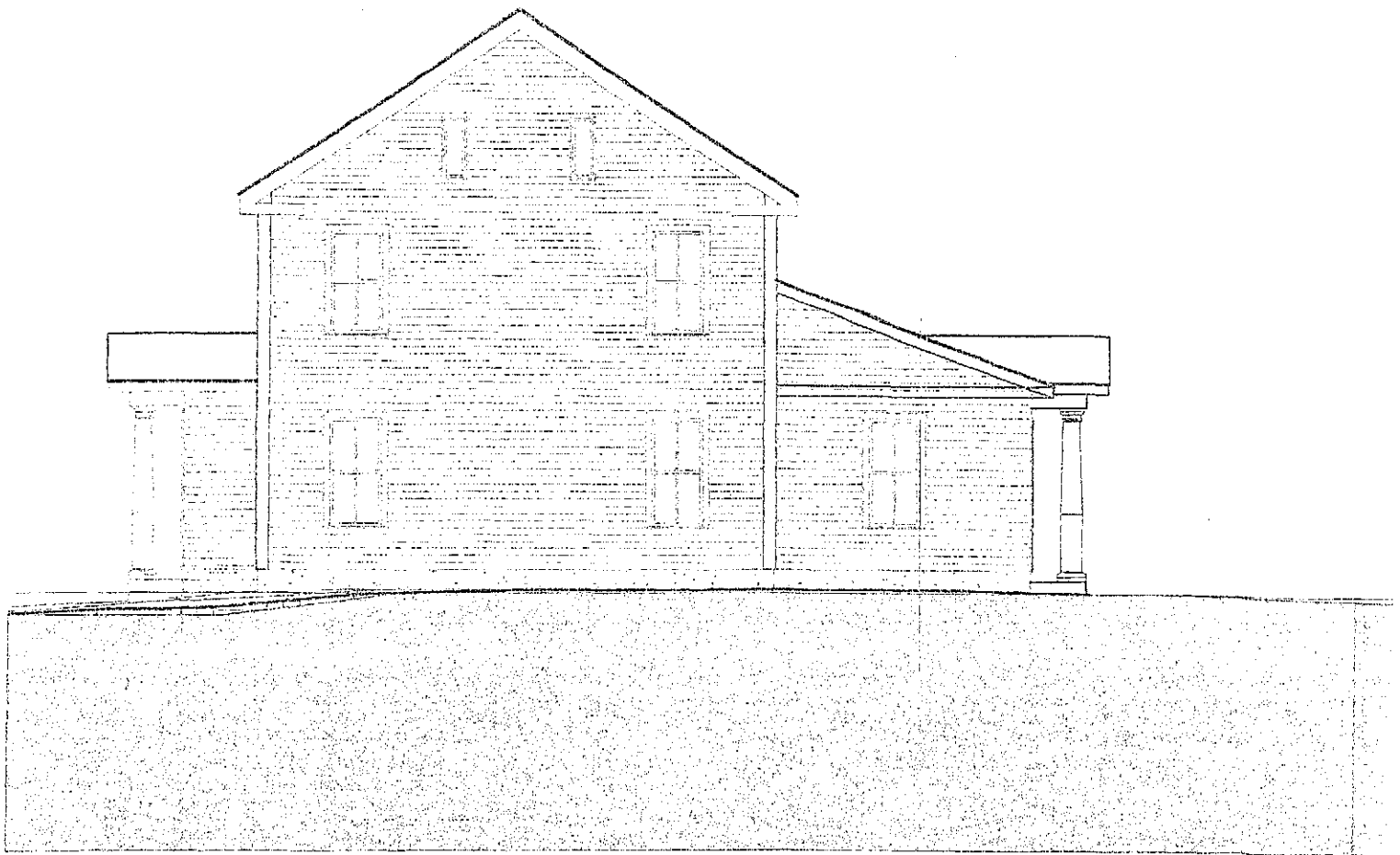
Figure 3



THE VALUTRACK HEADQUARTERS

ELEVATION - EAST

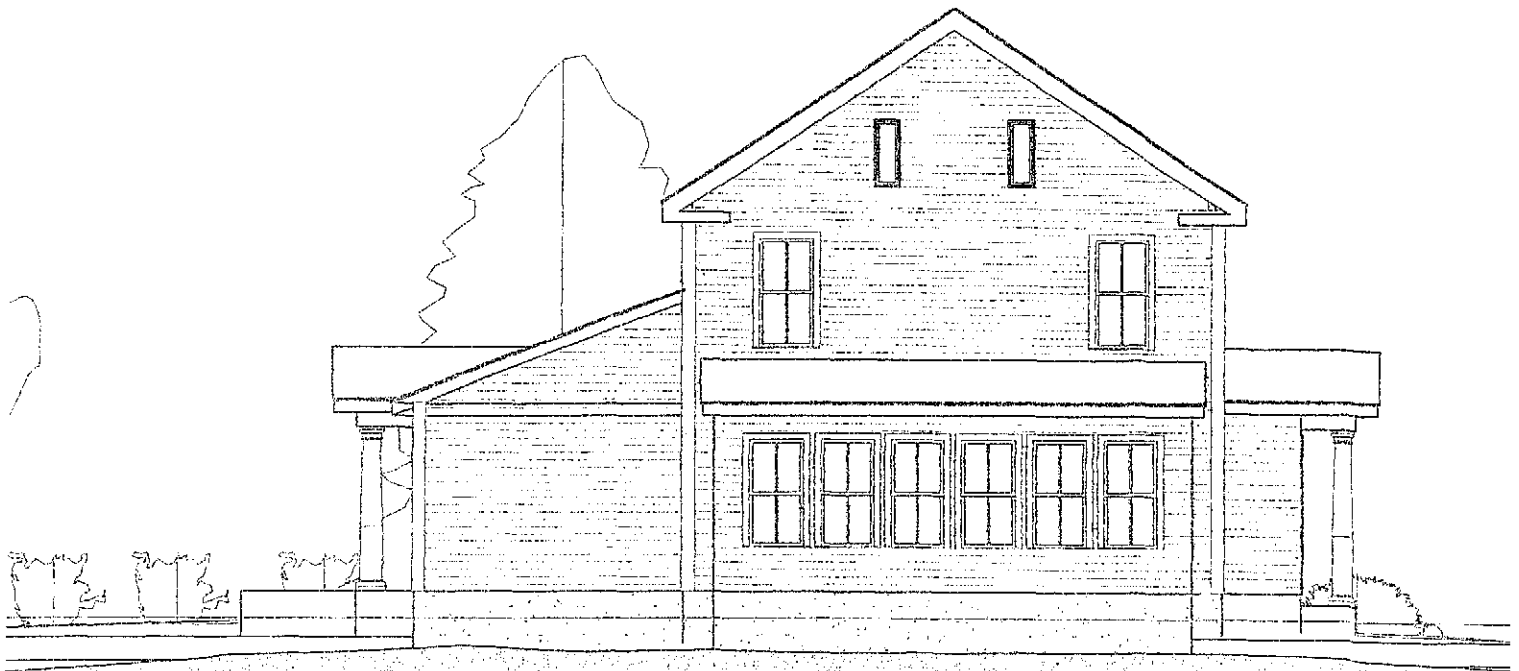
Figure 4



THE VALUTRACK HEADQUARTERS

ELEVATION - WEST

Figure 5



THE VALUTRACK HEADQUARTERS

ELEVATION - NORTH

Figure 6

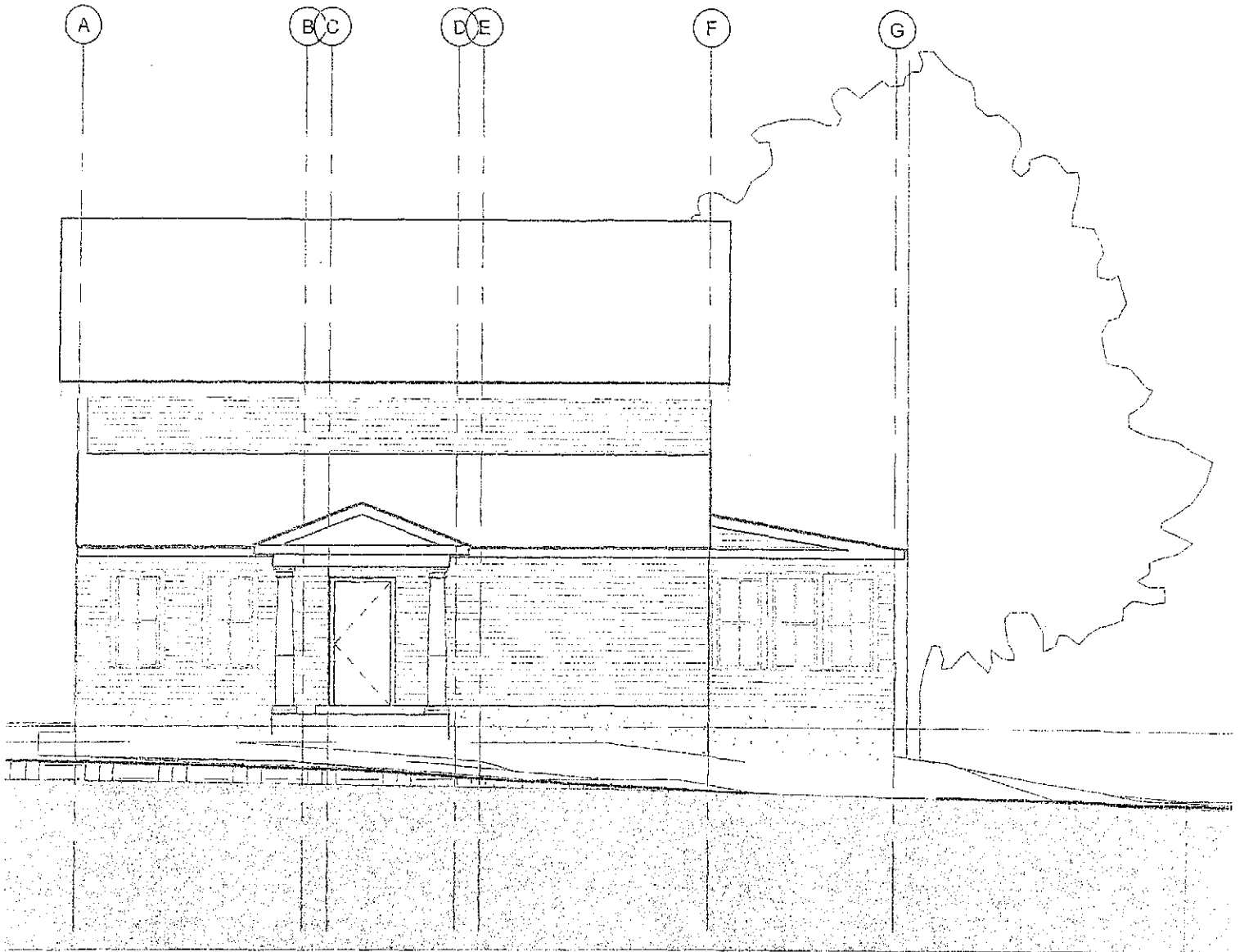
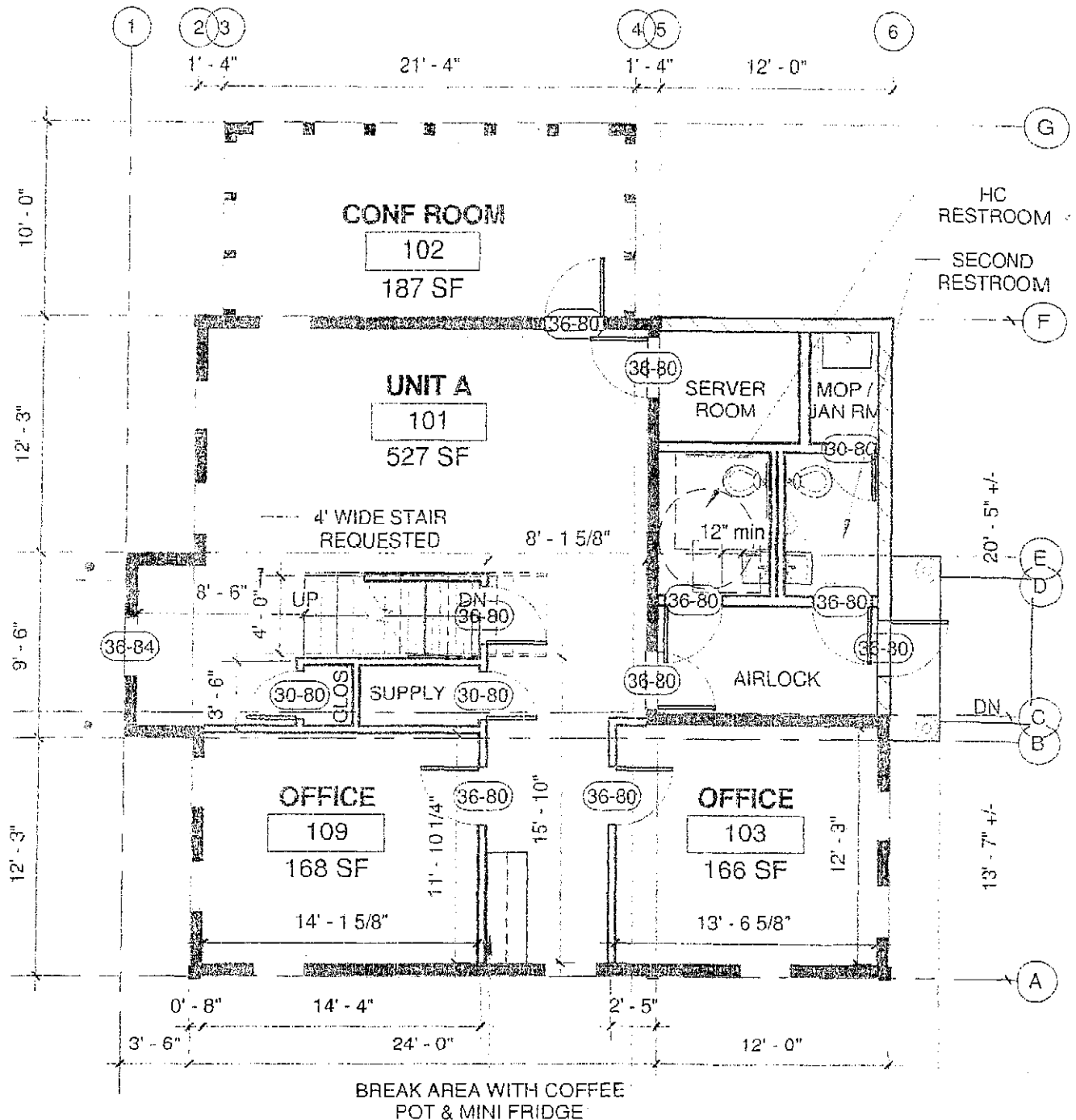
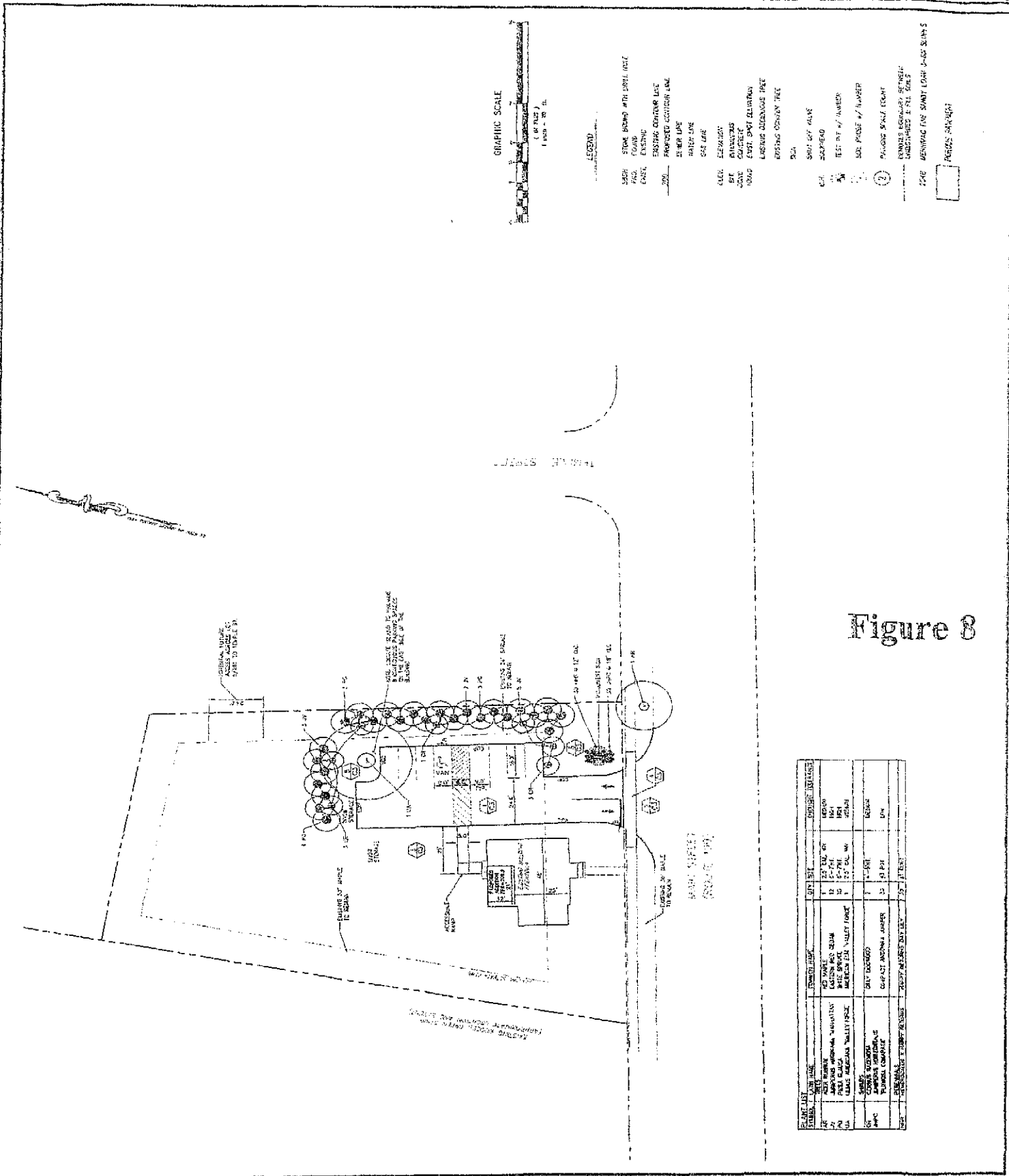


Figure 7





Susan Affleck-Childs

From: David Damico
Sent: Wednesday, May 18, 2011 4:07 PM
To: Susan Affleck-Childs
Cc: Jim Smith; Thomas Holder
Subject: 25 Summer St Driveway

Stacey,

Per our discussion, 25 Summer St. driveway can be abandoned, but needs the following work done. Sawcut the gutter even with the curb and sawcut the section of sidewalk. Raise the granite curbing on either side of the opening. Install new curbing at the opening. Repave the sidewalk section. Seal all seams after the work is complete. All of this needs to be done under a Street Opening Permit with appropriate fees and deposits. The applicant can review this with the Highway Superintendent if needed.

Thanks,

Dave
DPS Deputy Director
Check us out on-line at www.townofmedway.org

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

**June 13, 2011
Medway Planning and Economic Development Board
Medway High School – Room 112 A**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Development Coordinator

The Vice Chairman opened the meeting at 6:05 pm. This meeting was specifically called to discuss several of the Board's proposed warrant articles under consideration for the 2011 Annual Town Meeting to take place at 7:30 pm on June 13, 2011.

- The Board began a discussion regarding Article 24 which proposes the establishment **Article 24** of a new Adaptive Use Overlay District (AUOD) in the Medway Village area. **See attached map of the proposed AUOD area.**

Tom Gay reported he had heard from the owners at 1 and 3 John Street who were very opposed to having their property included in the proposed new AUOD district as John Street is very narrow and not conducive to business operations. These are the folks (Deborah and Robert Mosher and John Van Rye) who had sent a letter dated April 6th to the Board expressing their concerns. **See attached letter which was redistributed to the members.** This letter requests that the boundaries of the new AUOD be adjusted to EXCLUDE 1 and 3 John Street and 4, 6 and 7 Sanford Street.

Tom indicated that he felt the Board did not do a complete job in deliberating the boundaries of this area. The Board should have spent more time on it. He felt the Board could have done better. He suggested the Board should use the new MAPS on Line GIS program to help with these tasks.

Karyl Spiller-Walsh indicated she had driven down to John Street. She felt that the AUOD option might help clean up the backs of these parcels.

Chan Rogers stated that the AUOD is an enabling opportunity. He wondered if the people don't understand that the AUOD is a special permit option, not a requirement. However, since these folks feel aggrieved, he would be OK with removing the parcels as requested, even though he didn't really feel like it was really necessary.

Andy Rodenhiser noted that this area includes lots of older houses for workers at the Sanford Mill with small lots. Andy indicated that we should be practical, sensitive and responsive to their request.

Tom Gay stated that the street width on John Street is quite marginal. Any increase in traffic could really be problematic.

Susy Affleck-Childs reported that the properties at 4, 6 and 7 Sanford Street are owned by Robert and Virginia Heavey. Board members recollected that Mr. Heavey had spoken against the AUOD district at the public hearing on the proposal.

A motion was made by Bob Tucker, seconded by Chan Rogers to recommend to Town Meeting to remove 1 and 3 John Street and 4, 6 and 7 Sanford Street from the boundaries of the proposed AUOD district. The motion passed unanimously.

Article 27 – The Board then discussed Article 27 regarding revising the boundaries of the Commercial III zoning district. **See attached map showing existing and proposed boundaries.**

Andy Rodenhiser reported that he had received several calls from BOS Chairman Dennis Crowley who had been contacted by a Mr. William Caton who owns 39 Broad Street which would be changed from ARII to Commercial III by this proposal. Mr. Caton presently lives at 39 Broad Street.

Susy Affleck-Childs showed the Board the location of 39 Broad Street on the map. She indicated that she had spoken with Mr. Caton as well. He is concerned that this change would remove his option to have an accessory family dwelling unit which is a special permit option under ARII but is not included as an option in the text of the Commercial III zone.

Andy Rodenhiser reported that Mr. Crowley had suggested Mr. Caton speak with a realtor about the respective value of his property with ARII vs. Commercial III zoning. Andy indicated that based on those conversations, Mr. Caton has learned that 39 Broad Street may be more valuable with the Commercial III zoning if it were to be sold. Andy indicated that Mr. Caton will not object to the rezoning proposal during Town Meeting.

Andy noted that this was an unanticipated impact of the proposal. He asked how the Board felt about possibly recommending a future change to the text of Commercial III zoning district to allow for accessory family dwelling units by special permit.

Bob Tucker indicated that the Board should vote to show its intent to propose this change for a future town meeting and to inform Mr. Crowley of the Board's willingness to address this issue.

Board members concurred.

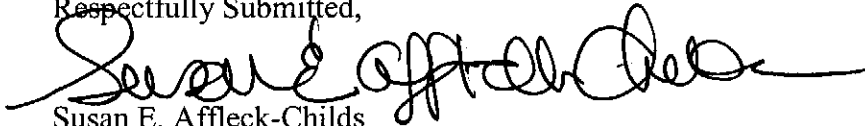
A motion was made by Bob Tucker, and seconded by Chan Rogers that the board develop a zoning bylaw amendment proposal to revise the Commercial III text to allow accessory family dwelling units by special permit and to propose this for a future town meeting. The motion passed unanimously.

*Minutes of June 13, 2011 Special Meeting
Medway Planning & Economic Development Board
APPROVED -- June 28, 2011*

Board members then adjourned to the special and regular Town Meetings being held in the auditorium at Medway High School.

The Annual Town meeting was adjourned at 8:33 PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Affleck-Childs", written over the printed name.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Meeting Recording Secretary

RECEIVED
APR 12 2011

TOWN OF MEDWAY
PLANNING BOARD

April 6, 2011

TO: The Members of the Planning & Economic Development Board
FROM: Robert and Debora Mosher of 3 John Street, Medway, MA
John Vanrye of 1 John Street, Medway, MA

RE: The Proposed Adaptive Use Overlay District

Dear Committee Members,

Let me start by saying that my husband and I (Debora Mosher) were out of town at the time of the Public Hearing regarding the Zoning Bylaw Amendment. Once I received the notification, I went to the Town Hall and spoke with Susy Affleck-Childs and inquired what the reasoning is for the overlay to include #1 and #3 John Street. After expressing my concerns, Susy Affleck-Childs suggested that I write a letter to the board with my concerns.

To begin with, the section of John Street that I am questioning isn't the section directly behind the stores and the Post Office. The section of John Street that I am opposed to is to be included in the overlay is #1 and #3 John Street. (See attached map) In this particular section the road is only 14'-15' wide. The home at #1 John Street sits 5' from the street and #3 John Street is only 6' from the street. The frontage is 97' for these two properties which includes the two homes and their perspective driveways. Homes along Mansion Street (not properly marked on your map) are approximately 3' from the road. Mansion Street is actually the southern border on your map.

My home dates back to 1797 and I can't understand why, after all these years, the committee wants to change this section of town with its characteristically narrow roads. I honestly believe that if I were to apply for a business permit I would be denied, and rightly so, for the reasons that the neighborhood can't handle the additional traffic; on street parking is inadequate for the whole neighborhood and these two homes obviously do not have any room for off street client parking.

Therefore, I am requesting that the proposed overlay not include #1 and #3 John Street. I would like to request that the committee consider stopping the overlay boundary at the properties on Village Street (See attached map). As I look at the map, this seems to make the most sense because the whole Southern boundary (except for this disputed section) is along Village Street. It would be so much "cleaner" to keep it at that and not start the precedence of singling out a small neighborhood.

In closing, I ask that each of you drive by this area prior to voting on this issue and please consider the impact that your decision will have on this small historic neighborhood.

Thank you for your time and consideration of this matter and again I apologize that I wasn't in attendance at the Public Meeting where these concerns would have been brought up.

Sincerely,

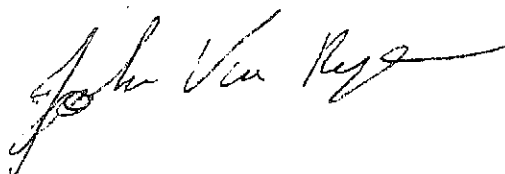


Debora Mosher



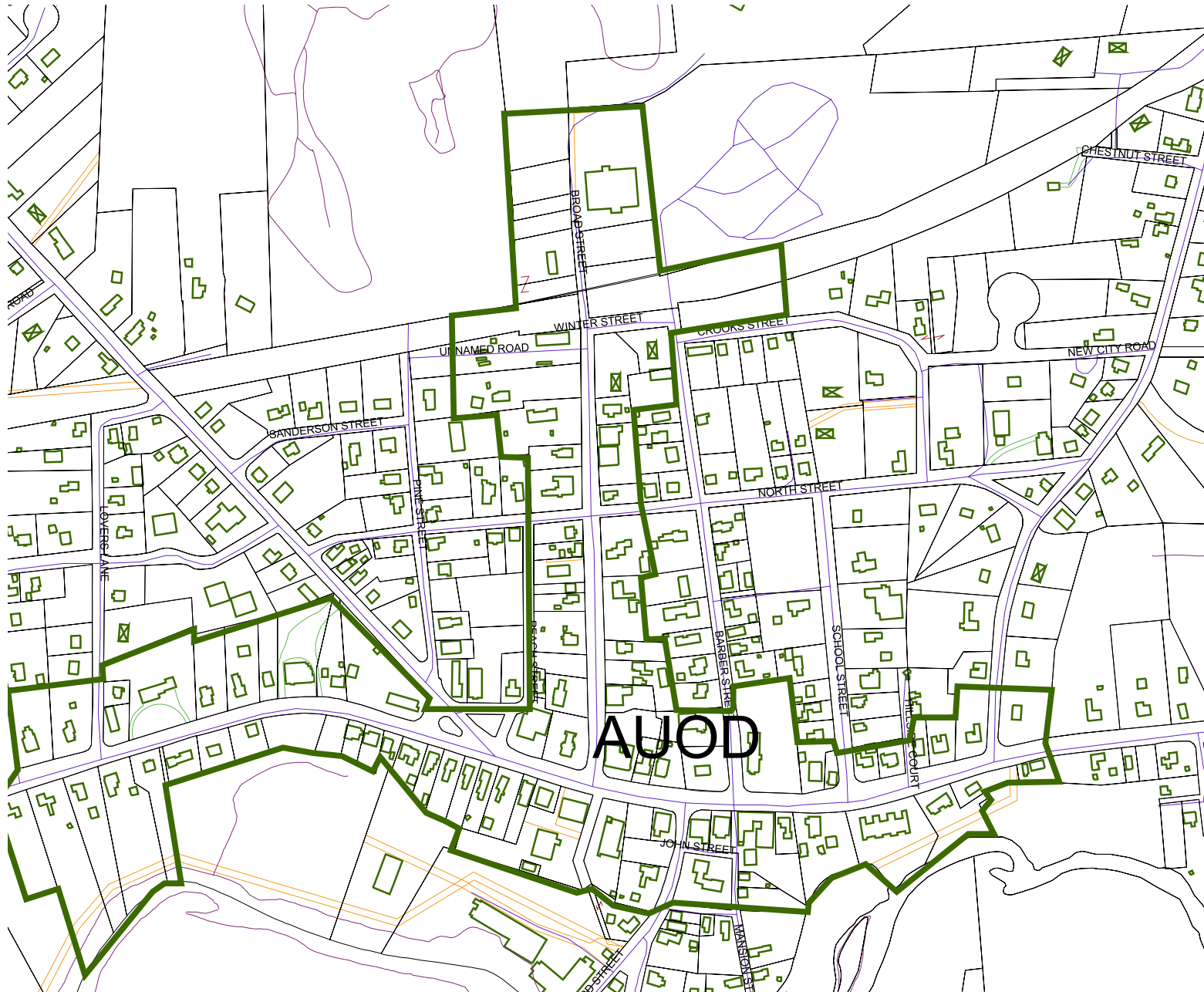
Robert Mosher

John Vanrye



Cc: Andy Rodenhiser
Robert K. Tucker
Thomas A. Gay
Cranston (Cran) Rogers
Karyl Spiller Walsh
Susy Affleck-Childs

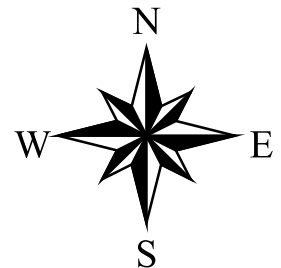
Proposed AUOD District



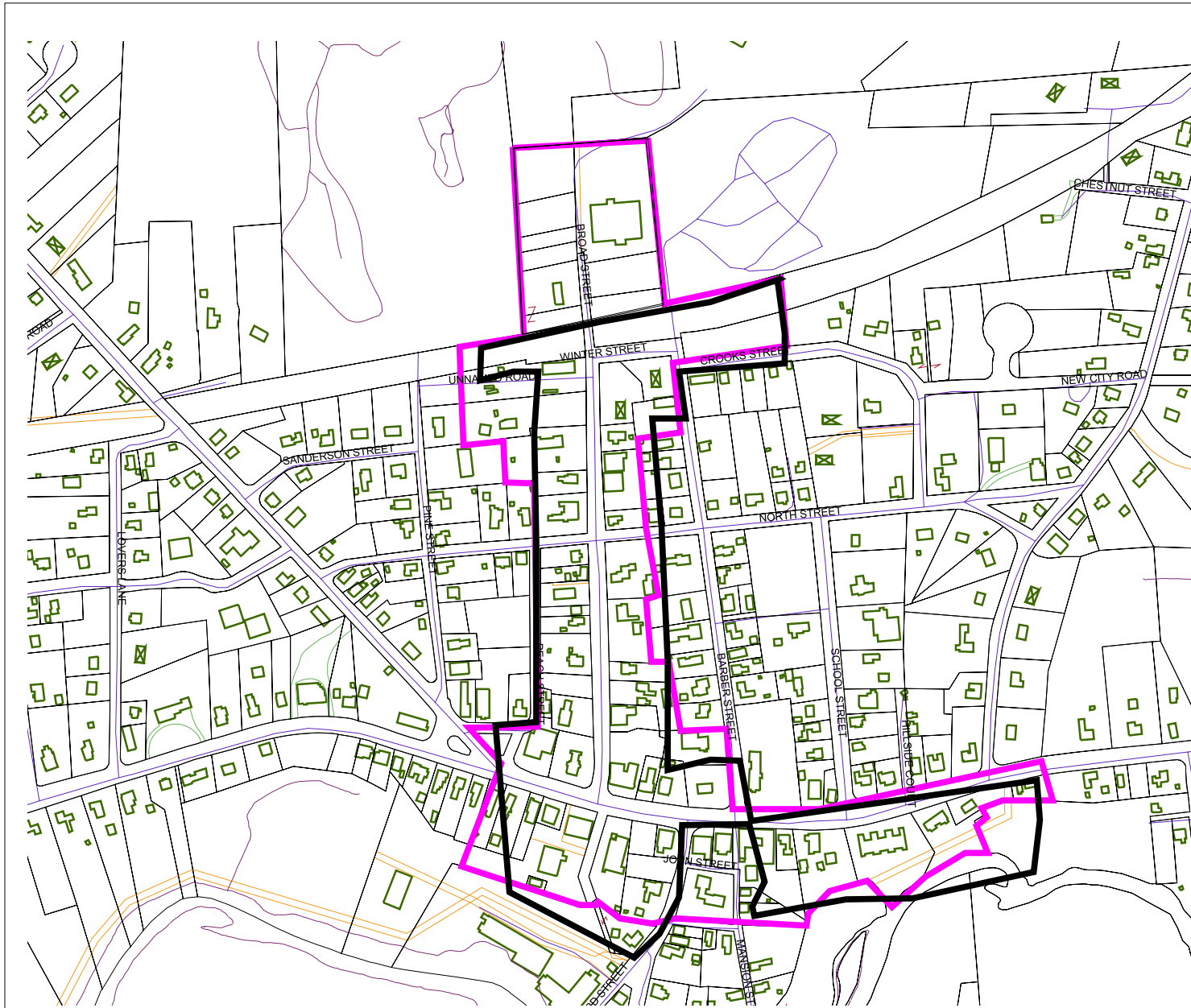
Prepared by:
PGC Associates, Inc.

for the
Medway Planning
and
Economic Development Board

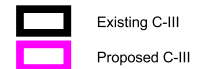
February 17, 2011



C-III District



Proposed New C-III Boundaries

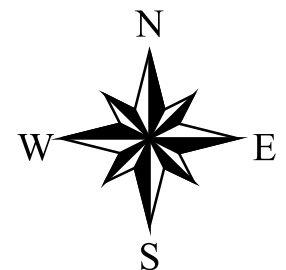


Prepared by PGC Associates, Inc.

for the Medway

Planning and Economic Development Board

March 22, 2011



**June 14, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Gino Carlucci, PGC Associates (Consulting Planner)
David Pellegri, Tetra Tech Rizzo (Consulting Engineer)
Susy Affleck-Childs, Planning and Economic Development
Coordinator
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments.

There were no citizen comments.

43 B Grant Money:

The Chairman would like a report about what is left for grant money and what the Town can do with the remaining money. Susy Affleck-Childs will provide follow-up at the next meeting.

Design Review Committee:

The Design Review Committee is working on ideas for a new Town logo for the Town's 300th birthday celebration (2013). There will be a visual ready within the next few months.

Workshop:

The Board had a brief discussion about being the host Town for the guest speaker, Randall Arendt regarding open space design.

The Chairman went to a seminar and found him to offer great suggestions. Karyl-Spiller Walsh felt that the town could benefit from his coming to provide a workshop.

Evergreen Meadows Subdivision:

Susy Affleck-Childs reported that the Evergreen Meadows Subdivision bond will be tabled until the June 28, 2011 meeting.

Franklin Creek Deadline Extension Request:

Tetra Tech Consultant Dave Pellegrini prepared a bond value estimate dated June 1, 2011 for Franklin Creek. This is a Private Way Subdivision. The recommended bond value is \$42,621. **A copy is attached.** The Board discussed taking out the items for road maintenance and the snow plowing which would total \$3,825.00.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to recommend the bond for Franklin Creek in the amount of \$37,740.00. There will be \$3,825.00 taken from the road maintenance and the snow plowing and have that directed to the project's construction observation account. (Member Rogers did not vote.

Village Estates Definitive Subdivision Plan estimates:

Tetra Tech Rizzo:

Tetra Tech Rizzo provided to the Medway Planning and Economic Development Board an estimate dated June 10, 2011 for the Village Estates Definitive Subdivision Plan (272 Village Street). The estimated amount is \$3,660.00. The scope of services will include the site visit, design review, and meeting attendance. **(A copy is attached.)**

PGC Associates, Inc.:

PGC Associates provided to the Medway Planning and Economic Development Board an estimate dated June 10, 2011 for the Village Estates Definitive Subdivision Plan (272 Village Street). The estimate amount is \$552.50. The estimate includes technical review, comments and attendance at the Planning Board meeting. **(A copy is attached.)**

On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to approve the plan review estimates for the Village Estates Definitive Subdivision Plan (272 Village Street) from PGC Associates in the amount of \$552.50 and also an estimate for \$3,660.00 from Tetra Tech Rizzo.

The Steinhoff Building/146 Main Street

The Board is in receipt of a packet dated May 18, 2011 entitled Minor Revision Request Application for 146 Main Street for the Steinhoff Building. **(See attached.)** Mr. Steinhoff and his son Kirk were present at the meeting. Mr. Steinhoff informed the Board that they have been unsuccessful in obtaining the required financing for the total project as originally envisioned and approved by the AUOD Special Permit. His son will now be responsible for the project. The new intent is to reduce the initial scope of the project to renovate the existing building plus add approximately 246 square feet in back for lavatories and computer space on the first floor. The first floor will be occupied by ValuTrack Corporation. The new application will include removing and replacing the existing clapboard, along with replacing the windows.

Mr. Steinhoff also informed the Board that the wind turbine will be put on hold. The wind turbine would need to be a separate special permit application and approval.

The Board reviewed the plans which were provided by Turner Group.

Member Gay inquired about what would be happening with the landscape.

Mr. Steinhoff responded that it is their plan to continue maintaining the landscape. He will also be possibly adding a picnic area for employees. There will be less concrete used.

Consultant Pellegrini indicated that the impervious surface will be increased. There may need to be a revised drainage report.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to acknowledge the revised scope of work for the 146 Main Street project constitutes a minor revision to the 146 Main Street Adaptive Use Overlay District Permit.

The Board will vote at the June 28, 2011 meeting. Susy Affleck-Childs will prepare a draft decision for the Board's review.

The Board did mention that the grass at this property needs to be maintained. Currently, the grass is overgrown.

The applicant assured the Board that the maintenance of the grass will be taken care of.

25 Summer Street Definitive Subdivision Plan

Mike Fasolino (applicant) and David Faist (engineer for Mr. Fasolino) were present.

Susy Affleck-Childs informed the Board that she had edited the first draft of the decision which had been prepared by Stacey Wetstein. That draft was included in the board packet. **A copy of that draft is attached.** The FINDINGS and WAIVERS sections have not been reviewed by Gino Carlucci.

The Board is in receipt of an estimate which was requested at the last meeting. The estimate from Tetra Tech Rizzo is for constructing sidewalks along the Summer Street frontage of the property. The estimate was for \$21,920.00. **See attached.**

David Faist read from the applicable section of the *Subdivision Rules and Regulations* and asked whether this was really applicable to this particular situation as there were already newly constructed sidewalks along the Summer Street frontage of the property.

The Board did discuss the sidewalk fund and does not feel the applicant needs to put money into the Sidewalk Account. However the applicant will have to put in sidewalk and curbing where one of the existing curb cuts is to be eliminated.

Susy Affleck-Childs suggested that on page 9 of the decision, #5 be eliminated. Also it was suggested that #22 needs to have more clarity which is reflected in the email from Dave D'Amico. **(See attached.)** There also needs to be more clarity within the Waiver Findings

and language. findings. Consultant Carlucci will assist with providing more input on the decision.

The Board will discuss a further revised draft decision of the 25 Summer Street at the next meeting which is scheduled for Tuesday, June 28, 2011.

Pine Meadows II:

Gary Feldman representing the owners was present.

The Board is in receipt of a bond reduction estimate from Tetra Tech Rizzo dated May 31, 2011 for Pine Meadows II in the amount of \$60,088. **See attached.**

Member Tucker questioned the pavement marking amount of \$100.00. It is his thought that this is not a realistic number and needs to be increased. The only items left to address are the fence, landscaping, and street trees.

The Board would like to hold off on acting on the bond reduction until there is verification that some of outstanding work has been completed. This includes fencing and equipment removal.

The applicant would like to be placed on the agenda for a July meeting.

104 Fisher Street:

Prior to any discussion about Fisher Street, the Chairman stepped down from his Chairman's seat. He addressed the Board as a private citizen and owner of 104 Fisher Street.

The Vice Chairman will be conducting the Board's business for this agenda item.

Mr. Rodenhiser informed the Board that it is his intention to hold off on discussing any plans for 104 Fisher Street until he is 100% owner of the property. He would like to be placed on the June 28, 2011 agenda for an informal discussion regarding subdividing his property.

Susy Affleck-Childs reported that she had discussed this matter with Town Counsel. Town Counsel has provided some guidance to the Board on this matter which was forwarded to all members this afternoon. Susy strongly encouraged Board members to individually discuss this with Town Counsel. Each member will need to prepare and file a conflict of interest statement.

It was also suggested by Town Counsel that the Board's consultants also fill out a disclosure statement regarding conflict of interest.

Member Rogers asked if anyone goes up to this property, are they trespassing.

Susy Affleck-Childs informs the Board that there is no formal submittal in front of the Board at this time.

Mr. Rodenhiser stated again that he is not prepared to discuss anything at this point.

Meeting Minutes:

May 24, 2011:

The minutes from May 24, 2011 will be tabled until the next meeting held on June 28, 2011.

495/MetroWest Region Meetings:

- Wednesday, June 15, 2011 – Westborough High School (7:00 pm)
- Tuesday, June 21, 2011 – Boxborough Holiday Inn (7:00 pm)

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:15 pm.

Future Meetings:

The next meetings scheduled are:

- Tuesday, June 28, 2011

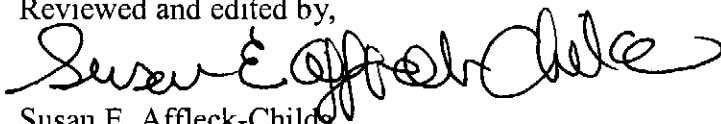
The meeting was adjourned at 8:30 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TETRA TECH RIZZO

Bond Value Estimate
Franklin Creek
Private Way Subdivision
Medway, Massachusetts
June 1, 2011

One Grant Street
 Frammingham, MA 01701
 Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE	Percent Complete	Value Complete	Value Remaining
Gravel Borrow	403	CY	\$25.00	\$10,075	100	\$10,075	\$0
Gripping	1.8	AC	\$15,000.00	\$27,000	100	\$27,000	\$0
**Loam Borrow	311	CY	\$40.00	\$12,440	66	\$8,210	\$4,230
**Seeding	1866	SY	\$1.50	\$2,799	66	\$1,847	\$952
Binder Course	202	Ton	\$78.00	\$15,756	100	\$15,756	\$0
Binder Repair	10	Ton	\$86.00	\$860	0	\$0	\$860
Top Course	122	Ton	\$90.00	\$10,980	0	\$0	\$10,980
Concrete Berm	811	LF	\$5.50	\$4,461	0	\$0	\$4,461
Concrete Bounds	8	EA	\$200.00	\$1,600	0	\$0	\$1,600
12" RCP Drain	79	LF	\$50.00	\$3,950	100	\$3,950	\$0
12" PVC Drain	22	LF	\$60.00	\$1,320	100	\$1,320	\$0
5' Dia. Precast Catch Basin	4	EA	\$2,850.00	\$11,400	100	\$11,400	\$0
4' Dia. Precast Manhole (Sewer)	3	EA	\$3,000.00	\$9,000	100	\$9,000	\$0
8" PVC Sewer	342.4	LF	\$55.00	\$18,832	100	\$18,832	\$0
Water Quality Structure	2	EA	\$7,600.00	\$15,200	100	\$15,200	\$0
Infiltration System	1	LS	\$15,000.00	\$15,000	100	\$15,000	\$0
Oil/Grease Separators (CB Hoods)	3	EA	\$300.00	\$900	0	\$0	\$900
Hay Bale & Silt Fence	365	LF	\$4.00	\$1,460	75	\$1,095	\$365
As Built	425	LF	\$5.00	\$2,125	0	\$0	\$2,125
Stone Retaining Wall	288	SF	\$20.00	\$5,760	100	\$5,760	\$0
Street Signs	1	EA	\$75.00	\$75	100	\$75	\$0
Pavement Marking	1	LS	\$100.00	\$100	0	\$0	\$100
Hydrant	1	EA	\$3,000.00	\$3,000	100	\$3,000	\$0
3/4" Service Tap	3	EA	\$150.00	\$450	100	\$450	\$0
3/4" Water Services/Curb Stop	3	EA	\$275.00	\$825	100	\$825	\$0
6" DI CL Water	395	LF	\$40.00	\$15,800	100	\$15,800	\$0
6" DI Gate Valve	1	EA	\$1,000.00	\$1,000	100	\$1,000	\$0
6" Tapping Sleeve & Gate Valve	1	EA	\$3,400.00	\$3,400	100	\$3,400	\$0
Underground Utilities (Elec, Cable & Tel.)	375	LF	\$40.00	\$15,000	100	\$15,000	\$0
RipRap	5.5	SY	\$77.00	\$424	100	\$424	\$0
2yr Road Maintenance	425	LF/YR	\$2.00	\$1,700	0	\$0	\$1,700
2yr Snow PLOWING	425	LF/YR	\$2.50	\$2,125	0	\$0	\$2,125
2yr Drainage Maintenance	425	LF/YR	\$2.00	\$1,700	0	\$0	\$1,700
Legal Fees	1	LS	\$2,000.00	\$2,000	0	\$0	\$2,000
Total				\$218,516		\$184,419	\$34,097

Contingency (25%)

\$8,524

Recommended Bond Value

\$42,621



TETRA TECH

*Approved
6-14-2011*

June 10, 2011

Ms. Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
Medway Town Hall
155 Village Street
Medway, MA 02053

RECEIVED
JUN 13 2011

TOWN OF MEDWAY
PLANNING BOARD

**Re: Application and Plan Review for
272 Village Street Definitive Subdivision Proposal
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed 272 Village Street Definitive Subdivision Plan in Medway, Massachusetts (the Project). The objective of our services is to review the proposed Definitive Subdivision Plan, and associated application materials including, but not limited to, the Stormwater Management Analysis, and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice.

Scope of Services

The following specifically describes the Scope of Services to be completed:

- **Task 1 Site Visit**
 - Perform one (1) site visit to review the site and its surroundings.
- **Task 2 Design Review**
 - Review the proposed Application for Approval of a Definitive Subdivision Plan, prepared by Colonial Engineering, Inc. and Merrikin Engineering LLP dated May 25, 2011;
 - Review the proposed "Village Estates" Definitive Subdivision Plan prepared by Colonial Engineering, Inc. and Merrikin Engineering LLP dated May 19, 2011;
 - Review the Stormwater Management Analysis and Operation and Maintenance Plan for compliance with the latest Department of Environmental Protection Stormwater Management Standards;
 - Prepare a letter summarizing findings for presentation to the Town of Medway Planning Board;
 - Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications;



- **Task 3 Meeting Attendance**

- Participate in two (2) meetings with the Town of Medway Planning and Economic Development Board.

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech Rizzo's and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget of \$2,735 for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	\$310
Task 2	Design Review	\$2,600
Task 3	Meeting Attendance	\$650
Labor Subtotal		\$3,560
Expenses (3.5%)		\$100
Total Fee		\$3,660

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the projects needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech Rizzo and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project. Please contact us with any questions, or if you require additional information.



TETRATECH

Very truly yours,

David R. Pellegrini, P.E.
Senior Project Manager

Date Approved by Medway Planning and Economic Development Board _____

Certified by: _____

Susan E. Affleck-Childs

Medway Planning and Economic Development Coordinator

Date

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

June 13, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

R E C E I V E D
JUN 13 2011

TOWN OF MEDWAY
PLANNING BOARD

Re: **Village Estates Definitive Subdivision Plan**

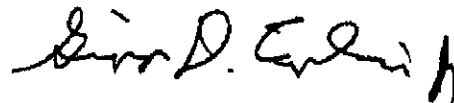
Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the definitive subdivision plan called Village Estates, submitted by owners Russell and Dorothy Santoro of Medway and prepared by Merriken Engineering of Millis and Colonial Engineering, Inc. of Medway. The plan is dated May 19, 2011.

<u>Task</u>	<u>Hours</u>
Prepare estimate	0.5
Technical review and comment	3.5
Planning Board meeting	2.5
Total	6.5
Cost Estimate (@\$85)	\$552.50

If there are any questions about this estimate, please call me.

Sincerely,



Gino D. Carlucci, Jr.

Steinhoff Realty Trust

Attachment

RECEIVED
MAY 19 2011

TOWN OF MEDWAY
PLANNING BOARD

Minor Revision Request Application

To

Approved AUOD/Special Permit

For

The Steinhoff Building

Located At

146 Main Street, Medway 02053

18 May 2011

Prepared By:
Steinhoff Realty Trust

Overview:

The Medway PEDB approved The Steinhoff Building AUOD/Special Permit located at 146 Main Street earlier in March 2011. Steinhoff Realty Trust then proceeded to successfully obtain quotes from several construction firms to build the approved project. Unfortunately, we have not been able to obtain the required financing for the total project.

We then met with the Medway PEDB on 12 May 2011 on an informal basis to address reducing the initial scope of the project to renovating the existing building plus adding approximately 246 SF in back for lavatories and computer space on the first floor only. The second floor would remain unfinished and be used for storage. The building exterior would be totally refurbished. The first floor office area will be occupied by ValuTrack Corporation. The scope and drawings were revised by The H. L. Turner Group (TTG) who also supported the existing approved plan.

Based on a review of the AUOD By-Laws, Section 505-7, it appears a reduction in scope without changing the basic approved plan falls into Section A: Minor Revisions. Note that Steinhoff Realty Trust is not changing the previously approved Type, Location, Access and Exit Curb Cut, Layout, or Overall Appearance of the building. We are only proposing to reduce the previously approved Complex Size, Overall Parking, and associated Parking Lot Screening, see below description. All other aspects of the PEDB previously approved AUOD Plan/Special Permit remain in effect.

Reduced Scope Description:

The following describes the proposed reduced scope:

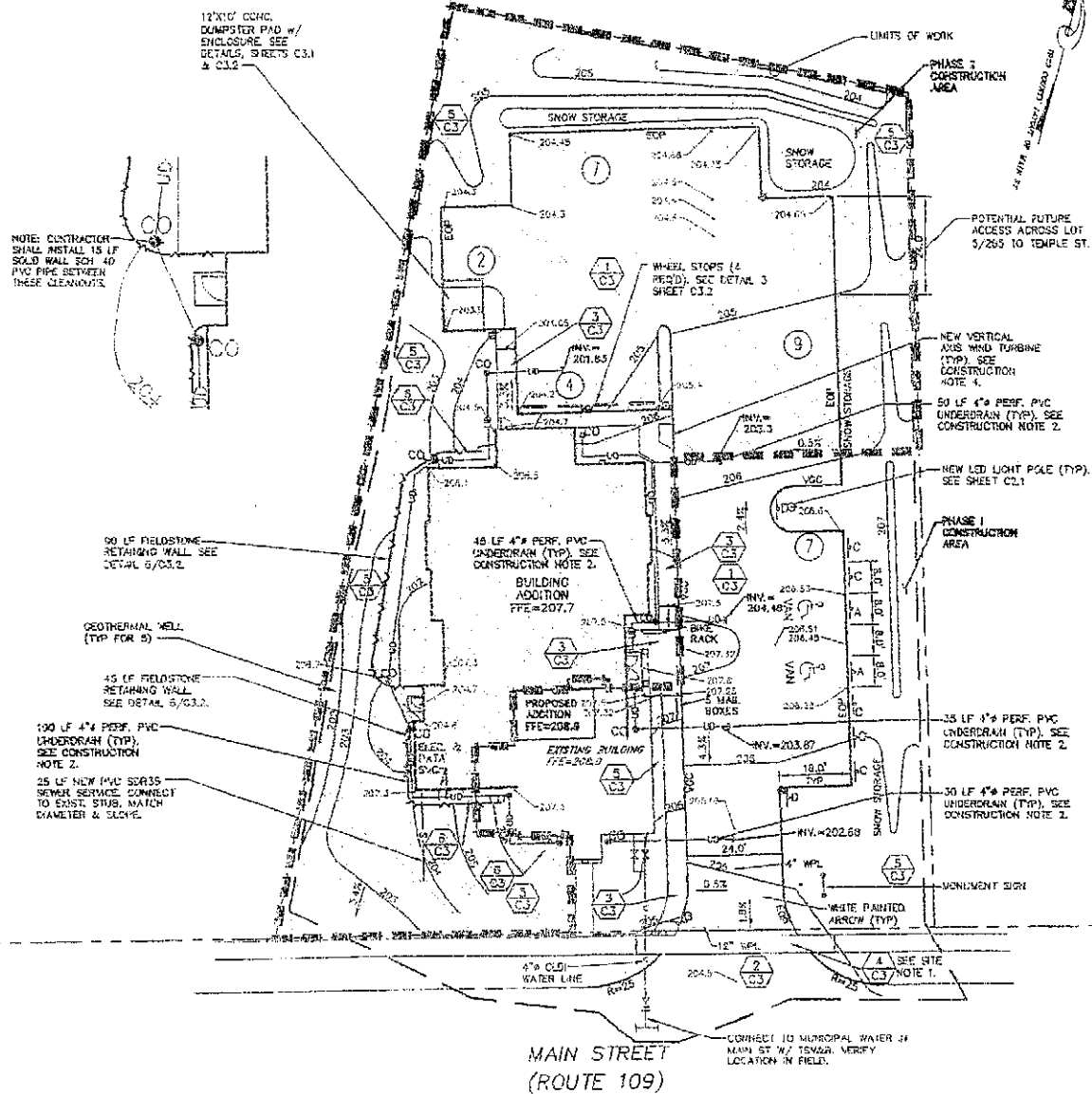
- a. Figure 1 & 1-A, (TTG Drawing C2.2 w/expanded view) indicates construction NOT part of the initial construction effort.
- b. Figure 2, (TTG Drawing C2.4) shows the revised lighting plan.

- c. Figures 3, 4, 5 and 6 show the TTG drawing for the south, east, west and north elevations. Note that the existing west addition is now being used but the two entrances are removed. Note also that the approximate 246 SF addition is on the North side as is the Handicap Access.
- d. Figure 7 shows the TTG proposed first floor layout. The second floor is only used for storage. The approximate 246 SF addition on the north side details the 2 restrooms, a mop room and a computer server room.
- e. Figure 8 (TTG Drawing C2.3) details the proposed revised Site Plan.

Recommendation:

Steinhoff Realty Trust recommends the Medway PEDB approve this Minor Revision request to the approved Steinhoff Building project at 146 Main Street, Medway that:

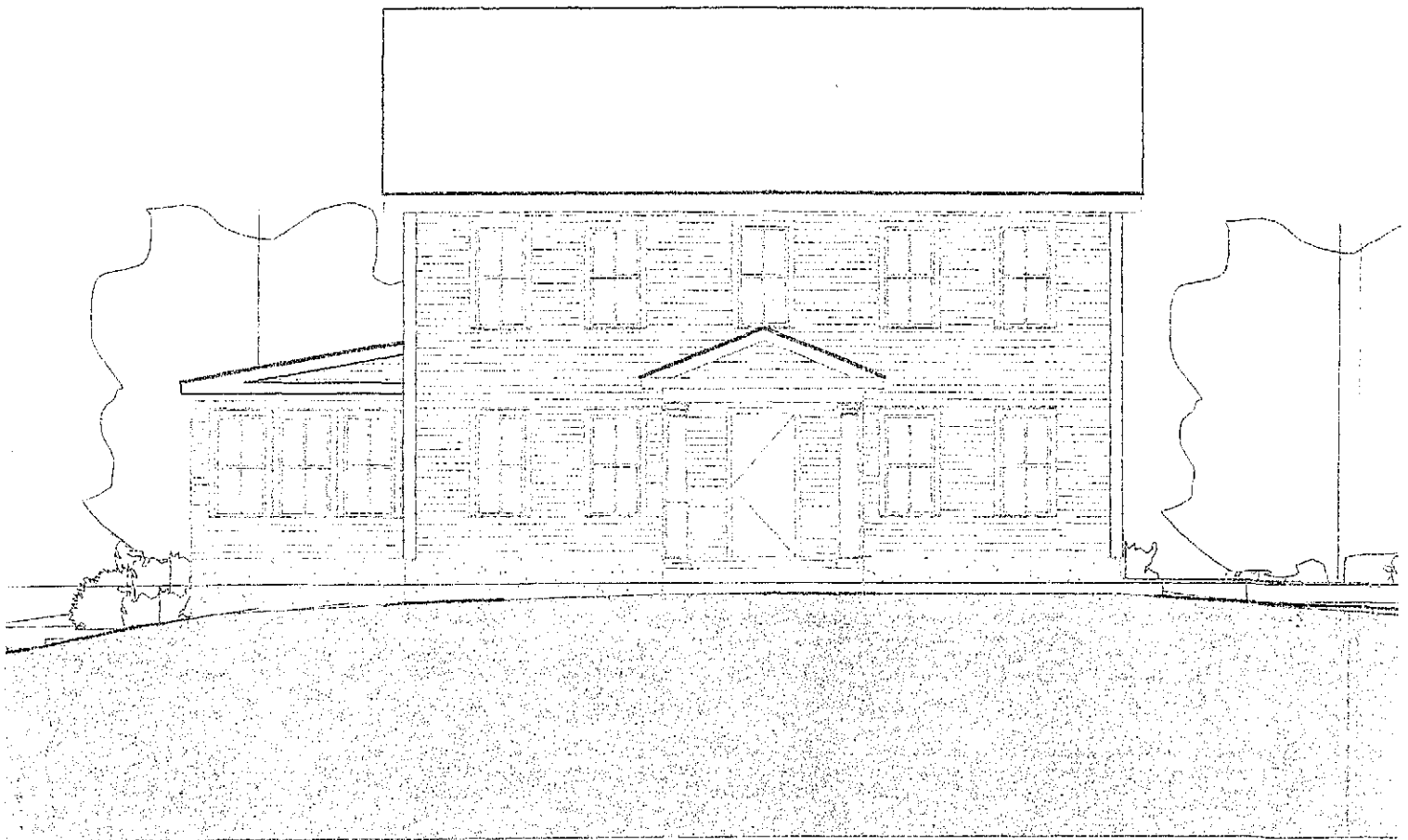
1. Reduces from a 29 car to an 8 car parking lot with appropriate reduction in lot perimeter landscaping.
2. Only renovates the existing 1840s house and does not include the additional 7,100 +/- SF of new office construction.
3. Adds approximately 246 SF on backside of building for needed facilities and handicapped access.
4. Adheres to all other previously approved AUOD/Special Permit approved conditions



THE VALUTRACK HEADQUARTERS

ELEVATION - SOUTH

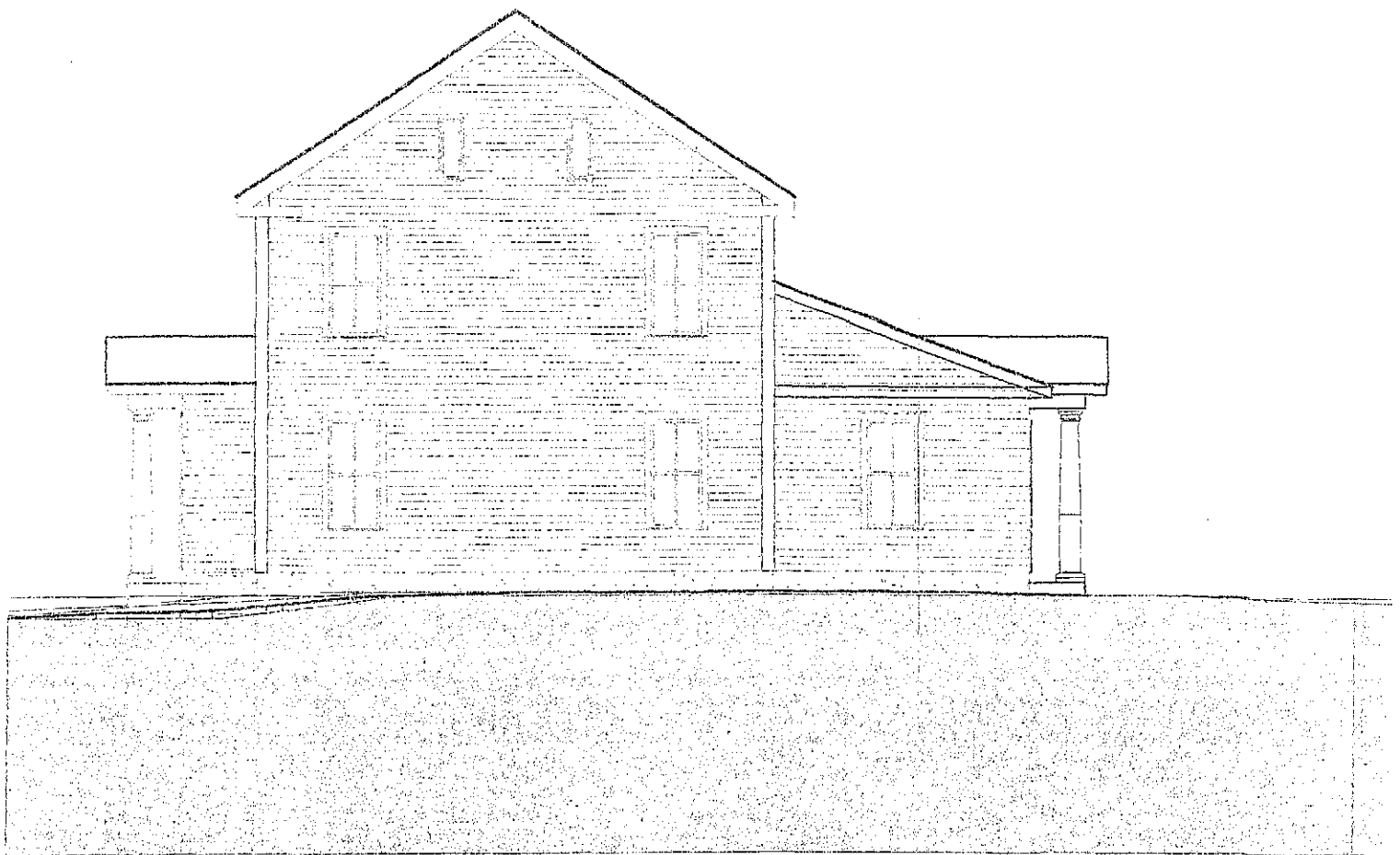
Figure 3



THE VALUTRACK HEADQUARTERS

ELEVATION - EAST

Figure 4



THE VALUTRACK HEADQUARTERS

ELEVATION - WEST

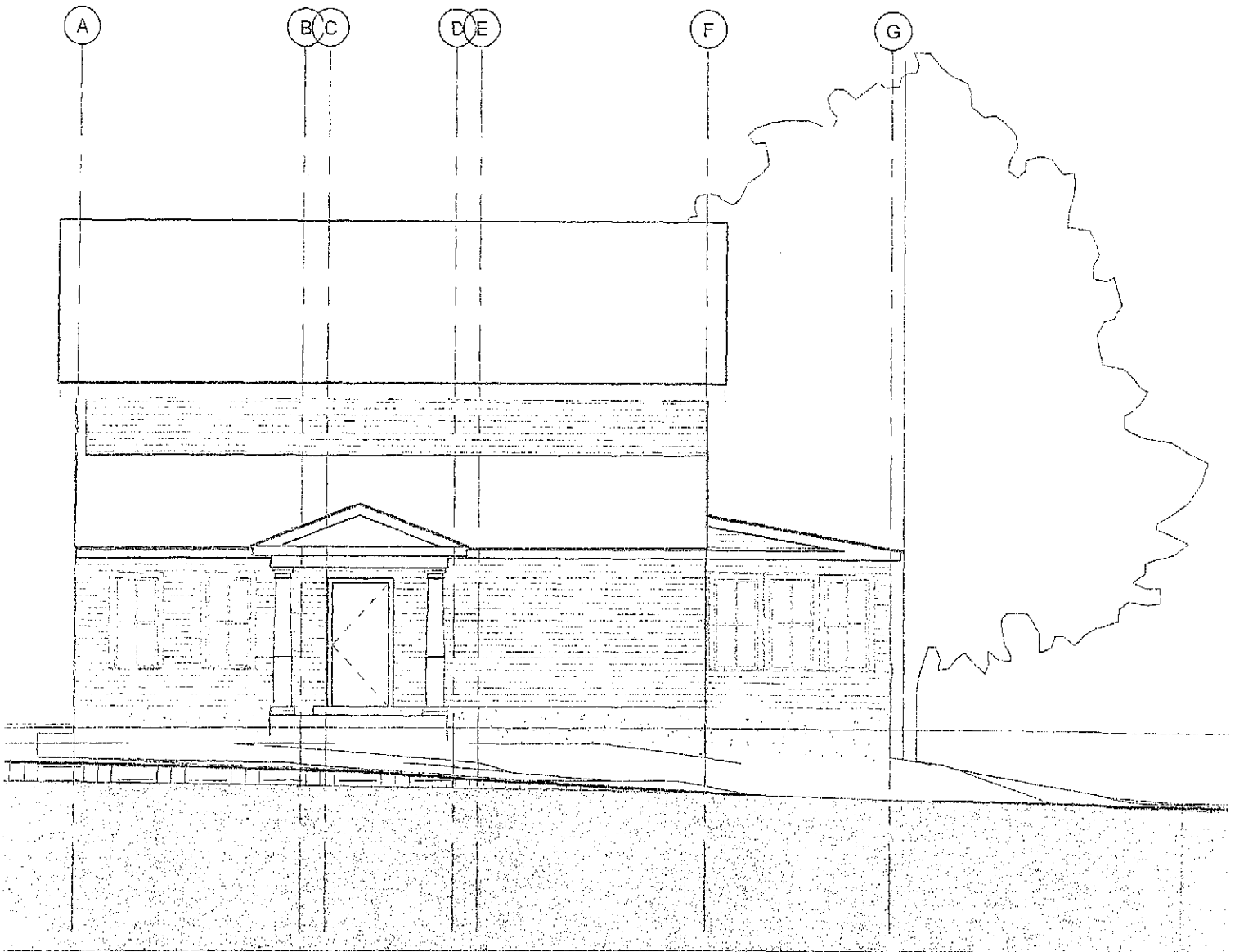
Figure 5



THE VALUTRACK HEADQUARTERS

ELEVATION - NORTH

Figure 6



145 Main Street AUOD modification

I sat down with Dick Steinhoff and went through his changes. There is a provision in the AUOD regs for a modification to an approved AUOD permit that allows for either minor or major changes. The minor changes only need approval from the PB through a vote while the major changes require a public hearing. I've attached the regulations, but I strongly feel the changes do fall under the minor revision. Mr. Steinhoff is only reducing the scale of the project, not changing it. In planning terms, cause for concern is generally increases not decreases in the project size.

Changes in the project:

- Reduction in size of addition(s): the large office addition will not be constructed. Instead, a less than 250 s.f. bathroom / computer room addition will be added.
- Reduction in the parking lot size: the parking lot will be downsized by half. The parking layout, materials, shape, construction, landscaping, access, curb cuts, etc are not being changed.
- The exterior of the existing building, including layout, location, fenestration, materials are not being changed.
- The proposed use as office is not being changed.
- Landscaping, lighting and buffering is not changing, but just being reduced in to match the reduced parking.

Overall, I do think this easily falls under the minor criteria and as such, the PB can vote on it at the meeting. I also recommend waiving any filing fees and peer review fees. There is little review needed for these changes.

For the vote, however, the Board needs to have 4 of 5 people b/c this is a Special Permit modification. If you don't have the quorum, you will need to continue to the next meeting. I checked with Town Counsel and she concurs that you need at least 4 people to vote on it.

RECEIVED
MAY 18 2011
TOWN OF MEDWAY
PLANNING BOARD

**APPLICATION TO MODIFY AN
ADAPTIVE USE SPECIAL PERMIT and/or AUOD PLAN**

Medway Planning Board
155 Village Street - Medway, MA 02053
508 533-3291

This application to modify an approved Adaptive Use Special Permit and/or AUOD Plan is made pursuant to the Medway Zoning By-Law, Section V. USE REGULATIONS, Subsection W. ADAPTIVE USE OVERLAY DISTRICT

Date: 18 MAY 2011

The undersigned, being the applicant and the owner of all land included within the site

shown on the previously approved AUOD plan entitled STEINHOFF OFFICE Building as last revised dated 1 DECEMBER 2010

prepared by The Turner Group and STEINHOFF Realty Trust

herewith submits this application to modify the approved Adaptive Use Special Permit and/or AUOD Plan.

1. Property Location Address: 146 MAIN STREET

2a) Property Owner: STEINHOFF Realty Trust

Address: 133 MAIN ST, Ste. 300
MEDWAY, MA 02053-1576

Primary Contact: RICHARD W. STEINHOFF, Trustee

Telephone: 508-446-4183 FAX: 508-533-4936

Email address: rws@energynutraldesign.com

2b) Applicant (if other than property owner): N/A

Address: _____

Primary Contact: _____

Telephone: _____ FAX: _____

Email address: _____

☒ Please check here if you are the equitable owner (purchaser on a purchase and sales agreement.)

P. 151

- 2c) NOTE – If someone other than the property owner or the equitable owner is the applicant or will be representing the applicant, then the property owner or equitable owner must designate an Official Representative below:

Official Representative: N/A

Address: _____

Primary Contact: _____

Telephone: _____ Fax: _____

3. Engineer: The H. L. Turner Group

Address: 27 Locke Rd

Concord, NH 03301

Primary Contact: Mr. James Doherty III

Telephone: 603-228-1122 FAX: 603-228-1126

4. Surveyor: O'Driscoll Land Surveying Co.

Address: 44 Cottage St., Medway, MA 02053

Primary Contact: Mr. Daniel O'Driscoll

Telephone: 508-533-3314 FAX: 508-533-3314

5. Architect: The H. L. Turner Group

Address: 27 Locke Rd

Concord, NH 03301

Primary Contact: Mr. James Doherty III

Telephone: 603-228-1122 FAX: 603-228-1126

6. Date of Planning Board Approval of Adaptive Use Special Permit: 22 Mar 2011

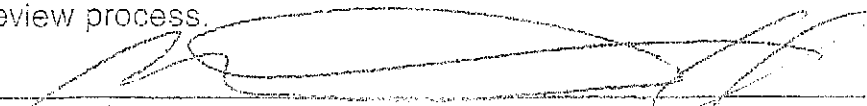
7. Date of Planning Board endorsement of AUOD Plan: 22 Mar 2011

8. Date & Information re: Recording AUOD Plan and Adaptive Use Special Permit at Norfolk County Registry of Deeds.

Decision recorded on 7 Jan 11 in Book 28493,
Page 361 AND PLANS ARE IN PLAN BOOK
605, Pages 28-47

9. Project Description – Please attach a detailed description of how you wish to modify the Adaptive Use Special Permit and/or AUOD Plan. Please explain why you want to change the approved AUOD Plan and/or Adaptive Use Special Permit. (See ATTACHED)

SIGNATURES – I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true and complete to the best of my knowledge and belief. (If Applicable, I hereby authorize _____ to serve as my Official Representative to represent my interests before the Town of Medway with respect to this application to modify an Adaptive Use Special Permit and/or AUOD Plan.) In submitting this application, I also authorize the Planning Board, its agents, and other Town officials to access the site during the site plan modification review process.



Signature of Property Owner
R. W. STEINHOFF, Trustee

18 May 2011

Date

Signature of Applicant (if other than Property Owner)

Date

Signature of Official Representative

Date

SUBMITTAL INSTRUCTIONS – Required Submittals

Town Clerk

_____ One (1) Adaptive Use Special Permit /AUOD Plan Modification Application form with original signatures

_____ One (1) set of the proposed revised AUOD Plan prepared in conformance with the AUOD Rules and Regulations (if applicable)

N/A One (1) copy of revised storm drainage calculations (if applicable)

Planning Board

_____ One (1) Adaptive Use Special Permit/AUOD Plan Modification Application form with original signatures

_____ Nine (9) sets of the proposed revised AUOD Plan prepared in conformance with the AUOD Rules and Regulations (if applicable)

N/A Two (2) copies of storm drainage calculations (if applicable)

FREE *Adaptive Use Special Permit/AUOD Plan Modification Fee – Made payable to the Town of Medway - ~~\$500~~

N/A *Advance toward AUOD Plan Review Expenses (if applicable) – Made payable to Town of Medway

~~For projects up to 9,999 sq. ft./gross floor area \$/ 500~~
~~For projects over 10,000 sq. ft./gross floor area \$1,000~~

* ~~NOTE – These must be two separate checks.~~

June 29, 2005

Andy Rodenhiser, Chairman
Robert. K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh

Revised Draft – 6/10/2011

CERTIFICATE OF ACTION
25 SUMMER STREET – A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
(Approved with Waivers and Conditions)

I. DESCRIPTION: The proposed *25 Summer Street Definitive Subdivision Plan* is a 2-lot, 158 foot private way residential subdivision on a 1.98 acre parcel located at 25 Summer Street in the Agricultural Residential II zoning district. The parcel is owned by Faistino Home Improvements, Inc. of Medway, MA and is shown on Medway Assessor's map as Parcel 21. The proposal also includes use of swales and a small stormwater basin for infiltration and installation of sewer and water to connect to existing systems.

II. APPLICANT:
Faistino Home Improvements, Inc.
164 Main Street
Medway, MA 02053

III. PROCEDURAL SUMMARY: With respect to the *25 Summer Street Definitive Subdivision Plan*, the Planning and Economic Development Board hereby certifies that:

1. On January 19, 2011, it received an application for approval of the *25 Summer Street Definitive Subdivision Plan*, dated January 10, 2011 prepared by Faist Engineering of Southbridge, MA. A preliminary subdivision plan was not filed for this project.
2. On February 22, 2011, it circulated the definitive subdivision plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.
3. On March 8, 2011, it commenced a public hearing on the plan. The public hearing was duly noticed on February 21, 2011 and March 1, 2011 in the *Milford Daily News*. A butter notice was sent by certified mail on February 16, 2011. The public hearing was continued to April 12, 2011, May 10, 2011 and May 24, 2011 when it was closed.

IV. PUBLIC HEARING SUMMARY: The public hearing and review of the 25 Summer Street Definitive Subdivision Plan were conducted over the course of four (4) Planning Board meetings during which substantive information was presented and evaluated. The plan was reviewed for compliance with the *Subdivision Rules and Regulations* (dated April 26, 2005), which were in effect at the time the applicant submitted a definitive subdivision plan to the Town in January 2011. Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Planning Board and is available for public review.

Definitive Subdivision Plan – Faist Engineering, Inc.

January 10, 2011

Revised – April 20, 2011

Drainage Calculations - Faist Engineering, Inc.

January 10, 2011

Revised – April 20, 2011

Waiver Requests

January 14, 2011 letter from Fasolino Home Improvement, Inc.

Revised – April 20, 2011

Town Engineering Consultant Review Letters – Dave R. Pellegrini, P.E., Tetra Tech Rizzo

March 4, 2011

May 4, 2011

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates

March 3, 2011

May 5, 2011

Supplemental Information Provided By Applicant

April 8, 2011 letter from Sumner & Milner LLC giving permission to tie into the existing sewer system at Smeroni Acres.

Citizen/Resident Letters - None

Citizen/Resident Testimony

Robert Condon, 3 Rustin Road (5-10-11 public hearing)

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc.

Dave R. Pellegrini, P.E., Tetra Tech Rizzo

David T. Faist, P.E., Faist Engineering, Inc. for the applicant

Medway Departmental/Board Review Comments

Dave Damico, DPS, via email dated May 18, 2011

V. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS – The Applicant has requested waivers from the following sections of the *Medway Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 5.7.19 – Proposed layout (including plans and profiles) of street construction, storm drainage and stormwater management facilities, water supply, and sewage disposal system, including grades, and the proposed electric, telecommunications, natural gas, cable TV, and other communications conduit. *NOTE* – The applicant or his representative will be responsible for field locating all utility installations during construction so they can be accurately represented on the as-built plans. This was not done and a waiver is requested.

FINDINGS – The applicant requests a waiver from showing the electrical, telecommunications and cable TV lines on the plans. Instead the applicant plans to show the underground services on the subdivision as-built plans. The Board finds that this waiver consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 5.7.20 – Existing roadway profiles of the roadway centerline drawn in fine black solid line and proposed profile of the finished center-line drawn in heavy black solid line will be provided for all proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'). At least two (2) benchmarks are to be shown on each plan and profile sheet, and proposed grade elevations shall be shown at 30 foot (30') station intervals except on vertical curves where elevations shall be shown at twenty-five foot (25') station intervals. Proposed intersections, sidewalks and probable location of driveways on lots shall be shown. Profiles shall extend across intersections to the outer layout line and to the layout line of the cul-de-sacs. The Board may require additional profile data when grading extends beyond the layout.

FINDINGS – The applicant is proposing a shared driveway. The cross section detail for the driveway is shown on Sheet 3 of 5. The Board finds that the granting of this waiver is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 5.7.24 – Location and Species of Proposed Shade Trees – The Definitive Subdivision Plan shall specify which existing trees are to be retained, where new trees are to be planted, planting details, planting schedule, and the maintenance program.

FINDINGS – The applicant requests a waiver from the installation of new street trees. As this is a shared driveway, the Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

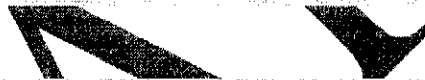
SECTION 5.7.27 – *The proposed location and approval of all street signs and traffic control signs on the proposed street, as well as, with the intersecting streets will be shown. The Town Safety Officer's correspondence will be required prior to endorsement by the Board.*

FINDINGS – The applicant requests a waiver from this condition because there are no new streets being proposed. The shared driveway will not have street signs or traffic control signs. We understand the new lot will have a Summer Street address. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).



SECTION 5.7.28 - Streetlight Locations – *Proposed and existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of the developer shall also be shown on the plan.*

FINDINGS: The applicant proposes a shared driveway with no street lighting, although there is an existing streetlight on Summer Street about 50 feet south of the shared driveway. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).



SECTION 5.7.31 – *Locations of proposed open space – Proposed park or open space areas suitably located within the subdivision for playground or recreation purposes or for providing light and air in accordance with M.G.L, Chapter 41, Section 81-U.*

FINDINGS – The applicant is not proposing any open space with this subdivision. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).



SECTION 5.7.32 – *Cul-de-sac Island Landscaping – A landscape design plan, prepared by an experienced landscape designer, which shall include a plan view and a list of all plant and inorganic materials. The Board may require use of a professional landscape architect registered in the Commonwealth of Massachusetts.*

FINDINGS - The applicant is not proposing a cul-de-sac with this subdivision. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 5.7.33 - Preliminary Stormwater Pollution Prevention Plan (SWPPP) - This plan shall be prepared in accordance with the requirements outlined in the National Pollutant Discharge Elimination System (NPDES) Permit application for Construction Activities.

FINDINGS - The applicant is not required to obtain a SWPP permit as the overall site disturbance will be less than one acre. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 5.20.2(a) - Ways and service to be complete before each lot may be built upon.

FINDINGS - DOES THE BOARD WANT TO GRANT THIS WAIVER? WHAT IS THE APPLICANT'S REASON FOR WANTING IT? - COMPLETED ROAD AND SERVICES BEFORE LOT RELEASES IS STANDARD POLICY FOR ALL SUBDIVISIONS.

SECTION 6.4.1 - No building permit shall be issued within a subdivision without written permission from the Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.

FINDINGS - The Applicant is requesting that the Board to allow for building permits with no occupancy until the completion of the driveway base coat. DOES THE BOARD WANT TO GRANT THIS WAIVER? WHAT IS THEIR REASON FOR WANTING IT?

SECTION 6.8 - Procedure for Street Infrastructure Acceptance.

FINDINGS - The Applicant proposes that 25 Summer Street will be constructed as a permanent private roadway, the Town will not be accepting this roadway. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 7.7.2. p) - Stormwater Management Procedures. The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot parcel line and any right-of-way.

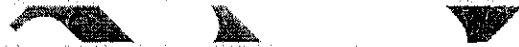
FINDINGS - The Applicant proposes two (2) interconnected dry detention basins located within the separate Parcel "A", which also includes the shared driveway. Each dry basin is located within 10 feet of the property line of both lots, which will benefit from their construction. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 7.9.5a) – The minimum centerline grade for any street shall not be less than two percent (2%).

FINDINGS - The Applicant proposes utilizing the existing driveway which has a grade between 5-8%. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

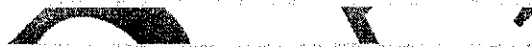
SECTION 7.9.7 g) – The minimum roadway width for a "Permanent Private Way" is eighteen (18) feet.

FINDINGS - The Applicant proposes a single shared driveway fourteen (14) feet in width within the right-of-way. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).



SECTION 7.10.2 – Curbs: "Permanent Private Way" is hot mix asphalt Cape Cod berm.

FINDINGS - The Applicant proposes to utilize a "country drainage" low impact design using roadside dry detention basins. Curbing will not be proposed along the edges of the shared driveway. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).



SECTION 7.11.1 – Driveways shall be at least ten feet (10') wide and shall not exceed twenty-five feet (25') wide and shall have a three-foot (3') radius edge treatment consistent with the specific type of road construction.

FINDINGS - The Applicant proposes to utilize the existing curb cut that is within the Summer Street right-of-way, similar to the adjacent "Ardmore Circle" private way. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).



SECTION 7.11.2 – The construction of driveway openings shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets or within fourteen feet (14') feet of a catch basin...

FINDINGS – There is an existing catch basin located within the Summer Street right-of-way that is within 14 feet of the existing driveway curb cut. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 7.13 – Sidewalks: "Permanent Private Way" no sidewalks are required

FINDINGS – REQUESTING THIS WAIVER DOES NOT SEEM NECESSARY AS THE REGS DO NOT REQUIRE SIDEWALKS ON PRIVATE WAYS PER SECTION 7.13.2 AND THE BOARD WILL MOST LIKELY REQUIRE THE APPLICANT TO PROVIDE SIDEWALKS AS PER SECTION 7.13.3. SO THE BOARD COULD DECIDE NOT TO GRANT THIS WAIVER AS IT RELATES TO SECTION 7.13.3.

SECTION 7.17.1 – A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department at a rate of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.

FINDINGS – The Applicant is not proposing a fire alarm system as both lots have frontage on Summer Street. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 7.17.2 – Fire hydrants shall not be nearer than twenty-five feet (25') from the intersection of two (2) streets.

FINDINGS – There is an existing fire hydrant located within 300 feet of the property on the west side of Summer Street. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 7.19.2 – To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision.

FINDINGS – The Applicant is not proposing to install street trees on the private way. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 7.19.4 – Trees approved for planting are: Shadblow, Honey and Skyline Locust, Sugar Maple, White, Scarlet, Pin and Northern Red Oak, Bradford and Arctostaphylos, London Planetree or other species if approved in advance by the Tree Warden. At least three (3) species shall be planted in every subdivision and they shall be staggered so that no one species shall be planted near to a like species.

FINDINGS – The Applicant is not proposing street trees. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.20 – Street and Traffic Control Signs and Names.

FINDINGS – The Applicant proposes a shared driveway that will not require a street name and signage similar to the “Ardmore Circle” private way. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.21 – Street Lights.

FINDINGS – The Applicant proposes a shared driveway that will not require a street lights. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.21 – Walkways and Bikeways: *It is the policy of the Board to maximize opportunities for pedestrian and bicycle access. Pedestrian walkways or trails and/or bikeways are required to ensure connections between adjacent subdivisions and between the subdivision and nearby schools, playgrounds, parks, shopping areas, public transportation, open spaces and/or other public facilities or community services or for such other reasons as the Board may determine...*

FINDINGS – The Applicant is proposing only one additional house lot. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.25.1 – Monuments shall be installed along the roadway layout at all points of curvature and angle points. Monumentation shall be provided at easements at each angle point along the easement where the lot line intersects the street right-of-way, and at other points where, in the opinion of the Board, monuments are necessary.

FINDINGS – The Applicant is proposing the shared driveway to remain private. The Planning Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

Mitigation Plan

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
3. The homeowners Association covenant will require installation of a post light near the end of each driveway.
4. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources.
5. The applicant will contribute _____ to the Town of Medway Sidewalk Fund in lieu of constructing sidewalk on Summer Street. _____]
6. In lieu of constructing a landscaped island in the drive-sac right of way, landscaping shall be provided within the roadway layout to the west of the driveway split of Parcel A.
7. The applicant has agreed that both house lots will be used only for single family residences. The applicant will not seek any special permit from the Medway Zoning Board of Appeal for 2 family dwellings.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 14, 2011, a motion was made by _____ and seconded by _____ the above noted Waiver Findings. The motion was _____ by a vote of ____ in favor and ____ opposed.

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 14, 2011, a motion was made by _____ and seconded by _____ to _____ the above noted Mitigation Plan. The motion was _____ by a vote of ____ in favor and ____ opposed.

Action on Waiver Requests - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 14, 2011, a motion was made by _____ and seconded by _____ to _____ the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations*. The motion was _____ by a vote of ____ in favor and ____ opposed.

VI. DECISION - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 14, 2011, a motion was made by _____ and seconded by _____ to _____ the **25 Summer Street Private Way Definitive Subdivision Plan**, dated _____, prepared by Faist Engineering, 600 Charlton Street, Southbridge, MA, subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the sections of the *Subdivision Rules and Regulations* dated April 26, 2005 as listed above.

The motion was _____ by a vote of ____ in favor and ____ opposed.

VII. CONDITIONS – The following specific and general conditions shall apply to the Applicant, its executors, administrators, devisees, heirs, successors and assigns:

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 2 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Board, within three (3) years of the date of endorsement of the plan.
3. *Ownership of 25 Summer Street Lane* - It is understood that the private way at 25 Summer Street shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the 25 Summer Street Homeowners Association to be comprised of the owners of lots 1 and 2 as shown on the definitive subdivision plan. The Association shall ultimately own and maintain the private driveway including snowplowing and sanding, maintain and operate the stormwater detention/infiltration system and related infrastructure, and maintain all landscaping, including the area west of the driveway split.
4. The Applicant shall specifically reserve to itself ownership of the fee in all roadway and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and all easements to the Homeowners Association before the Board approves the final bond release or, if there is no bond, then approval of the as-built plan.
5. Prior to endorsement, the plan set shall be revised to include the following:
 - a. The final plan revision date on the cover;
 - b. Update list of approval waivers on the cover;
 - c. Landscape Plan;
 - d. Removal of northern curb cut and restoration of sidewalk and curbing along Summer Street.
6. Prior to endorsement, a note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision*.
7. Prior to endorsement, the Applicant shall provide copies of the recorded deed verifying the Applicant's ownership of all properties comprising the 25 Summer Street subdivision. The Board may refer such documentation to the Board of Assessors for review and confirmation.
9. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of

Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Board before the Board will endorse the definitive subdivision plan.

10. *The 25 Summer Street Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the 25 Summer Street Homeowners' Association to be reviewed and approved by the Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the shared driveway, landscaping and the stormwater management system.
13. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street subdivision* - The future owners of lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, landscaping and the operation and maintenance of the stormwater management system.
14. *Lot Deeds* -- Prior to endorsement, the Applicant shall provide the Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that roadway shown on the 25 Summer Street definitive plan is a private way not to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements and *Selective Cutting Zone*. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision*.
15. *Road Deed & Easements* - Prior to endorsement, the Applicant shall provide the Board with a copy of the proposed deed to convey the driveway, Parcel A and all easements shown on the plan to the 25 Summer Street Homeowners Association, for review, comment, amendment and approval by Town Counsel.
16. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the 25 Summer Street subdivision, any articles of association establishing the 25 Summer Street Homeowners Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Board with a

receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred

19. *Sidewalk Construction* – In lieu of constructing approximately 238 feet of curbed sidewalk along the west side of Summer Street along the frontage of the subject parcel, the applicant agrees to one of the following options:
- contribute to the Town of Medway Sidewalk Improvement Fund, within one year of the date of plan endorsement, the sum of _____ as estimated by Tetra Tech Rizzo, the Town's Consulting Engineer, based on the most recent average statewide price published by the Massachusetts Highway Department for sidewalk construction (based on 243 linear feet of 5½ foot wide cement concrete sidewalk, concrete curb and 12" gravel borrow) said funds to be used by the Town of Medway for sidewalk construction in the community; or,
20. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of the sloped driveway and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the 25 Summer Street Homeowners Association.
21. The Applicant shall close the existing secondary street opening. The Applicant shall obtain a street opening permit from the Medway Department of Public Services for this work.
22. The Applicant shall not disturb the edge of Summer Street and shall use MassHighway's standards for the gravel borrow. DAVE I SHOULD REPHRASE...

General Conditions

21. *Expiration of Appeal Period* - Prior to endorsement, the Planning Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
22. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding professional review services by any outside consultants retained by the Planning Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision.
23. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a passbook savings account (with the Town of Medway) at an area financial institution with which the Applicant is placing a cash bond and shall provide the Medway Treasurer with a signed withdrawal slip from said account. The passbook and withdrawal slip shall be retained by the Medway Treasurer.
24. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant*

shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning Board within three (3) years of the date of plan endorsement.

25. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Planning Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Planning Board based on an estimate provided by the Town's Consulting Engineer.
26. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Planning Board with a copy of any and all "*Order of Conditions*" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the "*Order of Conditions*" shall be presented to the Planning Board by the Applicant, for review and approval as a modification to the Definitive Plan. The Planning Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "*Order of Conditions*" that may be deemed appropriate by the Planning Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Planning Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Planning Board endorses the plan modification.

Additionally, upon issuance of any "*Order of Conditions*" requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

27. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay construction observation fees to the Town of Medway for such inspections. The amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
28. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs,

as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

29. *Proof of Taxes Paid* - Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.
30. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plans in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
31. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MGL requirements, the Massachusetts Wetland Protection Act (Chapter 131B, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

###

**25 SUMMER STREET DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION**

***Date of Action by the Medway Planning & Economic Development Board
June 16, 2011***

AYE:

NAY:

Date Signed: _____

Attest:

Susan E. Affleck, Medway Planning & Economic
Development Coordinator
Notary Public

Date

Date Filed with the Town Clerk: _____

Copies To: Mike Fasano, Applicant
David Faist, Faist Engineering, Inc.
Bill Fisher, Board of Health
Tom Holder, Public Services
Shirley Kennedy, Town Administrator
William Waser, Assessors
Melanie Phillips, Treasurer/Collector
John Emery, Inspector of Buildings
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Commission
Paul Trufant, Fire Chief
Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech Rizzo

25 Summer Street - Sidewalk Estimate

ITEM NO.	WORK ACTIVITY	QUANTITY	UNIT	UNIT PRICE	TOTAL	COMMENTS
EARTHWORK						
120.1	Unclassified Excavation	86	CY	25.00	\$/CY	1,650
	Subtotal					1,650
AGGREGATE						
151	Gravel Borrow	49	CY	30.00	\$/CY	1,470
	Subtotal					1,470
CONCRETE CURB						
520	Cement Concrete Curb	243	LF	30.00	\$/LF	7,290
	Subtotal					7,290
CONCRETE						
701	Cement Concrete Sidewalk	148	SY	45.00	\$/SY	6,660
701.2	Cement Concrete Wheelchair Ramp	10	SY	75.00	\$/SY	750
	Subtotal					7,410
LANDSCAPING						
751	Loam Borrow	9	CY	40.00	\$/CY	360
755	Seeding	54	SY	1.60	\$/SY	86
	Subtotal					446
Project Summation						18,286
Contingency					20%	3,653
Site Total						21,920
Project Total						21,920

Notes:

1. Assume two feet of Loam and Seed installed on the side of sidewalk to transition the disturbed areas.
2. Unit prices are taken from the latest information provided on the Massachusetts Highway Department website. They utilize the MassHighway weighted bid prices (Combined - All Districts) for the time period 5/2010-5/2011.
3. Quantities are based on a 5.5' wide sidewalk, 4" thick cement concrete, and 12" gravel borrow.

RECEIVED
MAY 26 2011

TOWN OF LINDSEY
PLANNING BOARD

from Tetra Tech
Rizzo

Susan Affleck-Childs

From: David Damico
Sent: Wednesday, May 18, 2011 4:07 PM
To: Susan Affleck-Childs
Cc: Jim Smith; Thomas Holder
Subject: 25 Summer St Driveway

Stacey,

Per our discussion, 25 Summer St. driveway can be abandoned, but needs the following work done. Sawcut the gutter even with the curb and sawcut the section of sidewalk. Raise the granite curbing on either side of the opening. Install new curbing at the opening. Repave the sidewalk section. Seal all seams after the work is complete. All of this needs to be done under a Street Opening Permit with appropriate fees and deposits. The applicant can review this with the Highway Superintendent if needed.

Thanks,

Dave
DPS Deputy Director
Check us out on-line at www.townofmedway.org

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.



TETRA TECH RIZZO

**Bond Value Estimate
Pine Meadows II
Definitive Subdivision
Medway, Massachusetts
May 27, 2011**

RECEIVED
MAY 31 2011

One Grant Street
TOWN OF MEDWAY, MA 01701
TELEPHONE 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Street Signs	1	EA	\$70.00	\$70
Roof Runoff recharge (Std 4 chamber unit)	7	EA	\$1,500.00	\$10,500
Landscaping @ Cul-de-sac Island	1	LS	\$4,200.00	\$4,200
Street Trees	22	EA	\$500.00	\$11,000
4 Ft. High Split Rail Fence	80	LF	\$15.00	\$1,200
Concrete Monuments	23	EA	\$200.00	\$4,600
Pavement Markings	1	LS	\$100.00	\$100
2 year Snow Plowing	800	LF/YR	\$2.50	\$4,000
2 year Road Maintenance	800	LF/YR	\$2.00	\$3,200
2 year Drainage Maintenance	800	LF/YR	\$2.00	\$3,200
As-built Plans	800	LF	\$5.00	\$4,000
Legal Fees	1	LS	\$2,000.00	\$2,000
				\$48,070

Subtotal	\$48,070
Contingency (25%)	\$12,018
Recommended Bond Value	\$60,088

* Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 5/2010 - 5/2011.

**June 28, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Gino Carlucci, Town Consultant
David Pellegrini, Tetra Tech Rizzo
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were no citizen comments.

AppleGate Subdivision:

Tetra Tech Rizzo consultant, Dave Pellegrini had a meeting on site with Tom Holder. There was discussion about the making a connection between the outlet drainage pipe at the end of Virginia Road at Ellis Street and the drainage system for Applegate. It was recommended that there needs to be calculation figures about how much water is delivered. This will then need to be reevaluated. There still will need to be negotiations. There may need to be a series of basins. The existing basins are currently not working. The engineer needs to look at the amount of water that is coming from Virginia Road onto Ellis Street. GLM should do the design since I had done the drainage design for Applegate. We need to see if the catch basins are simple dry wells. This will be added to the cleaning schedule.

Member Spiller-Walsh recommended that the Board look at the original AppleGate Subdivision plans relative to the pitch and setback.

Susy noted that the Applegate drainage design was done to also accommodate the ANR Lots (along Coffee and Ellis Streets). The applicant has communicated that he wants relief from the sidewalk mitigation condition from the original decision if this extra drainage installation is to occur. The Board discussed that some negotiation needs to take place.

PUBLIC HEARING - Village Estates Definitive Subdivision Plan

The Chairman read prepared opening remarks which introduced the Board members and described the process of the public hearing requirements along with explaining the presentation format.

(The public hearing notice is attached.)

(See attached application for definitive subdivision plan date stamped May 25, 2011 and the proposed definitive plan dated May 19, 2011 prepared by Merrikin Engineering and Colonial Engineering.)

On a motion made by Bob Tucker and Chan Rogers, the Board voted unanimously to waive the reading of the public hearing notice.

The applicant is Russell and Dorothy Santoro of 372 Village Street in Medway. The plan is dated May 19, 2011 and was prepared by Paul Desimone from Colonial Engineering and Merrikin Engineering. The applicant was not present. Mr. DeSimone was present.

Susy Affleck-Childs informed the members that the new street will be named Bedelia Lane as requested by Mrs. Santoro. The Street Naming Committee met last week and approved the name.

The applicant proposes to develop a 2-lot, private way residential subdivision on a 2.026 acre parcel located at 272 Village Street. This is located on assessor map 1c/parcel 114 in the Agricultural Residential II zoning district.

The plan shows the division of land into two residential lots. One lot contains an existing dwelling at 272 Village Street. The second lot would be for new residential construction. The plan includes construction of an approximately 219 foot long, 18 feet wide permanent private roadway including an underground drainage area and the installation of municipal water and sewer service. A portion of the site is in a wetland resource area. This proposal is for “by right” use in this zoning district.

The Board is in receipt of a review letter from Tetra Tech Rizzo dated June 23, 2011 regarding Village Estates. **(See attached).** A copy of the letter was provided to Mr. DeSimone.

Mr. Desimone communicated that the Medway Conservation Commission has approved this project. He also explained that in regards to the water, there will be three valves at the roadway intersection. Mr. Desimone also explained that there will be no catch basins but swales. There is also going to be sewer and water lines from the houses to the end of the street.

Dave Pellegrini from Tetra Tech indicated that the trench plan is provided but it does not meet the requirements for sewer trenching. Separate details should be provided for the individual utilities proposed for the project.

The Board then discussed the memo which was written by John Emidy the Building Commissioner, which was date stamped May 31, 2011. **(See attached.)** The letter notes that based on the information from Town Counsel, the adjacent parcel to the west at 274 Village Street should not be considered a corner lot as defined in the Zoning By-Law, and therefore will not be in violation of the frontage setback requirements. However, the existing buildings that are encroaching into the proposed “road” on the development site will be required to maintain the 35’ minimum setback.

Member Tucker would like to see if more is written to understand the logic and to understand this and then draw a conclusion. He asked Susy to secure a copy of any written communication from Town Counsel about this matter.

Member Rogers communicates that there is no setback and the Planning Board needs to waive this when granting the approval.

Consultant Carlucci expressed that that the letter from the zoning enforcement officer indicates that this will not be in violation.

Member Tucker wants to make sure that the Board remains consistent.

Susy Affleck-Childs warns the Board to be careful when granting lot releases and be sure to get security early on. This development is an instance where the lot with the existing house will get some of its legal frontage from the “new” roadway. She reminded the Board about the problems at 25 Milford Street (Rolling Hills subdivision – Olga Guerrero).

Consultant Carlucci provided a review letter dated June 23, 2011 with recommendations. **(See attached.)** It is recommended that a landscape plan be provided. Another recommendation is that the infiltration trenches be less than 30 feet from the lot line. No waivers have been requested.

Member Spiller-Walsh communicates that the rip rap is an eye sore and there is currently no land (separate parcel) to put the stormwater facilities. She feels the Board needs to decide if we are going to allow stormwater facilities in these small private way subdivisions to be included in the roadway. This is a big policy.

Member Tucker agrees and would like to see something other than rip rap.

Consultant Carlucci continued explaining that there are no bounds shown on the plan. He also recommended that the applicant meet with the Board of Assessors since the houses require numbers.

Another item mentioned by Consultant Carlucci is relative to the driveways. The new road will overlap one of the existing curb cuts, but there should be a condition to require that the other curb cut is removed and that the curbing and sidewalk on each side be connected across this opening in accordance with DPS requirements. It was also noted that the owner of Lot 1 should also be part of a homeowners association responsible for maintenance of the new roadway.

Susy Affleck-Childs wants to see all owners be part of the homeowners association and not just one owner.

Susy Affleck-Childs would like to see an evaluation of the condition of the Village Street sidewalk. She also notes that Village Street is a Medway Scenic Road and the distance for disturbance need to be clarified.

Paul Desimone indicated that he will be putting together a list of waiver requests.

Abutter Wayne Brundage, 268 Village Street:

Mr. Brundage provided photographs to the Board showing the water that runs onto his property since the land was disturbed and regraded last year after Mr. Santoro acquired the property. The water is currently flowing into his property.

The Board asks if this has been addressed with the applicant. Mr. Brundage responded no.

The Board next asks why the applicant is not present to address this issue. The applicant is requested to attend the next meeting.

It was also suggested that a site walk be set up to look at the site.

Mr. Desimone did state that the fields were harrowed and the land turned over. There is a high water table.

The Board would like comments from the Fire Department relative to this project.

On a motion made Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to continue this hearing until August 9, 2011 at 7:15 pm.

Susy Affleck-Childs informs the applicant that any new material needs to be submitted by July 26, 2011 for review.

25 Summer Street Definitive Subdivision Draft Decision:

The Board is in receipt of the draft Certificate of Action for 25 Summer Street for a Private Way Definitive Subdivision Plan. The most recent revision date is June 23, 2011. (See attached.)

Findings:

**On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to approve the findings for 25 Summer Street as written.
(Andy Rodenhiser and Tom Gay abstained from vote)**

Mitigation Plan:

**On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to approve the mitigation plan for 25 Summer Street as written.
(Andy Rodenhiser and Tom Gay abstained from vote)**

Waivers:

**On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board votes unanimously to approve the waivers requested for 25 Summer Street as written.
(Andy Rodenhiser and Tom Gay abstained from vote)**

Decision:

**On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to approve the decision for 25 Summer Street as written.
(Andy Rodenhiser and Tom Gay abstained from vote)**

146 Main Street – AUOD Special Permit – Review of Draft Decision:

The Board is in receipt of the revised adaptive use special permit decision for Steinhoff Realty Trust for 146 Main Street. The most recent revised date is June 27, 2011. (See attached.)

Findings:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board votes unanimously to approve 8 parking spaces as acceptable for the proposed use of the site for the AUOD Special Permit for 146 Main Street as written.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board votes unanimously to approve the findings for the AUOD Special Permit for 146 Main Street as written.

Waivers:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to grant the waivers for the AUOD Special Permit for 146 Main Street as written.

Decision:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to grant the revised AUOD Special Permit for 146 Main Street subject to the waivers and conditions.

Evergreen Meadows Subdivision – Bond Reduction:

The Board is in receipt of a memo dated June 22, 2011 from Tetra Tech Rizzo relating to the Evergreen Meadows Subdivision. (See Attached).

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to approve reducing the subdivision bond for Evergreen Meadows to the minimum required bond amount of \$40,000 and to take \$3,000 of that reduction for the subdivision's construction account.

45 Milford Street – Amendment to Site Plan Decision:

Mr. Yorkis was present to speak informally with the Board regarding a possible amendment to the site plan decision for 45 Milford Street.

The Board is in receipt of an email from Mr. Yorkis dated June 23, 2011. (See attached.) The email notes the following items for discussion:

1. The deck area for consumption of food and beverages
2. Signs on the two adjacent private ways
3. Parking on the Restaurant 45 Site
4. Restaurant 45 seating capacity

The Board is also in receipt of a portion of the original site plan decision from April 26, 2006 relative to the condition regarding no outdoor dining. (See attached)

The Board is also in receipt of a letter to the Building Commissioner, John Emidy. The letter is dated June 27, 2011. **(See attached.)** The letter notes that the total occupancy of 214 persons cannot be increased without additional parking spaces or zoning relief. It is his opinion that the use of the deck area for seating requires a minor modification to the conditions of the approved site plan.

Mr. Yorkis began by informing the Board that the applicant wants to amend the language of the site plan decision for Restaurant 45 to permit the serving and consumption of food and beverages on the deck. The applicant is not proposing any change to the approved site plan itself.

Mr. Yorkis distributed additional information to the Board for its review. **(See attachment)**

The owner is also proposing seating for 40 persons on the deck even though a physical capacity of 49 has been identified.

Mr. Yorkis indicated that there would be no increase to the restaurant's overall seating capacity of 214 occupants. The attachment includes information showing the maximum capacity plan under the state building code.

Mr. Yorkis further explained that the owner will need to apply for an occupancy permit for outdoors.

The Board next discussed the parking. Mr. Yorkis communicated that there is no change to the parking. The site currently has 110 regular spaces, 5 handicap, and 5 motorcycle spots.

The applicant will be submitting an application to the Board for the modification to the site plan decision.

Susy Affleck-Childs indicated that this could be included on the agenda for the July 12 meeting. 7:30 p.m.

The applicant will be placing the no parking signs up prior to the July 12, 2011 meeting.

104 Fisher Street, Informal Discussion re: Possible Subdivision

Chairman Rodenhiser stepped down from the Chairman's seat as he is the owner of 104 Fisher Street. Vice Chairman Bob Tucker ran the meeting from this point.

Mr. Rodenhiser sat across the table to speak to the Board as a resident and property owner.

Prior to any discussion taking place, Susy Affleck-Childs noted for the record that PEDB members Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers along with Dave Pellegri, Tetra Tech Consultant, Gino Carlucci, PGC Associates Consultant, and Susy Affleck Childs, Planning and Economic Development Coordinator have all signed full disclosures of potential of conflict of interest. These documents have been sent provided to the Town Clerk and the Town Administrator's office. **(See attached).**

Mr. Rodenhiser did inform the Board that he did speak with the State Ethics Commission and he learned that he could speak as an applicant for this project.

Susy Affleck-Childs communicated that this is an informal discussion regarding a prospective application. Nothing has been officially submitted.

Mr. Rodenhiser presented to the Board a document dated June 28, 2011 which referenced a quitclaim deed for property located at 104 Fisher Street. **(See attached.)** This document explains that he is the sole owner of the property.

The Board was also presented with a plan dated April 27, 2011 which was titled “Conceptual Layout Cluster, 104 Fisher Street.” This was prepared by GLM Engineering Consultant, Inc. **(See attached.)** Mr. Rodenhiser indicated that the parcel is 8.9 acres with an existing house. He would like to divide the property into five lots. The existing house will be considered one of the lots. The reason for this is part of a settlement.

Mr. Rodenhiser wanted clarity in relation to the applicability of the affordable housing requirements and the provision of the bonus lot. He would like to consider the option of making a payment in lieu of constructing an affordable unit. How would that be determined?

Susy Affleck-Childs communicated that an estimate of the Equivalent Affordable Housing Unit Value would need to be determined. She read and referenced the definition from the Zoning Bylaw.

Consultant Carlucci noted that the Board of Assessors and the Mass Department of Housing and Development could assist with the calculation of difference. Another option is to make a donation of land. These options would need to be done through the appraisal of the property. Section 9 of the Affordable Housing section of the zoning bylaw was referenced.

Member Spiller-Walsh communicated that it may be better to reduce the # of lots (to avoid the affordable housing requirement.) It may be difficult to get 4 lots to perc.

Mr. Rodenhiser noted that he would be selling off lots.

Member Gay notes that this concept plan is a basic plan which was done for the bank.

Mr. Rodenhiser indicated that the soil testing was being done tomorrow.

Member Rogers indicated that it is going to be quite expensive to develop this site with all the ledge.

Consultant Carlucci also indicated that a 33,000 square foot lot would be a three bedroom home since the private well septic require 10,000 per bedroom.

The Board next discussed the road.

Susy Affleck-Childs indicated that the road would not be a permanent private way but a public road due to the number of housing units that would be served. NOTE – presently the roadway is a private way.

Mr. Rodenhiser indicated that there is a mutual easement across the back of the property. The easement is shared equally.

Mr. Rodenhiser thanks the Board for their time and will be meeting with GLM to put together a preliminary subdivision plan.

The Chairman retook his seat as chairman at 10:25 pm.

43 D Expedited Permitting Grant:

Susy Affleck-Childs prepared and presented a report on the status of the 43 D Expedited Permitting grant. (See attached.) The original grant amount is \$148,850.

Task One: The current approved grant budget for task one is \$14,775.00.
The current expenditures for task one is \$13,080.00.
This leaves an unexpended balance of \$1,695.00.

Task Two: The current approved grant budgeted for task two is \$46,500.00
The current expenditures for task two is \$11,460.00
This leaves an unexpended balance of \$35,040.00

Task Three: The current approved grant budgeted for task three is \$87,575
The current expenditures for task three is \$89,973.47
This leaves a negative balance of (\$2,398.47)

Overall, there is \$32,884.03 remaining in the account.

(Susy reports that the Town's accounting office records show an available balance of \$58,635.37. She will try to resolve the differences between the two!)

The Board would like to have using up these funds as a goal for FY 2012.

Susy noted the big remaining task is getting all the various permit applications on the town's web site and able to be completed on line.

Board Reorganization:

Chairman:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to appoint Andy Rodenhiser as the Chairman of the Planning and Economic Development Board. (Andy Rodenhiser recused from vote.)

Vice Chairman:

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to appoint Bob Tucker as the Vice Chairman of the Planning and Economic Development Board. (Bob Tucker recused from vote.)

Clerk:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to appoint Tom Gay as the Clerk of the Planning and Economic Development Board. (Tom Gay recused from vote.)

Committee Appointments:

Appointments to the Design Review Committee, Open Space Committee and Economic Development Committee will be held over until the next meeting.

Boards/Committee Liaisons:

The Board is in receipt of a memo from Susy Affleck-Childs relative to the liaison assignments for the 2011-2012 year. **(See attached.)** The only change noted would be that Tom Gay is not able to be the ZBA liaison.

On a motion made by Bob Tucker, and seconded by Chan Rogers, the Board votes unanimously to accept the liaison assignments as agreed to.

Meeting Minutes

June 13, 2011:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to approve the minutes from the June 13, 2011 special meeting as written.

June 14, 2011:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to approve the June 14, 2011 as written.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 10:45 pm.

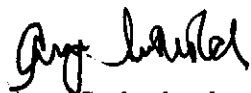
Future Meetings:

The next meetings scheduled are:

- Tuesday, July 12th & 26th and August 9th and 23rd, 2011

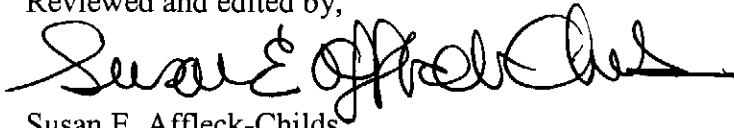
The meeting was adjourned at 10:45 PM.

Respectfully Submitted,

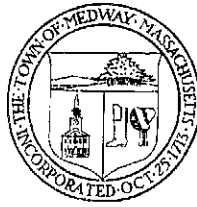


Amy Sutherland
Meeting Recording Secretary

Reviewed and edited by,

A handwritten signature in black ink, appearing to read "Susan E. Affleck-Childs". The signature is fluid and cursive, with a long horizontal stroke at the end.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



Feaddress 272
Village ST →
— Bedeak Lane

TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

RECEIVED
JUN 01 2011
TOWN CLERK

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

NOTICE OF PUBLIC HEARING
Village Estates Definitive Subdivision Plan

In accordance with the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws and the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*, notice is given that **the Medway Planning & Economic Development Board will conduct a public hearing on Tuesday, June 28, 2011 at 7:15 p.m. in the Sanford Room of Town Hall, 155 Village Street, Medway, MA to consider the application of Russell and Dorothy Santoro, of Medway, MA for approval of the Village Estates Definitive Subdivision Plan.** The plan is dated May 19, 2011 and was prepared by Colonial Engineering, Inc. of Medway, MA and Merrikin Engineering LLP of Mills, MA.

The applicant/owner proposes to develop a 2-lot, private way residential subdivision on a 2.026 acre parcel located at 272 Village Street (*Medway Assessors Map 1C / Parcel 114*) in the Agricultural Residential II zoning district. The property is bounded on the north and east by property owned by Brundage; on the west by property owned by Dowley; and on the south by Village Street. The plan shows the division of land into two residential lots (one containing an existing dwelling at 272 Village Street and a second lot for new residential construction), the construction of an approximately 219 foot long, 18' wide permanent private roadway including an underground drainage area, and the installation of municipal water and sewer service. A portion of this site is in a Wetlands Resource Area. This proposal is for a "by right" use in this zoning district.

The *Village Estates Definitive Subdivision Plan* is on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 am to 1:00 p.m. It is also available for viewing at the Medway Planning and Economic Development office at Town Hall.

Interested persons or parties are invited to review the plan, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to planningboard@townofmedway.org. For additional information, please contact the Medway Planning and Economic Development office at 508-533-3291.

Andy Rodenhiser, Chairman

Telephone: 508-533-3291 Fax: 508-533-3252
planningboard@townofmedway.org

LAND SUBDIVISION - FORM C

Application for Approval of a Definitive Subdivision Plan Planning Board - Town of Medway, MA

RECEIVED
MAY 31 2011

TOWN OF MEDWAY
PLANNING BOARD

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations. Please complete this entire Application. Submit three signed originals of the Application, one copy of the Definitive Plan, one copy of the Traffic Study, and one copy of the Development Impact Report to the Town Clerk who will date stamp all three original Applications. Submit two signed original Applications, one copy of the Definitive Plan and one set of Soil Survey, Percolation and High Groundwater Tests to the Board of Health, which will date stamp the two original Applications. Provide one original Application date stamped by the Town Clerk and Board of Health, eighteen copies of the Definitive Subdivision Plan, all other required documents and the appropriate Definitive Subdivision Plan Filing Fee and advance of the Plan Review Fee to the Medway Planning Board.

The Town's Planning and Engineering Consultants will review the Application and Definitive Subdivision Plan. You or your duly authorized Agent/Official Representative will be expected to attend the Planning Board meetings at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request. Your absence may result in a delay in its review.

MAY 25, 2011

TO: The Planning Board of the Town of Medway, MA

The undersigned, being the Applicant as defined under Chapter 41, Section 81-L for approval of a Definitive Subdivision Plan, herewith submits this Definitive Subdivision Plan of property located in the Town of Medway and makes application to the Planning Board for approval of such Definitive Subdivision Plan.

DEFINITIVE SUBDIVISION PLAN INFORMATION

Title: VILLAGE ESTATES

Prepared by: PAUL J. DESIMONE

Of: COLONIAL ENGINEERING, INC.

Plan Date: MAY 19, 2011

A Preliminary Subdivision Plan ☒ was ☐ was not filed prior to this Definitive Plan.

If filed, the date of filing of the Preliminary Subdivision Plan was: December 15, 2010

The Preliminary Subdivision Plan was:

☐ approved

☐ approved with the following modifications/conditions: PUBLIC HEARING HELD NO ACTION TAKEN BY PLANNING BOARD.

☐ disapproved for the following reasons: _____

APPLICANT INFORMATION

Applicant's Name: RUSSELL S. & DOROTHY P. SANTORO

Applicant's Address: 372 VILLAGE STREET

MEDWAY, MA. 02053

Name of Primary Contact: PAUL DESIMONE

Telephone: 508-533-1644

FAX: 508-533-1645

Email address: COLONIAL.ENG @ VERIZON.NET

☐ Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

PROPERTY OWNER INFORMATION (if not Applicant)

Property Owner Name: _____

Address: _____

Primary Contact: _____

Telephone: _____

FAX: _____

CONSULTANT INFORMATION

Engineer: MERRIKIN ENGINEERING LLP.

Address: 230 MAIN STREET SUITE 2C

MILLIS, MA. 02054

Primary Contact: DAN MERRIKIN

Telephone: 508-376-8883 Fax: 508-376-8823

Email: DAN @ MERRIKIN ENGINEERING.COM

Surveyor: COLONIAL ENGINEERING, INC.

Address: 11 AUL STREET

MEDWAY, MA. 02053

Primary Contact: PAUL DESIMONE

Telephone: 508-533-1644

Fax: 508-533-1645

Email: COLONIAL.ENG @ VERIZON.NET

PROPERTY INFORMATION

Location Address: 272 VILLAGE STREET, MEDWAY

The land shown on the plan is shown on Medway Assessor's Map 1C Parcel # 114

Total Acreage of Land to be Divided: 2.026 ACRES

General Description of Property: EXISTING 1 FAMILY HOUSE ON PROPERTY.
PROPOSE PERMANENT PRIVATE ROAD FOR NEW DWELLING
IN BACK OF PROPERTY.

Medway Zoning District Classification: AR II

Frontage Requirement: 150 FT

Area Requirement: 22,500 SQ. FT.

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?

☒ Yes ☐ No If yes, please name: VILLAGE STREET

Wetlands

Is any portion of the site within a Wetland Resource Area?

☒ Yes ☐ No

Groundwater Protection

Is any portion of the site within a Groundwater Protection Overlay District?

☐ Yes ☒ No

Flood Plain/Wetland Protection District

Is any portion of the site within the Flood Plain/Wetland Protection Overlay District?

☐ Yes ☒ No

The owner's title to the land that is the subject matter of this application is derived under deed from: JUDITH ANN JOHNSON to RUSSELLS. & DOROTHY P. SANTORO dated JAN 24, 2008 and recorded in Norfolk County Registry of Deeds, Book 25456 Page 529 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

PROJECT INFORMATION

Subdivision Name: VILLAGE ESTATES

This is a: ☒ Residential Subdivision ☐ Non-Residential Subdivision

Do you plan for the proposed street (s) to be: ☒ privately owned ☐ publicly accepted

The plan shows the division of land into 2 building lots numbered 1 & 2 and 0 parcels not intended for building thereon.

The plan shows the following *existing* ways that are being proposed as lot frontage:

ROAD 'A' as frontage for lot(s) 1 & 2

_____ as frontage for lot(s) _____

_____ as frontage for lot(s) _____

The plan shows the following *proposed* ways that are being proposed as lot frontage:

ROAD 'A' as frontage for lot(s) 1 & 2

_____ as frontage for lot(s) _____

_____ as frontage for lot(s) _____

Total Length of Proposed New Roadway: 219.57 FT

Are the new roads proposed to be public or private ways? ☐ Public ☒ Private

Proposed Utilities:

☒ water ☐ well

☒ sewer ☐ septic

SIGNATURES

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true, accurate and complete to the best of my knowledge and belief. If applicable, I hereby authorize PAUL DESIMONE to serve as my Agent/Official Representative to represent my interests before the Medway Planning Board with respect to this Definitive Subdivision Plan application. I agree to abide by the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions* and complete construction of the subdivision in accordance with the *Rules and Regulations* and the approved Definitive Subdivision Plan within three (3) years of the date of plan endorsement. In submitting this application, I authorize the Planning Board, its staff and agents, to access the site during the plan review process. In conveying subdivision lots, I will retain the fee in the streets shown on the plan. Upon construction of the streets and installation of services, I will grant to the Town the fee in such streets, any drainage or other easements, and any open space and drainage parcels as may be shown on the approved Definitive Subdivision Plan.

[Signature]
Signature of Property Owner

5/19/11
Date

[Signature]
Signature of Applicant (if other than Property Owner)
[Signature]
Signature of Agent/Official Representative

5/25/11
Date

DEFINITIVE SUBDIVISION PLAN FEES

Filing Fee - \$1,000 plus \$1.75/linear foot of street centerline proposed
Advance on Plan Review Fee - \$2,500

Submit 2 separate checks each made payable to: Town of Medway

Fee approved 11-9-04

Date Form C and Definitive Subdivision Plan Received by Planning Board: 5-31-2011

Definitive Subdivision Plan Filing Fee Paid

Amount: 3,048.93 Check # 92

Advance on Plan Review Fee Paid:

Amount: 2,500.00 Check # 90

Date Form C & Definitive Subdivision Plan
Received by Town Clerk

Date Form C & Definitive Subdivision Plan
Received by Board of Health

DEFINITIVE SUBDIVISION PLAN SUBMITTAL DOCUMENTS CHECKLIST

Town Clerk

- ☒ One (1) signed original Definitive Plan Application – Form C
- ☒ One (1) copy of Definitive Subdivision Plan
- ☒ One (1) copy of the Stormwater Management Analysis
- ☒ One (1) copy of Traffic Study (for subdivisions of 20 or more dwelling units)
- ☒ One (1) copy of Development Impact Report – Form F

RECEIVED

MAY 23 2011

TOWN CLERK

Board of Health

- ☒ One (1) signed original Definitive Plan Application – Form C
- ☒ One (1) copy of Definitive Subdivision Plan
- ☒ One (1) copy of Soil Survey, Percolation and High Groundwater Tests prepared in accordance with Section 5.5.10 of the *Subdivision Rules and Regulations*

5-26-11
William F. Hunt

Planning Board

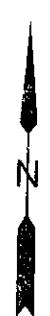
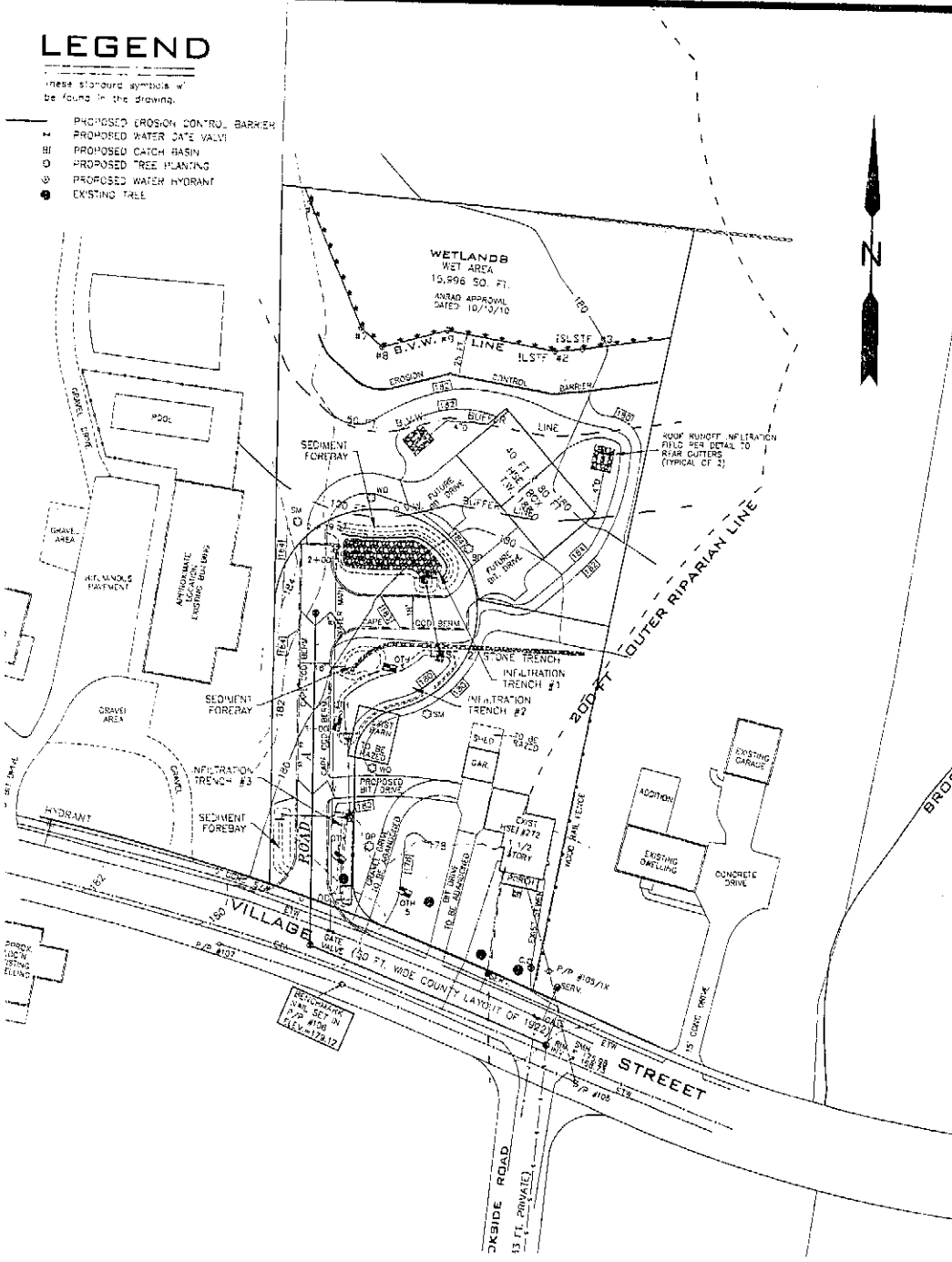
- ☒ One (1) signed Original Definitive Plan Application – Form C
(Date Stamped by Town Clerk & Board of Health)
- ☒ Eighteen (18) Copies of Definitive Subdivision Plan prepared in accordance with Section 5.6 and 5.7 of the *Subdivision Rules and Regulations*
- ☒ Designer's Certificate – Form D
- ☒ Certification of Abutters – Form E
- ☒ Written Request for Waivers of *Subdivision Rules and Regulations* on plan
- ☒ Two (2) copies of Stormwater Management Analysis prepared in accordance with Section 5.5.9 of the *Subdivision Rules and Regulations*
- ☒ Long Term Operation and Maintenance Plan for drainage and stormwater management facilities.
- ☒ Two (2) copies of Soil Survey, Percolation and High Groundwater Tests prepared in accordance with Section 5.5.10 of the *Subdivision Rules and Regulations*
- ☒ Development Impact Report - Form F
- ☒ Two (2) copies of a Traffic Study (for subdivisions with 20 or more dwelling units) prepared in accordance with Section 5.5.12 of the *Subdivision Rules and Regulations*
- ☒ Sight Distance Computations for all proposed new intersections on plan
- ☒ ANRAD Determination from Medway Conservation Commission
- ☒ Proof of existing or pending ownership of all land within the proposed subdivision
- ☒ Definitive Subdivision Plan Filing Fee (\$1,000 plus \$1.75/linear foot of street centerline proposed) – Payable to Town of Medway
- ☒ Advance of Plan Review Fee (\$2,500) – Payable to Town of Medway

Deed

LEGEND

These standard symbols will be found in the drawing.

- PROPOSED EROSION CONTROL BARRIER
- PROPOSED WATER GATE VALVE
- PROPOSED CATCH BASIN
- PROPOSED TREE PLANTING
- PROPOSED WATER HYDRANT
- EXISTING TREE



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

DATE: _____

DATE APPROVED: _____

MEDWAY PLANNING BOARD

DATE ENDORSED: _____

APPROVED: _____, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY

DATED: _____ AND TO BE RECORDED HERewith.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL, AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

DATE: _____

TOWN CLERK

VILLAGE ESTATES DEFINITIVE SUBDIVISION PERMANENT PRIVATE WAY

PLAN OF LAND
IN
MEDWAY, MA

MAP 1C PARCEL 114

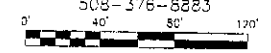
ZONING AR II DISTRICT

OWNER: RUSSELL S. & DOROTHY P. SANTORO
372 VILLAGE STREET
MEDWAY, MA 02053

DATE: MAY 19, 2011
SCALE 1" = 40'

COLONIAL ENGINEERING, INC.
11 AUL STREET
MEDWAY, MA 02053
508-533-1644

MERRIKIN ENGINEERING LLP
730 MAIN STREET (SUITE 2)
MILLIS, MA 02054
508-376-8883



PROPOSED GRADING
SHEET 5 OF 7

NAVD 1988 DATUM



TETRA TECH

*Acoustic Road
certification*

RECEIVED
JUN 32 2011

June 23, 2011

TOWN OF MEDWAY
PLANNING BOARD

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

*Need review
by Fire Dept.*

**Re: Village Estates
Definitive Subdivision Review
Medway, Massachusetts**

Dear Mr. Rodenhiser:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above - mentioned project. The project includes the construction of a new roadway to service one new residential house lot and an existing single family house currently on the property. The roadway is proposed to be a permanent private way upon completion of the project. The existing house is designated to remain, although the existing gravel driveway and barn will be demolished, with access now being proposed from the new roadway. The new house lot will require utilities servicing the parcel including sewer, water, private utilities, and stormwater. The stormwater design will incorporate the runoff from the proposed roadway and both parcels. The sanitary sewer will need to be extended from the intersection of Village Street and Brookside Road, within Village Street and through the end of the proposed "Road A" to service the new house lot.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Village Estates, Definitive Subdivision, Permanent Private Way", dated May 19, 2011, prepared by Colonial Engineering, Inc. and Merrikan Engineering, LLP.
- A drainage report (Drainage Report) entitled "Stormwater Report: 272 Village Street, Medway, Ma, 2-Lot Residential Subdivision", dated May 19, 2011, prepared by Merrikan Engineering, LLP.

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations, Zoning Bylaw (ZBL) (Updated on September 18, 2007), the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway



Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

The following items were found to be not in conformance with Town of Medway, Massachusetts Zoning Bylaw & Map, or requiring additional information:

No comments

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0-Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. Calculations for proposed piping system using the Rational Method for the 25-year storm event shall be provided (Ch. 100 §5.5.9 (h))
2. Present widths of existing streets and Private ways within 700' shall be provided. (Ch. 100 §5.7.12)
3. The existing and proposed location of the Base Flood Elevation shall be shown on the plans if encountered within 700' of the subdivision. (Ch. 100 §5.7.13)
4. The calculation of the lot shape factor shall be provided. (Ch. 100 §5.7.14)
5. Proposed layout of electric, telecommunications, natural gas, cable, and spare communications conduit shall be shown on the plans. (Ch. 100 §5.7.19)
6. At least two benchmarks are to be shown on each plan and profile sheet. (Ch. 100 §5.7.20)
7. A note shall be added to the cover sheet of the Definitive Subdivision Plan indicating that all improvements shall be constructed in accordance with Mass DOT handicap requirements and the current ADA/AAB requirements in effect at the time of construction. (Ch. 100 §5.7.34)

Section 7.0-Design and Construction Standards

8. Water pipes shall be extended and connected to form a loop type system. (Ch. 100 §7.6.2 (b))



9. A spare communication conduit shall be installed in the same trench with electric, telephone, and cable conduit for future use by the Town of Medway. The board shall determine if this applies to private roadways. (Ch. 100 §7.6.2 (h))
10. Infiltration systems shall be located on separate parcels. The board shall determine if this applies to private roadways. (Ch. 100 §7.7.2 (p))
11. Substantial landscaping and planting shall be provided around detention and retention basins to the satisfaction of the board. We believe that the intent of this regulation extends to large infiltration trenches such as that proposed on this project. (Ch. 100 §7.7.2(r))
12. The width of the Right of Way should be noted on the plans and meet the minimum requirements. (Ch. 100 §7.9.4 (a))
13. Diameter of the cul-de-sac shall be provided on the plans and meet the minimum requirements. (Ch. 100 §7.9.4 (c))
14. The applicant shall ensure that an adequate turnaround acceptable to the fire chief is provided. (Ch. 100 §7.9.6(d)).
15. Vertical granite curbing shall be installed at the intersection. A note and detail shall be provided on the plans. (Ch. 100 §7.10.1)
16. Sidewalks exist along the entire frontage of the subdivision parcel along the existing Town way, however the board shall review and determine the ability of the existing sidewalk to provide safe pedestrian access and meet accessibility requirements. (Ch. 100 §7.13.3)
17. Fire alarm system shall be installed and shown on plan. (Ch. 100 §7.17.1)
18. To enhance the aesthetic quality of the streetscape, street Trees shall be planted. (Ch. 100 §7.19.2)
19. No street lights are proposed. (Ch. 100 §7.21)
20. Monuments shall be installed along the roadway layout at all points of curvature and angle points. They shall also be installed along easements at each angle point. (Ch. 100 §7.25.1)
21. A detail of the monument shall be provided on the plans. (Ch. 100 §7.25.2)



The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

22. The Infiltration Trench #2 Detail is noted twice on the plan. This should be revised to include Infiltration Trench #3 Detail.
23. All infiltration trench details should note the groundwater elevation.
24. The 3-3" diameter holes in the outlet headwall for infiltration trench #1 should be routed through device 4 (12" culvert) and not modeled as primary outlet.
25. The outlet headwall detail for infiltration trench #1 and infiltration trench #2 notes an 8 inch thick wall however in the hydrocad model the weir has a width of 0.5 feet.
26. Redox was observed in hole OTH#3 at 15 inches (elev.178.05). The bottom elevation of infiltration trench #2 is 180.00; this only provides 1.95 feet separation.
27. A mounding analysis shall be provided for all infiltration trenches and all infiltration fields since separation to groundwater is less than 4 feet.

The following items were found to be not in conformance with the Town of Medway – Water/Sewer Department Rules and Regulations, or requiring additional information:

Water

28. Water hydrant shall be clearly identified on plan. It appears that there is a hydrant symbol located at the end of Road "A" but it is not labeled. (Construction Methods-1)
29. There should be three valves at the roadway intersection unless otherwise approved by the Department of Public Works (Construction Methods-5).
30. A hydrant detail should be provided. The detail should identify the hydrant be backed by ¼ yard of concrete against trench wall and be surrounded with ¼ yard of ¾ inch stone for drainage. (Construction Method-7).
31. It is unclear by looking at the profiles whether or not the waterline is set to a depth of 4.5 feet below proposed grade. If not, the drawing shall be modified to reflect this minimum cover requirement. (Construction Method-8)



32. Where will the electric and gas services be located? Water Services shall be 3' away. Private utilities should be added to the plans to determine the sufficient spacing. (Construction Method-14)
33. The size of the existing waterline in Village Street shall be noted.
34. The method of connection between the existing and proposed waterlines shall be noted.
35. Water service to the building should be shown on the plans.

Sewer

36. Sewer service to the building shall be shown on plans. (Construction Method-1)
37. ¾-inch crushed stone shall be installed six inches over and below the sewer pipe. A typical trench detail is provided, however it does not meet the requirements for sewer trenching. Separate details should be provided for the individual utilities proposed on the project.

The following items were found to be not in conformance with good engineering practice or requiring additional information:

38. How will Village Street be repaired upon completion of the utility work? The plans should show sawcut lines, limits of pavement, curb, and sidewalk repairs. Private utility connections should also be shown since those locations may drive the limits of repair.
39. Existing trees/brush should be shown on plans. It's unclear what trees/brush fall within the project limits on the southwest corner of the site. If there are additional trees identified for demolition, they should be noted on the plans.
40. Is there existing vegetation (other than lawn/garden) designated for removal on Lot 2? If so, we would like to see some replacement trees/vegetation be added.
41. Please provide fine grading at entrance to Road "A". It is currently difficult to understand how water will be directed towards the sediment forebay and not out to Village Street.
42. We would recommend some landscaping be proposed around large infiltration trenches.
43. Are easements required in Private Roadway for public utilities?



TETRA TECH

44. Verify that the Water/Sewer board and/or the Medway Department of Public Works has confirmed sufficient capacities in both the existing water and sewer lines within Village Street to accept the additional flows from the proposed development.
45. Verify that silt fence is not required by the Conservation Commission.
46. Please provide a note that the 12-inches of gravel below the proposed roadway shall meet the Massachusetts Department of Transportation specifications for gravel borrow.
47. The majority of the house is within the 100-foot buffer zone. The applicant should update the Planning Board regarding the status of the Conservation Commission review.
48. A waiver is being requested for a reduction in radius for the curbing at the entrance to the site. The applicant should provide testimony from the fire department that this waiver will not negatively impact emergency vehicles.
49. One of the future driveways extends over bituminous berm. This should be modified or clarified.
50. A Flared End section detail should be provided.
51. A Thrust Block detail should be provided.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegrini, P.E.
Sr. Project Manager



TOWN OF MEDWAY
BUILDING DEPARTMENT
155 VILLAGE STREET
MEDWAY MASSACHUSETTS
PHONE 508-533-3253
FAX-508-533-3252
jemidy@townofmedway.org

RECEIVED
MAY 31 2011
TOWN OF MEDWAY
PLANNING BOARD

Susan Affleck-Childs
Planning & Economic Development Coordinator
Town of Medway

Re: Village Estates

Dear Susy,

In regards to the above referenced location, I am revising my opinion in light of the new information I recently obtained. This new information I received was from Barbara St. Andre' after carefully reviewing the Zoning By-Law. Based on this new information, 274 Village Street should not be considered a corner lot as defined in the Zoning By-Law, and therefore will not be in violation of the frontage setback of thirty five (35) feet. However, the existing buildings that are encroaching into the proposed "Road" will be required to maintain the 35' minimum setback.

Please contact me if you have any questions.

Respectfully,

John F. Emidy C.B.O.
Building Commissioner
Zoning Enforcement Officer

JFE

Cc: file

* they
need to provide
a waiver list

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

June 23, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

RECEIVED
JUN 23 2011

TOWN OF MEDWAY
PLANNING BOARD

Re: Village Estates Definitive Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the definitive subdivision plan submitted by Dorothy and Russell Santoro of Medway for property on Village Street. The plan was prepared by Merriken Engineering of Millis and Colonial Engineering, Inc. of Medway, and is dated May 19, 2011.

The plan proposes to construct a permanent private way cul-de-sac in order to create frontage and divide a lot on Village Street with an existing house on it into two lots. The existing house on the property would remain. The new lot exceeds 30,000 square feet so it qualifies for a duplex (subject to granting a special permit by the ZBA) and a duplex house is shown on the plan. The total size of the parcel is 2.026 acres.

I have comments as follows:

Zoning

1. The lots in the subdivision as shown on the plan comply with area, frontage and lot shape requirements of the Zoning Bylaw.

Subdivision Rules and Regulations

2. Section 5.7.32 requires landscaping of a cul-de-sac island. No island is proposed since the dead-end street is proposed to have a hammerhead turnaround (as allowed for permanent private ways). However, an island effect is created by the proposed two driveways for each side of the duplex winding around opposite sides of a detention basin (labeled as Infiltration Trench #1) within the cul-de-sac right-of-way. While the presence of the basin will limit possibilities, consideration should be given to requiring a landscaping plan for this area.

3. Section 7.7.2 (p) requires drainage basins or other elements of a drainage system to be 30 feet from a lot line. All three infiltration trenches are less than 30 feet from the lot line and no waiver has been requested.

4. Section 7.25.1 requires that bound be placed on all points of curvature and angle points along the roadway layout. No bounds are shown on the plan.

- ✓ 5. Section 4.6.11 requires that a proposed street name be shown on the plan. No name is shown. Since this is a permanent private way adding 2 (possibly 1) residences and since the existing house already has a Village Street address, it may be preferable to leave the way without a name and assign Village Street addresses. However, since the existing house is #272 and the property next door is #274, the new dwelling units would need to be 272 with a letter attached.

Bedell
Lane

General Comments

6. In considering whether there is a possibility of extending the way onto adjacent developable land, the abutting lots on both sides have excess land, but the lot to the east is mostly wetlands and the lot to the west has a second dwelling unit on it already.

7. The existing house currently has two driveways to Village Street. One is paved and one is gravel. A new driveway from the proposed new street is proposed for the existing house, and both existing driveways are proposed to be abandoned. The new road will overlap one of the existing curb cuts, but there should be a condition to require that the other curb cut is removed and that the curbing and sidewalk on each side be connected across this opening in accordance with DPS requirements.

8. The plan states that the owner of Lot 2 will own the roadway layout. However, since the existing house on Lot 1 will also be accessed from the new roadway, there should be, at a minimum, an access easement on the new roadway in favor of Lot 1. The owner of Lot 1 should also be part of a homeowners association responsible for maintenance of the new roadway.

If there are any questions about these comments, please call or e-mail me.

Sincerely,



Gino D. Carlucci, Jr.



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

*12-20-11 -
notes from 6-28
mtg w
NOTES*

*Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh*

Revised Draft - 6/23/2011

CERTIFICATE OF ACTION
25 SUMMER STREET - A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
(_____ Waivers and Conditions)

I. DESCRIPTION: The proposed *25 Summer Street Definitive Subdivision Plan* is a 2-lot, 158 foot, permanent private way residential subdivision on a 1.98 acre parcel located at 25 Summer Street in the Agricultural Residential II zoning district. The parcel is owned by Fasolino Home Improvements, Inc. of Medway, MA and is shown on Medway Assessor's Map as Parcel 2B-7. The proposal also includes use of swales and a small stormwater basin for infiltration; and installation of sewer and water to connect to existing systems. The private roadway will be known as _____.

II. APPLICANT:
Fasolino Home Improvements, Inc.
164 Main Street
Medway, MA 02053

III. PROCEDURAL SUMMARY: With respect to the *25 Summer Street Definitive Subdivision Plan*, the Planning and Economic Development Board hereby certifies that:

1. On January 19, 2011, it received an application for approval of the *25 Summer Street Definitive Subdivision Plan*, dated January 10, 2011 prepared by Faist Engineering of Southbridge, MA. A preliminary subdivision plan was not filed for this project.
2. On February 22, 2011, it circulated the definitive subdivision plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.
3. On March 8, 2011, it commenced a public hearing on the plan. The public hearing was duly noticed on February 21, 2011 and March 1, 2011 in the *Milford Daily News*. Abutter notice was sent by certified mail on February 16, 2011. The public hearing was continued to April 12, 2011, May 10, 2011 and May 24, 2011 when it was closed.

IV. PUBLIC HEARING SUMMARY: The public hearing and review of the 25 Summer Street Definitive Subdivision Plan were conducted over the course of four (4) Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed for compliance with the *Subdivision Rules and Regulations* (dated April 26, 2005) in effect at the time the applicant submitted a definitive subdivision plan to the Town in January 2011. Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Board and is available for public review.

Definitive Subdivision Plan – Faist Engineering, Inc.
January 10, 2011, Revised – April 20, 2011

Drainage Calculations - Faist Engineering, Inc.
January 10, 2011
Revised – April 20, 2011

Waiver Requests
January 14, 2011 letter from Fasolino Home Improvement, Inc.
Revised – April 20, 2011

Town Engineering Consultant Review Letters – Dave R. Pellegrini, P.E., Tetra Tech Rizzo
March 4, 2011
May 4, 2011

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates
March 3, 2011
May 5, 2011

Supplemental Information Provided By Applicant
April 8, 2011 letter from Summer & Milford LLC giving permission to tie into the existing sewer system at Speroni Acres.

Landscape Plan for 25 Summer Street provided by Fasolino Landscape Design and Construction.

Citizen/Resident Letters - None

Citizen/Resident Testimony
Robert Condon, 3 Rustic Road (5-10-11 public hearing)

Professional Review/Testimony
Gino Carlucci, AICP, PGC Associates, Inc.
Dave R. Pellegrini, P.E., Tetra Tech Rizzo
David T. Faist, P.E., Faist Engineering, Inc. for the applicant

Medway Departmental/Board Review Comments
Dave Damico, DPS, via email dated May 18, 2011

V. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS – The Applicant has requested waivers from the following sections of the *Medway Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 5.7.19 - Proposed layout (including plans and profiles) of street construction, storm drainage and stormwater management facilities, water supply, and sewage disposal system, including grades, and the proposed electric, telecommunications, natural gas, cable TV, and spare communications conduit. *NOTE – The applicant or his representative will be responsible for field locating all utility installations during construction so they can be accurately represented on the as-built plans. This was not done, and a waiver is requested.*

FINDINGS: The applicant requests a waiver from showing the electrical, telecommunications and cable TV lines on the plans. Instead the applicant plans to show the underground services on the subdivision as-built plans. Since NStar will not design the underground utilities until the subdivision plan is approved, the Board grants this waiver subject to the applicant showing the location of the underground utilities on the as-built plan.

SECTION 5.7.20- Existing roadway profiles of the roadway centerline drawn in fine black solid line and proposed profile of the finished center-line drawn in heavy black solid line will be provided for all proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'). At least two (2) benchmarks are to be shown on each plan and profile sheet, and proposed grade elevations shall be shown at 50 foot (50') station intervals except on vertical curves where elevations shall be shown at twenty-five foot (25') station intervals. Proposed intersections, sidewalks and probable location of driveways on lots shall be shown. Profiles shall extend across intersections to the outer layout line and to the layout line of the cul-de-sacs. The Board may require additional profile data when grading extends beyond the layout.

FINDINGS: The applicant is proposing a permanent private way/shared driveway. The cross section detail for the driveway is shown on Sheet 5 of 5. Since this is a permanent private way to serve only two lots, the Board finds that the cross-section detail for the shared driveway is sufficient for this project and the waiver is granted.

SECTION 5.7.24 – Location and Species of Proposed Shade Trees - The Definitive Subdivision Plan shall specify which existing trees are to be retained, where new trees are to be planted, planting details, planting schedule, and the maintenance program.

FINDINGS – The applicant requests a waiver from the installation of new street trees on the new roadway. As this is a Permanent private way/shared driveway and since there are existing trees along the Summer Street frontage and since the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway splits off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

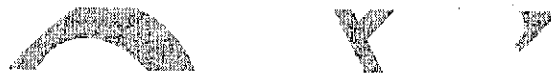
SECTION 5.7.27 – *The proposed location and approval of all street signs and traffic control signs on the proposed street, as well as, with the intersecting streets will be shown. The Town Safety Officer's correspondence will be required prior to endorsement by the Board.*

FINDINGS – The applicant requests a waiver from this regulation because they wish to use Summer Street addresses. However, the addresses of 23 and 27 Summer Street are already in use. The Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots. Therefore a street sign will be needed. This waiver request is denied.



SECTION 5.7.28 - Streetlight Locations – *Proposed and existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of the developer shall also be shown on the plan.*

FINDINGS: Since the applicant proposes a private roadway/shared driveway serving 2 houses, the Board finds that no street lighting is needed for this subdivision. Furthermore, there is an existing streetlight on Summer Street about 50 feet south of the shared driveway. The Board grants this waiver request.



SECTION 5.7.31 – Locations of proposed open space – *Proposed park or open space areas suitably located within the subdivision for playground or recreation purposes or for providing light and air in accordance with M.G.L, Chapter 41, Section 81-U.*

FINDINGS – The applicant is not proposing any open space with this subdivision and none is required. The Board finds that there is no need for open space or a park in this 2 lot subdivision so this waiver request is granted.



SECTION 5.7.32 – Cul-de-sac Island Landscaping – *A landscape design plan, prepared by an experienced landscape designer, which shall include a plan view and a list of all plant and inorganic materials. The Board may require use of a professional landscape architect registered in the Commonwealth of Massachusetts.*

FINDINGS - The applicant is not proposing a fully paved cul-de-sac with this subdivision so there is no island. However, the applicant has provided a landscape plan for the area within the cul-de-sac right-of way. Therefore, the Board grants this waiver request.

SECTION 5.7.33 – Preliminary Stormwater Pollution Prevention Plan (SWPPP) – This plan shall be prepared in accordance with the requirements outlined in the National Pollutant Discharge Elimination System (NPDES) Permit application for Construction Activities.

FINDINGS – The applicant is not required to obtain a SWPP permit as the planned overall site disturbance will be less than one acre and the SWPP does not apply in such circumstances. Therefore, the Board grants this waiver request.



SECTION 5.20.2(a) – Ways and service to be complete before such lot may be built upon.

FINDINGS - While this is only a 2 lot subdivision with a private way/shared driveway rather than a complete public street, the Board finds that it is in the best interest of the Town to ensure that sufficient infrastructure is in place prior to releasing any lots for house construction. This includes that portion of the roadway within the street right-of-way to be paved with a binder course as well as a functioning drainage system. Therefore, this waiver request is denied.



SECTION 6.4.1 – No building permit shall be issued within a subdivision without written permission from the Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.

FINDINGS – The Applicant is requesting that the Board to allow for building permits with no occupancy until the completion of the driveway base coat. As stated above, the Board requires that a binder course for the driveway and functioning drainage system be in place prior to the release of lots for house construction purposes. Therefore, this waiver request is denied.

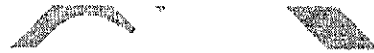


SECTION 6.8 – Procedure for Street/Infrastructure Acceptance.

FINDINGS - The Applicant proposes that 25 Summer Street will be constructed as a permanent private roadway; the Town will not be accepting this roadway. Therefore, the Board finds that there is no need for a street acceptance process and this waiver request is granted. An as-built plan for the roadway, drainage system and landscaping in accordance with Section 6.7 of the Subdivision Rules and Regulations is still required.

SECTION 7.7.2. p) – *Stormwater Management Procedure: The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of way.*

FINDINGS – The Applicant proposes two (2) interconnected dry detention basins located within the separate Parcel “A”, which also includes the shared driveway. Each dry basin is located within 10 feet of the property line of both lots, which will benefit from their construction. Due to the minimal size of the basins as well as the distance from the elevation of the proposed houses, the Board finds that this design is acceptable for this subdivision and the waiver request is granted.



SECTION 7.9.5a) – *The minimum centerline grade for any street shall not be less than two percent (2%).*

FINDINGS - The Applicant proposes utilizing the existing driveway which has a grade between 5-8%. The Board finds that using the existing driveway will reduce the disturbance needed to construct the subdivision and is acceptable since the driveway will serve only one additional house. Therefore, the waiver request is granted.



SECTION 7.9.7 g) – *The minimum roadway width for a “Permanent Private Way” is eighteen (18) feet.*

FINDINGS - The Applicant proposes a single shared paved driveway/private roadway that will have fourteen (14) feet paved width within the right-of-way. The Board finds that this proposed paved width is acceptable in that it will serve only two houses and the waiver request is granted.



SECTION 7.10.2 – *Curbs: “Permanent Private Way” is hot mix asphalt Cape Cod berm.*

FINDINGS - The Applicant proposes to utilize a “country drainage” low impact design using roadside dry detention basins. Curbing is not proposed to be used along the edges of the shared driveway. The Board and its consulting engineer have reviewed the proposed drainage design and have found it acceptable. Therefore, this waiver request is granted.

SECTION 7.11.1 – *Driveways shall be at least ten feet (10') wide and shall not exceed twenty-five feet (25') in width and shall have a three-foot (3') radius edge treatment consistent with the specific type of road construction.*

FINDINGS - The Applicant proposes to utilize the existing curb cut that is within the Summer Street right-of-way, similar to the adjacent “Ardmore Circle” private way. The Board finds that since the curb cut already exists and leaving it as is will reduce the impact on the newly reconstructed Summer Street, the design is acceptable and this waiver request is granted.

SECTION 7.11.2 – *The construction of driveway openings shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets or within fourteen feet (14') feet of a catch basin...*

FINDINGS – There is an existing catch basin located within the Summer Street right-of-way that is within 28 feet of the existing driveway curb cut. Since the curb cut and catch basin already exist in the current locations, the Board finds that leaving the curb cut as is will reduce the impact of the subdivision’s construction on the newly reconstructed Summer Street. Therefore, this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.13.3 – *Sidewalks shall be provided along the entire frontage of a subdivision parcel along existing Town ways . . . In those instances where sidewalk construction is not feasible or practical, the Applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount determined by the Town’s Consulting Engineer. Such funds shall be deposited to a revolving fund to be used to finance the construction of sidewalks and/or other public improvements.*

FINDINGS – *As there is a newly-constructed sidewalk along the entire Summer Street frontage of the property, no new sidewalk construction is needed nor is a payment in lieu of sidewalk construction appropriate in this instance. Therefore, the Board grants this waiver request.*

SECTION 7.17.1 – *A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.*

FINDINGS – The Applicant is not proposing to install a fire alarm system as both lots already have frontage on Summer Street. The Board finds that there is no need for a fire alarm system for this 2-lot subdivision. Therefore, this waiver is granted.

SECTION 7.17.2 – Fire hydrants shall not be nearer than twenty-five feet (25') from the intersection of two (2) streets...

FINDINGS – No new fire hydrant is proposed to be installed within this subdivision as there is an existing hydrant located within 300 feet of the property on the west side of Summer Street. Therefore, the Board finds that this waiver request is unnecessary and thus is denied.

SECTION 7.19.2 – To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision ...

FINDINGS – The Applicant requests a waiver from the installation of new street trees. As this is a shared driveway and a permanent private way and since there are existing trees along the Summer Street frontage and the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway split off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 7.19.4 – Trees approved for planting are: Shademaster, Honey and Skyline Locust; Sugar Maple; White, Scarlet, Pin and Northern Red Oak; Bradford and Aristocrat Pears; London Planetree or other species if approved in advance by the Tree Warden. At least three (3) species shall be planted in every subdivision and they shall be staggered so that no one species shall be planted next to a like species.

FINDINGS – Since the Board has granted a waiver request from the requirement to plant street trees, this regulation is not applicable and the waiver request is thus denied.

SECTION 7.20 – Street and Traffic Control Signs and Names.

FINDINGS – As plan provides a shared driveway/private roadway, the applicant proposes that the two house lots have Summer Street addresses and therefore has requested a waiver from the street sign requirements. However, the addresses of 23 and 27 Summer Street are already in use. Therefore, the Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots; this waiver request is denied.

SECTION 7.21 – Street Lights.

FINDINGS – Since the Applicant proposes a private roadway/shared driveway serving only 2 homes, the Board finds that no street lighting is needed for the subdivision. Furthermore, there is an existing street light on Summer Street about 50 feet south of the private roadway/shared driveway. Therefore the Board grants this waiver request.

SECTION 7.21 – Walkways and Bikeways: *It is the policy of the Board to maximize opportunities for pedestrian and bicycle access. Pedestrian walkways or trails and/or bikeways are required to ensure connections between adjacent subdivisions and between the subdivision and nearby schools, playgrounds, parks, shopping areas, public transportation, open spaces and/or other public facilities or community services or for such other reasons as the Board may determine...*

FINDINGS – The Applicant is proposing only one additional house lot. Since the subdivision's 2 lots have frontage on Summer Street which has a brand new sidewalk as well as shoulders to accommodate bicycles, the Board finds that no additional facilities for pedestrians or bicycles are warranted and this waiver request is granted.

SECTION 7.25.1 – Monuments *shall be installed along the roadway layout at all points of curvature and angle points. Monumentation shall be provided at easements at each angle point along the easement where the lot line intersects the street right-of-way, and at other points where, in the opinion of the Board, monuments are necessary.*

FINDINGS – The Applicant is proposing the shared driveway to remain private and feels the monumentation requirement is not necessary. However, The Board finds that it is important for the right-of-way and the various easements to be clearly identified where maintenance responsibilities will be shared by the owners. Therefore, the Board denies this waiver request.

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources.
4. In lieu of constructing a landscaped island in the cul-de-sac right of way, landscaping shall be provided within the roadway layout to the west of the driveway split of Parcel A.
5. The applicant has agreed that both house lots will be used only for single family residences. The applicant will not seek any special permits from the Medway Zoning Board of Appeals for to use the two house lots for 2 family dwellings.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by B. B. and seconded by Chen to the above noted Waiver Findings. The motion was by a vote of 3 in favor and 0 opposed.

no Andy

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob and seconded by Chau to approve the above noted Mitigation Plan. The motion was _____ by a vote of 3 in favor and 0 opposed.

Action on Waiver Requests - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob and seconded by Paul to approve the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations*. The motion was approved by a vote of 3 in favor and 0 opposed.

VI. DECISION - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob and seconded by Chau to approve the **25 Summer Street Private Way Definitive Subdivision Plan**, dated _____, prepared by Faist Engineering, 600 Charlton Street, Southbridge, MA, subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the sections of the *Subdivision Rules and Regulations* dated April 26, 2005 as listed above.

The motion was _____ by a vote of 3 in favor and _____ opposed.

VII. CONDITIONS - The following specific and general conditions shall apply to the Applicant, its executors, administrators, devisees, heirs, successors and assigns:

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 2 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Board, within three (3) years of the date of endorsement of the plan.
3. **Ownership of _____** - It is understood that the private way at 25 Summer Street shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the _____ Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the 25 Summer Street Definitive Subdivision Plan. The Association shall ultimately own and maintain Parcel A (the private roadway/shared driveway) including snowplowing and sanding, maintain and operate the stormwater detention/infiltration system and related infrastructure, and maintain all landscaping, including the area west of the driveway split.

4. The Applicant shall specifically reserve to itself ownership of the fee in all roadway and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and all easements to the _____ Homeowners Association before the Board approves the final bond release or, if there is no bond, then approval of the as-built plan.
5. Prior to endorsement, the 25 Summer Street Definitive Subdivision Plan last dated April 20, 2011 shall be further revised to include the following:
 - a. The final plan revision date on all plan sheets.
 - b. Update list of approved waivers on the cover sheet.
 - c. The 25 Summer Street Landscape Plan produced by Pasolino Landscape Design and Construction shall be added to the plan set.
 - d. Removal of the existing northern curb cut and details showing the restoration of sidewalk and curbing along Summer Street.
 - e. Insert the street name for the new private roadway/shared driveway on all plan sheets. Show location of street and traffic control signs.
 - f. Note 5 on the Cover Sheet shall be revised to specifically reference a Subdivision Covenant.
 - g. Another note shall be added to the NOTES section on the cover sheet to indicate that present and future owners are also subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision*.
6. Prior to endorsement, the Applicant shall provide copies of the recorded deed verifying the Applicant's ownership of all properties comprising the 25 Summer Street Subdivision. The Board may refer such documentation to the Board of Assessors for review and confirmation.
7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Board before the Board will endorse the definitive subdivision plan.
8. The Sumner Valley Homeowners Association - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the _____ Homeowners' Association to be reviewed and approved by the Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the shared driveway, landscaping and the stormwater management system.

9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision* – The future owners of lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, landscaping and the operation and maintenance of the stormwater management system.
10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that _____ as shown on the 25 Summer Street Definitive Plan is a permanent private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements and *Selective Cutting Zone*. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision*.
11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Board with a copy of the proposed deed to convey the Parcel A (the private roadway/shared driveway) and all easements shown on the plan to the _____ Homeowners Association, for review, comment, amendment and approval by Town Counsel.
12. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the 25 Summer Street subdivision, any articles of association establishing the _____ Homeowners Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred
13. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of the shared driveway and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the _____ Homeowners Association.

14. The Applicant shall abandon the existing driveway opening onto Summer Street and reconstruct the opening as follows to match the existing Summer Street sidewalk conditions and materials: saw cut the gutter even with the curb and saw cut the section of sidewalk. Raise the granite curbing on either side of the opening. Install new granite curbing at the opening. Repave the sidewalk. Seal all seams after work is complete. The Applicant shall obtain a street opening permit from the Medway Department of Public Services for this work and pay all applicable fees and deposits.
15. The 2 houses in the subdivision will have their sewer tied into the pipeline system that was installed by the developer of the adjacent Speroni Acres subdivision. This is a privately-owned pipeline system intended to be owned, operated and maintained by a homeowners association, not the Town of Medway. The applicant has represented that the system was designed for a tie-in from his property and that he has rights to such a tie-in. Therefore, the applicant is wholly responsible for ensuring that any such rights are valid. Furthermore, the applicant's obligations regarding any costs or responsibilities pertaining to such tie-in as well as ongoing operation and maintenance of the pipeline system are a private matter between the applicant and the owner of that system. The transmittal of the wastewater to, and its treatment at the Charles River Water Pollution Control District plant shall be charged by the Town in the same manner as any property which sends its wastewater into that system.

General Conditions

16. *Expiration of Appeal Period* - Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
17. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision.
18. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a statement savings account (*with the Town of Medway*) at an area financial institution with which the Applicant is placing a cash bond.
19. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three (3) years of the date of plan endorsement.

20. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer.
21. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Board with a copy of any and all "*Order of Conditions*" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the "*Order of Conditions*" shall be presented to the Board by the Applicant, for review and approval as a modification to the Definitive Subdivision Plan. The Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "*Order of Conditions*" that may be deemed appropriate by the Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Board endorses the plan modification.

Additionally, upon issuance of any "*Order of Conditions*" requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.
22. *Construction Observation – Inspection* of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
23. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

24. *Proof of Taxes Paid* - Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.
25. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
26. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

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**25 SUMMER STREET DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION**

*Date of Action by the Medway Planning & Economic Development Board
June 28, 2011*

AYE:

NAY:

Date Signed: _____

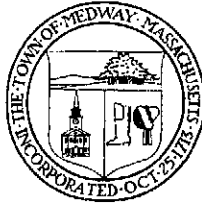
Attest:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

Copies To: Mike Fasolino, Applicant
David Faist, Faist Engineering, Inc.
Bill Fisher, Health Agent
Tom Holder, Director of Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Principal Assessor
Melanie Phillips, Treasurer/Collector
John Emidy, Inspector of Buildings
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Paul Trufant, Fire Chief
Jeffrey Watson, Police Safety Officer
Mary Jane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech Rizzo

Date Filed with the Town Clerk:



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Karyl Spiller-Walsh
Cranston (Chan) Rogers, P.E.

DRAFT – June 27, 2011

REVISED ADAPTIVE USE SPECIAL PERMIT DECISION
Steinhoff Realty Trust for 146 Main Street

Name/Address of OwnerApplicant: Steinhoff Realty Trust
133 Main Street
Medway, MA 02053

Designer: The H.L. Turner Group
27 Locke Road
Concord, NH 03301

Plan Date: April 26, 2011

Project Location: 146 Main Street

Assessor's Reference: MAP 5, Parcel 5/264.

Zoning: Agricultural Residential II and Adaptive Use Overlay District

Purpose: Amend a previously approved AUOD Special Permit and Plan. The project development scope is substantially reduced to involve only the renovation of the existing 1,632 sq. ft. residential structure, the construction of a 250 sq. ft. addition, and associated parking and drainage. All space to be used for professional offices.

NOTE – This is a replacement AUOD Special Permit

This is a decision of the Medway Planning and Economic Development Board (hereinafter “Board”) on the May 18, 2011 petition of Steinhoff Realty Trust (hereafter “Applicant”) of 133 Main Street, Medway, MA 02053, to REVISE the previously approved Adaptive Use Overlay District (OSRD) Special Permit and Plan for property located at 146 Main Street owned by Steinhoff Realty Trust of Medway, MA. (hereinafter “Property”). The original AUOD Special Permit was secured pursuant to *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District* of the *Town of Medway Zoning Bylaw* and other relevant provisions of the *Zoning Bylaw*. The proposed revisions to the AUOD Special Permit and Plan for 146 Main Street are sought pursuant to Section 505-7 of the Medway Planning Board’s *Adaptive Use Overlay District Rules and Regulations*, adopted July 26, 2005.

This Decision includes the following sections:

- I. *Background*
- II. *REVISED Project Description*
- III. *Decision of the Board*
- IV. *Procedural History*
- V. *Findings*
- VI. *Waivers*
- VII. *Conditions, Limitations*
- VIII. *Appeal*

I. BACKGROUND

The previous AUOD Special Permit for the subject property at 146 Main Street was authorized November 16, 2010 by the Medway Planning and Economic Development Board. The approved scope of work involved the substantial renovation/reconstruction of the existing 1,632 sq. ft residential structure on the site, the construction of a 2-story, 7,045 sq. ft addition, and extensive site improvements including associated parking, drainage, lighting, landscaping and connections to Town water and sewer services. All space was to be used for professional offices.

The previously approved AUOD Special Permit for 146 Main Street was recorded at the Norfolk County Registry of Deeds on January 11, 2011 in Book 28493, page 361. The AUOD Plans were recorded in Plan Book 605, pages 28 – 47.

All documents associated with the previous special permit decision and plans for 146 Main Street are hereby acknowledged and made part of the record for this proposed revised project.

II. REVISED PROJECT DESCRIPTION

The Petitioner seeks to revise the previously approved permit, plan and scope of work for the subject property at 146 Main Street

The Applicant proposes to substantially renovate/reconstruct the existing 1,632 foot structure as originally proposed while adding a modest 1-story addition at the northwest corner of the back of the building on the north façade. The approximately 250 sq. ft. addition would be used to house for 2 lavatories, a mop room and a computer server room. It would also serve as the primary and handicap access to the building. The building would be used only for professional offices. The first floor would

become headquarters for ValuTrack Corporation, presently located at 133 Main Street in Medway, MA. The existing 187 sq. ft, 1-story addition to the western part of the main building would remain and be renovated; the existing doors would be removed and replaced with windows so the space could function as a conference room. The parking lot would be reduced in size from 29 spaces to 8 spaces. There is no change proposed in the access or curb cut from Main Street from the previously approved plan. The drainage design will be modified but will comply with local and state regulations.

III. DECISION OF THE BOARD - After reviewing the application and information gathered during the public meetings when the proposed revision was considered, the Medway Planning and Economic Development Board, at a duly posted meeting on June 28, 2011, on a motion by _____ seconded by _____, voted ___ in favor and ___ against to grant a revised Adaptive Use Special Permit to Steinhoff Realty Trust for the subject property at 146 Main Street, Medway, MA. for the revised scope of work as represented in the application, as described at Board meetings and as shown on the revised plans, subject to the waivers, conditions, safeguards and limitations specified herein. This special permit is general and runs with the land. It is the decision of this Board, as evidenced by its vote herein, that the aforesaid Property is a proper parcel to be developed under *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Medway Zoning Bylaw (as amended June 6, 2005)* in that it meets all the requisite site development standards and special permit criteria.

<u>Voting Planning & Economic Development Board Member</u>	<u>Grant/Not Grant</u>
--	------------------------

Karyl Spiller-Walsh	
Andy Rodenhiser	
Cranston Rogers	
Robert K. Tucker	
Thomas A. Gay	

IV. PROCEDURAL HISTORY

On May 18, 2011, Steinhoff Realty Trust filed with the Board an application to revise a previously approved Adaptive Use Overlay District Special Permit and Plan for 146 Main Street. The application consisted of:

- an application to Modify an Adaptive Use Overlay District Special Permit and/or AUOD plan dated May 18, 2011.
- Steinhoff Office Building plans prepared by The H.L. Turner Group, Inc of Concord, NH.
 - ✓ Sheet C2 Site Plan - April 26, 2011
 - ✓ Sheet C2.2 Phase 1 - Site, Grading and Utility Plan - Date????
 - ✓ Sheet C2.3 Phase 1 – Site Layout and Landscaping Plan - DATE????
 - ✓ Sheet C2.4 Phase 1 – Site Lighting Plan – Date???
- The following additional sheets, all prepared by The H.L. Turner Group, Inc.
 - ✓ A1.1 First Floor Plan – April 28, 2011
 - ✓ A5.1 Elevation – East – April 25, 2011
 - ✓ A5.2 Elevation – North – April 25, 2011
 - ✓ A5.3 Elevation – South – May 3, 2011
 - ✓ A5.4 Elevation – West – May 3, 2011

- a project narrative describing the reduced scope of work prepared by Steinhoff Realty Trust, dated May 18, 2011

Upon receipt of the Applicant's petition, the Town's planning and building department staff and the Town's planning consultant reviewed the Board's *Adaptive Use Overlay District Rules and Regulations* (July 26, 2005). Pursuant to Section 505-7 of the AUOD Rules and Regs, staff concluded that the scope of the proposed change constituted a Minor Revision to the previously approved AUOD special permit and plan because the scale of the project and associated site work were being substantially reduced.

The Board's review of the proposed revised AUOD plan was scheduled as an agenda item for the May 24, 2011 Board meeting. As the full contingent of the Board was not present on May 24th, it was decided to postpone discussion of the application. It was rescheduled as an agenda item at the Board's June 14, 2011 meeting. That agenda was posted with the Town Clerk and on the Town's web site on June 10, 2011. Present for the June 14 meeting were Board members Gay, Rodenhiser, Rogers, Spiller-Walsh and Tucker. The applicant reviewed the proposed changes with the Board and the Town's engineering and planning consultants. The Board voted unanimously to determine that the proposed revisions were Minor in nature. The Board continued the discussion to the June 28, 2011 meeting at which time the Board reviewed and voted on a new AUOD special permit.

Richard Steinhoff, the petitioner, was present at the June 14, 2011 meeting. Kirk Steinhoff, the petitioner's son, was present at both the June 14 and 28 meetings.

The Board carefully reviewed the various plan revision submittals and all associated materials and information. Throughout its deliberations, the Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearings on the previous application. The Board carefully analyzed the general purposes of the Adaptive Use Overlay District provision of the *Zoning Bylaw* and its specific requirements and standards as well as the requirements of Section 9 of Chapter 40A, M.G.L. specifically relating to Special Permits in making its findings, conditions of approval and decision.

V. FINDINGS – On June 28, 2011, based on the evidence and testimony presented at the public meetings as documented in the application materials and the detailed record of this case, the Board, on a motion by _____, seconded by _____ voted ____ in favor and ____ against to make the following findings regarding this application in accordance with *SECTION V. Sub-Section W. Adaptive Use Overlay District of the Town of Medway Zoning Bylaw* (last amended November 19, 2007).

1. The Subject property, located at 146 Main Street, is located within the Adaptive Use Overlay District. The property has 165.95 feet of frontage on Main Street. *(This complies with the Zoning Bylaw requirement for a minimum of 50 feet of Main Street frontage for an adaptive use project.)*

2. The primary building existing on the parcel at the time of application was constructed in 1880. *(This complies with the Zoning Bylaw requirement for the site to have on it an existing building constructed before June 28, 2004.)*

3. The proposed use of the Property for offices for business and professional uses is allowed pursuant to *SECTION V, USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District, 3. b)* of the *Medway Zoning Bylaw (as last amended November 19, 2007)*. Overall, the subject parcel is in a portion of Main Street in which residential, professional and commercial uses historically and presently co-exist.

4. The Project preserves the overall residential character of the buildings along this stretch of Main Street/Route 109 as the original building is being maintained/renovated and the small addition is designed in complementary fashion. The change in use of the existing vacant and deteriorated residential structure to an office for professional businesses will establish a new economic viability for the existing structure.

5. The Project as proposed includes improvements to the existing historic residential building which has gone into extreme disrepair over recent years and does not presently enhance Main Street as a building of its age and character should. Planned work includes replacement of the siding, gutters and woodwork to maintain and enhance the structure's original architectural integrity and installation of modern services. The Medway Design Review Committee provided significant input to the overall building and site design plans. The Board finds the design of the small addition is compatible with the existing structure and the residential character of the adjacent properties. The combination of the building improvements and landscaping plan enhances the aesthetic appeal of the primary building and the site. The impact of the project on Main Street's visual character is positive.

6. A professional landscape plan has been prepared. Extensive landscaping is planned to enhance the existing structure and its new addition. The proposed landscaping serves as a buffer zone to adjacent residential properties on the east, north and west of the subject parcel.

7. The site is adequate for the proposed use for professional offices.

8. *Parking* – The applicant has proposed to provide 8 off-street parking spaces. All proposed parking is shown to be at the rear (north) and side (east) of the building. The proposed parking layout shows the required 50 feet between the first parking space and the edge of roadway pavement on Main Street. One (1) handicap accessible space is labeled on the plan. The Board finds that the provision of _____ parking spaces is _____ (adequate??) for the proposed uses of the site and the 2,000 sq. ft. size of the renovated building and new addition @ one space per 300 sq. ft of gross floor space.

9. *Lighting* – As presented, the parking lot lighting plan is residential in character as the light posts are 10' in height. A photometric analysis has been conducted and shows that lighting is adequate for the parking areas but results in 0 foot-candles at the property lines.

10. *Vehicular Access* - Provisions for traffic are adequate based on the Property's proposed use. Sole vehicular access to this site shall be provided from Main Street. Although no new curb cuts are being added, the existing 12' wide curb cut is being expanded to 24' (2 lanes – one in and one out). The Board finds this enlargement is necessary to ensure safe access into and egress from the property.

11. *Pedestrian and Bicycle Access* – The proposed provisions for pedestrian and bicycle accesses are adequate based on the building, site and planned use and the provisions of Condition #6 herein.

The property already has an existing sidewalk across the Main Street frontage. However, the sidewalk has experienced heaving and cracking and could benefit from improvement. It is anticipated but cannot be guaranteed that new Main Street sidewalks and curbing will be installed by fiscal year 2014 as part of the Route 109 Reconstruction project. The applicant's plans for 146 Main Street also show the construction of a new sidewalk from the front door of the building on the south façade to the existing Main Street sidewalk. In addition, a sidewalk will be installed alongside the entrance driveway up to the main entrance of the building at the north façade of the building.

12. *Provision of Utilities* - The provisions in the Project for utilities, including sewerage disposal, water supply and stormwater management are adequate. The original stormwater management design was reviewed by Tetra Tech Rizzo, the Town's consulting engineer. The Project provides for adequate on-site retention and treatment of stormwater in compliance with Massachusetts' Stormwater Management Policy and the Board's *Subdivision Rules and Regulations*. The sewer and water connections were reviewed by the Medway Department of Public Services and determined to be adequate.

13. The proposed Project complies with the purposes of SECTION V, USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Medway Zoning Bylaw (as amended June 6, 2005). The Project implements certain goals of the Medway Master Plan including encouragement of economic development, protecting small town character, and preserving historic sites.

V. **WAIVERS** – The Board, on November 16, 2010, on a motion by Chan Rogers, seconded by Bob Tucker, voted 5 in favor and 0 against to grant a series of waivers as specified in the first special permit decision. On June 28, 2011, the Board, on a motion by _____ seconded by _____, voted to affirm the granting of those same waivers as specified below with only very minor changes to reflect the reduced scope of work.

The applicant has requested waivers from the following sections of the Site Plan Rules and Regulations:

1. Section 204-4 B requires a scale 1 inch = 20 feet. The applicant requests a scale of 1" = 20' to improve site drawing clarity and a finer resolution.

The Board grants the waiver because 1"=20' provides greater detail and a finer resolution.

2. Section 204-4 D requires use of the North American Vertical Datum (NGVD) of 1988. The applicant requests the use of NGVD 1929 in order to match the recent survey of Main Street completed by the Norfolk County Engineers.

The Board grants the waiver because matching the survey done by Norfolk County Engineers makes sense and will eliminate confusion in the future.

3. Section 204-5.B.4 requires existing topography to be shown at 2-foot intervals. The applicant requests that topography at 1-foot intervals be allowed to improve site drawing clarity and a finer resolution.

The Board grants the waiver because 1-foot contours provide greater detail and a finer resolution.

4. Section 204-5.C.1 requires that existing conditions be shown within 100 feet of the subject property. The applicant requests that this be waived, at least as it pertains to manmade features because providing this information would require an extensive survey effort and would not add to the project or to any greater understanding of the project.

The Board grants the waiver because it has a clear understanding of the context of the project and its impact on its surroundings. In this instance, the additional surveying effort required to comply will not add materially to the Board's understanding of the project

5. Section 204-5.D.4 requires site grading to be shown at 2-foot intervals. The applicant requests that site grading at 1-foot intervals be allowed to improve site drawing clarity and a finer resolution.

The Board grants the waiver because site grading at 1-foot intervals provides greater detail and a finer resolution.

6. Section 204-5.D.6 requires that site utilities be shown on the plan. The applicant requests that the electric, cable, fire alarm and telephone service at the entrance to the building not be shown because the utility companies will connect to the building.

The Board grants the waiver because the utility companies will have some discretion as to the location of these utilities. However, the location of these utilities shall be shown on the as-built plan (See Condition 15 B (2)).

7. Section 205-6.G.3.a requires parking spaces to be 10' x 20'. The applicant requests spaces to be 9' x 18' for regular spaces. This will allow for a safer parking lot by providing a full 50 feet between the street pavement and the first parking space.

The Board grants the waiver because the proposed 9' x 18' size of the regular spaces is a standard size that reduces impervious surface. The reduced size conforms to that allowed by the Zoning Bylaw, and the smaller spaces reduce impervious surface while maintaining the required number of spaces and allowing a 50-foot distance between the street pavement and the first space resulting in a safer lot.

8. Section 205-6 H requires vertical granite curb along the perimeter of parking lots. The applicant requests that the vertical granite curbing be required only on the building side of the parking lot and no curbing on the remainder in order to facilitate site drainage and provide a softer, more aesthetically beneficial design.

The Board grants the waiver in order to allow the low impact design drainage system and to soften the aesthetic look of the parking lot in a residential district.

The Board finds that a waiver is needed from the following section of the *Site Plan Rules and Regulations*:

9. Section 205-3, D. 3 requires that existing pedestrian ways shall be maintained and improved.

The Board finds that the existing sidewalk at 146 Main Street is deteriorated showing evidence of cracking and heaving. However, the Board grants this waiver as provisions for improvements to the sidewalk are included in Condition #6.

The applicant has requested a waiver from the following section of the *Subdivision Rules and Regulations*

10. Standard Detail CD-12 requires a 7" curb reveal. The applicant requests a 6" curb reveal to facilitate compliance with ADA and Architectural Access Board regulations pertaining to slopes due to the distance between the building and parking areas.

The Board grants the waiver since a 6" reveal is the Massachusetts Department of Transportation standard and using it will allow compliance with the AAB slope requirements.

The applicant has requested a waiver from the following sections of the *Adaptive Use Overlay District Rules and Regulations*

11. Section V. W. 5. c. of the Zoning Bylaw requires that no curb cut be added and no existing curb cut be expanded unless the Planning Board finds that such changes are necessary to ensure safe access to the property.

The Board grants the waiver because the planned use of the property as an office building for professional businesses necessitate that the curb cut be expanded in order to ensure safe access to the property.

VII. CONDITIONS/SAFEGUARDS/LIMITATIONS OF APPROVAL

1. *Scope of project* - The property shall not be altered or used except for the renovation of the existing building, the construction of an addition not to 250 sq. ft. on the north façade for entrance, lavatories and a computer server room and the associated site improvements.
2. *Uses* - The entire space shall be used for professional office space. No other use of this building/site is permitted. Any other uses will require the filing of a new AUOD special permit application.
3. *Plan Endorsement* - The Medway Planning & Economic Development Board shall endorse its approval of the Adaptive Use Special Permit on all sheets of the Steinhoff Office Building plan for 146 Main Street. Within 30 days after the Board files this Special Permit decision with the Town Clerk, the Applicant shall submit a final and complete AUOD plan reflecting all required revisions for the Board's review prior to endorsement.

The endorsed Adaptive Use Overlay District (AUOD) Plan is considered part of the Special Permit and shall be recorded therewith. ***Prior to Board endorsement, the Steinhoff Office Building plan for 146 Main Street shall be revised as follows:***

- A. Title Sheet including an index to all sheets in the plan set and a reference that the plan is subject to an Adaptive Use Overlay District Special Permit to be recorded with the plan.
- B. A signature block with 5 lines for each member of the Planning and Economic Development Board shall be included on all sheets in the plan set.

- C. All references to Phase I construction shall be deleted from the notes, titles and any other text on all plan sheets associated with this project.
3. This approval is conditioned on project completion in full compliance with the Steinhoff Office Building plan for 146 Main Street will be endorsed by the Planning and Economic Development Board.
4. *Parking* – The Project shall include at least 8 parking spaces, which shall be a permanent condition of this permit.
5. *Lighting* must comply with the Medway Zoning Bylaw, SECTION V. B. 7 Exterior Lighting Regulations. The exterior parking lot lights shall be turned off by 9:30 p.m.
6. *Main Street Sidewalk* – Dependent on federal and state funds, the Town plans to undertake a Route 109 Reconstruction Project that will include improvements in the right-of-way at 146 Main Street (approximately 166 linear feet). However, as federal and state construction funding has not yet been specifically authorized, there is no guarantee that the Route 109 Reconstruction Project will take place. The Board must hold the applicant responsible for the current sidewalk condition in the instance that the Route 109 Reconstruction Project does not occur. The applicant can meet this obligation in one of two ways:
- A. By replacing as part of this development project, the existing sidewalk along the entire frontage of the property with a 5' wide, fully ADA/AAB compliant concrete sidewalk. If this option is selected, the project plans need to be revised to include this sidewalk construction before the Board endorses the plan.
- or/
- B. By depositing in a joint savings account with the Town of Medway, before an occupancy permit is issued, an amount equal to what the Town's cost would be (\$6,938) to replace the entire length of sidewalk in front of 146 Main Street as estimated by Tetra Tech Rizzo, the Town's Consulting Engineer based on Mass Highway pricing. The Board will authorize the release of the funds held in the account with any interest accrued to Steinhoff Realty Trust within 30 days after the Town of Medway has executed a Mass Transportation Improvement Program (TIP) contract with the Massachusetts Department of Transportation for the purpose of constructing Route 109/Main Street including the area in front of 146 Main Street. If, after 2 years of the date of this decision, said contract has not been executed, the Board will transfer the funds to the Medway Sidewalk Special Account. Any interest earned on the joint savings account shall accrue to Steinhoff Realty Trust.
7. *Fees* - Prior to plan endorsement by the Board, the Applicant shall pay:
- A. the balance of any outstanding plan review fees owed to the Town for review of the plans by the Town's engineering, planning or other consultants; and

- B. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

The Applicant's failure to pay these fees in their entirety shall be reason for the Planning Board to withhold plan endorsement.

8. The applicant shall make no further site improvements/changes that would alter the site's drainage patterns or characteristics as indicated on the plan approved by the Board.
9. Collection of garbage and trash shall be the responsibility of the applicant subject to Board of Health *Rules and Regulations*.
10. The hours of operation for professional offices in this building shall be limited such that there will be no customer access to the building after 9:30 p.m.
11. This Special Permit shall lapse unless exercised within two years of its recording.
12. No expansion, addition, or any change of use(s) of any building or portion of the property at 146 Main Street shall be permitted without an amendment to or issuance of a new Adaptive Use Special Permit by the Board.
13. Inclusion of a design for the free-standing development sign as shown on Sheet A5.2 does not constitute approval of the sign by the Town of Medway Building Department.
14. *Wind Turbines* - The original Steinhoff Office Building plan from 2010 showed possible locations of wind turbines as the applicant expects to install small wind electric generation turbines on this property in the future. The revised plans do not. The Board's approval of this permit and the plan does NOT constitute an approval of either the future use or location of such small wind system turbines on this property. After the building is constructed and if the applicant wishes to install wind turbines, the applicant is required to apply to the Zoning Board of Appeals for a special permit to install small wind energy generation devices on this property. At that time, those plans shall be reviewed by the Medway Design Review Committee.
15. *Construction Inspection*
 - A. Duly authorized agents of the Town of Medway including but not limited to members of the Planning and Economic Development Board and its agents, staff or consultants shall have the right to enter upon the property at any time to inspect the site to ensure compliance with the terms and conditions of this Special Permit.
 - B. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
 - C. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written

report of each inspection and provide a copy to the Planning Board within 5 days of inspection.

- D. In the event the applicant seeks an occupancy permit before all site work is satisfactorily completed (see Condition 18 B. herein), the Applicant shall establish a construction inspection account with the Medway Planning & Economic Development Board. The Applicant shall pay a construction inspection fee to the Town of Medway in an amount to be determined by the Board based on an estimate prepared by the Town's Consulting Engineer. The funds may be used at the Board's discretion to retain professional outside consultants to inspect the site, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Completion* (see Condition 17 herein). Depending on the scope of professional outside consultant assistance that the Board may need, the Applicant shall be required to provide supplemental payments to the project's construction inspection account, upon invoice. Any funds remaining in the applicant's construction inspection account after the *Certificate of Completion* is issued shall be returned to the applicant.

16. *During Construction*

- A. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction.
- B. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that loose gravel/dirt does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway within twenty-four (24) hours of its occurrence.
- C. All erosion and siltation control measures shall be installed and observed by the Board's consulting engineer or the Conservation Commission prior to the start of construction, and maintained in good repair throughout the construction period.
- D. *Construction Time* – Construction work at the site and in the building shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. No construction shall take place on Sundays or legal holidays.
- E. *Construction Traffic/Parking* – All parking for construction vehicles and construction related traffic shall be maintained on the subject property. No parking of construction and construction related vehicles shall take place on nearby public or private ways.

17. *Project Completion*

- A. This permit shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. The approved work shall be completed by the

applicant or its assignees within two years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration of this permit, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the special permit shall lapse and may be reestablished only after a new filing, hearing and decision.

- B. Prior to issuance of a final occupancy permit, the Applicant must secure a ***Certificate of Completion*** from the Board and provide the ***Certificate*** to the Inspector of Buildings. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure the ***Certificate*** of Completion, the applicant shall:

- 1) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed plan, and any modifications thereto; and
- 2) Submit six (6) copies of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all work shown on the original plan and any modifications thereto, as well as the location of all underground utilities. The final As-Built Plan shall also be provided to the Town in an electronic format as may be specified by the Board of Assessors.

18. *Plan Compliance*

- A. The Applicant shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto.
- B. No occupancy permit shall be granted until the Board has provided a written communication to the Inspector of Buildings that the project, as constructed, conforms to the approved AUOD plan and that any conditions including construction of any required on and off-site improvements, have been completed to the Board's satisfaction OR unless suitable security/performance guarantee has been provided to the Town of Medway, in a form and amount to the Board's satisfaction, to cover the cost of all remaining work.
- C. The Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
- D. The Conditions of Approval are enforceable under Section. V. C. 12 of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject

to the appropriate fine. Any work that deviates from the approved plan and permit shall be a violation of the Zoning Bylaw.

VIII. APPEAL – Appeals, if any, shall be pursuant to Section 17 of Chapter 40A, M.G.L., as amended, and shall be filed within twenty (20) days after the date of filing of this notice in the Office of the Town Clerk. After the appeals period has expired, the Applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed with the Norfolk County Registry of Deeds with this special permit and the endorsed plan. A copy of said recording must be returned to the Town Clerk and the Board to complete the file.

The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or document received by it, and directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.

**IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 11,
NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A VARIANCE
TAKES EFFECT UNTIL RECORDED AT THE REGISTRY OF DEEDS.**

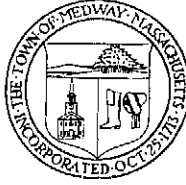
MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

I hereby certify that 20 days have elapsed from the date of this decision and that no appeal has been filed in this office.

Attest: _____
Town Clerk

Date

cc: Richard Steinhoff, Steinhoff Realty Trust
Town Administrator/Board of Selectmen
Board of Assessors
Building Commissioner/Zoning Enforcement Officer
Department of Public Services
Design Review Committee
Economic Development Committee
Fire Department
Historical Commission
Police Department
Zoning Board of Appeals



TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

June 22, 2011

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Evergreen Meadow Bond Reduction

HISTORY

10-11-2005	Bond Established:	\$153,638
11-28-2006	Bond Reduction to:	\$100,000
6-12-2008	Bond Reduction to:	\$ 80,062

The 6-13-2011 TTR recommended bond reduction value for work remaining = \$ 32,463

NOTE – Section 6.6.1 of the *Subdivision Rules and Regulations* provide that the Board shall require a minimum bond be retained until street acceptance by affirmative vote of Town Meeting. On September 8, 2008, the Board established \$40,000 as the minimum bond amount to be retained.

*reduce to
\$ 40,000 -
we have \$3,000 for
CO act*



TETRA TECH

**Bond Value Estimate
Evergreen Meadow
OSRD Definitive Subdivision
Medway, Massachusetts
June 13, 2011**

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Street Signs ²	1	EA	\$70.00	\$70
Roof Runoff recharge	6	EA	\$1,500.00	\$9,000
Pavement Markings ³	1	LS	\$500.00	\$500
2 year Snow Plowing	800	LF/YR	\$2.50	\$4,000
2 year Road Maintenance	800	LF/YR	\$2.00	\$3,200
2 year Drainage Maintenance	800	LF/YR	\$2.00	\$3,200
As-built Plans	800	LF	\$5.00	\$4,000
Legal Fees	1	LS	\$2,000.00	\$2,000
				\$25,970

Subtotal	\$25,970
Contingency (25%)	\$6,493
Recommended Bond Value	\$32,463

¹ Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 6/2010 - 6/2011.

² Per recommendations by the Medway DPS, street sign should be extruded and not the "Arched Scenic Way" sign as is currently on site.

³ Per recommendations by the Medway DPS, a crosswalk should be painted at the location of the handicap ramps at approximate STA 8+25. Pricing for this item also includes the painting of the stop line and the word "STOP".

Susan Affleck-Childs

From: PGYORKIS@aol.com
Sent: Thursday, June 23, 2011 1:18 PM
To: Susan Affleck-Childs
Subject: Restaurant 45 Outside Dining - A Discussion

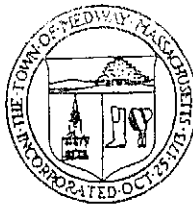
On behalf of the owners of Restaurant 45, 45 Milford Street, Medway I am requesting the opportunity to discuss each of the following topics:

1. The deck area for the consumption of food and beverages that are served on the deck.
2. Signs on the two adjacent private ways
3. Parking on the Restaurant 45 site
4. Restaurant 45 seating capacity
5. Other related topics

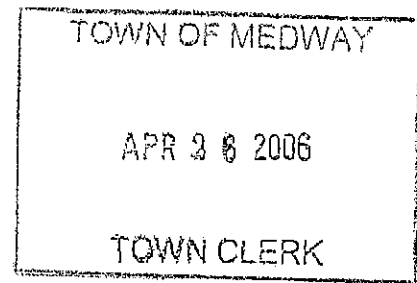
My hope would be that a discussion could take place to gain a full understanding of all of the topics above and to see what action, if any, would need to be taken by the owners of Restaurant 45 that would not only permit but encourage outside dining at the facility.

Thank you in advance for your consideration.

Paul G. Yorkis
President
Patriot Real Estate, Inc.
Energy Star Certified
Loss Mitigation Specialist
Certified Buyer Representative
159 Main Street
Medway, MA 02053
Cell - 508-509-7860
Office - 508-533-4321
Fax - 508-533-2295



TOWN OF MEDWAY
Planning Board
155 Village Street
Medway, Massachusetts 02053



Matthew J. Hayes, P.E., Chairman
Andy Rodenhiser, Vice-Chairman
Karyl Spiller-Walsh
Cranston (Chan) Rogers, P.E.
John Schroeder
Eric Alexander, Associate Member

April 25, 2006

SITE PLAN DECISION
Restaurant 45 Site Redevelopment Plan
45 Milford Street
Approved with Waivers and Conditions

You are hereby notified that on April 25, 2006, at a duly called and properly posted meeting, the Medway Planning Board, after reviewing the application and information compiled during the public review process which commenced December 7, 2005, (*the date of application submittal*), on a motion by Andy Rodenhiser, seconded by Karyl Spiller-Walsh, voted unanimously to approve with waivers and conditions as specified herein, the site plan application of PMAM Group, LLC of Medway, MA for new construction, site improvements, drainage, parking and landscaping at 45 Milford Street, an approximately 1.66 acre parcel located at the southwest corner of the intersection of Route 126/Summer Street and Route 109/Milford Street, in the Commercial V zoning district, as shown on Medway Assessors Map 2, parcel 24. The proposed scope of work constitutes a *Major Site Plan Project* pursuant to the Medway Zoning Bylaw, V. C. 2 and therefore has been subject to *Complete Site Plan Review*.

This Decision includes the following sections:

- I. Summary of Site Plan
- II. Procedural Summary
- III. Index of Site Plan documents
- IV. Testimony
- V. Findings
- VI. Waivers
- VII. Special Conditions of Approval
- VIII. General Conditions of Approval

I. SUMMARY OF SITE PLAN - The application for site plan approval proposed the following scope of work:

- A. Construct a new, one-story, 5,150 sq. foot building to be used for retail purposes allowed in the Commercial V zoning district.

Telephone: 508-533-8200 Fax: 508-533-8187
email: medwayplanningboard@townofmedway.org

- D. *Construction Time* - Construction work at the site and in the building shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. No construction shall take place on Sundays or legal holidays.
- E. *Construction Traffic/Parking* - All parking for construction and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on Rustic or Little Tree Roads.
- F. *Snow Plowing/Trash Removal* - The Applicant shall be responsible for providing snow plowing and trash pick-up with respect to the subject property.



- G. *Use of Outdoor Deck* - The outdoor deck shall be used only as a waiting area with no food or beverage service allowed.

- H. *Deliveries* - Deliveries shall occur between 8 am and 8 pm. The present delivery/loading area for the restaurant shall be retained. Deliveries for tenants in the new building shall be conducted through the main customer entrance.



- I. *Parking* - No customer or employee parking for any businesses at this location is allowed on Rustic and Little Tree Roads. The Applicant shall purchase and install *No Parking* regulatory signage as depicted in the 1/13/06 Proposed Sign Plan prepared by Faist Engineering. Until such time as Rustic and Little Tree Roads are accepted by the Town of Medway as public ways, the Town is not responsible for enforcement of the no parking restrictions on Rustic and Little Tree Roads.

- J. *Landscaping* - It is understood that landscaping on the Summer Street side of the site will be installed in conjunction with the Route 126 Reconstruction project and may not be completed when an occupancy permit is sought for the new retail building. In such case, the Applicant shall be required to provide suitable security/performance guarantee to the Town of Medway, in a form and manner to the Planning Board's satisfaction, to cover the cost of the remaining work.

K. *Construction Inspection*

1. The Department of Public Services will conduct inspections for site plan work in the Town's right-of-way in conjunction with the Town of Medway Street Opening Permit.
2. The Town's Consulting Engineer, VHB, Inc. shall inspect the construction of site improvements located outside of the Town's right-of-way. This shall include but not be limited to the stormwater drainage system, parking, sidewalks, and landscaping. Prior to plan endorsement, the Applicant shall establish a construction observation account with the Medway Planning Board. The Applicant shall pay a construction observation fee to the Town of Medway in an amount to be determined by the Planning Board based on an estimate provided by VHB Engineering. The Applicant shall provide supplemental payments to the Town, upon invoice, as needed for reasonable inspection services until the site work is completed and the as-built plan has been reviewed and determined to be satisfactory.



PATRIOT REAL ESTATE

159 Main Street
Medway, MA 02053
Tel: 508-533-4321
Fax: 508-533-2295
www.patriotrealestate.com

June 27, 2011

Mr. John F. Emidy
Building Commission
Town of Medway
155 Village Street
Medway, MA 02053

Dear Mr. Emidy:

I am writing you as the official representative of the owner/management of Restaurant 45.

As you know the owners of Restaurant 45 are in the process of requesting approval from the Town of Medway Planning and Economic Development Board (PEDB) to serve food and beverages on the deck immediately adjacent to the restaurant.

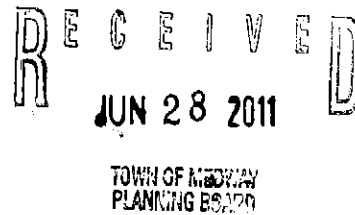
Part of the approval process from the PEDB requires the submission of an application to Modify/Revise a Site Plan Decision. Specifically, the application asks for the Building Commissioner's Determination – Scope of Proposed Modification/Revision and a copy of the Building Commissioner's written determination.

The owner/management is requesting of the PEDB the following:

The owner/management respectfully requests that the Town of Medway Planning and Economic Development Board amend the language of the site plan approval for Restaurant 45 to permit the serving and consumption of food and beverages on the deck at Restaurant 45.

The owner/management is NOT proposing any change to the approved site plan (see attachment #1).

The owner/management proposes seating for 40 persons on the deck even though a capacity of 49 has been identified by Michael Blanchette, architect (see attachment #2). This is the only proposed change, seating for 40 persons on the deck.



The owner/management is NOT proposing to increase the overall seating capacity of 214 now approved by the Town of Medway Building Commissioner (see attachment #3) which is based upon the approved site plan (see attachment 1) and the maximum capacity plan under the state building code prepared by Michael Blanchette, architect (see attachment #4) .

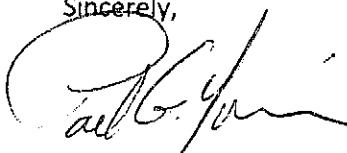
The owner/management will monitor the seating capacity inside and outside to ensure that the seating capacity does not exceed the permitted capacity approved by the Town of Medway Building Inspector of 214 persons. The applicant will modify indoor seating capacity to take into consideration the proposed outside seating capacity. Please see attached Plan A (attachment #5) which reflects indoor capacity only and Plan B (attachment #6) which reflects indoor and outdoor capacity.

The owner/management understands and recognizes that the Town of Medway Building Commissioner, Fire Department, and Police Department may monitor the actual number of patrons at Restaurant 45 at any time. In addition, the applicant's insurance carrier may also monitor the actual number of patrons at any time.

I am meeting with the PEDB on Tuesday evening. As soon as you are able to review this request, please call me on my cell phone, 508-509-7860, and I will be happy to respond to your questions and comments.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul G. Yorkis", written over a circular flourish.

Paul G. Yorkis
President

ATTACHMENT 1

ATTACHMENT 2



MICHAEL H. BLANCHETTE
ARCHITECT
49 MAIN STREET
MEDWAY, MASSACHUSETTS
508-321-0111

ATTACHMENT 3

Commonwealth of Massachusetts

Town of Medway

In accordance with the Massachusetts State Building Code, Section 106.5, this

Certificate of Inspection

Issued to: Pauline Lambirth

I CERTIFY that I have inspected the premises - Use Group (A-3) known as: Restaurant 45
Located at: 45 Milford Street in the Town of Medway, County of Norfolk, and Commonwealth of
Massachusetts. The means of egress are sufficient for the following number of persons.

Place of Assembly:	Location:	Capacity:	Place of Assembly:	Location:	Capacity:
First Floor	Main Dining Room	100		Function Room	58
First Floor	Lounge	36		Waiting Area	20

Certificate Number 10-259

Issue Date: November 15, 2010

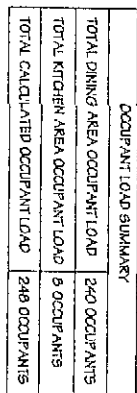
Expiration Date: November 15, 2011

Michael J. Lambirth
Building Commissioner

Pauline Lambirth
Fire Official

POST IN A CONSPICUOUS PLACE

ATTACHMENT 4



1
A-1

OVERALL FLOOR PLAN

0 8 16 32

SCALE: $\frac{1}{8}" = 1'-0"$

7-49 0608

I, MICHAEL H. BLANCHETTE, CONFIRM THAT
THE CALCULATED OCCUPANT LOAD
CONFORMS WITH THE REQUIREMENTS OF
SECTION 1004.0, OCCUPANT LOAD, OF THE
7TH EDITION OF THE MASSACHUSETTS
STATE BUILDING CODE.

MICHAEL H. BLANCHETTE
ARCHITECT
49 MAIN STREET
MEDWAY, MASSACHUSETTS
508-321-0111

45 MILFORD STREET
MEDWAY, MASSACHUSETTS

48 Main Street
Machray, Massachusetts
508-321-0111

A	Date	Incl	Description

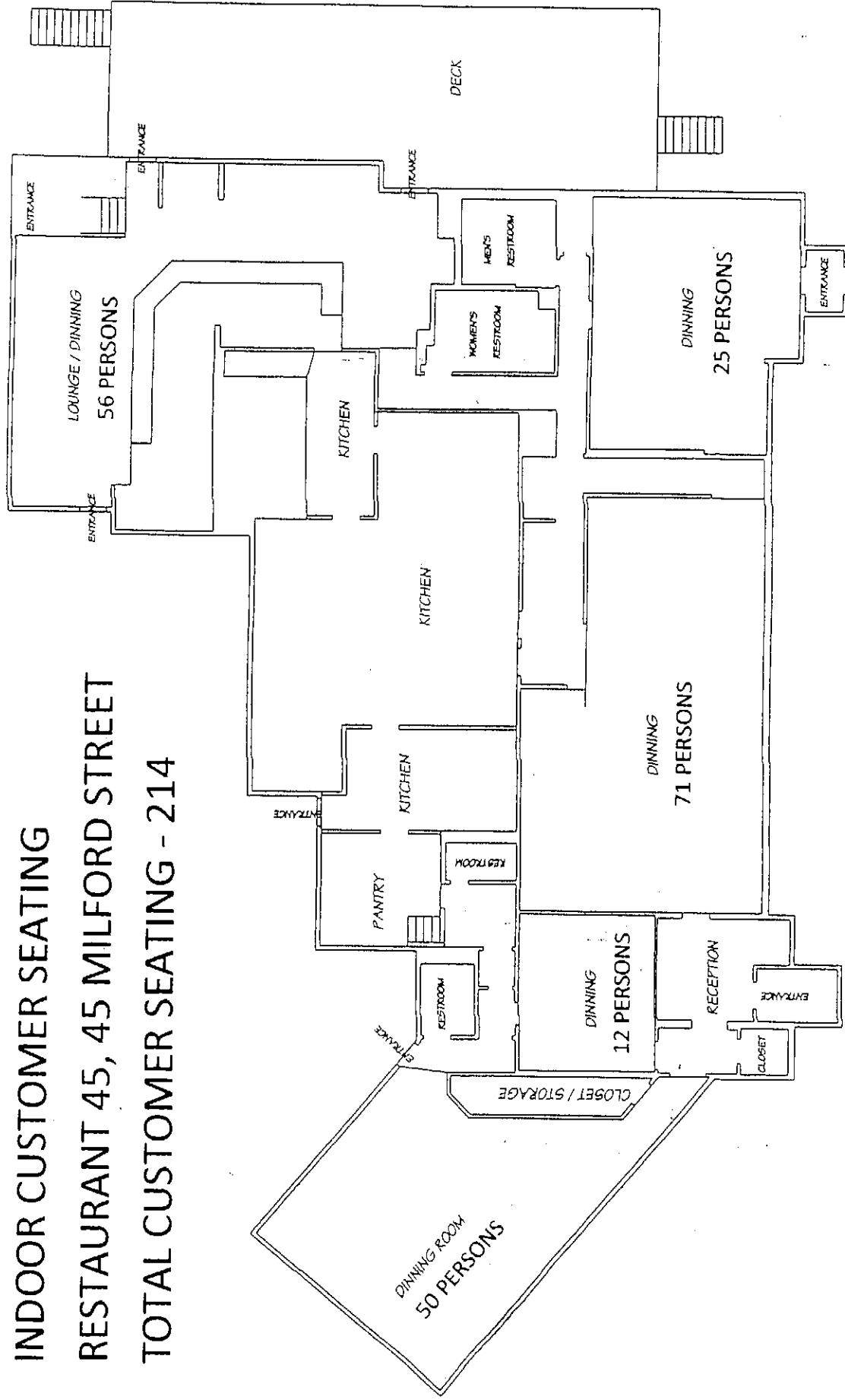
ATTACHMENT 5

PLAN A

INDOOR CUSTOMER SEATING

RESTAURANT 45, 45 MILFORD STREET

TOTAL CUSTOMER SEATING - 214



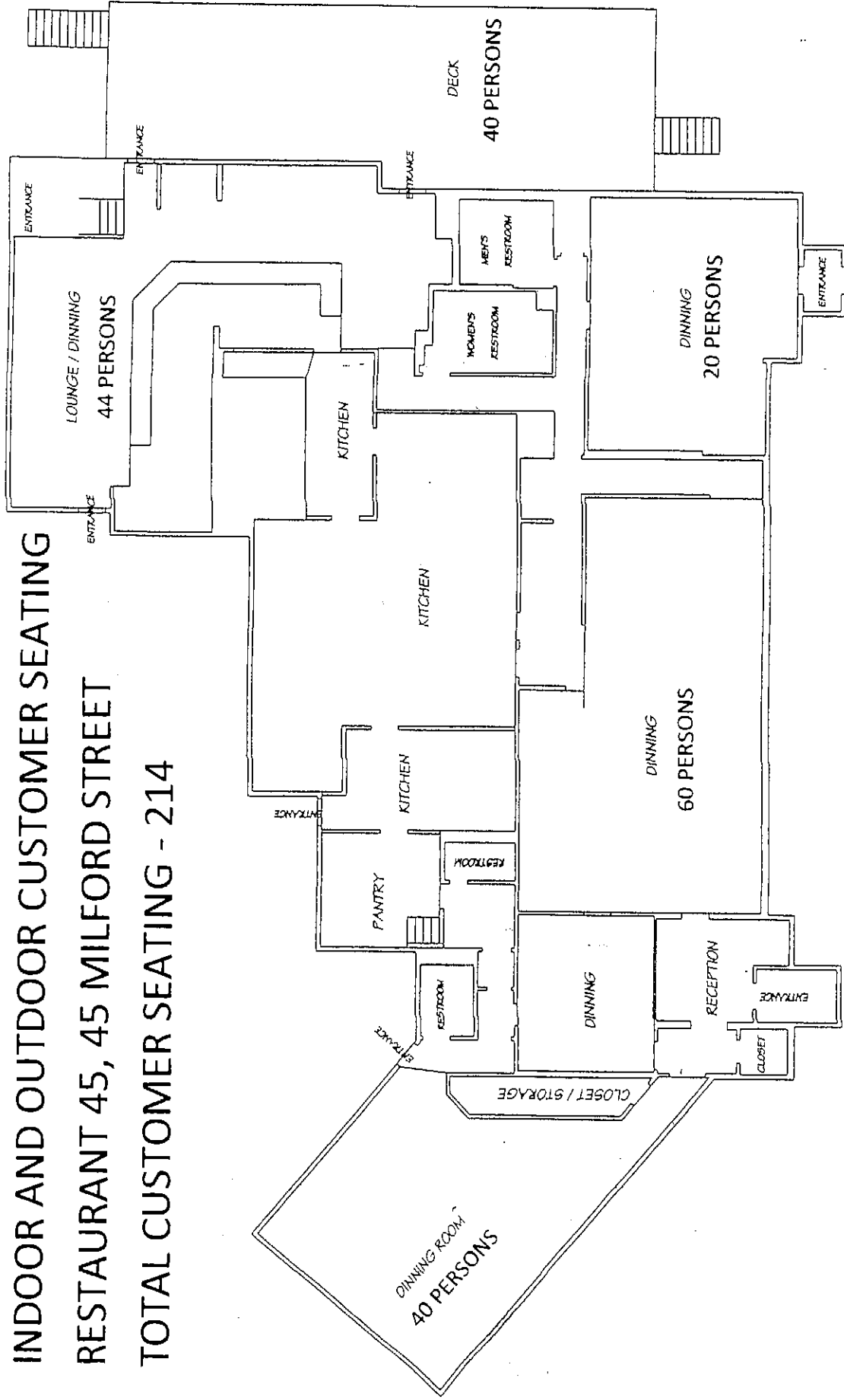
ATTACHMENT 6

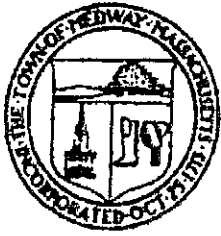
PLAN B

INDOOR AND OUTDOOR CUSTOMER SEATING

RESTAURANT 45, 45 MILFORD STREET

TOTAL CUSTOMER SEATING - 214





TOWN OF MEDWAY
BUILDING DEPARTMENT
155 VILLAGE STREET
MEDWAY MASSACHUSETTS
PHONE 508-533-3253
FAX-508-533-3252
jemidy@townofmedway.org

June 28, 2011

Mr. Paul G. Yorkis, President
Liberty Real Estate
159 Main Street
Medway, MA. 02053

Re: 45 Milford Street

Dear Mr. Yorkis:

I am in receipt of your letter dated June 27, 2011 regarding the above referenced location. It is my understanding that the owners seek to use the outside deck area that seats 40 persons. On April 26th 2006, the Medway Planning Board approved a site plan and stipulated several conditions. Condition G. expressed the limited use of the deck as a waiting area only. Currently, the Certificate of Inspection, as issued by the Building Department has a total seating of 214 persons for the restaurant. Seating may be decreased in areas of the restaurant with the difference applied to accommodate 40 persons for the deck area. The total numbers of 214 persons cannot be increased without additional parking spaces or zoning relief. Therefore, it is my opinion that the use of the deck area for seating requires a minor modification to the conditions of the approved site plan.

Please contact me if you have any questions regarding this matter.

Respectfully,

John F. Emidy C.B.O.
Building Commissioner
Zoning Enforcement Officer

JFE

Cc: Selectmen, S. Kennedy, PEDB, file

The Commonwealth of Massachusetts State Ethics Commission

John W. McCormack State Office Building, Room 619
One Ashburton Place, Boston 02108
Telephone (617) 727-0060
Fax (617) 723-5851

RECEIVED

JUN 20 2011

G.L. c. 268A, §23(b)(3) DISCLOSURE
(to be filed with appointing authority;
elected municipal officials file with city or town clerk)

Name: Randy DeSilva - Walsh
Public Office or Position: Planning Board (DRC)
Address: 168 Hellaton St Phone: 508-553-8440
City or Town: Methuen, Mass

I publicly disclose the following facts pursuant to G.L. c. 268A, §23(b)(3):

I realize Andy Rodas is
Chairman of Planning Board
will be Appointing before PRB
a "recused" Applicant

I make this disclosure pursuant to G.L. c. 268A, §23(b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out above, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position, or the undue influence of any party or person with regard to the above circumstances.

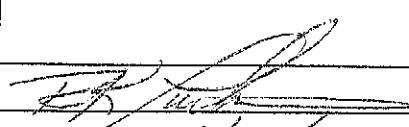
Signature: Randy DeSilva Date: 6/30/11

TEXT OF G.L. c. 268A, §23(b)(3)

§23(b)(3) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know ...act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L.C.268A §23(b)(3)

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	ROBERT TUCKER
Title or Position:	VICE-CHAIR PLANNING BOARD
Agency/Department:	
Agency address:	
Office Phone:	
I publicly disclose the following facts (Attach additional pages if necessary):	<p>I KNOW THE CHAIRMAN, ANDY KIDENHISER IS GOING TO APPEAR BEFORE THE BOARD WITH A PROPOSED SUBDIVISION.</p> <p>I CAN REVIEW THAT WORK W/O SHOWING FAVORITISM</p> <p>REC'D JUN 20 2011 TOWN CLERK</p>
Signature:	
Date:	6/22/11

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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Elected state officials should file with the appropriate House or Senate Clerk or the Ethics Commission.

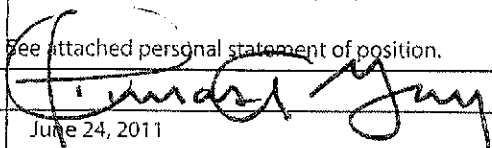
Elected county officials should file with the county clerk.

Elected municipal officials should file with the city or town clerk.

Attach additional pages if necessary.

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L.C.268A §23(b)(3)

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Thomas A. Gay
Title or Position:	Clerk, Planning & Economic Development Board
Agency/Department:	Town of Medway, Planning and Economic Development Board
Agency address:	Medway Town Hall, 155 Village Street Medway, MA 02053
Office Phone:	Medway Town Hall - (508) 533-3200 ... Personal - (508) 341-5174
I publicly disclose the following facts (Attach additional pages if necessary):	<p>As I Understand it: The Chairman of the Planning and Economic Development Board (PEDB) will be appearing before the PEDB (6/28/2011) for discussion on a proposed subdivision. The Chairman owns a parcel of land in Town which he proposes to divide into multiple house lots. Under the Subdivision Control Law, this requires approval of the PEDB under G.L. c. 41. The proposed subdivision may need other approvals as well. I further understand that the Chairman will step down from the PEDB during the discussion regarding his property.</p> <p>It is noted that the above facts raise potential conflict of interest implications for me as a member of the PEDB and being considered a municipal employee for purposes of the Conflict of Interest statute. In particular, G.L. c. 268A section 23(b)(2) and (3) provide: No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know... use or attempt to use official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals; act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person; It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.</p> <p>See attached personal statement of position.</p>
Signature:	
Date:	June 24, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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Attach additional pages if necessary.

Thomas A. Gay – additional comments on potential for conflict of interest

Please note:

I have no personal/business connection to any member of the PEBD nor is our relationship such that I would have anything to gain by helping them or lose by not. I have never done business with nor worked with any member of the Board. My only association/relationship with them, while friendly and respectful of what they bring to the table, is via the PEBD. I took (appointed) the "job", and subsequently ran for re-election, solely as an independent citizen voice... one that could speak for "old" Medway. I have no business interests in the town... my only interests are as a long-time resident and home owner.

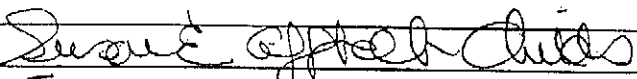
Generally speaking, my approach to performing my duties is that as soon as an application for any type of decision comes before the PEBD, the applicant becomes just that... an applicant. My position is completely neutral and stance is one of "is this good or bad for the town" as described by the rules, regulations and/or laws governing the circumstances of the application. I do not see myself reacting in any other way to any applicant regardless of personal relationship or association. If a situation arose where I did feel the bond too strong, any particular prejudices, any opportunity for personal gain and/or inability to approach the application in a logical, neutral and professional manner I would step down from being part of that decision.

Specifically speaking, Mr Rodenheiser will be subject to the same complete review and held to the same level of compliance in relation to the rules, regulations, guidelines and laws as any other applicant wishing to gain approval of the PEBD for development, subdivision, etc.


6-24-11

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L.C.268A §23(b)(3)

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Susan E. Affleck-Childs
Title or Position:	Planning and Economic Development Coordinator
Agency/Department:	Town of Medway
Agency address:	155 Village Street Medway, MA 02053
Office Phone:	508-533-3291
I publicly disclose the following facts (Attach additional pages if necessary):	<p>I understand that Andy Rodenhiser, a member and present Chairman of the Medway Planning and Economic Development Board (PEDB), plans to become an applicant before the Board in the near future for approval of a definitive subdivision plan for his property located at 104 Fisher Street in Medway, MA.</p> <p>As the Town's former Planning Board Assistant and its present Planning and Economic Development Coordinator, I have worked closely with Mr. Rodenhiser during his entire tenure on the Board. I understand that a reasonable person might conclude that Mr. Rodenhiser, simply because of the nature of his past and present position on the Board, might unduly enjoy my favor because of our long-standing working relationship.</p> <p>With this disclosure, I express my understanding that I may not use or attempt to use my position as the Town's Planning and Economic Development Coordinator to secure for Mr. Rodenhiser any unwarranted privileges or exemptions with regard to the proposed subdivision which are not properly available to similarly situated individuals seeking subdivision approval from the Board. As I carry out my duties and responsibilities as the Town's Planning and Economic Development Coordinator in managing the Board's review of the of the forthcoming subdivision application, I will not be unduly or improperly influenced by the fact that Mr. Rodenhiser is a member of the Medway Planning and Economic Development Board.</p>
Signature:	
Date:	June 20, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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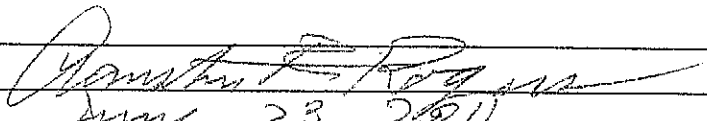
RECEIVED

JUN 20 2011

TOWN CLERK

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L.C.268A §23(b)(3)

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Name:	Cranston R. Rogers
Title or Position:	Member Medway Planning and Economic Development Board
Agency/Department:	Town of Medway
Agency address:	155 Village Street Medway, MA 02053
Office Phone:	508-533-3291
I publicly disclose the following facts (Attach additional pages if necessary):	<p>I understand our chairman, Andy Rodenhiser, is an owner of property at 104 Fisher Street in Medway and plans to subdivide the property and would appear before the Medway Planning and Economic Development Board for that approval.</p> <p>I believe I can act fairly and without prejudice in these proceedings.</p>
Signature:	
Date:	June 23, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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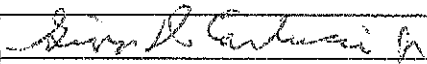
JUN 23 2011

Attach additional pages if necessary.

TOWN CLERK

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Name:	Gino Carlucci
Title or Position:	Consulting Planner
Agency/Department:	Town of Medway, including Planning and Economic Development Board (PEDB)
Agency address:	155 Village Street Medway, MA 02053
Office Phone:	508-533-8106
I publicly disclose the following facts (Attach additional pages if necessary):	<ol style="list-style-type: none"> 1. I have been a consultant to the Town of Medway in general since about 1994 and to the PEDB since about 2003. Both of these dates predate Andy Rodenhiser's tenure on the PEDB. 2. As Chairman of the PEDB, Mr. Rodenhiser served as one member of a committee appointed to review proposals for planning services that resulted in renewal of my contract with the Town. 3. On a couple of occasions, I used Mr. Rodenhiser's firm for plumbing services. On those occasions, I did not have contact with Mr. Rodenhiser. I called the firm's main number and made arrangements for the services with his office. The most recent time I used the firm was 2009. I have since used another plumber when I needed plumbing work. 4. I am aware that Mr. Rodenhiser may apply for a permit from the PEDB. 5. I will not use my position as consulting planner to secure for Mr. Rodenhiser any unwarranted privileges or exemptions which are not properly available to similarly situated individuals. 6. Further, I will not be unduly or improperly influenced by the fact of Mr. Rodenhiser's position as Chairman of the PEDB.
Signature:	
Date:	June 24, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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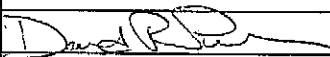
Attach additional pages if necessary.

RECEIVED
JUN 27 2011

MEDWAY
TOWN ADMINISTRATOR

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L.C.268A §23(b)(3)

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Name:	David R. Pellegri
Title or Position:	Civil Engineer Technical Consultant for the town of Medway
Agency/Department:	Tetra Tech
Agency address:	1 Grant Street Framingham, MA 01701
Office Phone:	508-903-2408
I publicly disclose the following facts (Attach additional pages if necessary):	<p>Our company (Tetra Tech Inc.) currently serves as the technical engineering consultant to the Town of Medway and thus provides consulting services to the Medway Planning and Economic Development Board (PEDB) on a regular basis. We coordinate our work through the Medway PEDB Coordinator (Susan Affleck-Childs), however we also coordinate and present information to the entire PEDB including the chairman.</p> <p>It has come to our attention that the chairman of the PEDB may apply for a permit from the PEDB in the future. Under no circumstances will Tetra Tech use our position to secure for the applicant any unwarranted privileges or exemptions which are not properly available to similarly situated individuals. We will also act in a professional manner which will in no way be influenced by the applicant's position.</p>
Signature:	
Date:	June 16, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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Attach additional pages if necessary.

JUN 28 11 03:15p

Edmund L. Myers, Esq.

508 478-2205

P. 2

QUITCLAIM DEED

I, AUDRA J. RODENHISER, being an unmarried person, of Medway, Norfolk County, Massachusetts,

in full consideration of less than One Hundred (\$100.00) Dollars, and pursuant to a Judgment of Divorce from the Norfolk Probate and Family Court, Docket No. 10D0376DR,

grant to ANDREW S. RODENHISER, of 104 Fisher Street, Medway, Norfolk County, Massachusetts, individually

with QUITCLAIM COVENANTS

(Description)

The land with the buildings thereon situated on the Northeasterly side of Fisher Street in Medway, Norfolk County, Massachusetts, being shown as Lot 6A on a plan entitled "Plan of land in Medway, Mass., Scale 1" = 40', dated March 28, 1989, Revised: November 7, 1990, Owner: Dean Cooperative Bank, Franklin, Mass., Prepared by: E.A.S. Survey, Inc., 141 Route 6A Salt Pond Bldg., P.O. Box 1729, Sandwich, MA 02563" which plan is recorded in Norfolk Registry of Deeds as Plan No. 874 of 1990 in Plan Book 396. Reference is hereby made to said plan on a more particular description to said Lot 6A.

Lot 6A containing 382,269± or 8.7± acres according to said plan.

Subject to grants of easement recorded with said Deeds in Book 6489, Page 606 and Book 6085, Page 480 and subject to "existing cart road" as shown on said plan and to "existing driveway" as shown on said plan.

Together with a one-half interest in the private way as shown on said plan. Together with the right to use said private way in common with the other owner of Lot 6B and subject to the owner of the easement to use said private way, and together with the right to install utilities within said private way. Subject to the further restriction that the said private way will remain a private way and that the owners of Lot 6A and Lot 6B as shown on said plan will maintain said way, and share costs equally.

Subject to Two Rights of Way, one 50' wide & one 60' wide, both shown on Plan No. 874 of 1990 in Plan Book 396 and subject to another 50' wide Right of Way shown on plan filed as Plan No. 1095 of 1988 in Plan Book 373 insofar as same is still in force and applicable.

Property Address: 104 Fisher St. Medway MA

Jun 28 11 03:15p

Edmund L. Myers, Esq.

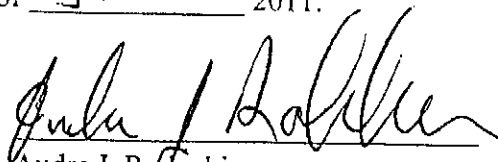
508 478-2205

P.3

Subject to a Planning Board Covenant dated April 16, 1986 and recorded with said Deeds in Book 8120, Page 718 as affected by Release of Covenant and Conditions recorded in Book 9088, Page 414.

Being the same premises conveyed to Audra J. Rodenhiser by deed of Andrew S. Rodenhiser and Audra J. Rodenhiser dated February 28, 2003 and recorded with Norfolk Registry of deeds in Book 18331, Page 548.

WITNESS my hand and seal this ~~22~~ day of June 2011.

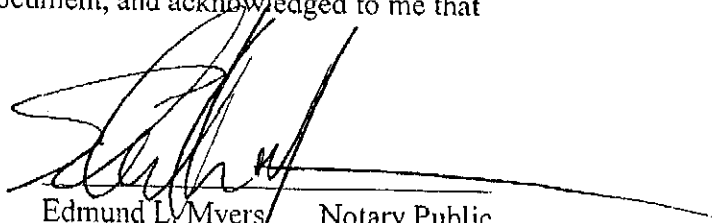

Audra J. Rodenhiser

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Date:

On this 22 day of June, 2011, before me, the undersigned notary public, personally appeared AUDRA J. RODENHISER, proved to me through satisfactory evidence of identification, which was by DRU LICE, to be the person whose name is signed on the within document, and acknowledged to me that she signed it voluntarily for its stated purpose.


Edmund L. Myers Notary Public
My commission expires: 5/26/2017

43D Expedited Permitting Grant Report - 6/22/2011

43D GRANT AMOUNT = \$148,850

Approved
Grant Budget

*Expenditures
thru 6-22-2011

UNEXPENDED
BALANCE

TASK 1

Planning Consulting Services
(Vendor - PGC Associates/Gino Carlucci)

A.	Review Existing Rules and Regs	\$ 2,500.00	\$ 2,500.00	
B.	Convene DRCC Meetings	\$ 900.00	\$ 450.00	
C.	Follow-up Meetings with Boards, Committees and Departments	\$ 1,875.00	\$ 1,480.00	
D.	Prepare PDS Rules & Regs	\$ 4,000.00	\$ 3,750.00	
E.	Prepare Application Package	\$ 3,500.00	\$ 2,900.00	
F.	Review and Update Medway Development Handbook	\$ 1,500.00	\$ 1,500.00	
G.	Identify other potential PDS sites	\$ 500.00	\$ 500.00	
	Total Task 1	\$ 14,775.00	\$ 13,080.00	\$ 1,695.00

TASK 2

Technology Consulting Services
(Vendor - Infraction Networks/Kevin Wittman)

A.	Review and Evaluate Permit Tracking Software	\$ 4,500.00	\$ 10,970.00	
B.	Develop Electronic Versions of Application Forms	\$ 24,000.00	\$ -	
C.	Update Town Web site	\$ 12,000.00	\$ -	
D.	Determine Hardware & Software Needs	\$ 4,000.00	\$ 490.00	
E.	Implementation of and Training for New Software	\$ 2,000.00	\$ -	
	Total Task 2	\$ 46,500.00	\$ 11,460.00	\$ 35,040.00

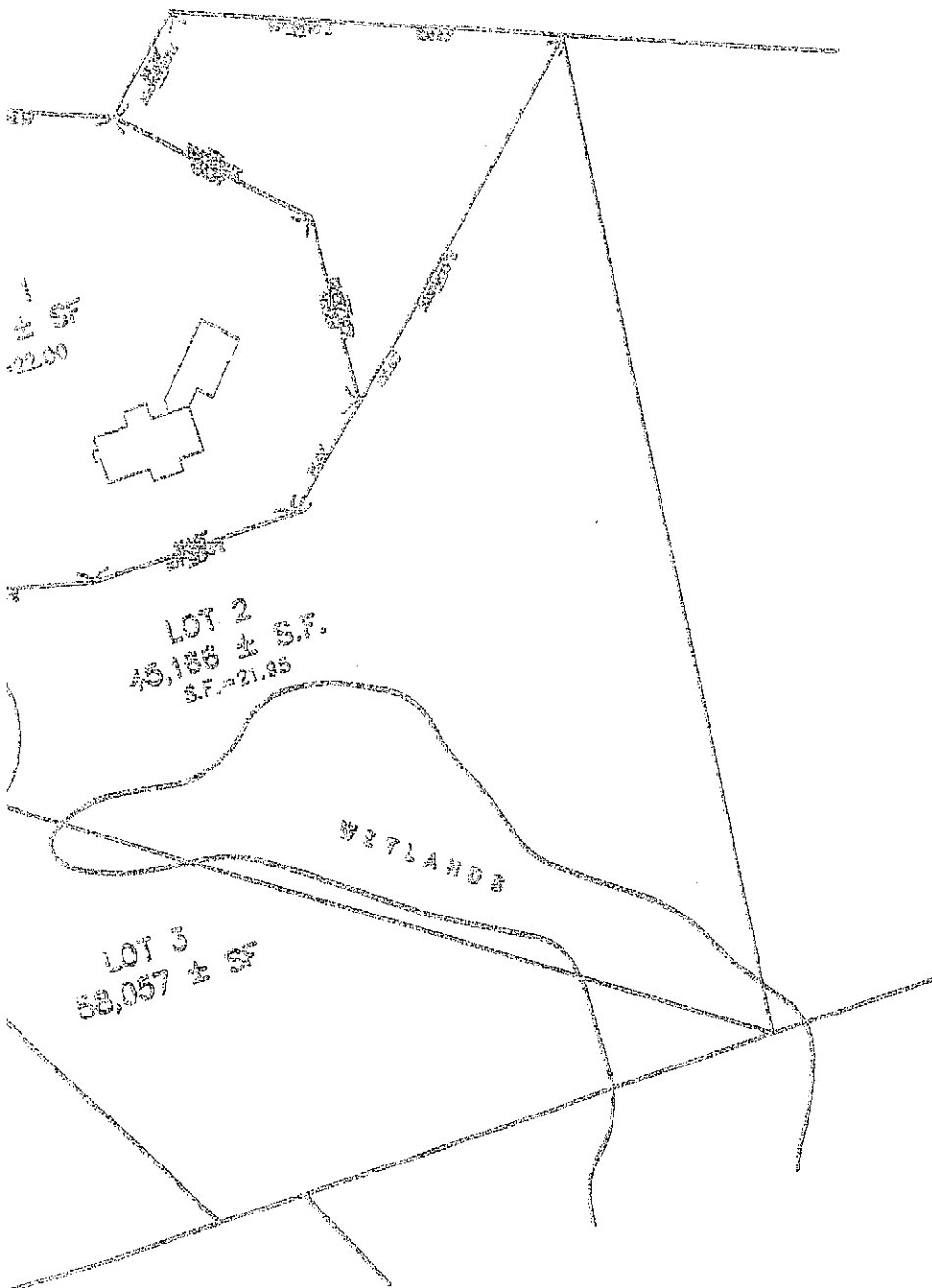
Approved	*Expenditures	UNEXPENDED
Grant Budget	thru 6-22-2011	BALANCE

TASK 3 Purchase and Install Hardware and Software

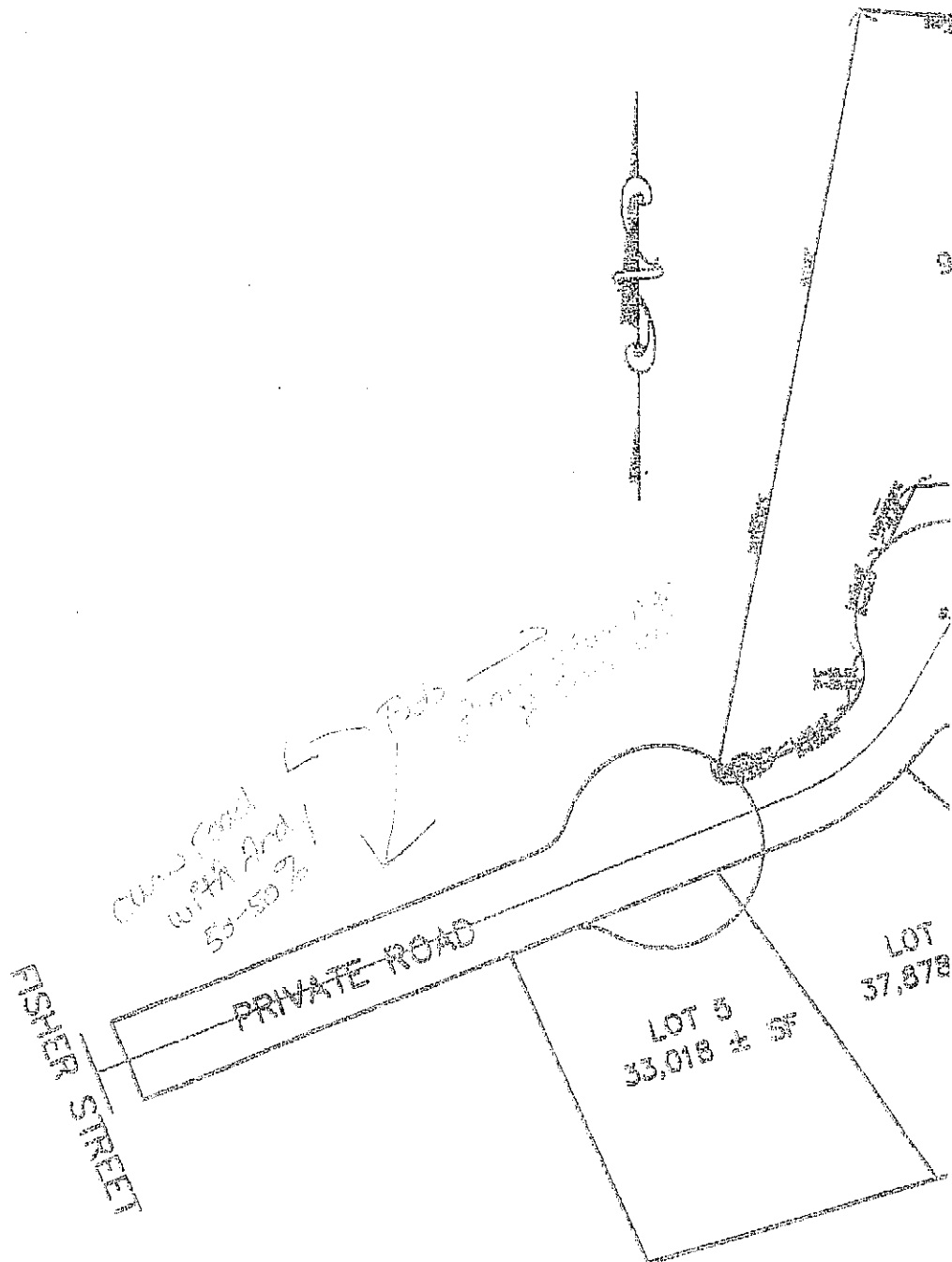
A. Prepare Bid/Proposal Packages - Inframation Networks/Kevin Wittman		\$	2,000.00	\$	-	
B. Select Vendors, Award Contracts and Complete Installation						
B1	Permitting Software plus training, conversions, project mgmt, etc. (Tyler Technologies)	\$	50,000.00	\$	66,880.87	
B2	Server Hardware & Licenses (2)	\$	10,000.00	\$	10,518.00	
B3	Workstation hardware plus field hardware for Building Dept & various inspectors	\$	12,900.00	\$	-	
B4	Public Presentation Equipment in Sanford Hall to link to public access/Cable TV	\$	4,825.00	\$	-	
B5	Printer	\$	-	\$	-	
	Large scale scanner	\$	-	\$	3,840.00	
B6	Larger scale plotter	\$	3,000.00	\$	4,963.00	
B7	Laptop Computer (mac) and Design Software for DRC			\$	3,242.60	
B8	Installation/system integration/setup - Inframation Networks*	\$	1,200.00	\$	-	
B9	Other Miscellaneous Software)*	\$	2,650.00	\$	-	
	Firebox Firewall*	\$	1,000.00	\$	-	
	Power supplies, switches & cables, tapes	\$	-	\$	529.00	
Total Task 3		\$	87,575.00	\$	89,973.47	\$ (2,398.47)

OTHER EXPENSES

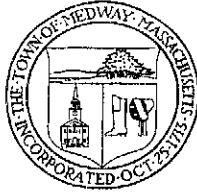
Legal Expenses/Petrini Associates (for contract reviews)		\$	-	\$	1,452.50	
Miscellaneous		\$	-	\$	-	(1,452.50)
TOTAL		\$	148,850.00	\$	115,965.97	\$ 32,884.03
BALANCE - 6/22/2011 (per sac records)				\$		\$ 32,884.03



<p>ENGINEERING CONSULTANTS, INC. ORANGE STREET MASSACHUSETTS 01748 20 Jan(202)428-7180</p>		<p>CONCEPTUAL LAYOUT CLUSTER 104 FISHER STREET MEDWAY, MASSACHUSETTS PREPARED FOR ANDY ROOHNISER 104 FISHER STREET</p>	<p>Job No. 1441 DATE Apr. 22, 2011 PLAN No. SHEET No. 1 of 1</p>
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REVISIONS					FIELD	
No.	DATE	DESCRIPTION	DES. OR.	DESIGN BY	DESIGN BY	
					DRAWN BY	
					CHECKED BY	



TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

June 20, 2011

TO: Planning & Economic Development Board Members
FROM: Susy Affleck-Childs
RE: Board/Committee Liaisons

We need to consider PEDB membership and PEDB liaison assignments with other Town boards and committees. Please review the list below and be prepared to discuss at the 6/28/2011 PEDB meeting.

Presently Assigned

FY 12

The PEDB has official representation on the following committees:

Community Preservation Committee	Bob Tucker	_____
Design Review Committee	Karyl Spiller-Walsh	_____
Street Naming Committee	Susy Affleck-Childs	_____
Economic Development Committee	Andy Rodenhiser	_____
Town Facilities Study Committee	Tom Gay	Tom Gay

Board/Committee Liaisons

Affordable Housing Committee & Trust	Susy Affleck-Childs	_____
Board of Assessors	Andy Rodenhiser	_____
Board of Health	Andy Rodenhiser	_____
Board of Water/Sewer Commissioners	Chan Rogers	_____
Capital Improvements Planning	Chan Rogers	_____
Conservation Commission	Bob Tucker	_____
Disability Commission	Susy Affleck-Childs	_____
Energy Committee	Susy Affleck-Childs	_____
FinCom	Andy Rodenhiser	_____
GIS Task Force	Tom Gay	_____
Historical Commission	Vacant	_____
Medway Business Council	Andy Rodenhiser	_____
Medway 300 th Anniversary	Vacant	_____

Open Space Committee

Route 109 Reconstruction

SWAP

Town Administrator/Board of Selectmen

ZBA

2B Oak Street/Thayer House Committee

Karyl Spiller-Walsh

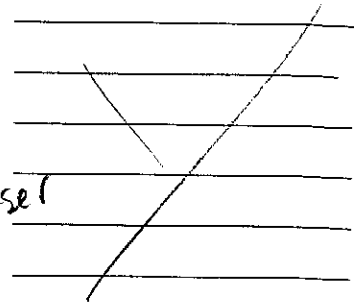
Chan Rogers

Chan Rogers

Andy Rodenhiser

~~Andy Rodenhiser~~ Andy Rodenhiser

Karyl Spiller-Walsh



None

**July 12, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, and Karyl Spiller-Walsh

ABSENT WITH NOTICE: Chan Rogers

ALSO PRESENT: Susy Affleck-Childs Planning and Economic Development Coordinator
Gino Carlucci, PGC Associates (Planning Consultant)
David Pellegrri, Tetra Tech Rizzo (Engineering Consultant)
Barbara Saint Andre, Petriini & Associates (Town Counsel)
Fran V Hutton Lee, Administrative Secretary

The Chairman opened the meeting at 7:04 pm.

The Chairman asked for any citizen comments before they went into Executive Session. There were no citizen comments.

Bob Tucker moved that the board go into Executive Session to discuss pending litigation because an open discussion would have a detrimental effect upon the Board's litigation strategy with the intent to return to regular session. Karyl Spiller-Walsh seconded the motion.

ROLL CALL VOTE:

Andy Rodenhiser	Yes
Karyl Spiller-Walsh	Yes
Bob Tucker	Yes
Tom Gay	Yes

The motion passed. The board went into executive session at 7:06 p.m.

NOTE – The Regular Public Session resumed – 7:25 pm

Village Estates – Santoro

There was discussion about the Building Commissioner's opinion about the potential creation of a corner lot where an existing building (on an abutting lot) may not meet zoning setbacks if a road is created.

Tom Gay – to Barbara St Andre –John Emidy talked with you about the corner, and what corner lots were and setbacks. Santoro wants to put a road in to the old Dill property, and create a corner and frontage, something about setbacks, and one of the lots is not really a corner lot.

Barbara Saint Andre – I need to better refresh my memory on this.

Susy Affleck-Childs– it was a phone conversation, as I have come to find out that John Emidy had with Barbara. There was nothing in writing on Barbara's part. With the creation of this subdivision and the

roadway that would go in, the adjacent property would, essentially, to all general laypersons' eyes, become a corner lot. There is an existing structure on that lot, and that structure would not then have the necessary setback.

Barbara St Andre – From what?

Susy Affleck-Childs – from the new roadline

Karyl Spiller-Walsh—That would make that lot non-compliant.

Bob Tucker – The creation of a non-conforming lot instead of maintaining its current status as a conforming lot.

Barbara Saint Andre – Well, I don't have your bylaw in front of me, but I think I have a vague memory of this...the by-law says you can't construct a house

Bob Tucker – The house is already there...I want to know how this works, and I'm sure we're going to run into this again...what is the philosophy...

Tom Gay – What John Emidy communicated was that the adjacent parcel to the west, at 274 Village Street, which is the health club, should not be considered a corner lot, as defined by the zoning bylaw, and therefore not in violation of the frontage setback.

Andy Rodenhiser – Is it for the building Inspector to determine this?

Tom Gay – The existing buildings that are encroaching upon the proposed road on the development site will be required to maintain the 35 foot setback.

Susy Affleck-Childs – We have something else in our subdivision rules and regs that says that by our action in a subdivision decision we can't create a zoning violation on an adjacent parcel.

Barbara Saint Andre – all, right so there is a subdivision issue. He of course wouldn't rule on that.

Susy Affleck-Childs – We had raised this issue at the preliminary plan stage, and did a cautionary note that we were concerned about it and that the applicant gets some sort of a clarification. I think they got in touch with John Emidy.

Karyl Spiller-Walsh— I think we had an issue like this before where we said, no, you can't create a road where you're creating an existing non-conformance.

Barbara Saint Andre – So how close will the building be?

Karyl Spiller-Walsh— 15 feet.

Tom Gay – Yes, it is set back from a side lot line right now, and that is not non-conforming,

Karyl Spiller-Walsh— Right, but it would be to a road.

Tom Gay – Right.

Andy Rodenhiser – but why would it not have frontage if it abuts onto what is essentially going to be a road that others are going to derive frontage from, and who's to say that the building inspector makes that determination today that a future planning board doesn't allow for it in the future.

Barbara Saint Andre – I didn't follow that last part.

The board consults the Village Estates definitive subdivision plan to better see the issue being discussed. (Village Estates Definitive Subdivision, Permanent Private Way, May 19, 2011.)

Andy Rodenhiser – If this is sitting on the parcel, and this is 15 feet, and this road goes in along the property line, isn't this frontage along that?

Barbara Saint Andre – Yes it is. Again, I'm not going to...

Andy Rodenhiser – How can this not be considered a corner lot? Because it has frontage on a public way, that these things are deriving frontage from...

Barbara Saint Andre - Well, it's not a public way yet, of course...I need to look at the bylaw.

Andy Rodenhiser – How can we deny him frontage?

Karyl Spiller-Walsh– You can't.

Bob Tucker – That was the discussion that we started...

Tom Gay – Right now the lot line is here, this is the lot to be subdivided, and this is where the new road will go. So it's right on this property line. So his question is...why is that not frontage?

Barbara Saint Andre – I'm not saying it isn't.

Gino Carlucci – well here's something about non-conforming...I know it's not meant for this situation, but the first paragraph here, that if it was lawful, it is still lawful...

Barbara Saint Andre – And he's not creating a problem here...this fellow is putting in...

Tom Gay – This is the one who is creating the...so this one has to conform, and this one has to conform, but you can't create a problem...you can't call that a problem now because of this going in.

Andy Rodenhiser – It pre-exists...where it is on the lot.

Barbara Saint Andre – I understand.

Andy Rodenhiser - Because it pre-exists shouldn't spoil the right of the abutter to subdivide his land

Barbara Saint Andre - I haven't said that it would.

Andy Rodenhiser - I know that.

Tom Gay – We're just trying to get it clear in our own brain.

Barbara Saint Andre – again, I need to go back at my notes and look at the zoning bylaw.

Bob Tucker – That's fine...I just figured while you were here, I'd just throw it out there.

Susy Affleck-Childs – One of the challenges is that we don't have a definition of a corner lot in the bylaw, so the definition has to be inferred from other texts.

Andy Rodenhiser – Are we okay to move on?

Construction Observation Estimate - 25 Summer Street Definitive Subdivision Plan

(See attached – from Tetra Tech Rizzo, Construction Administration Services; July 6, 2011.)

Andy Rodenhiser – Does anyone have any questions about it? We can vote this for approval? Is there a line item you want to discuss?

Bob Tucker – no, it's an estimate. I don't have a problem with the estimate. The place where I have issues, typically, is on retainage, and the cost to complete.

Bob Tucker moved that the Construction Observation Estimate from Tetra Tech Rizzo dated July 5, for \$5,518.62, be approved, seconded by Karyl Spiller-Walsh. The motion was approved unanimously.

Proposed Modification to Site Plan Decision for Restaurant 45

Paul Yorkis – My name is Paul Yorkis, I'm the president of Patriot Real Estate, and I'm representing Restaurant 45.

Paul Yorkis presents information on Restaurant 45, and the proposal to use an outdoor deck for eating and drinking, a use currently not allowed under the original site plan decision. **(See attached plan and application package which he references.)** He stresses that the proposed modification is not a request for an increase in the capacity of the restaurant, which will remain at 213, but a shift in where the patrons will be permitted to eat and drink. He also noted that there will be lighting directed at the deck from the existing building, not to spill over into the parking area or abutting roads or parcels, as well as table lights on the tables. No outdoor sound system will be installed.

Karyl Spiller-Walsh—What mechanism will provide that only 213 are in the restaurant?

Paul Yorkis – Management personnel will control how many enter, as they do now. At any moment police, fire, the Building Commissioner or a representative of the insurance holder could enter, inspect, note a violation, and take the appropriate action that is needed to be taken. Three of the "no parking" signs have been installed (Rustic and Little Tree Roads). Twelve signs have been ordered, picked up, and are being installed.

Andy Rodenhiser – The neighbors will be happy.

Tom Gay – There is a number disparity on some of the documents...is the capacity 213 or 214?

Paul Yorkis – In the application it is 213. In the revised information that was presented to the board it cites...the Building Commissioner issued an occupancy permit for 214, but all our documentation shows 213.

Andy Rodenhiser – any other questions?

Karyl Spiller-Walsh – I'm not so guaranteed in my own mind you can control that number.

Tom Gay – it has to be flexible

Andy Rodenhiser – He has to regulate it himself.

Tom Gay – It really is a parking issue. The building could handle more, but he has to self-regulate.

Paul Yorkis – I walk there.

Andy Rodenhiser – The Fire Chief (Paul Trufant) and the Building Commissioner (John Emidy) are here. Do either of you have comments, any problems with anything.

John Emidy – No. But they do need to formally apply to me officially for the changes. Plan a, plan b.

Karyl Spiller-Walsh – Who do people complain to? Us or him?

John Emidy – For what, parking? That's different. But for capacity or for overcrowding, that would be me or the police or fire.

Paul Yorkis – I specifically asked Sergeant Watson about parking complaints and he says they average less than one every other month.

Susy Affleck-Childs – So that means than 6 a year.

Andy Rodenhiser – Where do we go from here?

Susy Affleck-Childs – A motion to authorize me to draw up a modification document.

There was discussion about the closing time of Restaurant 45.

Paul Yorkis – They stop serving at 10:00 PM. Some may stay later to finish up. But the kitchen closes at 10:00. Last call is basically at 10:00. Maybe on New Year's Eve or Thanksgiving it is a little later.

Paul Trufant – (Fire Chief) – On nights that we have an alarm, if we have a call at 9 or 9:30 pm, the place is cleared out.

Bob Tucker moved that Susy Affleck-Childs write a modification to the present site plan decision to allow for the proposed changes, seconded by Karyl Spiller-Walsh. The motion passed unanimously.

Paul Yorkis and the board thanked each other, and Andy Rodenhiser noted that Paul Yorkis was willing to work on model language for the zoning bylaw to help other area businesses in town to establish this kind of seating.

Status Report on Speroni Acres

(See attached – from Tetra Tech Rizzo, Speroni Acres Drainage Review, July 12, 2011)

Dave Pellegrini – We asked Merrikin Engineering and they submitted revised calculations on both retention basins along with an as-built. Susy Affleck-Childs and I responded by saying we'd like to see a response letter that addresses all the previous review comments. They did provide that. We reviewed the revised calculations. One thing that they did that I thought was good was that they did start from scratch - this is what we have as an as built condition, revisited the pre- vs. post-, treated it like a new subdivision, treating conditions as they exist now. I provided a letter late today to Susy Affleck-Childs, providing our comments on those drainage calculations. I'm not prepared to say whether we accept it or not...we have questions...they need to provide more calculations...back up...things like that. Nothing huge, no major problems...so we'll wait to give our approval. At our last meeting you had asked me to provide costs for me to go out and to take some shots to verify the as-built conditions, so I emailed to Susy Affleck-Childs. I estimate my costs at about \$800. If you approve the costs we can go out next week, and then we can review the whole package.

Bob Tucker – As you evaluate the drainage calculations do you take into consideration the over-grown nature of the basins...trees, scrub, brush, trash?

Dave Pellegrini – We haven't yet, but when we go out in the field we will. We will...we know about it. We will report on the existing status of those basins.

Andy Rodenhiser – does it look like a genuine effort was put forth in responding to the comments?

Dave Pellegrini – I think so, yes, because the drainage calculations are what I would expect of a new development.

There was discussion regarding the old Speroni Acres plan. It was wondered if the old basins could be reconstructed, and who owns the basins. And whether or not the basins and plans can be used or may need to be reconstructed.

Bob Tucker – Are these basins owned by the landowners? They are not on separate lots; they are on the lots the homeowner owns. To get to them you need homeowner permission.

Susy Affleck-Childs – I think Owen Sullivan retained the easements.

Bob Tucker – but the easements are not where they belong.

Dave Pellegrini – Ah, that's an interesting point...matching the easement and deeds to what's actually there (location of basins as built).

Karyl Spiller-Walsh – Because they're way different from what was designed.

Dave Pellegrini – We want to do the surveys from the houses. We were planning to knock on doors.

There was more discussion regarding the current location of the detention ponds, and who owns the land they are on, and access to them.

Andy Rodenhiser – Confirm deed matches easements

Susy Affleck-Childs – or if it is in the definitive plan

Bob Tucker – This is why you build things to the drawing, not vice versa.

Susy Affleck-Childs – We will send out notices to the homeowners...folks coming from Tetra Tech Rizzo, permission to go on the property and evaluate. We will extend the courtesy.

Pine Meadow Bond Reduction
(See attached – from Tetra Tech Rizzo, Bond Value Estimate, Pine Meadows II; July 11, 2011.)

Dave Pellegrini - We looked at Pine Meadow to update the Bond Estimate. Nothing, no problems, just some questions. I sent an e-mail to Susy Affleck-Childs. There was a question on the fence. There's a chance I wasn't looking at the right plan.

Gary Feldman – According to this one, the revised one...the final location is to be determined by Nick Turi.

Susy Affleck-Childs – Nick says the fence looks nice, the landscaping looks nice. There is a question on who will maintain it.

There was discussion on the bond.

Bob Tucker - -What is our minimum (to be retained)?

Susy Affleck-Childs – \$40,000.

Bob Tucker – Dave, can you put that in as a note on the bond estimates what the minimum is?

There was discussion on other landscaping issues, a three foot grass strip around the cul de sac island, the evergreens and mulch that was put in, granite, short plantings and dead or sick trees.

Gary Feldman - We did hire Fasolino to mow, water, and maintain the plants.

Susy Affleck-Childs - The maintenance responsibility is yours.

Gary Feldman – Until the road is accepted.

Dave left in 25% of the lump sum in his calculation for contingencies.

Dave Pellegrini – Are concrete bounds all installed? I saw some, but not all.

Gary Feldman – I am not sure.

There was more discussion on the bond numbers.

Bob Tucker moved to reduce the Pine Meadow bond to \$40,000, with \$3,000 of the reduction to be directed to the construction account, seconded by Karyl Spiller-Walsh. The motion passed unanimously.

Susy Affleck-Childs - I will do a memo to the Treasurer's office tomorrow.

Franklin Creek Road Paving

Dave Pellegrini – I got a call from Susy Affleck-Childs last week that they were paving the top coat on Franklin Creek, and I went there to look and they were all done. They had not contacted us before.

Andy Rodenhiser – do you know the depth?

Dave Pellegrini – No, no I don't. My biggest concern is the depth, but there were also soft spots. I talked to Marco (Vajentic); he doesn't have a site guy any more. So what I need to figure out now is what I do to verify. He said all the right things, but...I need to talk to the paver, see the paving slips, see proof of tack coat, compare and calculate quantities, review the transitions at the roadway, review the pictures during installation, and core the corners if needed. I hate to do that. You'll get potholes there...

Bob Tucker – Do you know where the soft spots were?

Dave Pellegrini – Right in the middle of the entrance.

Karyl Spiller-Walsh – At the pipe, there?

Dave Pellegrini – right where the sewer line came in.

Bob Tucker – Core, then, right in the middle. I'm concerned about compaction of soil at that site.

Karyl Spiller-Walsh – doesn't it flood there?

Bob Tucker – I think they can tear the whole thing up, and do it again.

Tom Gay – He has a point here.

Dave Pellegrini – They may have to. Let's go through the above, first, and then see. If they put down the tack it will all come up. May have to grind it down. It's still on the table.

Andy Rodenhiser – if it was a settling problem and it wasn't addressed...

Dave Pellegrini – I don't know if it was a settling problem so much, it was more...it had settled once...or was soft at one point so the binder broke, and they cut it out and they left it there put some stone down in front of it...so it wasn't like they kept paving it and it settled, paving and settled...they just did it once, and the pavement cracked and broke, so we know that's one area we have to fix when we come back.

Karyl Spiller-Walsh – Is there any subterranean washing out, when the water come downhill there?

Dave Pellegrini – I don't think so, but when I go to look at the pavement, I will look at the shoulders...see if there is any evidence of washout or erosion.

Andy Rodenhiser – if you talk about grinding it I'm sure they'll be cooperative on everything else.

Dave Pellegrini – I would be, too. Let me do my home work on this and come back with a report for you.

Subdivision Rules and Regs – Discussion re: Standards for permanent private ways

(See attached memorandum re Standards for Permanent Private Ways and accompanying Ideas worksheet.)

Susy Affleck-Childs – I put together for you a synopsis of the current standards that we have for permanent private ways for our subdivision rules and regs both in text and in a roadway cross section. At the bottom I put down some of the standards that apply to all subdivisions. The second page is a list of some of the issues that we seem to be grappling with.

Andy Rodenhiser – Flowage easements...I know it is something that has emanated from the Hartney Acres II litigation, but is there such a thing as a flowage easement?

Gino Carlucci – Yes. I think they are the same as drainage easements.

Susy Affleck-Childs – it is a form of a drainage easement.

Andy Rodenhiser – Okay, so it is a legitimate term. And when a flowage easement exists do we have language in our bylaw that addresses...like a definition...and what that means for the people on filling them?

Susy Affleck-Childs – It's not in the (zoning) bylaw. It is part of our subdivision rules and regs. John Q. Citizen is not going to know whether there is a flowage easement or not on their property and frankly that is why we were uncomfortable with flowage easements, because regular citizens are not going to be aware that they should be protecting it and not doing something, and that's why we now have written in here that we're not allowing flowage easements.

Andy Rodenhiser – And when someone takes their property and uses a plow or furrow or disc to change the land, or change the flow of the water on the land, are they by virtue of doing that implementing a flowage easement? When they direct water off their property does that require a flowage easement?

Karyl Spiller-Walsh – it becomes a flowage pattern...an easement is something that is recognized in a plan.

There was discussion on the flowage easement, what it meant, how it was applied, and its limitations.

Tom Gay - We discussed them in Daniels Woods II and on Hill Street. They were going to have this fan shaped area that they weren't going to disturb. That is different...protecting it and setting it aside. That is different from someone plowing up a field to plant something that they might cut at a later date that may have inadvertently changed the topography and the way the water runs off the land.

Susy Affleck-Childs – if they were messing with something that had a flowage easement on it...

Tom Gay – That's different.

Andy Rodenhiser – so flowage easement protects the intended course of water...so in the instance of planning we are talking about swales and drainage, things of that nature for the purposes of smart, low impact development.

Tom Gay – the flowage easements in both of the cases I mentioned were chunks of land that were defined and they weren't going to disturb them.

Bob Tucker – And I think the term flowage easement in that respect is appropriate.

There was discussion about individuals changing the flow of water on their land...by plowing, or building or other means...and the results of neighbors impacting neighbors

Tom Gay – Then that is between them, that's not our issue. That's between those two guys.

Karyl Spiller-Walsh - It's between them and their attorneys, not us.

Susy Affleck-Childs– It a neighbor to neighbor kind of thing

Tom Gay – If they've got an ANR they've got a right to plow it up.

Andy Rodenhiser – I get that. But if you'll remember, the guy that was complaining was complaining about a water course moving onto his property. By virtue of us approving a plan are we approving...?

Susy Affleck-Childs – It's part of storm water management design.

Andy Rodenhiser – So if it called out and identified it...just because we approve something and water is going that way...unless it is something Dave calculates and it is called out in the plan, it is not as if we are tacitly approving whatever is going on there.

Susy Affleck-Childs – And by regulation we are not supposed to be allowing flowage easements...per our subdivision rules and regs. In a suburban community, the use of a flowage easement in somebody's backyard, when it is part of a neighborhood drainage system...designed...is ridiculous. With people's use of pools and decks and porches and sheds...

Dave Pellegrini – and in fairness people don't know when they buy a house

Andy Rodenhiser – and then they'll have dump trucks come in with dirt and reshape the land.

It was noted that there is no process for rebuilding or reshaping a backyard in Medway that involves the planning board, and that there may be a dilemma in promoting low impact development without flowage easements.

There was discussion about streets in subdivisions, and longer streets winding through open space. The focus then moved to those in the small subdivisions.

Susy Affleck-Childs – What we have been getting the last two years are these little two and three lot...little private way subdivisions that we've been grappling with. When we set up those private way standards, it was 2006, and everyone was very comfortable with an 18 foot paved width. Well, we've come a long way from 18 foot pave down to 14 foot paved width.

Tom Gay – I think we've also gone to a whole lot of effort to accommodate the needs of the developers, and these odd shaped lots.

Susy Affleck-Childs – Talk to me about what you'd like, what do you think is reasonable in these small private ways.

Andy Rodenhiser – I spent a lot of time driving around in the Mudville area of Holliston, and it's a pretty dense area...but the speed with which the traffic moves through there is remarkably slower with narrower streets, and it has a more quaint appeal to it than a giant wide street. Even when people are shortcutting through there, even when there are cars parked in the street, there's a politeness. It (narrower streets) has a slowing and calming effect on the traffic.

Susy Affleck-Childs – The thinking on a 50 foot ROW is that a road can become a through road at some time.

Bob Tucker – And the ability to construct utilities, and put in amenities, but do you need 50 feet?

Karyl Spiller-Walsh – 50 feet is a waste of space. I could be doing other things with that space.

Susy Affleck-Childs – So what about a 40 foot ROW?

Karyl Spiller-Walsh – Well how big do we need it? For an 18 foot road or less.

There was discussion as to how much space was needed for the flair, 14 foot road, turn radius, sidewalk, handicapped ramps...if sidewalks were needed, whether the development was condos, mixed, or stand-alone homes...and if Dave could give them sketches for minimum space requirements for flairs, turnarounds and with or without sidewalks, a curb, and so forth. Whether or not sidewalks and curbing was needed was discussed, and the use of berms and mini swales. There was discussion on giving builders some flexibility. There was discussion as to the type of paving, whether these short roads needed to be paved or could have pervious surfaces such as gravel or T-Base...recycled asphalt, cobble stone aprons to protect the public way.

Andy Rodenhiser – It looks nice and is a nice trade off

Karyl Spiller-Walsh – T-base...excellent...it's a binder, recycled asphalt.

Susy Affleck-Childs – Maybe we give a couple of options.

Bob Tucker – Give choices. Compaction, but pervious.

Dave Pellegrini – Gravel loses its permeability pretty quick, and becomes compacted.

Andy Rodenhiser – So the drainage calculations need to be considered for the worst case scenario, even if they go with the most light of standards.

Tom Gay – So drainage has to be calculated as if paved, but allow pervious for a savings.

Andy Rodenhiser – I love the idea of the cobble at the end...

Bob Tucker – Gravel, cobble, helps with the country look...

Susy Affleck-Childs – With these small subdivisions if there does end up needing to be a detention pond...we've been grappling with this issue of a separate parcel for that.

Gino Carlucci – Put it in the roadway.

Karyl Spiller-Walsh – The reason for the 30 foot setback was to prevent leaning back and flicking a cigar into the detention pond, like at Ishmael Coffee or Speroni Acres.

There was more discussion on retention ponds.

Susy Affleck-Childs – Light posts at the end of each driveway?

All – Light pollution. Get rid of them.

Susy Affleck-Childs – Well, this is a good start.

Discussion of issues in old subdivisions to be considered, such as spite strips, the corner lot issue, driveways, connecting roads

Susy Affleck-Childs recaps the list of items discussed: 35 ft ROW, curbs as needed, no sidewalks, OK to use roadway as drainage parcel, adjust setbacks, compact pervious paving and connectors—standard, concrete, cobble.

More discussion of possibilities with small subdivisions. Karyl Spiller-Walsh noted her own situation (Wingate Farm) ... back and forth thinking what do we do...ROW, turnarounds. Came up with 14 feet on 3 lots or less subdivisions. Hammerheads or cul-de-sacs

Susy Affleck-Childs – The key is we want safe turnarounds.

Bob Tucker – Be creative...we need to have freedom and not everything proscribed. Get away from bulb and allow for turnarounds.

Susy Affleck-Childs – good discussion.

Committee Appointments:

See attached memo.

Susy Affleck-Childs recommended the reappointment of Julie Fallon to the Design Review Committee. Bob Tucker moved that she be reappointed, seconded by Karyl Spiller-Walsh. The Board voted unanimously to reappoint Julie Fallon to the DRC for a 2 year term through June 30, 2013.

Susy Affleck-Childs recommended the reappointment of both Tina Wright and Pat McCallum, whose terms have expired, to the Open Space Committee. Bob Tucker moved that they be reappointed, seconded by Karyl Spiller-Walsh. The Board voted unanimously to reappoint Tina Wright and Pat McCallum to the OSC for two year terms through June 30, 2013.

Susy Affleck-Childs noted that John Schroeder has resigned from the OSC, but that there are letters of interest from two others. She recommended both Paul Marble and Mike Francis as new members to the Open Space Committee. Bob Tucker moved that they be appointed, seconded by Karyl Spiller-Walsh. The Board voted unanimously to appoint Paul Yorkis Marvel and Mike Francis to the OSC for 2 year terms through June 30, 2013.

Susy Affleck-Childs recommended the reappointment of both Ann Sherry and Kai Imgenberg, whose terms have expired, to the Economic Development Committee. Bob Tucker moved that they be reappointed, seconded by Karyl Spiller-Walsh. The Board voted unanimously to reappoint Ann Sherry and Kai Imgenberg to the Economic Development Committee for 2 year terms through June 30, 2013.

Susy Affleck-Childs noted that she has not heard from Mike O'Mara whose term on the EDC had also expired. Therefore, she is not recommending him for reappointment.

Susy Affleck-Childs also recommended the appointment of James Byrnes, who is with the Mass Technology collaborative and has presented a letter of interest, to be appointed as a new member to the Economic Development Committee. Bob Tucker moved that he be appointed, seconded by Karyl Spiller-Walsh. The Board voted unanimously to appoint James Byrnes to the EDC for a 2 year term through June 30, 2013.

Karyl Spiller-Walsh noted that Julie Fallon does a lot of work in the DRC, and that her efforts can be seen in many of the signs around the town. Susy Affleck-Childs noted that they are still searching for an architect to join the Design Review Committee.

Meeting Minutes

June 28, 2011:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the minutes from the June 28, 2011 as amended.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 9:50 pm.

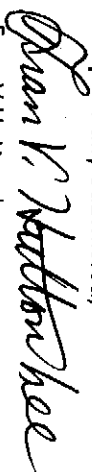
Future Meetings:

The next meetings scheduled are:

- Tuesday, July 26th and August 9th and 23rd , 2011

The meeting was adjourned at 9:50 PM.

Respectfully Submitted,



Fran V Hutton Lee
Administrative Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TETRA TECH

July 6, 2011

RECEIVED
JUL 07 2011
TOWN OF MEDWAY
PLANNING DEPT

Mr. Andy Rodenhiser, Chairman
Planning and Economic Development Board
Town Hall
155 Village Street
Medway, Massachusetts

Re: Construction Administration Services
25 Summer Street Subdivision
Summer Street, Medway, Massachusetts

Dear Mr. Rodenhiser:

We are pleased to submit this Proposal to The Town of Medway (the Client) for professional engineering services associated with the proposed Subdivision at 25 Summer Street. (the Project) in Medway, Massachusetts. The objective of our services is to provide limited construction administration services on behalf of the Town of Medway.

Scope of Services

We will undertake the following task:

Task 1 Preconstruction Meeting

- Prepare preconstruction agenda and attend meeting with the applicant, contractor, and appropriate Town of Medway officials;

Task 2 Inspectional Services

- Inspect construction activities for conformance with the approved plans and good engineering and construction practices. Inspections will be dictated by work schedule, however the attached spreadsheet represents the proposed allocation of our time based on our current understandings;
- Act as a technical liaison between the Owner/Contractor and the Town;
- Provide inspection reports for each site visit to the Client and the designated project Point of Contact;
- Provide monthly invoices to the Client.



TETRA TECH

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with the Project Fee Schedule. The Construction Inspection Budget is attached, and breaks down the hours anticipated to be spent during the inspections. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. Changes to the project scope or schedule beyond that assumed by the engineer could require additional inspections if deemed necessary by the Planning Board. Additionally, the contractor's inefficiency, quality of work, or lack of communication may require additional inspections and compensation by the Owner.

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to complete the work in a timely manner. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

General Terms and Conditions

This Proposal shall be in accordance to the Terms and Conditions signed for the general services agreement between the Town of Medway and Tetra Tech Rizzo. Should it meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

Sean P. Reardon, P.E.
Vice President

Date Approved by Medway Planning and Economic Development Board _____



TETRA TECH

Certified by: _____

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator

Date

Attachments

\\SITE04\VDPR\MEDWAY-D\AFFLECK_S\WOOD_H-CLERK OF THE WORK-2010-04-01.DOC

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	1	2	\$72.00	\$144.00
2	Clear & Grub (Included in Item 1)			\$72.00	\$0.00
3	Subgrade/Staking	1	2	\$72.00	\$144.00
4	Drainage System	2	3	\$72.00	\$432.00
5	Detention Pond (Included in Item 4)			\$72.00	\$0.00
6	Roadway Gravel	1	3	\$72.00	\$216.00
7	Water System	1	4	\$72.00	\$288.00
8	Sewer System	1	4	\$72.00	\$288.00
9	Roadway Binder	1	6	\$72.00	\$432.00
10	Curb/Berm (N/A)			\$72.00	\$0.00
11	Private Utilities (N/A)			\$72.00	\$0.00
12	Sidewalk Base/Gravel (N/A)			\$72.00	\$0.00
13	Sidewalk Binder (N/A)			\$72.00	\$0.00
14	Sidewalk Reconstruction	1	3	\$72.00	\$216.00
15	Roadway Top	1	6	\$72.00	\$432.00
16	Sidewalk Top (N/A)			\$72.00	\$0.00
17	Frames and Covers/Grates (N/A)			\$72.00	\$0.00
18	Adjust Frames & Covers/Grates (N/A)			\$72.00	\$0.00
19	DMH Inverts (N/A)			\$72.00	\$0.00
20	Bounds	1	2	\$72.00	\$144.00
21	Landscape/Plantings	1	3	\$72.00	\$216.00
22	Roadway Sub-Drain (N/A)			\$72.00	\$0.00
23	Guard Rail/Fencing (N/A)			\$72.00	\$0.00
24	Periodic Inspections (See Note 1)	2	4	\$100.00	\$600.00
25	Bond Estimates	2	3	\$100.00	\$600.00
26	As-Built Plans	1	4	\$100.00	\$400.00
27	Meetings	2	2	\$120.00	\$480.00
28	Admin	2	1	\$50.00	\$100.00
	Subtotal				\$5,392.00
	Expenses			3.5%	\$186.62
	TOTAL				\$5,578.62

Notes:

- 1 Periodic Inspection includes a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.
- 2 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cristina (Chari) Rogers, P. E.
Karyl Spiller Walsh

June 30, 2011

Abutter Notification
Proposed Modification to the Restaurant 45 Site Plan Decision

On July 12, 2011 at 7:30 p.m. in the Sanford Room of Medway Town Hall at 155 Village Street, the Medway Planning and Economic Development Board will review and consider an application submitted by Mark Smith/Restaurant 45 to modify the previously approved Site Plan Decision dated April 26, 2006 relative to improvements to the Restaurant 45 building and site at 45 Milford Street.

The applicant proposes that the Board amend Condition G. of the 4-26-2006 Site Plan Decision regarding the use of the outdoor deck area at Restaurant 45. Condition G. specified that the outdoor deck area was to be used only as a waiting area with "no food or beverage service allowed". Mr. Smith has asked the Board to modify that Decision to now permit the serving and consumption of food and beverages for up to 40 people on the deck of Restaurant 45. However, no expansion in the overall allowed capacity of Restaurant 45 (213 occupants) is sought. To offset the addition of outdoor seating, a reduction in indoor seating capacity will be implemented.

You are being notified of the July 12th meeting as you are the owner of record for property located within 300 feet of Restaurant 45 at 45 Milford Street.

The application and explanatory narrative are on file with the Medway Town Clerk at the Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The information is also available at the Planning and Economic Development office.

Interested persons or parties are invited to review the information, attend the July 12th meeting, and express their views at the designated time and place. Written comments are welcome and may be forwarded to the Board at saffleckchilds@townofmedway.org.

If you have any questions, please contact Susy Affleck-Childs at the Planning and Economic Development office at 508-533-3291.

Andy Rodenhiser, Chairman

Telephone: 508-533-3291 Fax: 508-533-3252
planningboard@townofmedway.org



TOWN OF MEDWAY

Planning Board

155 Village Street
Medway, Massachusetts 02053

TOWN OF MEDWAY

APR 3 8 2006

TOWN CLERK

Matthew J. Hayes, P.E., Chairman
Andy Rodenhiser, Vice-Chairman
Karyl Spiller-Walsh
Cristian (Chan) Rogers, P. E.
John Schroeder
Eric Alexander, Associate Member

April 25, 2006

SITE PLAN DECISION **Restaurant 45 Site Redevelopment Plan** **45 Milford Street** **Approved with Waivers and Conditions**

You are hereby notified that on April 25, 2006, at a duly called and properly posted meeting, the Medway Planning Board, after reviewing the application and information compiled during the public review process which commenced December 7, 2005, (*the date of application submitted*), on a motion by Andy Rodenhiser, seconded by Karyl Spiller-Walsh, voted unanimously to approve with waivers and conditions as specified herein, the site plan application of PMAM Group, LLC of Medway, MA for new construction, site improvements, drainage, parking and landscaping at 45 Milford Street, an approximately 1.66 acre parcel located at the southwest corner of the intersection of Route 126/Summer Street and Route 109/Milford Street, in the Commercial V zoning district, as shown on Medway Assessors Map 2, parcel 24. The proposed scope of work constitutes a *Major Site Plan Project* pursuant to the Medway Zoning Bylaw, V. C. 2 and therefore has been subject to *Complete Site Plan Review*.

This Decision includes the following sections:

- I. Summary of Site Plan
- II. Procedural Summary
- III. Index of Site Plan documents
- IV. Testimony
- V. Findings
- VI. Waivers
- VII. Special Conditions of Approval
- VIII. General Conditions of Approval

I. **SUMMARY OF SITE PLAN** - The application for site plan approval proposed the following scope of work:

- A. Construct a new, one-story, 5,150 sq. foot building to be used for retail purposes allowed in the Commercial V zoning district.

Telephone: 508-566-3267 Fax: 508-566-3267
email: medwayplanningboard@townofmedway.org

D. *Construction Time* - Construction work at the site and in the building shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. No construction shall take place on Sundays or legal holidays.

E. *Construction Traffic/Parking* – All parking for construction and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on Rustic or Little Tree Roads.

F. *Snow Plowing/Trash Removal* - The Applicant shall be responsible for providing snow plowing and trash pick-up with respect to the subject property.

G. *Use of Outdoor Deck* - The outdoor deck shall be used only as a waiting area with no food or beverage service allowed.

H. *Deliveries* - Deliveries shall occur between 8 am and 8 pm. The present delivery/loading area for the restaurant shall be retained. Deliveries for tenants in the new building shall be conducted through the main customer entrance.

I. *Parking* – No customer or employee parking for any businesses at this location is allowed on Rustic and Little Tree Roads. The Applicant shall purchase and install *No Parking* regulatory signage as depicted in the 1/13/06 Proposed Sign Plan prepared by Faist Engineering. Until such time as Rustic and Little Tree Roads are accepted by the Town of Medway as public ways, the Town is not responsible for enforcement of the no parking restrictions on Rustic and Little Tree Roads.

J. *Landscaping* – It is understood that landscaping on the Summer Street side of the site will be installed in conjunction with the Route 126 Reconstruction project and may not be completed when an occupancy permit is sought for the new retail building. In such case, the Applicant shall be required to provide suitable security/performance guarantee to the Town of Medway, in a form and manner to the Planning Board's satisfaction, to cover the cost of the remaining work.

K. *Construction Inspection*

1. The Department of Public Services will conduct inspections for site plan work in the Town's right-of-way in conjunction with the Town of Medway Street Opening Permit.

2. The Town's Consulting Engineer, VHB, Inc. shall inspect the construction of site improvements located outside of the Town's right-of-way. This shall include but not be limited to the stormwater drainage system, parking, sidewalks, and landscaping. Prior to plan endorsement, the Applicant shall establish a construction observation account with the Medway Planning Board. The Applicant shall pay a construction observation fee to the Town of Medway in an amount to be determined by the Planning Board based on an estimate provided by VHB Engineering. The Applicant shall provide supplemental payments to the Town, upon invoice, as needed for reasonable inspection services until the site work is completed and the as-built plan has been reviewed and determined to be satisfactory.

APPLICATION TO MODIFY/REVISE a SITE PLAN DECISION

Town of Medway
Planning & Economic Development Board
155 Village Street - Medway, MA 02053
508 533-3291

This application to modify/revise a Site Plan decision is made pursuant to the Medway Zoning By-Law, Section V. USE REGULATIONS, Subsection C. SITE PLAN APPROVAL and the Planning Board's Rules and Regulations for the Submission and Review of Site Plans (as approved December 3, 2002)

RECEIVED
JUN 29 2011

Date: June 28, 2011

TOWN OF MEDWAY undersigned herewith submits this application to the Medway Planning and Economic Development Board to modify/revise a previously issued site plan decision.

Site Plan Title: Restaurant 45 Site Redevelopment Plan

Property Location Address: 45 Milford Street

Approval Decision Date: April 25, 2004

Plan Endorsement Date: June 22, 2006

Property Owner: Mark Smith

Address: 45 Milford Street

Medway, MA 02053

Primary Contact: Paul G. Yorkis

Telephone: 508-509-7860 FAX: 508-533-2295

Email address: PEYORRIS@AOL.COM

Applicant (if other than property owner):

Address:

Primary Contact:

Telephone: FAX:

Email address:

NOTE – If someone other than the property owner or the equitable owner is the applicant or will be representing the applicant, then the property owner or equitable owner must designate an Official Representative below:

Official Representative: Paul G. Yorkis

Address: 159 Main Street

Medway, MA 02053

Primary Contact: Paul G. Yorkis

Telephone: 508-509-7860 **Fax:** 508-533-2295

Email address: PEYORKIS@AOL.COM

Explanation – Please attach an explanation of what changes you propose to the site plan decision. Include a detailed description of the changes and an explanation as to why the changes are needed. Provide any suitable documentation to justify the change. Provide any other explanatory material you wish for the Board to consider in reviewing your request.

Building Inspector's Determination - Scope of Proposed Modification/Revision

☐ On-Site Construction Change


☒ Minor Site Plan - Modification

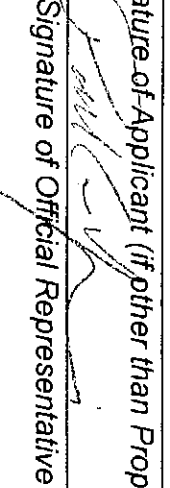
☐ Major Site Plan - Substantial Modification

☒ Major Site Plan - Not Substantial

Please attach a copy of the Building Inspector's determination.

SIGNATURES – I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true and complete to the best of my knowledge and belief. (If Applicable, I hereby authorize Paul G. Yorkis to serve as my Official Representative to represent my interests before the Town of Medway with respect to this application to modify a previously issued site plan decision.) In submitting this application, I also authorize the Planning & Economic Development Board, its agents, and other Town officials to access the site during the site plan decision modification review process.

 6/27/2011
Signature of Property Owner Date

 6/27/2011
Signature of Applicant (if other than Property Owner) Date

Signature of Official Representative Date

SUBMITTAL INSTRUCTIONS – Required Submittals

Town Clerk

✓ One (1) Application form with original signatures

Planning & Economic Development Board

✓ One (1) Application form with original signatures

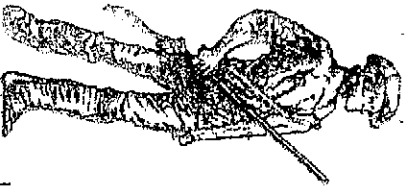
✓ An updated list of all abutters and parties of interest as defined in the *Site Plan Rules & Regulations*, certified by the Assessor

✓ *Site Plan Modification Filing Fee* – Made payable to the Town of Medway

For Minor Site Plan Projects	\$ 250
For Major Site Plan projects up to 4,999 sq. ft./gross floor area	\$ 500
For Major Site Plan projects of 5,000 - 9,999 sq. ft./gross floor area	\$ 750
For Major Site Plan projects of 10,000 -14,999 sq. ft./gross floor area	\$ 1,000
For Major Site Plan projects of 15,000 sq. ft./gross floor area and more	\$ 1,500

✓ *Advance toward Review Expenses* – Made payable to Town of Medway - \$500 for Minor Site Plan Projects/\$1,000 for Major Site Plan Projects

NOTE – Please submit two separate checks.



PATRIOT REAL ESTATE

159 Main Street

Medway, MA 02053

Tel: 508-533-4321

Fax: 508-533-2295

www.patriotrealstate.com

June 27, 2011

Mr. John F. Emidy
Building Commission
Town of Medway
155 Village Street
Medway, MA 02053

Dear Mr. Emidy:

I am writing you as the official representative of the owner/management of Restaurant 45.

As you know the owners of Restaurant 45 are in the process of requesting approval from the Town of Medway Planning and Economic Development Board (PEDB) to serve food and beverages on the deck immediately adjacent to the restaurant.

Part of the approval process from the PEDB requires the submission of an application to Modify/Revise a Site Plan Decision. Specifically, the application asks for the Building Commissioner's Determination – Scope of Proposed Modification/Revision and a copy of the Building Commissioner's written determination.

The owner/management is requesting of the PEDB the following:

The owner/management respectfully requests that the Town of Medway Planning and Economic Development Board amend the language of the site plan approval for Restaurant 45 to permit the serving and consumption of food and beverages on the deck at Restaurant 45.

The owner/management is NOT proposing any change to the approved site plan (see attachment #1).

The owner/management proposes seating for 40 persons on the deck even though a capacity of 49 has been identified by Michael Blanchette, architect (see attachment #2). This is the only proposed change, seating for 40 persons on the deck.

The owner/management is NOT proposing to increase the overall seating capacity of 214 now approved by the Town of Medway Building Commissioner (see attachment #3) which is based upon the approved site plan (see attachment 1) and the maximum capacity plan under the state building code prepared by by Michael Blanchette, architect (see attachment #4).

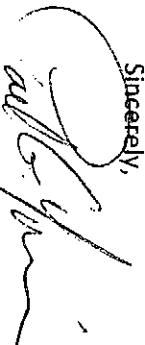
The owner/management will monitor the seating capacity inside and outside to ensure that the seating capacity does not exceed the permitted capacity approved by the Town of Medway Building Inspector of 214 persons. The applicant will modify indoor seating capacity to take into consideration the proposed outside seating capacity. Please see attached Plan A (attachment #5) which reflects indoor capacity only and Plan B (attachment #6) which reflects indoor and outdoor capacity.

The owner/management understands and recognizes that the Town of Medway Building Commissioner, Fire Department, and Police Department may monitor the actual number of patrons at Restaurant 45 at any time. In addition, the applicant's insurance carrier may also monitor the actual number of patrons at any time.

I am meeting with the PEDB on Tuesday evening. As soon as you are able to review this request, please call me on my cell phone, 508-509-7860, and I will be happy to respond to your questions and comments.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Paul G. Yorkis', written over a horizontal line.

Paul G. Yorkis
President

ATTACHMENT 1

ZONING INFORMATION TABLE - MEDWAY, MA #43 MILFORD STREET (ROUTE 109)

OWNER: PHAM GROUP, LLC 45 MILFORD STREET, MEDWAY, MA 02053			
EXISTING LOT AREA = 72,490 S.F. (1.66 ± AC)			
ASSESSOR'S MAP ID: MAP 2 / PARCEL 2/24			
ZONING: COMMERCIAL DISTRICT V			
EXISTING USE: RESTAURANT			
PROPOSED USE: RESTAURANT & 4,800 S.F. RETAIL BUILDING			
LOT AREA	20,000 S.F.	EXISTING	72,490 S.F.
FRONTAGE	100 FT.	EXISTING	828.91 FT.
FRONT YARD	50 FT.	EXISTING	27.4 FT.
SIDE YARD	10 FT.	EXISTING	104.7 FT.
BUILDING HEIGHT	40 FT.	EXISTING	32 FT. ±
BUILDING COVERAGE	30 %	EXISTING	9.1% (6,567 S.F.)
		PROPOSED	17.4% (12,615 S.F.)
PARKING			
Restaurant:	1 Per 3 Seats x 215 Seats 1 Per Employee x 15 Employees	EXISTING	53 Spaces 15 Spaces
		PROPOSED	71 Spaces 15 Spaces
Retail:	1 Space / 200 S.F. x 4,800 S.F. Gross Retail Floor Space	EXISTING	24 Spaces
		PROPOSED	110 Spaces
Handicap Accessible Spaces (101-150 Spaces)	5 HC Spaces	EXISTING	3 HC Spaces
Motorcycle (M.C.) Parking Spaces (2 x 10)	5 Spaces	EXISTING	5 Spaces

LEGEND			
MON	MONUMENT	PROPOSED	NO PARKING EITHER SIDE SIGNS WITHIN GRASS STRIP
CON	CONCRETE	EXISTING	
AS	ASPHALT	EXISTING	
GR	GRASS	EXISTING	
W	WATER	EXISTING	
PO	POLE	EXISTING	
UT	UTILITY	EXISTING	
CE	CEMENT	EXISTING	
DR	DRIVE	EXISTING	
CA	CATCH BASIN	EXISTING	
LI	LIGHT	EXISTING	
HE	HEAVY	EXISTING	
SP	SPOT ELEVATION	EXISTING	
RO	ROLLAD LIGHT	EXISTING	
CH	CHANCE IN CURB TYPE	EXISTING	
SI	SIDEWALK, HC RAMP, CROSSWALK	EXISTING	
CD	CURBING LOCATIONS SHOWN	EXISTING	
CO	CONCRETE	EXISTING	
AS	ASPHALT	EXISTING	
GR	GRASS	EXISTING	
W	WATER	EXISTING	
PO	POLE	EXISTING	
UT	UTILITY	EXISTING	
CE	CEMENT	EXISTING	
DR	DRIVE	EXISTING	
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HE	HEAVY	EXISTING	
SP	SPOT ELEVATION	EXISTING	
RO	ROLLAD LIGHT	EXISTING	
CH	CHANCE IN CURB TYPE	EXISTING	

WARRANT REQUESTED

1. SECTION 205-62.34 PARKING SPACE SIZE = 9' X 18' INSTEAD OF 10' X 20'

2. SECTION 205-9.0 WARRANT REQUEST FOR REPLACEMENT OF ALL EXISTING TREES OVER 10 INCHES IN DIAMETER TO BE REMOVED.

GENERAL SITE NOTES:

1. SITE EXISTING CONDITIONS AND TOPOGRAPHY ARE BASED ON AN ON THE GROUND SURVEY BY OTIS/SCOTT LAND SURVEYING OF MEDWAY, MA DURING JULY 2005. ELEVATIONS TAKEN FROM PLAN REF. #1 ARE BASED ON MAD 1988 DATUM.

2. LOCATION OF ALL EXISTING AND PROPOSED SERVICES ARE APPROXIMATE AND MUST BE CONFIRMED INDEPENDENTLY WITH LOCAL UTILITY COMPANIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION. ALL UTILITY SERVICE CONNECTION POINTS SHALL BE CONFIRMED INDEPENDENTLY BY THE CONTRACTOR IN THE FIELD PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

3. ALL UTILITY LOCATIONS ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE CONDUITS, PRODUCT PIPING, ETC., PRIOR TO COMMENCEMENT OF EXCAVATION OF ANY TYPE. CONTRACTOR TO NOTIFY ENGINEER OF ALL DISCREPANCIES FROM THIS PLAN IDENTIFIED IN THE FIELD.

4. OFF-SITE WETLAND LOCATIONS BASED ON DEEDLINE SUBDIVISION PLAN, LOT LAYOUT PLAN 1 FOR SPERMID ACRES IN MEDWAY, MA PREPARED BY C.E.C. LAND SURVEYORS, INC. REVISE DATE: 12/17/07.

DIG-SAFE NOTE:

CONTRACTOR REQUIRED TO NOTIFY "DIG SAFE" 72 HOURS PRIOR TO ANY ON-SITE EXCAVATION OR CONSTRUCTION AT 1-888-344-7233. CONTRACTOR SHALL ALSO NOTIFY LOCAL WATER AND SEWER DEPARTMENTS TO MARK OUT THEIR UTILITIES.

WARRANT REQUESTED

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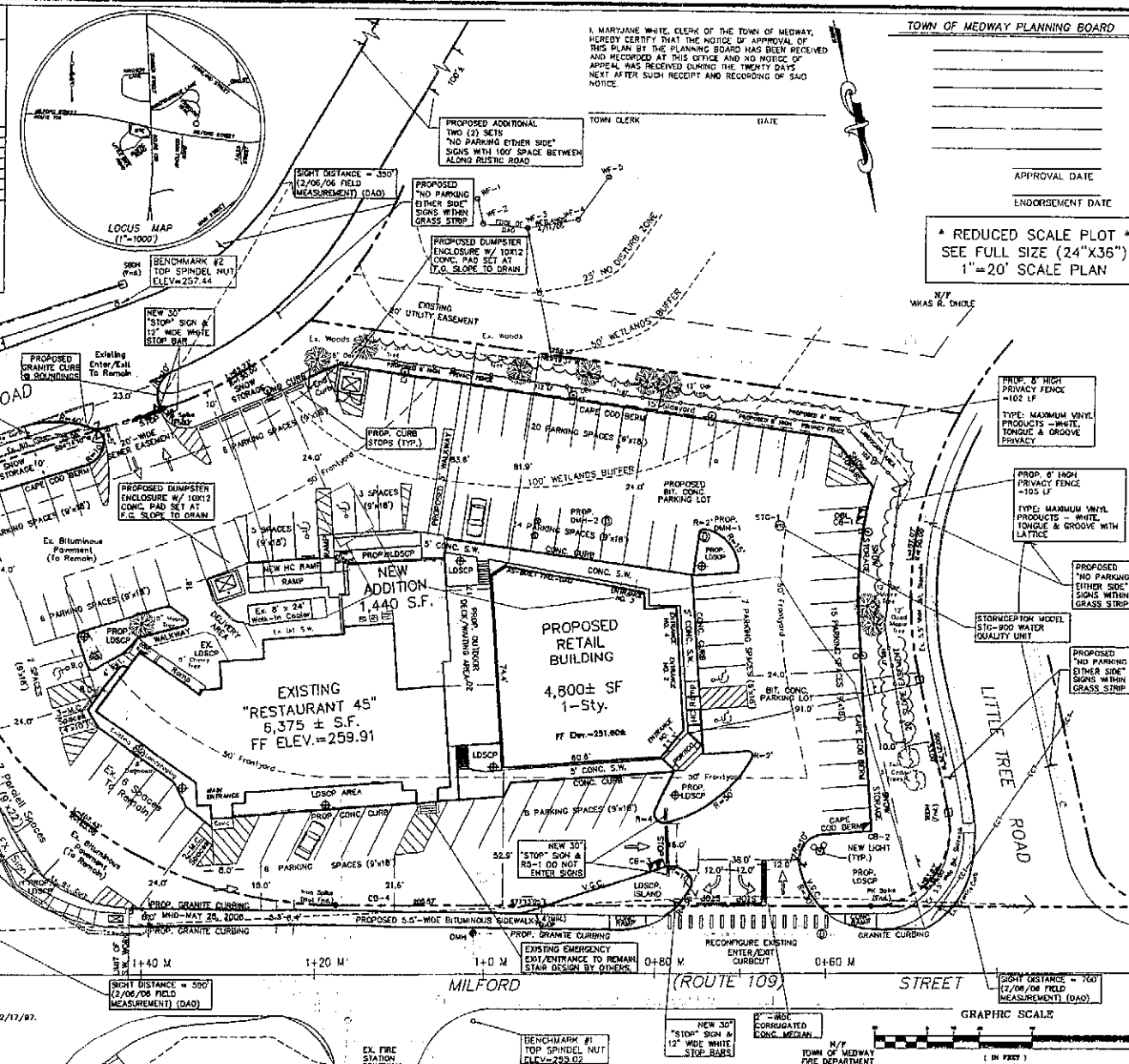
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4. OFF-SITE WETLAND LOCATIONS BASED ON DEEDLINE SUBDIVISION PLAN, LOT LAYOUT PLAN 1 FOR SPERMID ACRES IN MEDWAY, MA PREPARED BY C.E.C. LAND SURVEYORS, INC. REVISE DATE: 12/17/07.

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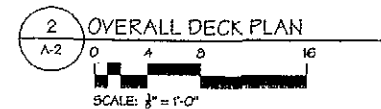
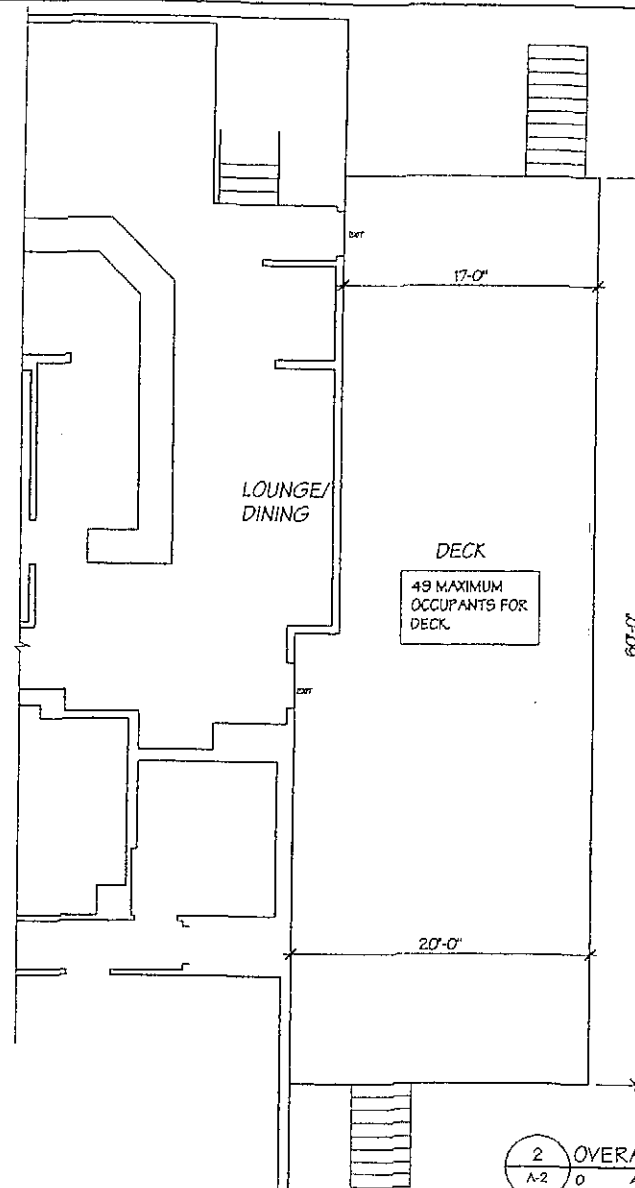
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ATTACHMENT 2

I, MICHAEL H. BLANCHETTE, CONFIRM THAT
THE CALCULATED OCCUPANT LOAD
CONFORMS WITH THE REQUIREMENTS OF
SECTION 1004.0, OCCUPANT LOAD, OF THE
7TH EDITION OF THE MASSACHUSETTS
STATE BUILDING CODE.

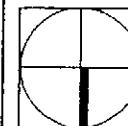
MICHAEL H. BLANCHETTE
ARCHITECT
49 MAIN STREET
MEDWAY, MASSACHUSETTS
508-321-0111



NO.	DATE	DESCRIPTION
1		
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Michael H. Blanchette
Architect
49 Main Street
Medway, Massachusetts
508-321-0111

RESTAURANT 45
45 MILFORD STREET
MEDWAY, MASSACHUSETTS



A-2

ATTACHMENT 3

Commonwealth of Massachusetts

Town of Medway

In accordance with the Massachusetts State Building Code, Section 106.5, this

Certificate of Inspection

Issued to: Pauline Lambirth

I CERTIFY that I have inspected the premises - Use Group (A-3) known as: Restaurant 45

Located at: 45 Milford Street in the Town of Medway, County of Norfolk, and Commonwealth of Massachusetts. The means of egress are sufficient for the following number of persons.

Place of Assembly:	Location:	Capacity:	Place of Assembly:	Location:	Capacity:
First Floor	Main Dining Room	100	Function Room		58
First Floor	Lounge	36	Waiting Area		20

Certificate Number 10-259

Issue Date: November 15, 2010

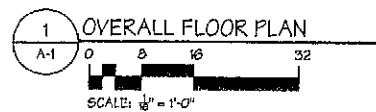
Expiration Date: November 15, 2011


Building Commissioner


Fire Official

POST IN A CONSPICUOUS PLACE

ATTACHMENT 4

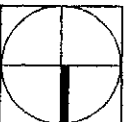


I, MICHAEL H. BLANCHETTE, CONFIRM THAT
THE CALCULATED OCCUPANT LOAD
CONFORMS WITH THE REQUIREMENTS OF
SECTION 1004.0, OCCUPANT LOAD, OF THE
7TH EDITION OF THE MASSACHUSETTS
STATE BUILDING CODE.

MICHAEL H. BLANCHETTE
ARCHITECT
49 MAIN STREET
MEDWAY, MASSACHUSETTS
508-321-0111

Michael H. Blanchette
Architect
49 Main Street
Methuen, Massachusetts
508-327-6111

RESTAURANT 45
45 MILFORD STREET
MEDWAY, MASSACHUSETTS



A-1

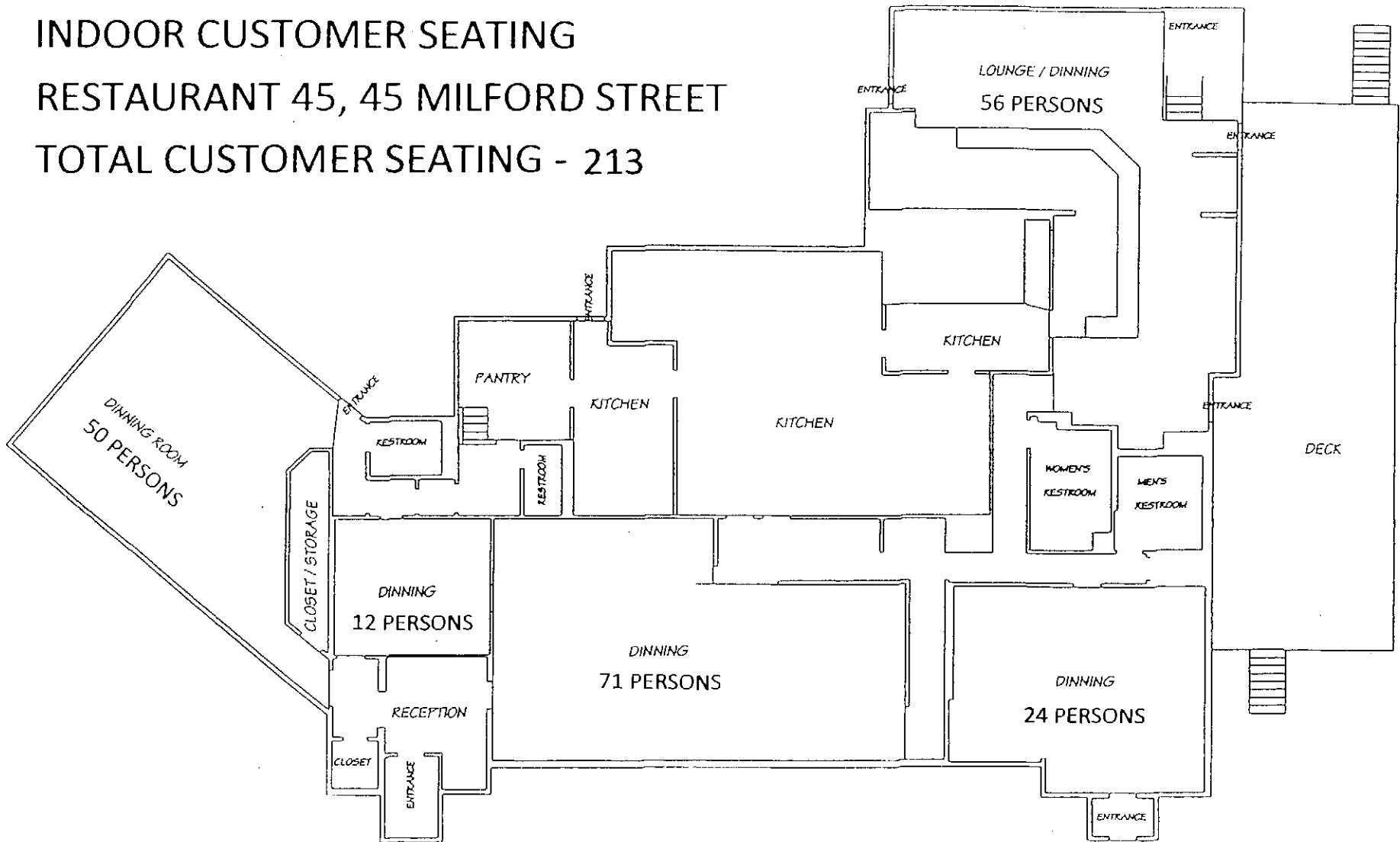
ATTACHMENT 5

PLAN A

INDOOR CUSTOMER SEATING

RESTAURANT 45, 45 MILFORD STREET

TOTAL CUSTOMER SEATING - 213



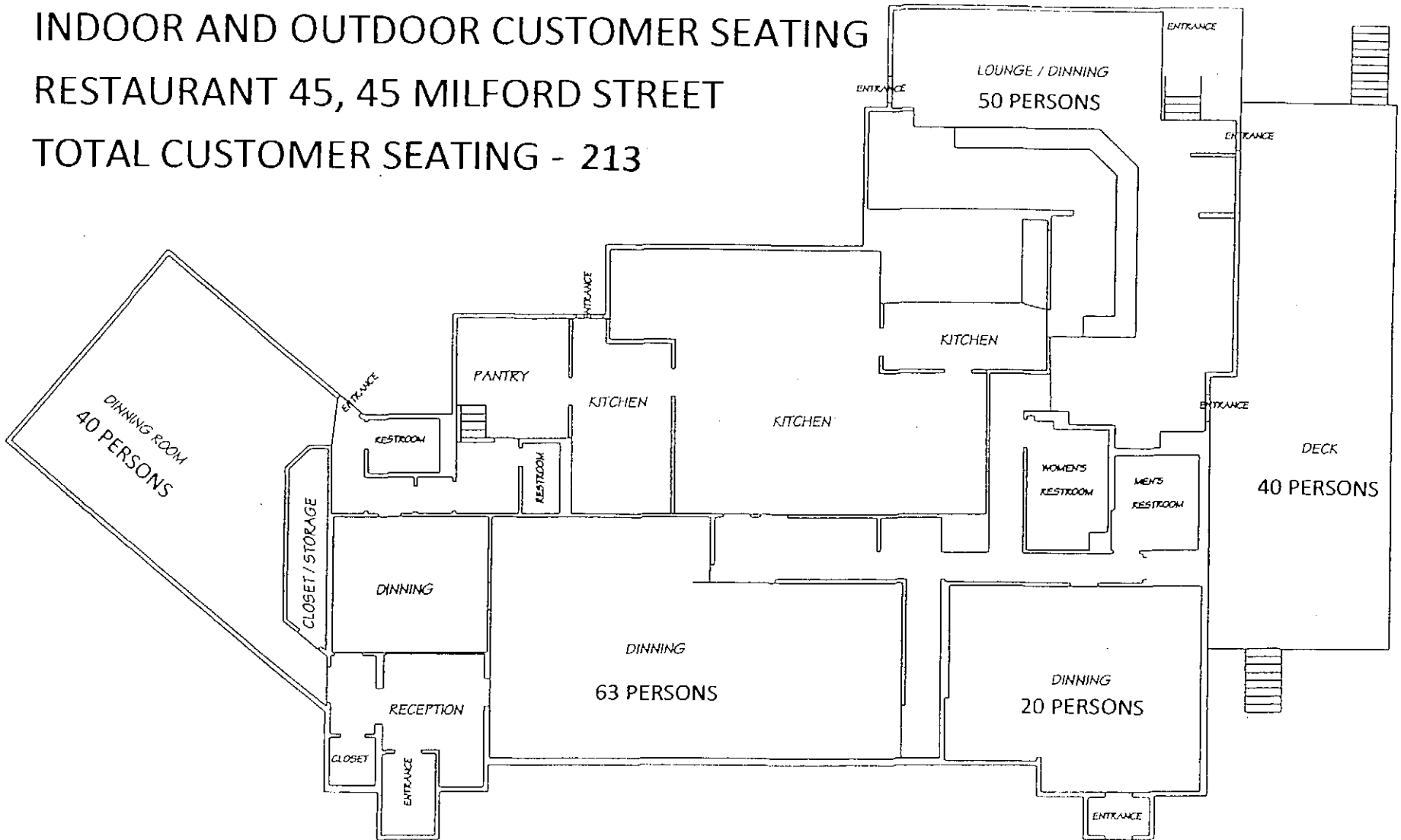
ATTACHMENT 6

PLAN B

INDOOR AND OUTDOOR CUSTOMER SEATING

RESTAURANT 45, 45 MILFORD STREET

TOTAL CUSTOMER SEATING - 213





TOWN OF MEDWAY
BUILDING DEPARTMENT
155 VILLAGE STREET
MEDWAY MASSACHUSETTS

PHONE 508-533-3253
FAX 508-533-3252

jemidyv@townofmedway.org

June 28, 2011

Mr. Paul G. Yorkis, President
Liberty Real Estate
159 Main Street
Medway, MA. 02053

Re: 45 Millford Street

Dear Mr. Yorkis:

I am in receipt of your letter dated June 27, 2011 regarding the above referenced location. It is my understanding that the owners seek to use the outside deck area that seats 40 persons. On April 26th 2006, the Medway Planning Board approved a site plan and stipulated several conditions. Condition G. expressed the limited use of the deck as a waiting area only. Currently, the Certificate of Inspection, as issued by the Building Department has a total seating of 214 persons for the restaurant. Seating may be decreased in areas of the restaurant with the difference applied to accommodate 40 persons for the deck area. The total numbers of 214 persons cannot be increased without additional parking spaces or zoning relief. Therefore, it is my opinion that the use of the deck area for seating requires a minor modification to the conditions of the approved site plan.

Please contact me if you have any questions regarding this matter.

Respectfully,

John F. Emidy C.B.O.
Building Commissioner
Zoning Enforcement Officer

JFE

Cc: Selectmen, S. Kennedy, PEDB, file



TETRA TECH

July 12, 2011

Town of Medway
Planning and Economic Development Board
155 Village Street
Medway Massachusetts 02053

**Re: Speroni Acres Drainage Review
Medway, Massachusetts**

Dear Board Members:

At the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech Rizzo (TTR) reviewed the Speroni Acres Definitive Subdivision Modification Drainage Calculations and Stormwater Management Report dated January 12, 2011 to verify compliance with previous drainage review letters prepared by the Town of Medway's former engineering consultant and good engineering practice. This letter summarizes the results of that review.

On June 8, 2007 Vanasse Hangen Brustlin Inc. (VHB) issued a comment letter addressing the package of materials submitted by Attorney Michael Paolini on behalf of the applicant Owen Sullivan. Since that time, Merrikin Engineering LLP has been hired to identify existing conditions of the detention basins and address all issues identified in the field and the 6/8/07 VHB letter. After coordination between TTR, Merrikin, and Susy Affleck Childs, Merrikin has now submitted the necessary documentation to continue the review process.

The analysis conducted by TTR was based on the following documents provided by the PEDB.

- Drainage Review Letter dated June 8, 2007 written by Vanasse Hangen Brustlin, Inc. (VHB)
- Drainage Review Letter dated March 27, 2009 written by VHB
- Drainage Modification Letter dated January 28, 2011 written by Merrikin Engineering, LLP

- Definitive Subdivision Modification Drainage Calculations and Stormwater Management Report dated January 12, 2011 prepared by Merrikin Engineering, LLP
- Drainage Review Response Letter dated June 1, 2011 written by Merrikin Engineering, LLP

The following is a list of comments generated during the review of the design documents and previous comment letters.

TT review comments related to Response Letter dated June 1, 2011 written by Merrikin Engineering, LLP

(Original Comments)

1. VHB requested Merrikin provide detailed as-builts of the final detention basins stamped by a Land Surveyor registered in the Commonwealth of Massachusetts. In Merrikin's response to the VHB letter, he states that his intent is to have the current as-built plan reviewed first and then will have the final plan stamped. TTR verified that the as-built has been provided in the revised drainage calculations and consider the intent to submit a final stamped as-built after final review to be reasonable.
2. Existing and proposed conditions watershed plans have been provided in the revised drainage analysis.
3. Weighted curve number calculations, basin details and Tc calculations have been provided in the revised drainage analysis.

(Field Observations)

1. Merrikin acknowledges that detention ponds 1, 2 and 3 have not been built according to the proposed design, and note that the basins side slopes are stable and heavily vegetated. It is also stated that the as-built plan does reflect the current basin contours and the provided drainage calculations reflect the current basin operating conditions. TTR acknowledges this statement and will comment on the drainage design in a later section.

(Drainage Report – June 16, 2008 Drainage Report Prepared by Others)

This drainage report was not provided to TTR for review therefore no comments are offered.

IT review comments related to the Definitive Subdivision Modification Drainage Calculations and Stormwater Management Report dated January 12, 2011

1. It is stated within the drainage report that recharge was not incorporated into the original design, however the Hydro CAD calculations utilize infiltration to reduce the post development peak discharge rate. If infiltration is to be utilized, recharge calculations should be provided with supporting data to substantiate the exfiltration rates utilized in Hydro CAD.
2. The peak discharge for the 2-year storm exceeds the predevelopment condition by 0.67 CFS. Though this exceedence in the discharge rate is minor, the applicant should explore additional modifications to the outlet structure to mitigate the increase in the discharge rate.
3. The required water quality volume calculations were provided for each basin however no calculations were provided for what was actually provided. Provided water quality volumes should be included in the report for the as-built conditions of the basins.
4. The required and as-built sediment forebay volume calculations should be provided in the analysis. If it is found that the as-built condition does not meet or exceed the required volume, the sediment forebay should not be accounted for in the TSS removal calculations.
5. The applicant states that this project is a redevelopment, therefore several standards are only met to the maximum extent practical. This statement is confusing because this drainage analysis is intended to model the as-built condition of the site and no development is proposed. The applicant should explain / verify the intent of this statement.
6. The as-built condition of the rip rap should be verified at each basin. The detention basins were not modeled with spillways therefore the 100-year flood volume stages to within 1 foot of the top of each basin. If spillways have been installed within each basin, they are to be modeled within HydroCAD. Modeling spillways will allow the high flood stages to discharge from the detention basins, significantly increasing the proposed peak discharges from the basins.

The PEDB has requested that TT provide a cost to field verify the as-built grading at the existing basins. TT has provided that cost to the PEDB and will await further direction.

TTR will attend the June 12, 2011 PEDB hearing for this project and will be available to answer any questions that arise after the review of this letter. If you have any questions or require additional information, please don't hesitate to contact us at (508) 903-2000.

Very truly yours,

Dave Pellegrini
Senior Project Manager

P:\2158\1127-21583-09001\DDCS\MEN101011-07-12 SPERONI ACHES REVIEW LETTER.DOC



TETRA TECH RIZZO

Bond Value Estimate
Pine Meadows II
Definitive Subdivision
Medway, Massachusetts
July 11, 2011

One Grange Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Roof Runoff recharge (Std 4 chamber unit)	7	EA	\$1,500.00	\$10,500
(2) Landscaping @ Cul-de-sac Island	0.25	LS	\$4,200.00	\$1,050
(3) 4 Ft. High Split Rail Fence	20	LF	\$15.00	\$300
Concrete Monuments	15	EA	\$200.00	\$3,000
Pavement Markings	1	LS	\$250.00	\$250
2 year Snow Plowing	800	LF/YR	\$2.50	\$4,000
2 year Road Maintenance	800	LF/YR	\$2.00	\$3,200
2 year Drainage Maintenance	800	LF/YR	\$2.00	\$3,200
As-built Plans	800	LF	\$5.00	\$4,000
Legal Fees	1	LS	\$2,000.00	\$2,000

\$31,500

Subtotal	\$31,500
Contingency (25%)	\$7,875
Recommended Bond Value	\$39,375

(1) Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 5/2010 - 5/2011.

(2) Landscaping in island varies slightly from that proposed on plan, and two of the larger trees appeared to be dead. We therefore recommend the release of 75% of lump sum at this time.

(3) 4' High Split Rail Fence was installed for 60 linear feet as opposed to the 80 linear feet approved.

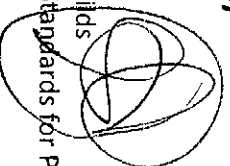


TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

July 7, 2011

TO: PEDB members
FROM Susy Affleck-Childs
RE: Discussion re: ~~Standards~~ for Permanent Private Ways



Thanks to Gino Carlucci and Dave Pellegrini for their input on this memorandum.

Summary of current Permanent Private Way standards per Subdivision Rules and Regulations

Applicable to:	Subdivisions up to 3 lots
Roadway ROW	50'
Minimum width of paved way	18'
Design speed	25 mph
Minimum Centerline Radii	150'
Curbing	hot mix asphalt/cape cod berm
Sidewalks	not required
Grass strip	not required
Open space	not required
Stormwater management	required

Standards applicable to all Subdivisions

Street Trees	at least 3 trees per lot
Street Lights	
Separate parcels for stormwater drainage	
Roadway length for dead end streets	600' maximum and a turnaround adequate for safety

Issues that have emerged with private way developments

Advisability of using the existing Permanent Private Way construction standards for condominium developments which generally have private roadways longer than 600', include considerably more dwelling units than 3, and probably merit having some sort of internal pedestrian circulation system.

Paved width of roadway - requests for as narrow as 14 feet paved. This may be OK for 2 dwelling units. ALSO . . . paved width of one-way roads.

Curbing – requests for no curbing at all. This may be OK with country drainage if erosion probability is low. An alternative could be curbing with occasional breaks

Stormwater – use of country style drainage . . . swales, flowage easements; applicability of stormwater regulations depends on size of parcel; merits of requiring separate drainage parcels for these very small subdivisions vs. allowing drainage facilities on house lots or primarily within the private roadway parcel. Perhaps this should be handled on a case-by-case basis.

Street lights - requests for no street lights at all. Use post lights at end of each driveway instead.

Street names

ROW width – Does it make sense to require a 50' ROW for these tiny subdivisions??

Use of new roadway as partial frontage for house lot with an existing structure. Perhaps a requirement (zoning) that continuous frontage must be met on a single street could be considered. Credit could be given to halfway point around curb radius. That would not stop the requirement from being met all on the new street. Still dependent on compliance with covenant. Not sure what other mechanism we could use. Any thoughts from Town Counsel?

Ownership of roadway parcel and drainage facilities. If there is more than one user of road and drainage, a homeowner's association should probably be mandatory

Sidewalks – requests for no sidewalks at all. The requirement for sidewalk along existing frontage should probably be maintained with clarification as to when it should be provided. Perhaps, consideration should be given to bring an existing sidewalk up to current standards or make a contribution to the Sidewalk Fund. For example, if existing sidewalk is 4' wide and in good condition, an estimate should be made to bring it up to 5.5 feet with curb as appropriate. In many cases, it might make sense to make the contribution rather than have one short stretch of sidewalk at standard while both sides are substandard.

Suggestions

Modify existing private way standards for subdivisions up to 3 lots. Or, review on case-by-case basis. Concerned about unintended consequences. However, we should ensure that current standards COULD be met before waiving them.

Develop separate condominium development private way standards - provide for variable standards for width, sidewalks, curbing, etc. depending on # of dwelling units, type of roadway, etc.



TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

June 27, 2011

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Committee Appointments

Per Town Bylaws, the Planning and Economic Development Board is responsible for making appointments to the Design Review Committee, Open Space Committee and Economic Development Committee.

Design Review Committee – Per the General Bylaw establishing the DRC, this committee shall have at least 5 members who are Medway residents. There is no maximum # of members specified. One member of the DRC shall be a representative of the Planning and Economic Development Board and one member shall be a representative of the Medway Business Council.

The term of office for 2 members (Julie Fallon and Gary Jacob) expires June 30, 2011. Both of these long-standing members were contacted regarding their interest in continuing to be involved. Julie Fallon would like to serve again. Gary Jacob has not responded to my inquiry. Please note that due to a very demanding work travel schedule, Gary has not been able to attend DRC meetings for most of the past 2 years.

NOTE - The other DRC members include Mary Weafer, Matthew Buckley, Rachel Walsh and Dan Hooper. Their term of office expires June 30, 2012. Karyl Spiller-Walsh regularly serves as the PEDB's representative to the DRC. Presently, the Medway Business Council has not appointed anyone to serve on the DRC as its representative, despite many requests on my part.

I recommend the PEDB reappoint Julie Fallon to the DRC for a 2 year term through June 30, 2013. We need to remind the MBC that a representative from its organization is needed. Also, the DRC would greatly benefit from having an architect or architectural designer as a member; it has been an on-going challenge to find someone with that background to serve on the DRC.

Open Space Committee – The General Bylaw which established the OSC provides that there will be at least 5 and no more than 9 members who are Medway residents.

The term of office for 3 members of the OSC expires June 30, 2011 – Tina Wright, Patrick McHallam and John Schroeder. All 3 members were contacted regarding their continued involvement. Tina Wright and Patrick McHallam would like to be reappointed. John Schroeder has resigned his position.

NOTE - The other OSC members include Jim Wickis, Glenn Murphy, Jim Sullivan and Bruce Hamblin. Their term of office expires June 30, 2012.

I recommend the PEDB reappoint Tina Wright and Patrick McHallam to the Open Space Committee for 2 year terms through June 30, 2013. NOTE – There is still room for 3 additional OSC members.

Economic Development Committee – Per the General Bylaw establishing the EDC, this committee shall have a maximum of 11 members.

The term of office for 3 members expires June 30, 2011 – Ann Sherry, Kai Imgenberg and Mike O'Mara. All 3 members were contacted regarding their continued involvement. Ann Sherry and Kai Imgenberg both responded that they would like to continue. Mike O'Mara has not responded to my inquiry.

The other EDC members include Kent Scott, Ray Himmel, Andy Rodenhiser, Paul Yorkis, Ken Bancewicz, David Hathaway, and Hasan Husain. Their term of office expires June 30, 2012.

I recommend the PEDB reappoint Ann Sherry and Kai Imgenberg to the EDC for a 2 year term through June 30, 2013.

We have received an inquiry and request to be appointed to the EDC from James Byrnes. James has been attending EDC meetings during the past 6 months. He works at the Mass Technology Collaborative. His information is attached. I believe he would be a good addition to the EDC and recommend his appointment for a 2 year term thru June 30, 2013.

Paul
Hottle
2-1-13
Kai Imgenberg
2-2-2013

Susan Affleck-Childs

From: James Byrnes [byrnes@masstech.org]
Sent: Monday, June 27, 2011 9:28 AM
To: Susan Affleck-Childs
Subject: Medway - Economic Development Council
Attachments: Resume.doc

Hello,

I would like to express my interest in becoming a member of Medway's Economic Development Council. After having attended a number of meetings I believe that my experience working for a quasi-public state economic development agency, as well as my personal interest in Medway and local economic development, would allow me to contribute to the efforts of the council.

Attached is a brief resume for your review, I look forward to hearing from you.

Thank you,
James

James F. Byrnes Jr.
Operations Supervisor
John Adams Innovation Institute
Massachusetts Technology Collaborative
508.870.0312 Ext. 1262
75 North Drive
Westborough, Massachusetts 01581
www.MassTech.org/JAII

James F. Byrnes Jr.

Address: 21 High St., Medway, MA 02053
Phone: (202) 321-6094
Email: jbyrnesjr@gmail.com

Objective: Obtain position, which allows for increased responsibility within the field of grant management

Education: **Westfield State College, Westfield, MA**
Bachelor of Science
Graduation: 12/99
Major: Economics; Concentration: Criminal Justice

Work Experience: **Operations Supervisor, Massachusetts Technology Collaborative, (12/08-Present)**
-John Adams Innovation Institute

1. **FINANCIAL ADMINISTRATION** - Ensure the satisfactory financial administration and management of all contract administration, processing and related management tasks in support of the Innovation Institute, including:
 - Processing of award contracts within JAI and MTC
 - Process and execution of invoices, budget trackers, work orders and related contract management documents
 - Coordinate, process and track all management, consultant and related contracts;
 - Execute review of invoices submitted by vendors and others for divisional approval
 - Collaborate with managers on matters relating to M&E and portfolio management
2. **DIVISION OPERATION SUPPORT** - Provide administrative support, financial management and project management assistance to the Innovation Institute, including:
 - Interface with MTC finance, administrative and legal personnel on contract management and implementation matters
 - Provide budgeting and other financial planning information for investments and other Innovations Institute programs
 - Implement and maintain M&E system requirements in collaboration with other division managers
 - Develop formats and create reports within the division and with a financial management system to facilitate improvements in contract administration and overall investment performance
3. **PROGRAM SUPPORT AND SPECIAL PROJECTS** Work senior managers on selected projects to advance progress toward achievement of key priorities, including (but not limited to):
 - Address information and other unmet needs for priority investments, including all aspects of lead management and the implementation of investments
 - Propose and implement upgrades to Innovation Institute management systems including the Lead Management and M&E systems
 - Prepare proposals for internal and external audiences
4. **MANAGE OPERATIONS ASSISTANT** – Manage and utilize the Operations Assistant in support of all Innovation Institute administrative responsibilities

Operations Assistant, Massachusetts Technology Collaborative, (5/07- 12/08)

- John Adams Innovation Institute
- Support scheduling and processing of award contracts within JAII and MTC
- Organize and process invoices, work orders and deliverables to ensure contractual conformity
- Coordinate, process and track all management, consultant and related contracts in support of divisional directives

Economist, Commonwealth of Massachusetts (1/02-5/07)

-Department of Telecommunication and Energy, Rates and Revenue Requirements Division

- Analyze petitions and filings, review applicable laws and DTE decisions, develop record so Commission may issue decision compliant with applicable laws, consistent with DTE precedent and the public policy of the Commission
- Inform Commission and Supervisors of issues that need to be resolved and options available to decide petitions
- Write draft sections of orders following Department's writing style that are consistent with directives of Commission with supporting findings with direct evidence

Economic Research Assistant, National Association of Realtors (2/00-12/01)

-Economic Research Department

- Assist in production of economic indicator (Existing Home Sales)
- Production of economic indicator (Housing Affordability Index)
- Author monthly articles for research publication
- Wrote monthly review of real estate economic indicators for research publication

Policy Analyst, Interstate Natural Gas Assoc., Washington DC (Summer 99)

-Policy and communications Department

- Provided research and data collection support to analyses of current economic and policy issues
- Wrote reports summarizing Congressional and Senatorial Hearings

Intern, Office of the Governor, Springfield, MA (Spring 99)

- Handle constituent issues
- Inform Governor of Western MA issues
- Represent and assist Governor at community events

Software:

Microsoft products (Outlook, Excel, Word, PowerPoint), Internet Applications, Acrobat, Various Database and Financial Accounting systems

Activities:

Member – Maspesack Rod & Gun Club; Motorcycle Enthusiast; Avid Gardener

**July 26, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Gino Carlucci, Town Consultant
Steven Bouley, Tetra Tech Rizzo
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments.

There were no citizen comments.

Applegate Subdivision (northeast corner of Coffee and Ellis Streets)

Chairman Rodenhiser stepped down from his seat as Chairman and left the discussion table. He indicated he had a conflict of interest in this case as developer's engineer (GLM Engineering) was also the project engineer for his subdivision proposal.

Vice Chairman Tucker asked for a brief overview.

The applicant, Ralph Costello, was present along with Rob Truax of GLM Engineering and Tom Holder, the Director of Public Works.

Mr. Costello contacted the Director of Public Works, Tom Holder to discuss the problems with water coming onto his property from Virginia Road. He cannot continue with the project due to the current drainage issues.

Tetra Tech Rizzo consultant, Dave Pellegrini had a meeting on site with Tom Holder.

Tom Holder noted that there needs to be a site investigation done to determine what type of pipe construction would need to be used. It was also suggested that there needs to be calculation figures to estimate how much water is delivered to this area.

There was discussion about granting a property easement to the town.

The existing basins in Ellis Street are not currently working and are simple dry wells. The initial design could not hold the amount of water. It was recommended to look at altering the size of the pipe. This is a concept idea which needs to be evaluated.

The applicant is willing to work with the town. There is essentially no drainage in the road and there are currently flooding issues.

Mr. Costello is looking for a solution since there is no drainage on Virginia Road. Mr. Costello became aware of the drainage problem during the big rain storm last year. There is currently no easement for this on his property.

Member Rogers notes that the two catch basins have no outlets and are only dry wells. This is recognition of what the water is doing naturally.

There was a recommendation to create a system that goes across lots 7, 12 (B) and 9 (B) to parcel A. This system would travel across the four lots.

Susy Affleck-Childs communicated that there could be an establishment of a drainage easement and that would be achieved through a modification plan.

It was brought up that this area of Ellis Street is a Scenic Road and the proper process for permitting would need to be completed. The applicant communicated that the stone walls that would have to be removed for the construction would need to be replicated.

Gino Carlucci indicated the easements could be done through an ANR plan; a formal subdivision plan modification is not needed.

Member Spiller-Walsh suggested that the applicant explore the use of swales along the roadway by diverting the water down toward Coffee Street. She also communicates that rain gardens could be added.

Tom Holder would recommend a pipe instead of a swale.

The applicant discussed the relief that he seeks from the initial subdivision decision if further drainage work is to be done.

Mr. Costello noted that there is a cost related to any change, loss of value to the four lots that would have a drainage easement, and the engineering cost to do this modification. Both the applicant and the town would need to come up with a fair amount of relief and a combination of the two. Mr. Costello further added that in order to correct the initial problem, what would the town need to do? What is the alternative? What is the obligation of the Town? This is yet to be determined.

The Board recommends that the applicant think outside the box and come back to the Board.

Member Spiller-Walsh recommended that the Board look at the original AppleGate Subdivision plans relative to the pitch and setback.

Susy Affleck-Childs notes that this would be a minor modification.

Member Tucker notes that possibly the fees could be waived for the applicant for the future modification plan.

Tom Holder communicated that the town will incur some cost on this.

All members agree that some negotiation needs to take place.

Susy Affleck-Childs reminds all about past discussion which involved the applicant providing 800 linear feet of sidewalk along the north side of Coffee Street between Ellis and Holliston and the board could think about providing relief from this.

The Chairman returned to the discussion.

Iarussi Way/Evergreen Meadow:

The Board is in receipt of a memo from Tetra Tech Rizzo dated July 21, 2011. (See attached.) The memo makes note that draft as-built plan and street acceptance plan were prepared by GLM Engineering for Senek, L.L.C. The memo makes note of the various items which need to be addressed/corrected.

There were minor plan changes.

The Board noted that this contractor has an excellent reputation.

The punch list has been completed.

An email from Dave Pellegri communicated that overall things look pretty good.

This street acceptance could take place at the fall town meeting.

Member Rogers wants the construction trailer removed since it is an eye sore.

The Board recommends that Susy check out to see if the construction trailer is properly permitted.

The Board would like to ask the contractor to get a permit if they do not have one.

25 Summer Street Subdivision

Susy Affleck-Childs informed the Board that she is in receipt of the revised Subdivision Plans for 25 Summer Street. The plans were sent to Tetra Tech Rizzo to review before plan endorsement.

Franklin Creek subdivision

Stephen Bouley communicated that the paving looks good. There have been no core samples taken. An estimate of tonnage needs to be done. The Board recommended that the density of compacted soil needs to be completed. Tetra Tech Rizzo will follow-up on this.

It was recommended that Susy coordinate with Dave from Tetra Tech Rizzo.

Speroni Acres:

Stephen Bouley reported that the detention basins have been surveyed and are waiting for the digital shots to provide the overview.

104 Fisher Street, Bay Oaks Preliminary Subdivision Plan (104 Fisher Street) – Public Briefing

7:45 p.m. Chairman Rodenhiser stepped down from the Chairman seat as this is his property.

The Vice Chairman Bob Tucker ran the meeting from this point. This is a preliminary presentation for the Board and neighbors.

Susy Affleck-Childs reported that on the advice of Town Counsel, the Board members, consultants and she have all signed documents which were prepared and filed as disclosure statements regarding the appearance of conflict of interest. These documents are available and can be viewed by all residents. (See Attached)

Mr. Rodenhiser sat across the table to speak to the Board. The engineer for the project is GLM Engineering Consultants, represented by Rob Truax.

(The full application package is attached.)

Mr. Truax began his presentation by explaining that the project is located off Fisher Street. The proposal is to extend the existing private way cul-de-sac by 600 feet to create three additional house lots (in addition to one lot for Mr. Rodenhiser's existing residence). The existing site is 8.7 acres of land, with an existing single family dwelling. The applicant is requesting the waiving of all construction requirements for the roadway extension and to allow the proposed dwellings to access the existing cul-de-sac. There will be a common driveway. This will remain a private way and maintained by a homeowners association. There are wetlands on the site. This will be a low impact development. There would be onsite septic and wells. The width of the extension is 40 feet. The proposed new ways for the road extension would be for lots 2-4. A list of waivers has not been completed at this point, but will be provided at a further date.

The discussion was opened to the Board.

Member Tucker asks if the well for the existing house is close to the roadway and off the house lot which is proposed.

The engineer indicated that a new well would have to be drilled.

There are some very large boulders out there.

Member Spiller-Walsh wanted to know if the rocks have been stockpiled for a possible rock wall.

Mr. Truax wanted some guidance about the affordable housing bylaw. He wants clarity to help them to understand what they can and cannot do. Mr. Truax does not completely understand the bylaw. He has read through the bylaw several times. We need to discuss that and what the options are. I understand you can waive down the lots sizes to get the affordable unit in. Because of the site, we want to stay rural. The applicant doesn't have anything off site to donate. I don't know how to calculate the monetary contribution. The bylaw says they can give land. Is that within the site or not? The applicant does not know what type of monetary payment would be needed.

Susy indicated that it was intended for land donation to be somewhere else in Town, not off-site. It doesn't preclude that. This all has to be addressed at the definitive stage for sure. I have some notes to share with you later on this.

Member Tucker indicated that Susy is probably the best person to deal with this.

Member Spiller-Walsh wants to talk about a fifth property. How big is the unit? I would want to talk about that now. Where would it be? How big would the unit be? What would be cleared to put up that unit?

Mr. Truax indicated it is our preference to not include it on site.

Susy reported that we have secured the information from the Assessor's office and from the state to make an estimated calculation of the payment in lieu of amount.

Member Spiller Walsh notes that where there is open land, the applicant could possibly donate this to the Town as open space as an option in lieu of affordable housing.

Susy reported that the Board has no authority to waive the affordable housing bylaw as it is part of the zoning bylaw.

Mr. Truax reported that these would all be single family houses.

The Board is in receipt of two emails relative to 104 Fisher Street which were entered into the record. Susy read aloud and distributed copies.

Abutter Mr. & Mrs. Digregorio, 108 Fisher Street: (See Attached email)

The concerns noted by Mr. & Mrs. Digregorio are relative to self-service truck noise entering the property. The abutters also wanted to know if there is a plan to address the vernal pools and loss of wildlife which will occur. The abutters hope that Mr. Rodenhiser will be excusing himself from the process.

Abutters, Mr. & Mrs. Presswood, 92 Fisher Street: (See Attached email)

The abutters have concerns about loss of privacy to rear of property, whether their water pressure will be reduced with the addition of 3 private wells uphill, and the impact of 3 additional septic systems and their drainage fields on their water supply.

There were two consultant review letters relative to the Bay Oaks Preliminary Subdivision Plan – one from Tetra Tech Rizzo and one from PGC Associates in your packets.

The first letter dated July 21, 2011 was from consultant Carlucci. **(See Attached)**

Consultant Carlucci notes that the Conservation Commission will need to act on this, but it does not need to happen at the preliminary stage.

Mr. Truax notes that an application will be filed with the Conservation Commission. We wanted to wait until we got through the preliminary stage. We had flagged it before.

The noted issues are: A wetland determination will need to be made by the Conservation Commission; a locus plan will need to show adjacent land and all property lines and buildings within 500 feet. The plan should show that separate parcel as required for detention basin or underground infiltration. The width of adjacent streets was not provided. There has been no data reference for topography 100 foot from buffer. The proposed cuts and fills slopes in excess of 8 feet need to be shown. The grades are not shown. No datum reference was included. Unclear on the homeowners association. Will there need to be one or two?

The Board is also in receipt of a letter with recommendations from Tetra Tech Rizzo dated July 21, 2011. **(See Attached.)** Consultant Steve Bouley provided the report. TTR and PGC have like comments. The plan should identify areas of proposed cuts and fills in access of eight feet. The buffer zones need to be shown. Another comment noted that it may be difficult to install septic systems on a hill. The consultant noted that by creating the interior property line on Lot 4, are we creating a problem with setbacks to the property line for the existing septic system. The BOH will want to see that. Any stone walls on the site? How about the grades? Will infiltration be possible for stormwater with the kind of rock up there?

Mr. Truax responded that he will be more specific at the definitive stage and show that. He further explained that Lot 2 has an existing right-of-way on it and there will be setbacks associated with that.

Member Spiller-Walsh indicated that the existing 50' wide right of way is a concern. Is there any reason to keep or maintain that? That is an easement through the property?

Mr. Truax said yes. It is wooded. It is not maintained (used).

Member Spiller-Walsh stated it is a paper right of way.

Mr. Truax indicated it is on paper as a right of way for access for the property behind (to the east). We don't have any right to move the right of way or to eliminate it.

Member Spiller-Walsh asked if that is the only way to access the (back) property.

Mr. Rodenhiser – There is a second one (on the northern edge of the property).

Member Spiller-Walsh asked if that right of way expected to be connected to this proposed roadway. Are we going to see somebody else appearing who will want to use this road?

Mr. Truax indicated he did not know what their intentions are.

Mr. Rodenhiser – There is no frontage back there.

Mr. Truax states that Member Spiller-Walsh is asking if they couldn't build a road through that 50' row to the back.

Susy Affleck-Childs – They could use that right of way right now.

Member Spiller-Walsh says that the Board needs to consider that as a possibility as we consider this proposal.

Mr. Truax indicates that if that were to happen, it wouldn't be a private way anymore.

Mr. Rodenhiser – I suppose somebody could do it if they were to build one or two houses back there.

Member Tucker asked how big that property is.

Mr. Rodenhiser indicates it is about 5 acres.

Attorney Deborah Batog introduced herself to the Board as counsel to the Giovannella family which owns the property to the east of Mr. Rodenhiser's. She provided the Board with a packet of information. **(See Attached.)** The easements on Mr. Rodenhiser's property are to her clients.

Member Tucker informed Attorney Batog that all the information provided will be taken under advisement. The Board will not give you any answers at this point and have time to study.

Attorney Batog explained that the packet includes info in the chain of title to show the Giovannellas property, the subject property and the various easements and cart paths on the subject property. That subject easement is our access to Fisher Street and that shows in the chain of title. There is another access easement along the Town line (with Holliston to the north.) The easement was the access to the whole tract of land when it was 23 acres. The Planning Board covenant when the subject locus was subdivided into 2 lots. Mr. Racicot was the developer at that point. The Planning Board specifically put in its covenant a restriction that runs with the land that the land should not be subdivided any further. Her client is not opposed to

development. However, we don't appreciate another property owner trying to interfere with our rights to access our property by submitting a plan to this Board and not locating all the rights of way running from Fisher St. Mr. Rodenhiser who is chairman of Board had approached her clients to purchase their 5 acre parcel of land for less than fair market value as a potential buildable lot and basically said if they didn't proceed with the transaction, he would make sure that they could never develop it which I think is highly unethical. We are not opposed to development that preserves our rights of access. Under the MPM case, Mr. Rodenhiser could try to approach us and try to relocate the easement if it impacts his ability to develop it. He has not done so. We need to preserve our right of way.

Attorney Batog indicated that one of the proposed house structures is within a couple of feet of the right of way. We have the ability to pave that and it is 50' feet wide and we have the ability to access our property. As this exists, the right of way needs to be preserved. Attorney Batog does not believe that the Board has the right to extinguish those rights of way. I draw your attention again to the subdivision covenant.

Member Tucker indicated the Board would certainly look into this.

Susy Affleck-Childs indicated she will try to locate the previous subdivision decision made by the Planning Board for this parcel. When we first started looking at this, we determined there was no development name given to this subdivision back then.

Mr. Rodenhiser indicated there is a release of the covenant.

Attorney Batog indicates that the release of covenant applies to the restrictions on construction, not to restrictions that run with the land.

Member Tucker indicated that the Board will provide feedback to the applicant so he can make adjustments for when he comes back with a final submittal.

Member Spiller-Walsh asked Attorney Batog what your client's intent is with the existing right-of Way.

Attorney Batog explained that the intent of the two widows of the Giovannella brothers is to preserve whatever rights they have on Mr. Rodenhiser's property. They have no desire to develop it themselves, but at some future date . . . It is a 5 acre parcel. The land continues to be assessed as a potentially buildable parcel. Their land is assessed by the Town at \$130,000. The two Giovannellas brothers were very careful in preserving their rights of access.

Member Spiller-Walsh would like to know more about the land and wants the topography of the land. She intends to walk the site. It would help to know the topography of the land behind. Are we talking about one lot or 3? Ledge, wetlands??

Attorney Batog noted that back in 2002, there was an issue with the interference of the easement and the property was staked. I could provide the Board with more information about topography.

Mr. Truax noted that the stakes are still there.

A road would have to be constructed (land divided) from one end of Fisher Street to the other for the Giovannella property to have frontage for buildable lots.

Member Tucker asked if there are any other questions of the Board members.

Member Gay asked if 106 Fisher shares the current driveway with Mr. Rodenhiser.

Mr. Rodenhiser indicated yes.

Member Tucker asked if there are any public comments.

Abutter, Bob Reed, 106 Fisher Street:

Mr. Reed wanted clarity about what other waivers would need to be asked for relative to the extension of the cul de sac.

Mr. Truax responded that the waivers would apply to the construction.

Mr. Reed asked if there if there were any comments which have come back from any other Town Boards or committees.

Susy Affleck-Childs indicated that the Board has not received any comments. At the preliminary stage, the boards/committees are less inclined to do so.

Member Rogers noted that this is the first time in the 8 years I have been on the Board that this is the first time we have received such extensive information to go through at the preliminary subdivision stage. I don't see us doing this in one evening. We have a lot to go through here. The waiver that is being requested is somewhat routine for small subdivision and is not a major issue for such a small subdivision.

Susy Affleck-Childs will try to secure some feedback from the Boards and Committees prior to the next meeting. She reported that the plans were circulated to the Boards and Committees.

Abutter, Peter Rapp, 100 Fisher Street:

Mr. Rapp owns property that is directly abutting Andy's property. The proposed lot 1 directly abuts him. He thought that most property is Medway was one acre. He wanted to know about why these are not 1 acre lots.

Vice Chairman Tucker informed the abutter that Lot 1 is just over an acre and Lot 2 is an acre and a half.

Mr. Rapp asked about the location of the septic and if any testing had taken place, along with wanting to know about the minimum site distance between a septic system and a well.

Mr. Truax explained that the perc tests were done with the Board of Health two weeks ago. He generally shows the area where the septic would be located. It was also communicated that surveying needs to be done to determine the exact location of the perc tests, but the generalized areas were established. The distance is 100 feet.

Member Rogers noted that anything to do with septic permits falls under the jurisdiction of the Board of Health and is not the Planning Board's responsibility. It is a separate and very rigorous step.

The abutter is concerned that his well is very close to border of lot 1.

Member Tucker wanted to know if the abutter has any objection to the engineer locating your well for purposes of more accuracy.

The abutter has no objection.

Mr. Truax indicated he has no issue locating the abutter's well.

Mr. Rapp is also concerned about the quality of the water. I don't appreciate having a septic system immediately upstream from my well.

The Board and the applicant were provided a memo from Susy Affleck-Childs dated July 26, 2011. (See **Attached**) The memo describes several ways the applicant can meet their affordable housing provisions of the Zoning Bylaw. A calculation of a payment in lieu of was also provided. This information came from the Board of Assessors regarding the sales price of single family homes in Medway over the past 3 years – 323 sales and the median price was \$347,500.

Member Spiller-Walsh wants to clarify the existing 50 foot easement. Is there a deed to that? I have a lot of legal questions.

Attorney Batog clarified that it is an easement with a plan of record but it is an expressed grant as well. It is not just an easement shown on a plan. It is an easement with a recorded document.

Susy Affleck-Childs thought that the applicant would appreciate it if the Board would discuss the waiving of the construction.

Member Spiller-Walsh would like to see drawn what the driveway would look like with the extension of the cul de sac and before it branches, she wants to see 18 foot surface and as it branches each extended driveway could be 14 feet or smaller.

The Board does have a concern that the fire apparatus be able to turn around within that area.

Mr. Truax indicated he could update the plans to show that as part of this preliminary discussion. The Board would like to get something in writing from the Fire Department. Susy will follow-through.

Mr. Truax noted that he could bring a revised plan for the next meeting.

Member Spiller-Walsh has concerns about the existing trees, and what visually important trees might be left and what will be taken down. There may be some beautiful old growth oaks.

Susy Affleck-Childs noted that the Board in the past has included a condition within decisions to require a 15-20 foot no cut zone on the perimeter of the lots.

Member Spiller-Walsh wanted to know if they are thinking about going with detention basins or swales for drainage system. Will there be a new parcel?

Member Tucker asked if there were any runoff issues on the site now.

Mr. Truax responded that it is their intent to go with swales within the common driveway while creating rain gardens.

Mr. Truax responded that he is not aware of any run-off issues at this point.

Member Tucker asked the neighbors if there were any runoff issues. No comments provided.

Mr. Rodenhiser indicated that he does plan to live there.

Member Gay would like the engineer to be consistent with showing the area of the division of lots, and make the total of square footage more consistent so it is easier to understand and they all read the same way.

The Board will continue this at 8:00 p.m. on August 9, 2011. NOTE – Tom Gay will not be there that night.

Member Tucker informed the abutters that there will not be another mailing during the preliminary stage. He recommends that the abutters check the website for further meetings.

Member Spiller-Walsh would like to speak with Town Counsel prior to the next meeting about the 50 foot right of way.

Susy Affleck-Childs will forward the information to Town Counsel.

SWAP Meeting:

Consultant Carlucci informed the Board that there are two issues to be discussed at the next SWAP meeting. This first topic will be a study of alternative parking options. The second discussion will include the proposed changes to the composition of the Metropolitan Planning Organization (MPO) which reviews and decides on funding for transportation projects. There will be 12 seats for municipalities including one vote from each sub-region.

Pine Ridge Bond Reduction

The Board is in receipt of a memo from Susy Affleck-Childs dated July 25, 2011 relative to the Pine Ridge OSRD Bond Reduction Request. (See Attached.) The memo makes note that Paul Yorkis requested a bond reduction on behalf of Mr. Claffey through an email dated July 12, 2011. The bond reduction is for the Village at Pine Ridge.

The Board is also in receipt of a memo and inspection report dated July 25, 2011 from Tetra Tech Rizzo Consultant, Steven Bouley. (See Attached.) The inspection was completed last week. The bond reduction estimate is \$38,015. (See Attached.) NOTE - The Board's required minimum bond to be retained is \$40,000.

Susy Affleck-Childs provided an overview for the Board. The Board authorized an OSRD special permit for a 20 unit condominium community in 2006. Mr. Claffey acquired Candlewood Drive and Island Road, which are two unaccepted roadways. Candlewood Drive provides access to the Pine Ridge Development. The Town is holding a separate bond for \$38,392 to ensure the completion of Candlewood Drive. That was a separate subdivision. He has an outstanding obligation to finish Candlewood.

Member Tucker indicated that he wanted TTR to also show the minimum required bond amount of \$40,000 on future bond reduction estimates.

Susy Affleck-Childs explained that the bond estimate had not been prepared by Dave Pellegrini, but by Steve Bouley who was not aware of this.

Mr. Yorkis indicated that he had been informed that the minimum bond amount was \$40,000.

Susy Affleck-Childs informed the Board that she had reviewed notes from the February 27, 2007 meeting when the bond was first established. The original bond estimate from VHB was \$158,000. The applicant and Board discussed this at length and reduced the bond to \$70,953 by removing a number of items. The notes reference that Mr. Claffey would not need the bond money until the very end. That was part of the discussion and negotiations.

The Town is currently holding \$72,420.00 for Pine Ridge.

This is the first time the applicant is requesting a bond reduction.

Completion of the Candlewood work was a condition of the Pine Ridge decision.

Mr. Yorkis indicated it is really only Candlewood and the emergency access. There was a punch list created in 2001 by VHB in cooperation with the DPS that was agreed to. The Candlewood work will be completed by the end of October, 2011. There was not a cost estimate on the punch list work.

Member Gay wants to know the cost of the punch list since it is tied to the Pine Ridge decision.

Mr. Yorkis informs the Board that he doesn't know, but there is no way the work left to do will total more than \$70,000. He indicates that the bond estimate prices are high. He is not challenging the estimate, but in reality the costs are not as high.

Susy Affleck-Childs notes that the bond estimates have to be based on what the Town's cost would be to carry out the work.

Mr. Yorkis noted that the ADA ramps were done in compliance with the standards in place the work was done but TTR had noted in its inspection report that those ramps do not meet current ADA standards.

Susy Affleck-Childs noted that member Gay had asked for a cost estimate of what the VHB punch list for Candlewood from 2001. She could ask TTR to prepare that but the amount would be based on what the Town's cost would be.

Mr. Yorkis indicated that (the Town's cost) was not the basis for the agreement. It was an exclusive agreement between the DPS and the applicant.

Susy Affleck-Childs responded that it wasn't exclusive because it was part of the decision (Pine Ridge).

Mr. Yorkis indicated that the Candlewood work would be exclusively inspected by DPS.

Mr. Yorkis agreed to get a good faith estimate and will develop the list and provide it to Dave D'Amico and Jim Smith. The agreement was that when the work would be performed, the DPS would be out there making sure the items on the list were conformed to. That is different from the emergency access which is part of the Pine Ridge estimate. There is minimum amount of work such as curb cut repairs, slopes to be made ADA compliant, and changes to driveway aprons.

The Board would like to see the Candlewood punch list prior to making a decision on the Pine Ridge bond reduction.

Action on the Pine Ridge bond reduction will be tabled until the next Board meeting.

Mr. Yorkis indicated that he would not be able to attend the next meeting. He asked what the Board want him to provide beforehand.

Member Tucker said that we could just ask TTR for a pie in the sky number. We need to look at the entire package.

Susy Affleck-Childs noted that when we get to the step of street acceptance for Candlewood, we may very well need some of the money in the Candlewood bond for legal work. It is one of those old subdivisions.

Mr. Yorkis noted that the discussion he just heard if the Town is going to demand excessive legal work be done for street acceptance while the Town has continued to accept state aid for that road, there are inconsistencies in the Town's posture.

The Pine Ridge bond estimate will be tabled until August 9, 2011 at 8:45 pm. Susy will find the punch list and secure an estimate on the Candlewood work cost from TTR.

Minutes of July 12, 2011:

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to approve the minutes (regular and executive session) from July 12, 2011 as written. (Chan Rogers recused as he did not attend that meeting.)

COMMITTEE REPORTS

Design Review Committee:

Consultant Carlucci noted that a recent newspaper article in the Milford Daily News noted that consideration was given to change the name of the Business Park near 495 to the West Medway business park. The problem with the name change is that there is a section of Medway called West Medway and that isn't it. West Medway is considered to be the area around the Police Station. He had been told that the West Medway area was the right around there.

Member Gay indicated that West Medway went west to the Milford border and north up Winthrop Street. There was a West Medway post office.

Member Spiller-Walsh informed the Board that there is a promotional effort for to have nicer industrial park entrances on both ends of the Town. Ellen Rosenfeld has offered to allow an easement on her property for a monument sign. Something similar in flavor and materials. The DRC will design those for the 2 industrial parks.

The DRC also reviewed tenant signs for Medway Mill that will be made clearer, to scale and on site for the businesses. This is a coordinated sign plan.

Andy Rodenhiser indicated that the businesses up there should be consulted about how they refer to themselves and any name change. The EDC is looking for a reason to talk with those businesses. I did meet with the DRC last night to review the signage ideas for the 495 business park that the EDC had recently discussed. You should also consider the other industrial park in town and what it should be called.

Town Wide Facilities Management Committee:

Member Gay reported that the Committee will be finalizing its report on next Monday. There will be a revisit with the key interest groups (departments that would be affected by a proposal for a more centralized facilities management initiative.) That is the direction this is going in.

Affordable Housing Trust Fund:

Susy Affleck-Childs reported that the Medway AHTE is working with Holliston AHTE on creating a job description for a shared Community Housing Specialist. The office time will be worked out. The full-time person will be split between the two towns. Holliston is willing to put in more money toward the health benefits. Holliston would be the employer with Medway contracting for services.

Member Tucker expressed concerns about the shared position with Holliston as lead based on Medway's former experience sharing a ConCom agent.

2010 Census Workshop:

Susy Affleck-Childs reported that the Town of Medway is hosting a workshop on the 2010 Census data on August 23, 2011 in the morning. This will be held at the High School in the computer lab. There is room for 24 people. For town staff, boards and Medway businesses.

Claybrook II Subdivision:

Susy Affleck-Childs reported on the Claybrook II Subdivision. Last summer, the Board had found the subdivision to be in default. Middlesex Bank has not responded to our inquiries to turn over the bond funds. A "demand" letter is being drafted by Town Counsel. The Board of Selectmen will be briefed at their August 15, 2011 meeting.

Birch Hill Street Acceptance

Susy Affleck-Childs reported that the Board of Selectmen will meet on September 9, 2011 to take a vote of the "taking" of Birch Hill Streets, to take the easements in the road. There will be a letter going out to the neighbors later this week or early next week to bring them up to date and confirm that the Town is proceeding and that they will have to sign a release.

Member Tucker asked if the letter goes to the mortgage companies as well.

Susy Affleck-Childs responded that it does not, just to the home owners.

Member Tucker asked how this is protecting the Town's interest.

Susy Affleck-Childs indicated that Town Counsel has determined this is the procedural way to go.

The PB needs to sign the Birch Hill street acceptance plans.

Member Tucker suggested that we ask Town Counsel to educate the Board on the process of taking streets by eminent domain so we know more as we go forward.

Susy Affleck-Childs indicated that "The Meadows" will be the next "troubled" subdivision we will be working on.

Capital Improvement Budget

Susy Affleck-Childs reported that she will be preparing capital requests for August 5, 2011. The requests will include a second phase of GIS along with Welcome Signs.

Medway Cable Access:

Susy Affleck-Childs reported that Andy Rodenhiser will be attending the Medway Cable Access meeting to share the Board's frustration with the video system.

OSRD Bylaw:

Susy Affleck-Childs reported that Gino Carlucci has developed some amendments to the OSRD bylaw. It was distributed. The Board will review at the August 23rd meeting. Thanks to Tom for brainstorming with Gino and me last week.

NOTE – Board members signed the Birch Hill Street Acceptance plan.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:30 pm.

Future Meetings:

The next meetings scheduled are: Tuesday, August 9th and 23rd, and September 13, & 27, 2011.

The meeting was adjourned at 9:30 PM.

Respectfully Submitted,



Amy Sutherland

Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs

Planning and Economic Development Coordinator

The Commonwealth of Massachusetts State Ethics Commission

John W. McCormack State Office Building, Room 619
One Ashburton Place, Boston 02108
Telephone (617) 727-0060
Fax (617) 723-5851

RECEIVED
JUN 20 2006

G.L. c. 268A, §23(b)(3) DISCLOSURE
(to be filed with appointing authority;
elected municipal officials file with city or town clerk)

Name: Paul Philip - Michael
Public Office or Position: Deputy Mayor - Town of Dorchester
Address: 165 Holliston St Phone: 508-533-8440
City or Town: Dorchester, Mass

I publicly disclose the following facts pursuant to G.L. c. 268A, §23(b)(3):

I was the Deputy Mayor of the Town of Dorchester, Massachusetts, from January 1, 2004, to January 1, 2006.
I was the Deputy Mayor of the Town of Dorchester, Massachusetts, from January 1, 2004, to January 1, 2006.
I was the Deputy Mayor of the Town of Dorchester, Massachusetts, from January 1, 2004, to January 1, 2006.

I make this disclosure pursuant to G.L. c. 268A, §23(b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out above, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position, or the undue influence of any party or person with regard to the above circumstances.


Signature: Paul Philip - Michael Date: 5/29/06

TEXT OF G.L. c. 268A, §23(b)(3)

§23(b)(3) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know...act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L.C. 268A §23(b)(3)

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	ROBERT TUCKER
Title or Position:	Vice-Chair Training Bureau
Agency/Department:	
Agency address:	
Office Phone:	
I publicly disclose the following facts (Attach additional pages if necessary):	<p>I know the Chairman, Andy Thompson is going to appear before the Board with 12 Reported Submissions. I can Review that week w/o Showing Favoritism</p> <p>REC'D JUN 20 2011 TOWN CLERK</p>
Signature:	
Date:	6/22/11

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Appointed state, county and municipal officials and employees should file with their appointing authority.

Elected state officials should file with the appropriate House or Senate Clerk or the Ethics Commission.

Elected county officials should file with the county clerk.

Elected municipal officials should file with the city or town clerk.

Attach additional pages if necessary.

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L.C.268A §23(b)(3)

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Thomas A. Gay
Title or Position:	Clerk, Planning & Economic Development Board
Agency/Department:	Town of Medway, Planning and Economic Development Board
Agency address:	Medway Town Hall, 155 Village Street Medway, MA 02053
Office Phone:	Medway Town Hall - (508) 533-3200 ... Personal - (508) 341-5174
I publicly disclose the following facts (Attach additional pages if necessary):	<p>As I Understand it:</p> <p>The Chairman of the Planning and Economic Development Board (PEDB) will be appearing before the PEDB (6/28/2011) for discussion on a proposed subdivision. The Chairman owns a parcel of land in Town which he proposes to divide into multiple house lots. Under the Subdivision Control Law, this requires approval of the PEDB under G.L. c. 41. The proposed subdivision may need other approvals as well. I further understand that the Chairman will step down from the PEDB during the discussion regarding his property.</p> <p>It is noted that the above facts raise potential conflict of interest implications for me as a member of the PEDB and being considered a municipal employee for purposes of the Conflict of Interest statute. In particular, G.L. c. 268A section 23(b)(2) and (3) provide: No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know... use or attempt to use official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals; act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person; It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.</p>
Signature:	See attached personal statement of position.
Date:	June 24, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Appointed state, county and municipal officials and employees should file with their appointing authority.

Elected state officials should file with the appropriate House or Senate Clerk or the Ethics Commission.

Elected county officials should file with the county clerk.

Elected municipal officials should file with the city or town clerk.

Attach additional pages if necessary.

Thomas A. Gay – additional comments on potential for conflict of interest

Please note:

I have no personal/business connection to any member of the PEBD nor is our relationship such that I would have anything to gain by helping them or lose by not. I have never done business with nor worked with any member of the Board. My only association/relationship with them, while friendly and respectful of what they bring to the table, is via the PEBD. I took (appointed) the "job", and subsequently ran for re-election, solely as an independent citizen voice... one that could speak for "old" Medway. I have no business interests in the town... my only interests are as a long-time resident and home owner.

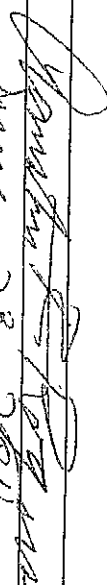
Generally speaking, my approach to performing my duties is that as soon as an application for any type of decision comes before the PEBD, the applicant becomes just that... an applicant. My position is completely neutral and stance is one of "is this good or bad for the town" as described by the rules, regulations and/or laws governing the circumstances of the application. I do not see myself reacting in any other way to any applicant regardless of personal relationship or association. If a situation arose where I did feel the bond too strong, any particular prejudices, any opportunity for personal gain and/or inability to approach the application in a logical, neutral and professional manner I would step down from being part of that decision.

Specifically speaking, Mr Rodenheiser will be subject to the same complete review and held to the same level of compliance in relation to the rules, regulations, guidelines and laws as any other applicant wishing to gain approval of the PEBD for development, subdivision, etc.


T.A. Gay

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L.C. 268A §23(b)(3)

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Cranston R. Rogers
Title or Position:	Member Medway Planning and Economic Development Board
Agency/Department:	Town of Medway
Agency address:	155 Village Street Medway, MA 02053
Office Phone:	508-533-3291
I publicly disclose the following facts (Attach additional pages if necessary):	<p>I understand our chairman, Andy Rodenhiser, is an owner of property at 104 Fisher Street in Medway and plans to subdivide the property and would appear before the Medway Planning and Economic Development Board for that approval.</p> <p>I believe I can act fairly and without prejudice in these proceedings.</p>
Signature:	
Date:	June 23, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Appointed state, county and municipal officials and employees should file with their appointing authority.
Elected state officials should file with the appropriate House or Senate Clerk or the Ethics Commission.

Elected county officials should file with the county clerk.

Elected municipal officials should file with the city or town clerk.


JUN 23 2011

TOWN CLERK

Attach additional pages if necessary.

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L.C. 268A §23(b)(3)

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Gino Carlucci
Title or Position:	Consulting Planner
Agency/Department:	Town of Medway, including Planning and Economic Development Board (PEDB)
Agency address:	155 Village Street Medway, MA 02053
Office Phone:	508-533-8106
I publicly disclose the following facts (Attach additional pages if necessary):	<ol style="list-style-type: none"> 1. I have been a consultant to the Town of Medway in general since about 1994 and to the PEDB since about 2003. Both of these dates predate Andy Rodenhiser's tenure on the PEDB. 2. As Chairman of the PEDB, Mr. Rodenhiser served as one member of a committee appointed to review proposals for planning services that resulted in renewal of my contract with the Town. 3. On a couple of occasions, I used Mr. Rodenhiser's firm for plumbing services. On those occasions, I did not have contact with Mr. Rodenhiser. I called the firm's main number and made arrangements for the services with his office. The most recent time I used the firm was 2009. I have since used another plumber when I needed plumbing work. 4. I am aware that Mr. Rodenhiser may apply for a permit from the PEDB. 5. I will not use my position as consulting planner to secure for Mr. Rodenhiser any unwarranted privileges or exemptions which are not properly available to similarly situated individuals. 6. Further, I will not be unduly or improperly influenced by the fact of Mr. Rodenhiser's position as Chairman of the PEDB.
Signature:	
Date:	June 24, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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Attach additional pages if necessary.


RECEIVED
JUN 27 2011

MEDWAY
TOWN ADMINISTRATOR



**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L.C.268A §23(b)(3)**

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	David R. Pellegrini
Title or Position:	Civil Engineer Technical Consultant for the town of Medway
Agency/Department:	Tetra Tech
Agency address:	1 Grant Street Frammingham, MA 01701
Office Phone:	508-903-2408
I publicly disclose the following facts (Attach additional pages if necessary):	<p>Our company (Tetra Tech Inc.) currently serves as the technical engineering consultant to the Town of Medway and thus provides consulting services to the Medway Planning and Economic Development Board (PEDB) on a regular basis. We coordinate our work through the Medway PEDB Coordinator (Susan Affleck-Childs), however we also coordinate and present information to the entire PEDB including the chairman.</p> <p>It has come to our attention that the chairman of the PEDB may apply for a permit from the PEDB in the future. Under no circumstances will Tetra Tech use our position to secure for the applicant any unwarranted privileges or exemptions which are not properly available to similarly situated individuals. We will also act in a professional manner which will in no way be influenced by the applicant's position.</p>
Signature:	
Date:	June 16, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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Elected county officials should file with the county clerk.
Elected municipal officials should file with the city or town clerk.

Attach additional pages if necessary.

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L.C.268A §23(b)(3)

I make this disclosure pursuant to G. L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Susan E. Affleck-Childs
Title or Position:	Planning and Economic Development Coordinator
Agency/Department:	Town of Medway
Agency address:	155 Village Street Medway, MA 02053
Office Phone:	508-533-3291
I publicly disclose the following facts (Attach additional pages if necessary):	<p>I understand that Andy Rodenhiser, a member and present Chairman of the Medway Planning and Economic Development Board (PEDB), plans to become an applicant before the Board in the near future for approval of a definitive subdivision plan for his property located at 104 Fisher Street in Medway, MA.</p> <p>As the Town's former Planning Board Assistant and its present Planning and Economic Development Coordinator, I have worked closely with Mr. Rodenhiser during his entire tenure on the Board. I understand that a reasonable person might conclude that Mr. Rodenhiser, simply because of the nature of his past and present position on the Board, might unduly enjoy my favor because of our long-standing working relationship.</p> <p>With this disclosure, I express my understanding that I may not use or attempt to use my position as the Town's Planning and Economic Development Coordinator to secure for Mr. Rodenhiser any unwarranted privileges or exemptions with regard to the proposed subdivision approval which are not properly available to similarly situated individuals seeking subdivision approval from the Board. As I carry out my duties and responsibilities as the Town's Planning and Economic Development Coordinator in managing the Board's review of the of the forthcoming subdivision application, I will not be unduly or improperly influenced by the fact that Mr. Rodenhiser is a member of the Medway Planning and Economic Development Board.</p>
Signature:	<i>Susan E. Affleck-Childs</i>
Date:	<i>June 20, 2011</i>

G. L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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Elected municipal officials should file with the city or town clerk.*

RECEIVED
Attach additional pages if necessary.

JUN 20 2011
TOWN CLERK



RECEIVED
JUL 14 2011

TOWN CLERK

TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Karyl Spiller Walsh
Cranston (Chari) Rogers, P.E.

July 14, 2011

Abutter Notification of Public Briefing
Bay Oaks Preliminary Subdivision Plan
Tuesday, July 26, 2011 at 7:45 pm

The Medway Planning & Economic Development Board has received an application from Andy Rodenhiser of Medway, MA for review of a ***preliminary subdivision plan for a proposed 4 lot residential subdivision at 104 Fisher Street to be known as Bay Oaks***. Owned by the applicant, the subject parcel (*Medway Assessors Map 4, Parcel 44A-6A*) is 8.78 acres in size. The parcel is located in the Agricultural Residential I zoning district. The preliminary subdivision plan is dated July 12, 2011 and was prepared by GLM Engineering of Holliston, MA. The plan shows the division of land into four residential lots (*one containing the existing dwelling at 104 Fisher Street*) and three lots for new residential construction all with frontage on a permanent private way.

The applicant and his representative will present the proposed Bay Oaks Preliminary Subdivision Plan to the Planning and Economic Development Board on Tuesday evening, July 26, 2011 at 7:45 pm in the Sanford Room on the second floor of Medway Town Hall, 155 Village Street, Medway, MA. ***You are receiving this notice because you own land within 300 feet of this proposed subdivision***. A copy of Sheet 3 of the proposed Bay Oaks Preliminary Subdivision plan is also enclosed. ***The Board invites you review the plan, attend the Public Briefing, ask questions, and express your views on the proposed subdivision***. We encourage your participation and comments. Written communication may be forwarded to the Board at the above address, faxed to us at the number below, or emailed to us at: planningboard@townofmedway.org. Board members will review all submitted correspondence.

Phone: 508-533-3291 Fax: 508-533-3252
Email: planningboard@townofmedway.org

A copy of the application and the full size version of the Bay Oaks Preliminary Subdivision Plan are on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The Town Clerk's office is also open Monday evenings until 7:30 p.m. The full size plan is also available for viewing at the Planning & Economic Development office and has been posted at the Board's web page at townofmedway.org.

If you have any questions regarding this matter, please contact Planning & Economic Development Coordinator Susan Affleck-Childs at 508-533-3291. Thank you.

Robert K. Tucker, Vice Chairman

GLM

ENGINEERING CONSULTANTS, INC.

19 EXCHANGE STREET, HOLLISTON, MASSACHUSETTS 01746 - (508)429-1100 - FAX (508)429-7160

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

July 12, 2011

Medway Planning Board
Town Hall
Medway, MA

Re: Preliminary Subdivision Plan
"Bay Oaks"
Applicant: Andy Rodenhiser

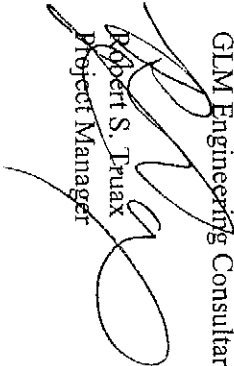
Dear Board Members,

On behalf of our client, Andy Rodenhiser, our firm submitted an application for a preliminary subdivision. The project is located off Fisher Street along the Holliston Town Line. The proposal is to extend the existing private way cul-de-sac to create three additional house lots. The existing site encompasses approximately 8.7 acres of land, with an existing single family dwelling.

We are requesting the Planning Board waive all the construction requirements for the roadway extension and allow the proposed dwellings to access of the existing cul-de-sac.

Thank you for your attention in this matter.

Yours truly,
GLM Engineering Consultants Inc.

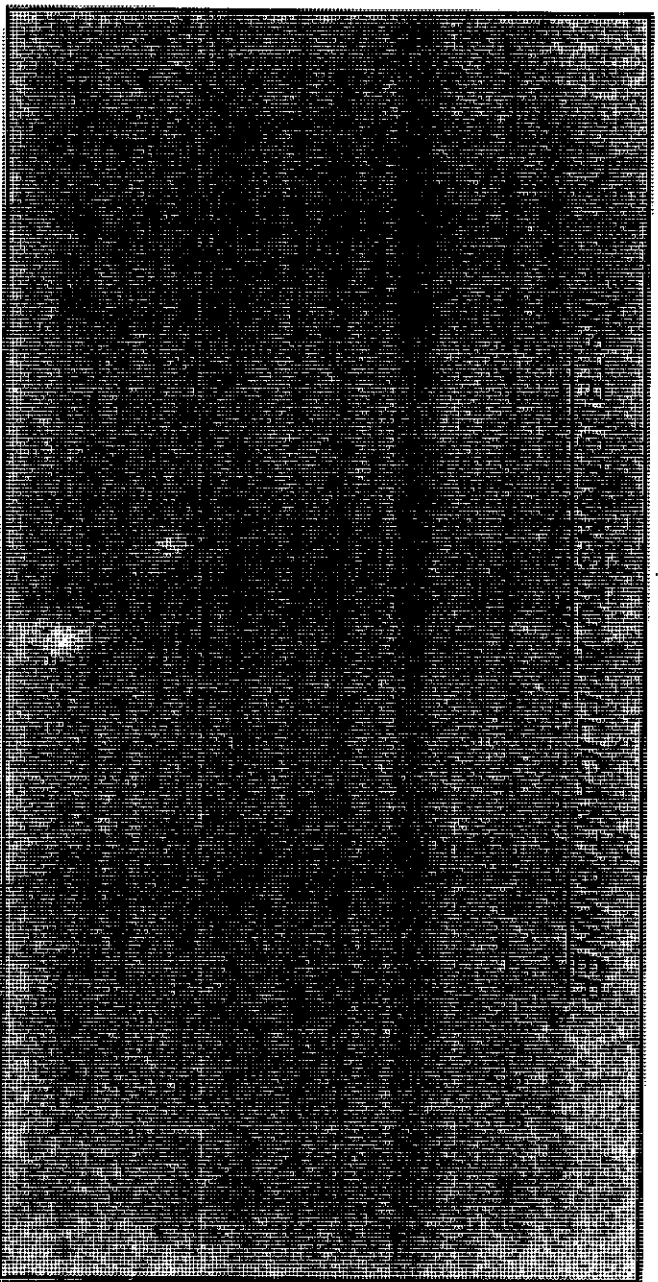

Robert S. Truax
Project Manager

RECEIVED
JUL 14 2011

TOWN OF MEDWAY
PLANNING BOARD

LAND SUBDIVISION – FORM B

Application for Approval of a Preliminary Subdivision Plan Planning & Economic Development Board - Town of Medway, MA



TO: *The Planning & Economic Development Board of the Town of Medway, MA* July 12, 2011

The undersigned, being the Applicant as defined under Chapter 41, Section 81-L for approval of a Preliminary Subdivision Plan, herewith submits this Preliminary Subdivision Plan of property located in the Town of Medway and makes application to the Medway Planning & Economic Development Board for review of such Preliminary Subdivision Plan.

PRELIMINARY SUBDIVISION PLAN INFORMATION

Title: Preliminary Subdivision Plan "Bay Oaks" Medway Massachusetts

Prepared by: GJM Engineering Consultant, Inc. **RECEIVED**

Of: Holliston Massachusetts 01746 **JUL 14 2011**

Plan Date: July 12, 2011

PROPERTY INFORMATION

Location Address: 104 Fisher Street

The land shown on the plan is shown on Medway Assessor's Map # 4 Parcel # 44A - 6A

Total Acreage of Land to be Divided: 8.78± acres

General Description of Property: Existing single family dwelling situated on 8.78 acres of land located at the end of existing private way.

Medway Zoning District Classification: AR-1

Frontage Requirement: 180 feet Area Requirement: 44,000 s.f.

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?

Yes X No If yes, please name street: _____

Wetlands

Is any portion of the property within a Wetland Resource Area? X Yes No

Groundwater Protection

Is any portion of the property within a Groundwater Protection District? Yes X No

Flood Plain

Is any portion of the property within a Flood Plain? Yes X No

The owner's title to the land that is the subject matter of this application is derived under deed from: Audra Rodenhiser to Andrew Rodenhiser
dated July 5, 2011 and recorded in Norfolk County Registry of Deeds,
Book 28926 Page 503 or Land Court Certificate of Title Number _____
Land Court Case Number _____, registered in the Norfolk County Land Registry District
Volume _____, Page _____.

SUBDIVISION INFORMATION

Subdivision Name: Bay Oaks

This is a: X Residential Subdivision Non-Residential Subdivision

The plan shows the division of land into 4 building lots numbered 1 - 4 and
- parcels not intended for building thereon.

The plan shows the following **existing** ways that are being proposed as lot frontage:

Private Way as frontage for lot(s) Lot 1

as frontage for lot(s) _____

The plan shows the following **proposed new** ways that are being proposed as lot frontage:

Proposed Road Extension as frontage for lot(s) Lots 2 - 4

as frontage for lot(s) _____

as frontage for lot(s) _____

Total Length of Proposed New Roadway(s) 170 feet

Are the new roads proposed to be public or private ways?

Public X Private

Proposed Utilities:

Water X Well

Sewer X Septic

APPLICANT INFORMATION

Applicant's Name: Andy Rodenhiser

Applicant's Address: 104 Fisher Street

Medway Massachusetts 02053

Name of Primary Contact: Andy Rodenhiser

Telephone: 781-760-9908 FAX:

Email address:

____ Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

PROPERTY OWNER INFORMATION (if not applicant)

Property Owner Name: Andy Rodenhiser

Address: 104 Fisher Street

Medway Massachusetts 02053

Primary Contact: Andy Rodenhiser

Telephone: 781-760-9908 FAX:

Email address:

CONSULTANT INFORMATION

ENGINEER: GLM Engineering Consultants, Inc.

Address: 19 Exchange Street

Holliston Massachusetts 01746

Primary Contact: Robert Truax

Telephone: 508-429-1100 FAX: 508-429-7160

Email address: rtruax@glmengineering.com

SURVEYOR: GLM Engineering Consultants, Inc.

Address: 19 Exchange Street

Holliston Massachusetts 01746

Primary Contact: Robert Truax

Telephone: 508-429-1100 FAX: 508-429-7160

Email Address: rtruax@glmengineering.com

LAND SUBDIVISION - FORM F

Development Impact Report (DIR)

PLANNING BOARD - Town of Medway, MA

JUL 14 2011

TOWN OF MEDWAY
PLANNING BOARD

OVERVIEW

The DIR is intended to serve as a guide to the applicant in formulating their development proposal, as well as a guide to the Planning Board in evaluating the proposed Subdivision Plan in the context of existing conditions and the Town's planning efforts. The DIR should be prepared as early in the design process as possible, even if certain aspects are unknown at that time.

The DIR seeks to raise the broad range of issues generally associated with a subdivision development plan in a form and in language that is understandable to the layperson. The DIR shall identify and assess development impacts that could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information that will help the Town plan ahead to provide adequate services in the future.

The DIR shall be filed with an application for approval of a Preliminary and a Definitive Subdivision Plan. It shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment of the surrounding area. In preparing the DIR, a systematic interdisciplinary approach shall be utilized to include professionals in the natural and social sciences and environmental design arts.

July 12, 2011
Date

1. Name of Proposed Subdivision: "Bay Oaks"
2. Location: 104 Fisher Street
3. Name of Applicant (s): Andy Rodenhiser
4. Brief Description of the Proposed Project: Proposed 4 Lot Residential Subdivision

5. Name of Individual Preparing this DIR GLM Engineering Consultants, Inc.

Address: 19 Exchange Street Phone: 508-429-1100
Holliston Massachusetts 01746

Professional Credentials: Professional Engineers & Surveyor

SITE DESCRIPTION

6. Total Site Acreage: _____

Approximate Acreage	At Present	After Completion
Meadow/brushland (<i>non-agricultural</i>)	None	
Forested	7.0 AC	
Agricultural (<i>includes orchards, croplands, pasture</i>)	None	
Wetlands	1.0 AC	
Water Surface Area	-	
Flood Plain	-	
Unvegetated (<i>rock, earth or fill</i>)	-	
Roads, buildings and other impervious surfaces	-	
Other (<i>indicate type</i>)	-	
TOTAL	-	

7. Present permitted and actual land use by percentage of the site.

Uses	Percentage
Industrial	-
Commercial	-
Residential	12%
Forest	78%
Agricultural	-
Other (specify)	-

8. List the zoning districts in which the site is located and indicate the percentage of the site in each district. **NOTE – Be sure to include overlay zoning districts.**

Zoning District	Percentage
AR-1	100%

9. Predominant soil type(s) on the site: _____

Soil Drainage
(Use the U.S. Soil Conservation Service's definition)

Soil Type	% of Site
Well drained	-
Moderately well drained	100%
Poorly drained	-

10. Are there any bedrock outcroppings on the site? ☐ Yes ☐ No

If yes, specify: Large Boulders

11. Approximate percentage of proposed site with slopes between:

Slope	% of Site
0 – 10%	80%
10 – 15%	15%
Greater than 15%	5%

12. In which of the Groundwater Protection Districts is the site located?

Zone(s) _____ Proximity to a public well: _____ feet

13. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (*Consult the Massachusetts Heritage Program and the Medway Conservation Commission for information.*) ☐ Yes ☒ No

If yes, specify: _____

14. Are there any unusual site features such as trees larger than 30 inches, bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formations or granite bridges?

☐ Yes ☒ No

If yes, specify: _____

15. Are there any established foot paths running through the site or railroad right of ways? ☐ Yes ☒ No

If yes, please specify: _____

16. Is the site presently used by the community as an open space or recreation area? ☐ Yes ☒ No

If yes, please specify: _____

17. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? ☐ Yes ☒ No

If yes, please specify: _____

18. Are there wetlands, lakes, pond, streams or rivers within or contiguous to the site? ☐ Yes ☐ No

If yes, please specify: Vegetated wetland located on the locus.

19. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? ☐ Yes ☐ No

If yes, please specify: _____

20. Has the site ever been used for the disposal of hazardous waste? Has a 21E study been conducted for the site? ☐ Yes ☐ No

If yes, please specify: _____

21. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? ☐ Yes ☐ No

If yes, please specify: _____

22. Does the project location contain any buildings or sites of historic or archaeological significance? (Consult with the Medway Historical Commission) ☐ Yes ☐ No

If yes, please describe: _____

23. Is the project contiguous to or does it contain a building located in a national register historic district? ☐ Yes ☐ No

If yes, please describe: _____

CIRCULATION

24. What is the expected average weekday traffic and peak hour volumes to be generated by the proposed subdivision?

Average weekday traffic	15 - 20 per day
Average peak hour volumes - morning	5 - 8 trips
Average peak hour volumes - evening	5 - 8 trips

F-4

25. Existing street(s) providing access to the proposed subdivision:

Please specify: Fisher Street

26. Existing intersection(s) within 1000 feet of any access to the proposed development. Please specify intersection names: Stone End Road (250 ft.)

Ledgewood Road (1000±)

27. Location of existing sidewalks within 1000 feet of the proposed site: _____

None

28. Location of proposed sidewalks and their connection to existing sidewalks:
None

29. Are there parcels of undeveloped land adjacent to the proposed site:

X Yes No

Will access to these undeveloped parcels be provided from the proposed subdivision?

X Yes No

If yes, please describe: Existing 50' R.O.W. to abutting property

If no, please explain why: _____

UTILITIES AND MUNICIPAL SERVICES

30. What is the total number of dwelling units proposed? 3 new - 1 Existing

31. What is the total number of bedrooms in the proposed subdivision? 16±

32. Stormwater Management

A. Describe the nature, location and surface water body receiving current surface water of the site: Existing vegetated wetlands.

B. Describe the how the proposed stormwater management system will operate and how the existing stormwater patterns will be altered: _____

Collection through swales and mitigate increase flows

utilizing best management practices.

C. Will a NPDS Permit be required? _____ Yes _____ X _____ No

33. Please estimate the response time of the Fire Department to this site:
(Please consult with the Fire Department): _____ 4 - 8 minutes _____

34. Schools

A. Projected number of new school age children: _____ Approx 3 _____

B. Distance to nearest elementary school: _____ 1/2 mile _____

MEASURES TO MITIGATE IMPACTS - Please attach a brief description of the measures that haven been taken during subdivision design and will be taken during subdivision construction for each of the following:

35. Maximize stormwater infiltration and groundwater recharge
36. Prevent surface and groundwater contamination
37. Reduce detrimental impacts to water quality
38. Maintain slope stability and prevent erosion
39. Conserve energy
40. Preserve wetlands
41. Preserve wildlife habitats, outstanding ecological or botanical features
42. Protect scenic views
43. Retain natural landscape features
44. Design street layouts to facilitate southern orientation of houses
45. Use curvilinear street patterns
46. Promote pedestrian and bicycle access and safety
47. Reduce the number of mature trees to be removed
48. Provide green belt/buffer areas
49. Preserve historically important structures and features on the site
50. Retain natural valley flood storage areas
51. Minimize the extent of waterways altered or relocated
52. Reduce the volume of cut and fill
53. Minimize the visual prominence of man-made elements even if necessary for safety or orientation
54. Minimize municipal maintenance frequency and costs
55. Reduce building site frontages or driveway egresses onto primary or secondary streets

In describing each of the above, please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, please use graphic illustrations. Identify data sources, reference materials and methodology used to determine all conclusions.

Susan Affleck-Childs

From: Krista Digregorio [kristadigregorio@gmail.com]
Sent: Tuesday, July 26, 2011 3:53 PM
To: Planning Board
Cc: steve digregorio; Krista Marion Digregorio
Subject: Bay Oaks Subdivision

RECEIVED
JUL 26 2011
TOWN OF LEBANON
PLANNING BOARD

Dear Planning Board Members,

My husband and I are unable to attend tonight's meeting due to a last-minute work conflict. We would like to express our feelings regarding the plan for a four lot subdivision on Mr. Rodenhiser's property.

We are the abutters to the driveway entering the subdivision. This plan would increase the traffic on the driveway by at least 300%. The current driveway is very noisy when trucks and service vehicles use it. Is there a plan to address and decrease this noise?

Also, it is our understanding that there are many vernal pools in the woods on this property. How will this loss of wildlife be addressed? Can we request that the property be inspected by the Preservation Commission to lessen the impact of the new construction?

Finally, will Mr. Rodenhiser excuse himself from this process? It does not seem that he should be allowed to act as Chair of the Planning Board in this situation.

Thank you for your consideration of these topics. My husband and I plan to be present for any/all further meetings.

Sincerely,

Stephen and Krista Digregorio
108 Fisher Street

Sent from my iPad

Susan Affleck-Childs

From: Larry & Katherine Presswood [katenlarry@gmail.com]
Sent: Friday, July 22, 2011 9:20 PM
To: Planning Board
Cc: Larry Presswood
Subject: Bay Oaks Preliminary Subdivision Plan

RECEIVED
JUL 25 2011

**TOWN OF HADLEY
PLANNING BOARD**

Dear Members of the Planning & Economic Development Board:

Thank you for notifying us of the upcoming meeting regarding the proposed subdivision of the property at 104 Fisher Street.

It is a beautiful neighborhood and we just moved in at 92 Fisher Street in November of 2009.

We love the natural beauty of the area and the privacy of our lot.

We do not wish to impede our neighbor's project but we have some worthy concerns.

- 1) Currently we enjoy great privacy to the rear of our property and we are wondering if most of the trees will be left standing
on Lot 1 in the portions of the lot that about the Rapp and LaPointe properties. (Hoping so.)
 - 2) Of more serious concern, as neighbors downhill of the project, we are quite concerned with how the addition of 3 dwellings
may affect the quality, quantity, and pressure of our private well water. Currently we enjoy excellent water in terms of all three
attributes: quality, quantity, and pressure, and we would like the project engineer's assurance that this proposed subdivision will
not impact our water supply.
 - 3) Lastly, should we be concerned with 3 additional septic systems and their drainage fields. . . again, residing "downhill" of this
subdivision and gravity being a law of nature? We would like the engineer's input regarding this concern.
- As new neighbors, we do not wish to be unpleasant, but we also have to protect our investment.
Thank you, again, for the opportunity to review these plans.
I have a previous commitment that evening, but my husband hopes to attend in my stead.
Here's to a project that is beneficial for everyone!

Sincerely,
Katherine G. Presswood

PCC ASSOCIATES, INC.

1 Toni Lane

Franklin, MA 02038-2648

508.533.8106

508.533.0617 (Fax)

gino@pccassociates.com

July 21, 2011

Mr. Bob Tucker, Vice Chairman

Medway Planning Board

155 Village Street

Medway, MA 02053

RECEIVED
JUL 21 2011

**TOWN OF MEDWAY
PLANNING BOARD**

Re: Bay Oaks Preliminary Subdivision Plan

Dear Mr. Tucker:

I have reviewed the preliminary subdivision plan submitted by Andy Rodenhiser of Medway for property off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated July 12, 2011. The site is within the AR-1 district.

The plan proposes to construct an extension to a private way cul-de-sac in order to create frontage and divide an existing 8,78-acre lot with an existing house on it into 4 lots. The existing house on the property would remain on one of the 4 lots. The new lots would have areas ranging from 44,338 to 92,460 square feet.

I have comments as follows:

Zoning

1. The proposed lots meet the area, frontage and lot shape factor to comply with the zoning bylaw.

Subdivision Rules and Regulations

2. Section 4.2 recommends, but does not require, that a wetlands determination be made by the Conservation Commission before submitting a preliminary plan. Wetlands on the property are shown, but it is not clear if the determination has been made by the Conservation Commission.
3. Section 4.6.2 requires a locus plan that shows adjacent land and all property lines and buildings within 500 feet of the property. A locus plan was provided but it does not show the required information.
4. Section 4.2.6 requires certain information on an existing conditions plan. An existing conditions plan was provided but it lacks the required information which may include trees with a diameter of 1 foot or more, significant tree masses, wooded areas, ledge/rock outcroppings, large boulders, natural drainage courses and possibly other features.

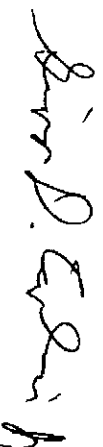
5. Section 4.6.7 requires general information on existing and proposed drainage, sewer disposal and water distribution. A septic system and well serving the existing house are shown on the plan. The application states that the new houses will be served by wells and septic system. Since the existing well is located within the proposed roadway right-of-way extension, it is not clear if the proposal is to abandon it and drill a new well for the existing house. The plan shows existing catch basins at the end of the existing private way (where it intersects with Fisher Street) but no other drainage information. The Development Impact Report indicates that drainage will consist of collection through swales and mitigation of increased flows through best management practices. It should be noted that a separate parcel is required for a detention basin or underground infiltration system.
6. Section 4.6.9 requires the widths of adjacent streets within 500 feet. This information was not provided for Fisher Street.
7. Section 4.6.10 requires that existing and proposed topography be shown at 2' intervals. The existing topography is shown but the proposed topography is the same as no changes are shown. It also requires that a datum reference be shown. No datum reference is provided. The definitive plan regulations require NAVD88 be used.
8. Section 4.6.11 requires that a proposed street name be shown on the plan. The road is shown as "Existing Private Way."
9. Section 4.6.12 requires that the 100-foot buffer from wetlands be shown. This was not done.
10. Section 4.6.15 requires that proposed cuts and fills in excess of 8 feet and disturbances to slopes of twenty-five percent be shown. It is not clear if there will be either of these but steep slopes are shown on the plan so they are possible.
11. Section 7.9.5 specifies a maximum grade for a neighborhood street of 8%. The grade is not shown, but the road does go up a steep hill.
12. Section 7.9.6 (b) specifies that the maximum length of a dead end shall not exceed 600 feet as measured from the centerline of the intersection street along the centerline of the dead end street. The proposed roadway is the maximum length to the centerline of the cul-de-sac (in the middle of the circle).
13. Section 7.9.6 (d) requires a turnaround on dead ends. In this proposal, the applicant is requesting a waiver from all requirements pertaining to construction of the roadway extension. This would leave the existing cul-de-sac as the turnaround and a shared driveway serving three houses would extend beyond the turnaround.

General Comments

12. Waivers are requested to allow the extended right-of-way to not be constructed and to access the new lots from the existing cul-de-sac. As noted above, this results in a shared driveway serving three houses. It may be necessary to form at least two homeowners association; one to maintain the existing road and another to maintain the shared driveway off the existing road.

If there are any questions about these comments, please call or e-mail me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr." with a stylized flourish at the end.

Gino D. Carlucci, Jr.



TETRA TECH

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JUL 21 2011

TOWN OF MEDWAY
PLANNING BOARD

July 21, 2011

Mr. Susan Affleck-Childs
Planning and Economic Development Coordinator
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: Bay Oaks
Preliminary Subdivision Plan Review
Medway, Massachusetts

Dear Ms. Affleck-Childs:

Tetra Tech Rizzo (TTR) has performed a review of the proposed Preliminary Subdivision Plan for the above – mentioned project. TTR is in receipt of the following materials:

- A plan (Plans) set entitled “Bay Oaks”, dated July 12, 2011, prepared by GLM Engineering Consultants, Inc (GLM).

The Plans and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

Conformance with Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 160)

1. Plans should show wooded areas, ledge/rock outcroppings. (Ch. 100 §4.6.6)
2. Plans should identify areas of proposed cuts and fills in excess of eight feet (8) and disturbance to slope of twenty-five percent (25%) or more. (Ch. 100 §4.6.15)

General Comments:

3. By creating the interior property line on lot 4 are we creating a problem with setbacks to the property line for the existing septic system?



4. The applicant should show buffer zones.
5. What is the existing 50' Right-of-Way (ROW) running through Lot 2? Are there any setbacks associated with that ROW for house or septic proposed on Lot 2.
6. Has any preliminary testing been done for proposed septic systems? Is it realistic to think they can be installed on the hills shown on Lots 1 and 2?
7. Has any testing been done to determine if individual wells for each lot proposed will be successful?
8. I would recommend the applicant review the conditions of the existing stormwater system for the existing Private Road. Since it looks like most of the runoff flows towards the existing roadway, the proposed stormwater will need to be addressed prior to reaching the existing roadway or incorporated into the existing stormwater collection system.
9. The Board of Health will need to review the project to determine the adequacy of groundwater to supply site.
10. Are there stone walls on-site?
11. Will it be possible to achieve a maximum grade of 8% on driveway?
12. Will infiltration be possible? Based on contours it appears that there may be ledge on-site.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'David R. Pellegrini'.

David R. Pellegrini, P.E.
Senior Project Manager

P:\21593\127-21593-09056_MINE TASKS\DAY OAKS\2011-07-21_DAY OAKS REVIEW LETTER.DOC

B0

MASSACHUSETTS CERTIFICATE DEED SHORT FORM (INDIVIDUAL) 681
 We, Samuel V. Longo and Joseph J. Renda, Jr., both of Milford,
 Worcester County, and Benjamin G. Longo, of Millis, Norfolk County,
 Massachusetts, Trustees of Longo Realty Trust, under Declaration of
 Trust dated October 31, 1975, recorded with Norfolk Deeds, Book 5176,
 Page 641
 of the County of Massachusetts

do hereby convey for consideration paid, and in full consideration of \$60,000.00

grants to Edward J. Giovannella and Francis J. Giovannella, as tenants in
 common of Medway, Norfolk County, Massachusetts with quitclaim covenants

the land in said Medway, situated on the Easterly side of Fisher Street,
 said to contain approximately 23.5 acres, bounded and described as
 follows:

Beginning at a point on the Easterly side of Fisher Street at
 Holliston-Medway Town line; thence

SOUTHERLY by Fisher Street, to land now or formerly of George
 W. and Christine M. Scribner; thence

NORTHEASTERLY by land of said Scribner and by land now or formerly
 of the Estate of Newton to land of William F.
 Fairbairn; thence

NORTHERLY by said Fairbairn land to the Medway-Holliston Town
 line; thence

WESTERLY on said Town line to the point of beginning.

Being the same and all of the same premises conveyed to the
 grantors by deed of John J. Longo et al, Trustees, dated October 31,
 1975, recorded with Norfolk Deeds, Book 5176, Page 655.

Property Address:
 Grantee's Address:

Fisher Street, Medway, Massachusetts
 58 Fisher Street, Medway, Massachusetts

CANCELLED
 JAN 8 1981 136.80

RECEIVED
 JUL 26 2011

TOWN OF MEDWAY
 PLANNING BOARD

Witness our hand and seal this 31st day of December 1980

Samuel V. Longo
 Joseph J. Renda, Jr.
 Benjamin G. Longo
 Trustees as aforesaid

City of Massachusetts

Norfolk ss. December 31, 1980

Then personally appeared the above named Benjamin G. Longo as Trustee as aforesaid
 and acknowledged the foregoing instrument to be his free act and deed, before me

P. Joseph Kennedy Notary Public - Middlesex County, Massachusetts

My commission expires September 22, 1983

Recorded Jan. 8, 1981 at 12h. 20m. P.M.

Unofficial Property Record Card - Medway, MA

General Property Data

Parcel ID 4-44 Account Number 646
 Prior Parcel ID --
 Property Owner GIOVANELLA JO-ANN & JOANE.
 Property Location 0 R FISHER ST
 Property Use POTEN LAND
 Mailing Address 44 FISHER STREET Most Recent Sale Date 1/1/1900
 Legal Reference 5827-80
 City MEDWAY Grantor N/A
 Mailing State MA Zip 02053 Sale Price 0
 ParcelZoning Land Area 5.000 acres

Current Property Assessment

Card 1 Value Building Value 0 Xtra Features Value 0 Land Value 133,600 Total Value 133,600

Building Description

Building Style N/A Foundation Type N/A Flooring Type N/A
 # of Living Units N/A Frame Type N/A Basement Floor N/A
 Year Built N/A Roof Structure N/A Heating Type N/A
 Building Grade N/A Roof Cover N/A Heating Fuel N/A
 Building Condition Average Sliding N/A Air Conditioning 0%
 Finished Area (SF) N/A Interior Walls N/A # of Bant Garages 0
 Number Rooms 0 # of Bedrooms 0 # of Full Baths 0
 # of 3/4 Baths 0 # of 1/2 Baths 0 # of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 5.000 acres of land mainly classified as POTEN LAND with a(n) N/A style building, built about N/A , having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images

No Sketch Available	No Map Available	No Picture Available
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Disclaimer: This information is believed to be correct but is subject to change and

Not for use in legal proceedings
 JUL 26 2011

TOWN OF MEDWAY
 PLANNING BOARD

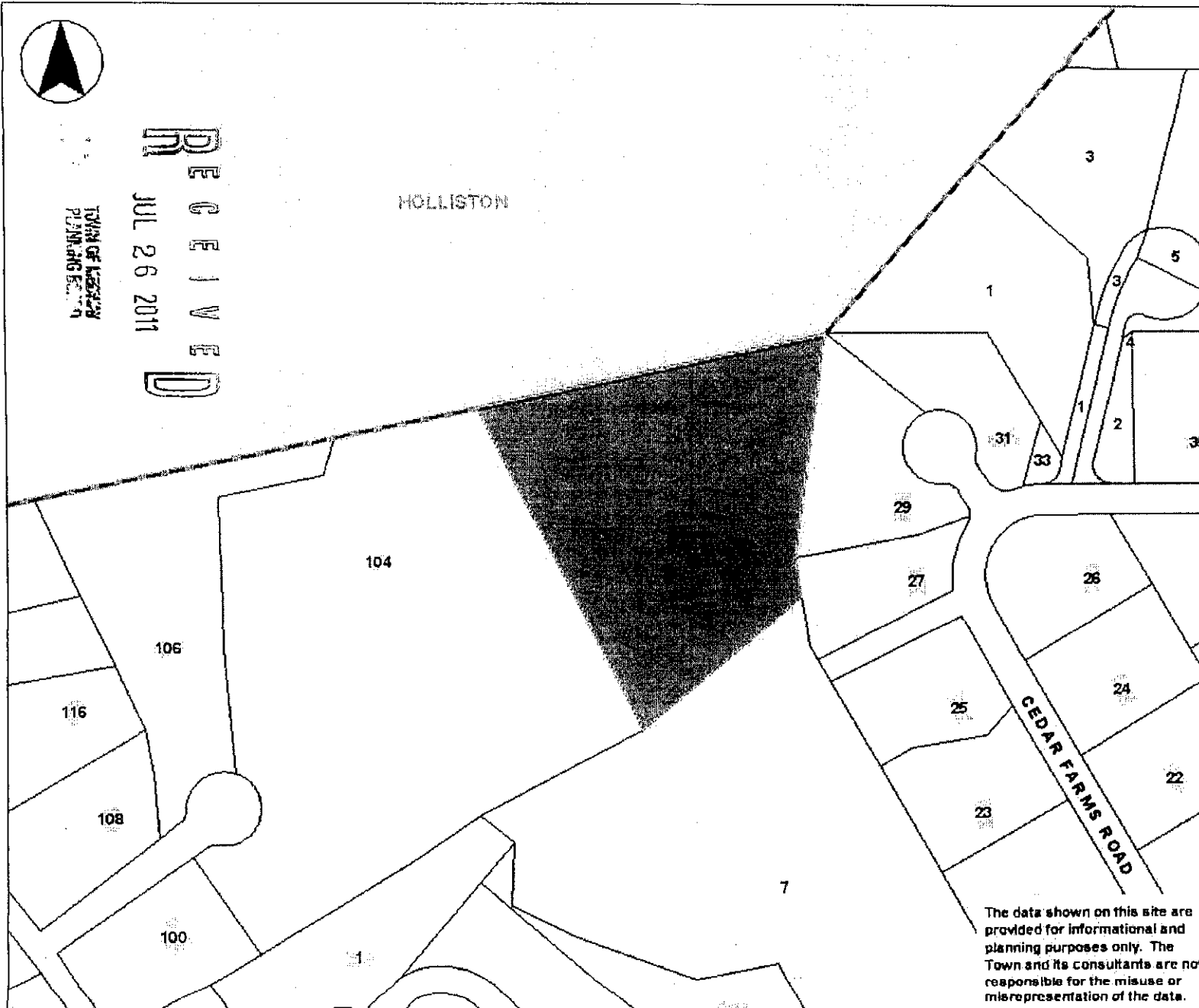


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TOWN OF HOLLISTON
PLANNING BOARD

HOLLISTON



- Places
- Fire Stations
 - Police Stations
 - Town Halls
 - Public Libraries
 - Schools
- Commuter Rail
- Commuter Rail Stations
 - Commuter Rail
- Town Boundary
- Streets
 - Abutting Towns
 - Buildings
- Parcels
- Parcels With Aerials
 - Parcels



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 240 480 ft

MapsOnline

We, EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, both
of Medway, Norfolk County, Massachusetts

for consideration paid, and in full consideration of \$116,000.00

grant to KENNETH S. RACICOT, Trustee of Racicot Realty Trust under
declaration of trust dated 12/3/82 to be recorded herewith
of 295 Washington Street, Sherborn, Middlesex County, Massachusetts
with quitclaim warranty

the land situated on the Easterly side of Fisher Street in Medway,
Norfolk County, Massachusetts, and being shown as Lot 1 on a plan
entitled "Plan of Land

Described and located in the

in Medway, Mass. Property of: Edward J. & Francis J. Giovanella
Scale: 60 feet to an inch Date: November 23, 1982 Guerriere &
Halnon, Inc. Engineering and Land Surveying 326 West Street,
Milford, Mass., which plan is to be recorded herewith. Said Lot 1
contains 18.13+ acres according to said plan. Reserving to the
grantors, in common with others entitled thereto, the right to use
the "60' wide right of way" as shown on the plan hereinbefore referred
to, for any and all purposes for which public ways are commonly used
in the Town of Medway.

For grantors' title, see Norfolk Deeds Book 5827, Page 80.



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TOWN OF MEDWAY
PLANNING BOARD

Address of Property: Fisher Street (unnumbered), Medway, MA

Witness our hands and seals this 3rd day of December 1982

Edward J. Giovanella

Francis J. Giovanella

The Townsman of Massachusetts

Middlesex ss. December 3, 1982

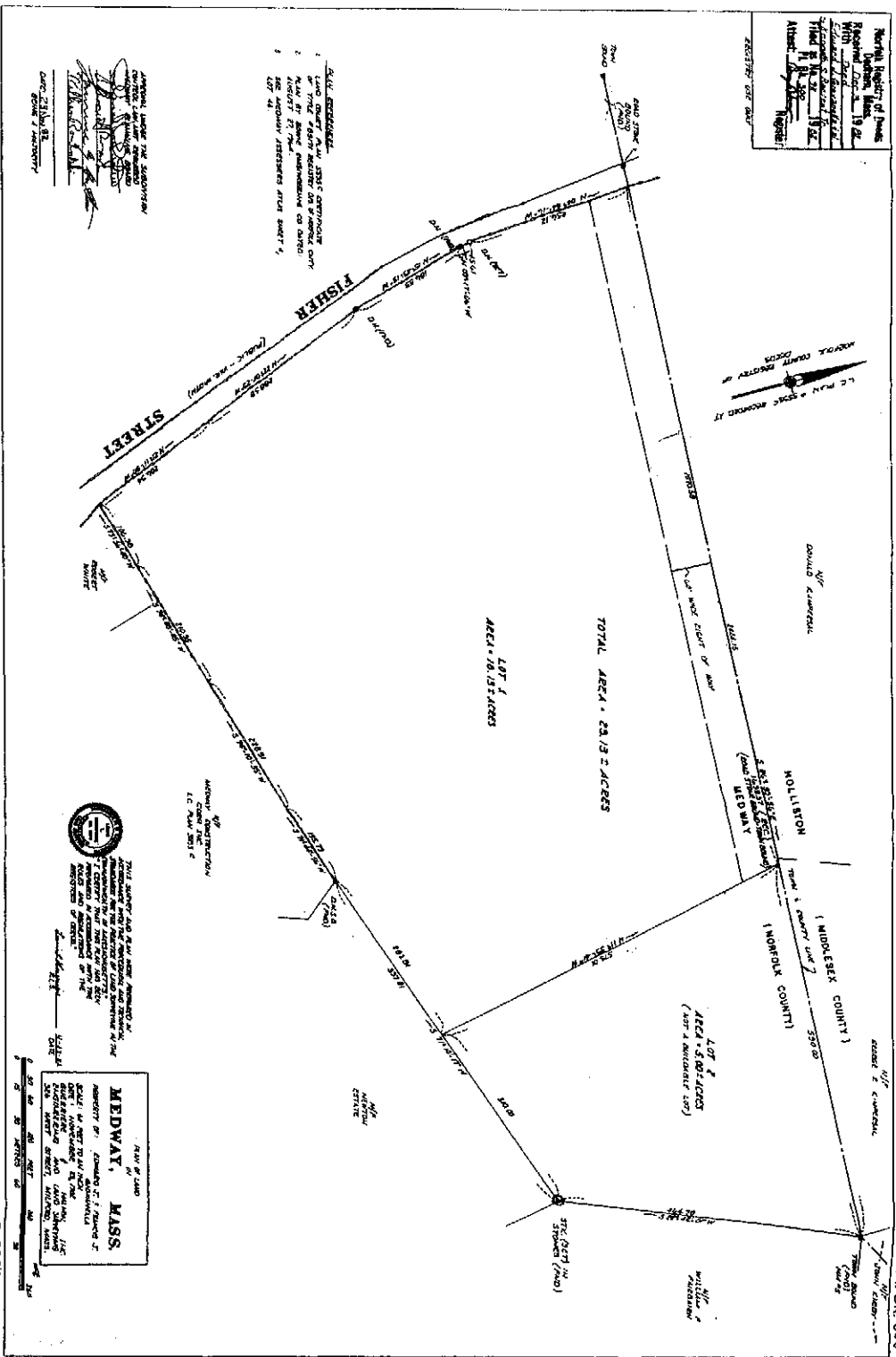
Then personally appeared the above named Edward J. Giovanella and Francis J. Giovanella

and acknowledged the foregoing instrument to be their free and deed before me

Robert E. Flood Notary Public - JAMES B. BROWN

My commission expires March 10, 1983

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DEC 3 11 30 AM '82



REC'D
JUL 26 2011

JOHN OF NEWARK
PLANNING BC

RECEIVED RECORDED
1984 SEP -5 AM 9 26REFER TO PLAN NO. 1035 of 1984 PL. BOOK 314

KENNETH S. RACICOT, Trustee of RACICOT REALTY TRUST, a/k/a The Racicot Realty Trust, under Declaration of Trust dated December 3, 1982, recorded with Norfolk Registry of Deeds, Book 6185, Page 473, as amended by Amendment dated May 16, 1983, recorded with said Deeds, Book 6179, Page 30, of Sherborn, Middlesex County, Massachusetts,

in consideration of the payment of the sum of One (\$1.00) Dollar and other good and valuable consideration, grant to EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, their successors and assigns, with quitclaim covenants,

an Easement over the "50' wide right of way" as shown on a Plan of Lot 6 on a plan entitled "Plan of Land in Medway, Massachusetts, property of Racicot Realty Trust, May 30, 1984, Drake Associates, Inc." to be recorded herewith, said "50' wide right of way" for the benefit of and as appurtenant to the Grantee's land, to be used in common with the Grantor, their successors and/or assigns for all purposes for which public ways are used in the Town of Medway.

The Grantees, by acceptance of this easement, consent and agree, for themselves, their heirs and assigns, that they will share equally with the owner of Lot 6, in the cost of maintenance (including snow plowing) and repair of the Right of Way.

For my title see Deed recorded with said District Deeds in Book 6085, Page 480.

Witness my hand and seal this 25th day of July, 1984.

Kenneth S. Racicot
KENNETH S. RACICOT, Trustee of
Racicot Realty Trust

Griffiths, ss.

COMMONWEALTH OF MASSACHUSETTS July 25th, 1984

Then personally appeared the above named KENNETH S. RACICOT, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me

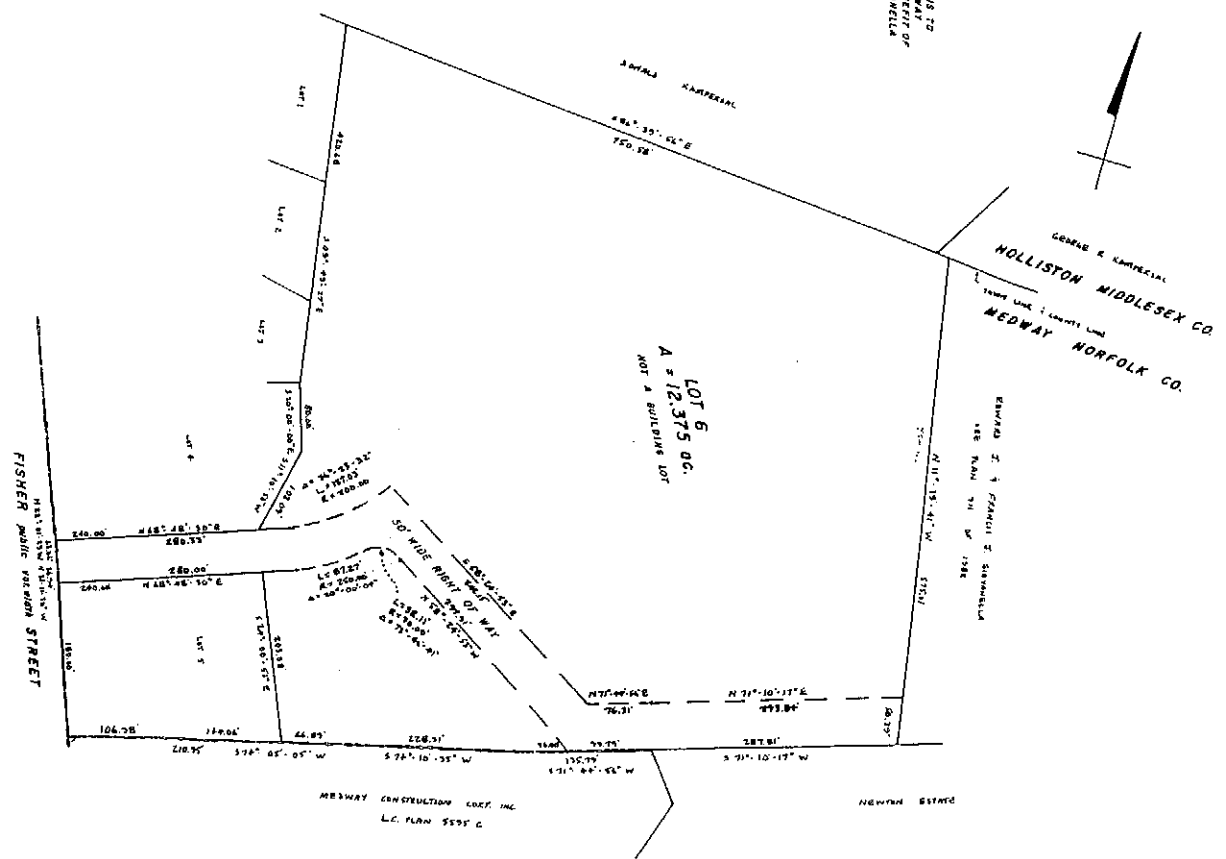
James J. Pauloff
Notary Public
My commission expires: 11/1/86

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JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD

Notul Registry of Deeds
 Book 3455
 Page 198
 With 1st and 2nd
 Edward J. Francis, Jr.
 Edward J. Francis, Jr.
 Filed 10/23/1982
 P. B. 314
 Attest: [Signature]
 Register

THE PURPOSE OF THIS PLAN IS TO
 DEFINE A BUILDING LOT AND
 A BUILDING LOT 6 AND A BUILDING LOT
 EDWARD J. FRANCIS, JR.



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TOWN OF MEDWAY
 PLANNING BOARD

PLAN OF LAND
 IN
 MEDWAY, MASS.

PROPERTY OF
 MEDWAY REALTY TRUST
 SCALE 1"=50'
 MAY 30, 1984

DRAWN BY
 CIVIL ENGINEER
 770 GROVE STREET
 FAIRHAVEN, MASS.

I CERTIFY THAT THE ABOVE LINES
 SHOW THE BOUNDARIES OF THE
 OWNERSHIP AND THE LINES OF STREETS
 AND WAYS SHOWN ARE THOSE OF PUBLIC
 RECORD AND THAT I AM A REGISTERED
 CIVIL ENGINEER AND THAT I AM A MEMBER
 OF THE DIVISION OF ENGINEERING OF THE
 COMMONWEALTH OF MASSACHUSETTS.
 MY SIGNATURE AND SEAL ARE SHOWN
 HEREON.
 [Signature]
 REGISTERED LAND SURVEYOR 10281

I CERTIFY THAT THIS PLAN HAS
 BEEN REVIEWED AND APPROVED
 WITH THE RULES AND REGULATIONS
 OF THE REGISTER OF DEEDS OF THE
 COMMONWEALTH OF MASSACHUSETTS.
 [Signature]
 REGISTERED LAND SURVEYOR 10281

Regulator

Philip D. Smith

Shuttle
and cart,

Deq.

10/11/11

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1708

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FROM THE

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4,242.

COVENANT

KNOW ALL MEN BY THESE PRESENTS that whereas I, the undersigned, have submitted an Application with the Town of Medway Planning Board, for approval of a definitive Plan of a certain subdivision entitled "Definitive Subdivision Plan, Fisher St., Medway, MA" by ELM Engineering Consultants, dated November 12, 1985, submitted and owned by Kenneth S. Racicot as Trustee of Racicot Realty Trust, Bellingham, Massachusetts, originally filed with the Planning Board on November 12, 1985 and subsequently extended to March 14, 1986, concerning the property at or about 108 Fisher Street, Medway, and showing 2 proposed lots.

The undersigned, therefore, covenants and agrees with said Planning Board and with the inhabitants of the Town of Medway that no lot in said subdivision shall be sold and no building erected or placed upon any lot therein until the following covenants and conditions have been complied with and satisfied.

1. The ways and municipal services serving each lot have been constructed or installed, all in accordance with the requirements of said Board as set forth in its rules and regulations and as further specified and as modified hereinafter.
2. The proposed way shall be identified as a Private Way and deeds subsequently issued shall note that the way is and shall remain a Private Way to be owned by eventual owners of the lots served.
3. Compliance with Planning Board Rules and Regulations is waived with respect to the following:
 - a) Construction of a roadway may be as detailed by the plan with a 16 foot width and Cape Cod berm.
 - b) Construction of drainage which crosses Fisher Street will include application of a 4 inch crown to Fisher Street in the immediate vicinity of the entrance of the proposed road to Fisher Street.
4. All drainage easements as shown on said plan, or any revisions thereof, shall include the right to enter thereon and to provide the necessary maintenance thereof.
5. No building or structure shall be built or placed on a lot of land until adequate provision has been made for service thereof with an adequate water supply. Wells shall be installed in the subdivision in accordance with the rules and regulations of the Board of Health of the Town of Medway. The undersigned shall guaranty for a period of one (1) year from the date of conveyance of each lot that the well installed on each lot shall provide a flow of potable water in the amount of at least five (5) gallons per minute.

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JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD

6. No building or structure shall be built or placed on a lot of land without the approval of the Medway Board of Health.

7. The owner may furnish a bond in an amount sufficient in the opinion of the Board to cover:

- a) The costs of construction and installation of all the ways and municipal services therein (referred to in item 1) or any unfinished part thereof.
- b) The performance of the requirements contained in this agreement or any portion thereof.

8. Grading on all lots shall be in compliance with the Planning Board Rules and Regulations.

9. Slopes are to be vegetated with sufficient shrubbery to retain slope and prevent erosion.

10. Drainage provisions shall be made, whether they are additional to or modifications of those in the approved plan, as determined by the Planning Board Field Representative to be necessary for the adequate handling of surface water or ground water in the subdivision.

11. The undersigned agrees that the land shall not be further subdivided, and shall not be further developed than as shown on plan as two buildable lots.

12. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned. It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

13. Nothing contained in this covenant 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.

14. The premises or any part thereof may be mortgaged by the owner and any such mortgage or mortgages, as well as any title based thereon, shall not be deemed to be a sale.

15. When the requirements of this covenant have been complied with as to a particular lot, then the foregoing restrictions as to the erecting or placing of a building on that lot shall be removed and a certificate of partial compliance duly executed by a majority of the Board waiving this prohibition as to such particular lot(s) shall be filed and recorded in the Norfolk Registry of Deeds.

16. The undersigned represents and covenants that as of the date of recording said plan and this covenant therewith, with the Norfolk County

RECEIVED
JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD

Registry of Deeds, the undersigned shall be the owner in fee simple of all the land included in the aforesaid subdivision, and that any mortgages covering any of said land recorded therewith or subsequent thereto shall be subject to this covenant insofar as in force and applicable.

17. All utilities to be installed and construction of all roads and sidewalks to be fully completed in accordance with Rules and Regulations of the Town of Medway Planning Board in two years from the date of approval of the plan.

18. Endorsement of the approval is conditional upon the provision of a covenant duly executed and approved, to be noted on the plan and recorded with the Norfolk County Registry of Deeds, said form of guarantee may be varied from time to time by the Applicant subject to agreement on the adequacy and amount of said guarantee by the Board. Modifications must also be shown on the plan before its endorsement and recording.

WITNESS my hand and seal this 16th day of April, 1986.

KENNETH S. RACICOT, Trustee of RACICOT REALTY TRUST, a/r/a The Racicot Realty Trust, under Declaration of Trust dated December 3, 1982, recorded with Norfolk Registry of Deeds, Book 6006, Page 473, as amended by Amendment dated May 16, 1983, recorded with said Deeds, Book 6179, Page 30, of Bellingham, Norfolk County, Massachusetts.

RACICOT REALTY TRUST

By: Kenneth S. Racicot
KENNETH S. RACICOT, Trustee

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

April 16, 1986

Then personally appeared the above named KENNETH S. RACICOT, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed, before me,

Kathryn A. Sanderson
Kathryn A. Sanderson, Notary Public
My commission expires: Sep. 24, 1991

WITNESS our hands and seals this 23rd day of April, 1986.

William P. Lombardi
Gregory J. Lake
Donald D. DeLuca

Members of the Planning Board of the
Town of Medway

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

April 23, 1986

Then personally appeared William P. Lombardi, one of the above named members of the Planning Board of the Town of Medway, and acknowledged the foregoing instrument to be the free act and deed of the Planning Board as aforesaid, before me,

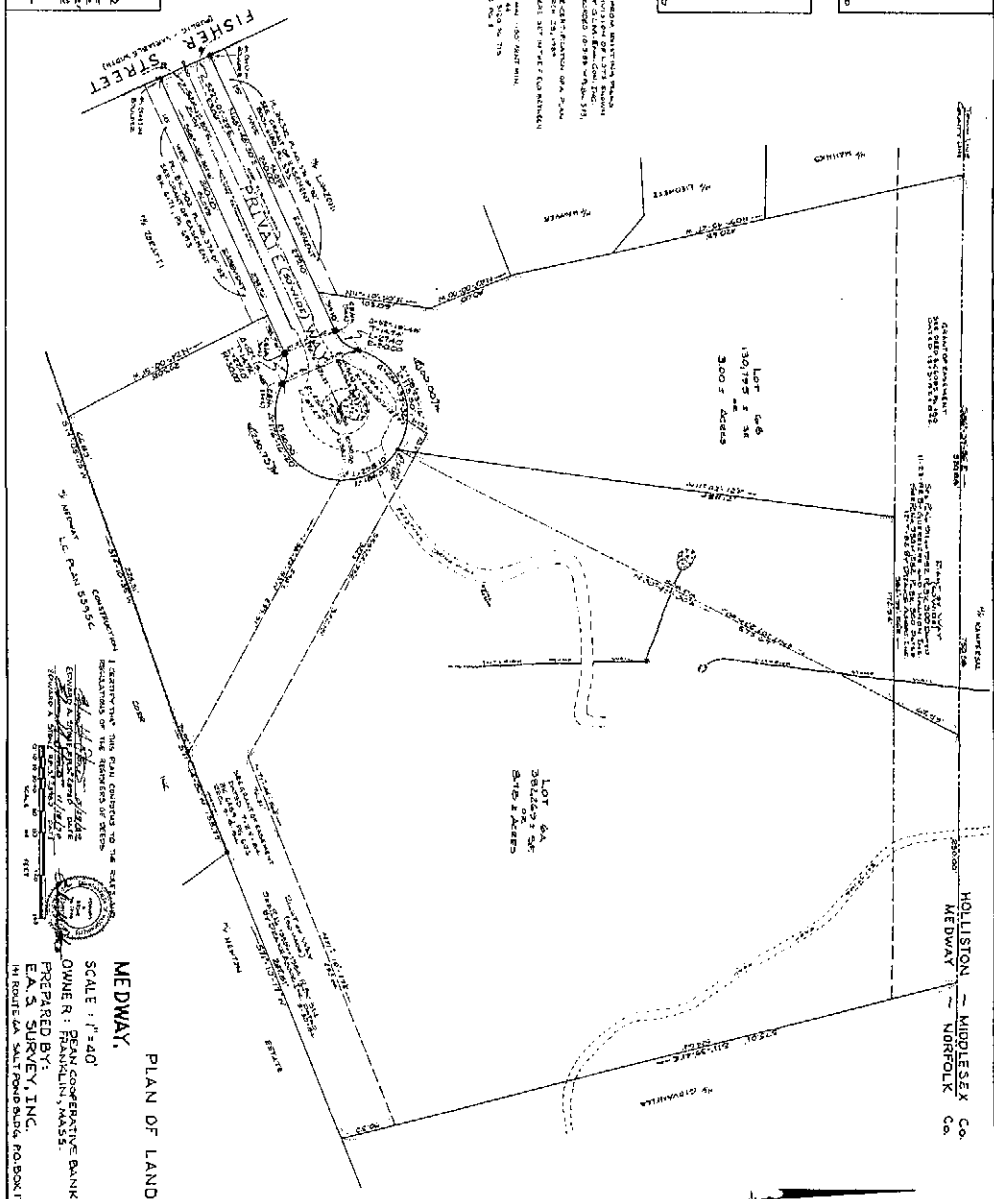
Harold M. W. DeLuca
My commission expires: Notary Public

March 12, 1993

TOWN OF MEDWAY
PLANNING BOARD

JUL 26 2011

1. NAME _____
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 3. CITY _____
 4. STATE _____
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 200. WITNESS DATE _____

[illegible]

Korolk Registry of Deeds
Dorham, Mass.
received Dec. 6 1982
with deed
Green for Park
Hillside Subdivision
labeled as No. 874 19 82
P. Bt. 394
[Signature]
Register

**MEDWAY,
MASS.**

SCALE : " = 40'

DRAWN BY :
[Signature]
OWNED BY : FARM CO-OPERATIVE BANK
PREPARED BY : FRANKLIN JAMES.
E.A.S. SURVEY, INC.

14 ROUTE 6A, SALT POND ROAD, BOX 172, SANDWICH, MASS

64:1144 81 030 68
RECEIVED
03080000

Witness the execution and the corporate seal of said corporation this ninth
day of November 19 89

Dean Cooperative Bank

By: 
Wayne A. Cottle, President &
Treasurer

City & County of Massachusetts

Norfolk ss. November 9, 19 89

Then personally appeared the above named WAYNE A. COTTLE

and acknowledged the foregoing instrument to be their free act and deed of DEAN COOPERATIVE
BANK before me,

Robert W. Simmler


Notary Public - ~~XXXXXXXXXX~~

My commission expires February 15, 1996

Recorded Dec. 18, 1989 at 11h.49m. A. M.

) The following is subjoined to the foregoing instrument.

8804

427

25⁰⁰
PL 25.00

MASSACHUSETTS GUILDFORD DEED BY CORPORATION (LONG FORM) 708

DEAN COOPERATIVE BANK

97177

RECORDED
INDEXED
FILED
JUL 26 2011
TOWN OF MEDWAY
PLANNING BOARD

a corporation duly established under the laws of Massachusetts
and having its usual place of business at 21 Main Street, Franklin, Norfolk County,
Xconomy, Massachusetts

for consideration paid, and in full consideration of \$55,000.00

Grant to ANDREW S. RODENHISER AND AUDRA J. RODENHISER, husband and wife,
as tenants by the entirety, both with quitclaim covenants
of 20 Highgate Road, Framingham,
Middlesex County, Massachusetts

(Description and encumbrances, if any)

The land situated off the Northeasterly side of Fisher Street in
Medway, Norfolk County, Massachusetts, and being shown as Lot 6A on
a plan entitled "Plan of Land in Medway, Mass., Scale: 1" = 40',
dated March 28, 1989, Revised: November 7, 1990, Owner: Dean
Cooperative Bank, Franklin, Mass. Prepared by: E. A. S. Survey, Inc.,
141 Route 6A Salt Pond Bldg., P. O. Box 1729, Sandwich, MA 02563",
said plan to be recorded herewith, to which reference is made for
a more particular description.

Lot 6A containing 382,269± or 8.7± acres according to said plan.

Conveyance is made subject to grants of easement recorded with Norfolk
Deeds in Book 6489, Page 606 and Book 6085, Page 480.

Conveyance is also made subject to "existing cart road" as shown on
said plan, and to "existing driveway" as shown on said plan.

Together with a one-half interest in the private way as shown on
said plan. Together with the right to use said private way in common
with other owner of Lot 6B and subject to the owner of the easement
to use said private way, and together with the right to install utilities
within said private way.

Conveyance is made subject to the further restriction that the said
private way will remain a private way and that the owners of Lot 6A
and Lot 6B as shown on said plan, will maintain said way, and share
costs equally.

Said conveyance does not constitute all the assets or a substantial
portion of the assets of said Dean Cooperative Bank and said
conveyance is made in the usual course of business.

For title see Foreclosure Deed of Dean Cooperative Bank recorded
with Norfolk Deeds in Book 8515, Page 5.

The premises are conveyed subject to a Right of Way 50' wide as shown on said Plan
and a Right of Way 60' wide as shown on said Plan.

The premises are conveyed subject to a Planning Board Covenant dated April 15, 1986
Recorded with said Deeds in Book 8120, Page 718.

Property address: Lot 6A, Fisher Street, Medway, Massachusetts 02053

RECEIVED
RECORDED
90 DEC -6 AM NO: 42

REFER TO PLAN NO. 74-1710 PL BOOK 90

RECEIVED
JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD


In witness whereof, the said Dean Cooperative Bank

has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Wayne A. Cottle

its President and hereto duly authorized, this 4th
day of December in the year one thousand nine hundred and ninety.

Signed and sealed in presence of

DEAN COOPERATIVE BANK


by 
Wayne A. Cottle, President and
Treasurer of Dean Cooperative Bank

The Commonwealth of Massachusetts

NORFOLK ss. December 4, 1990

Then personally appeared the above named Wayne A. Cottle

and acknowledged the foregoing instrument to be the free act and deed of the Dean Cooperative Bank before me


ROBERT W. STIMLER Notary Public - Massachusetts

My commission expires February 15, 1996

RECEIVED
NOV 6 1990
12/16/90
TAX 259.80
CHECK 259.80
52994817 10:07
EXCISE TAX

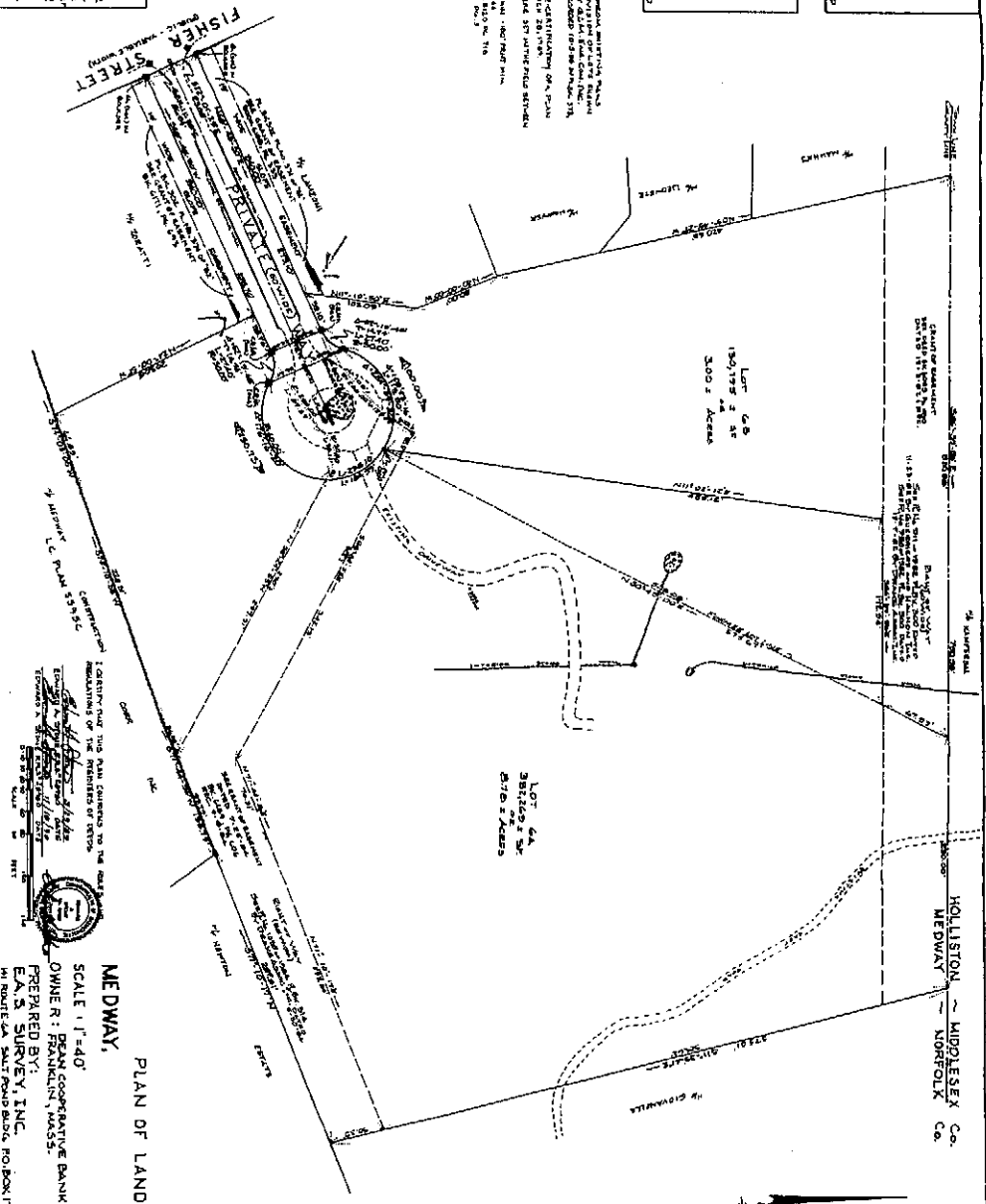
RECEIVED
JUL 26 2011

TOWN OF NEEDHAM
PLANNING BOARD

APPROVAL UNDER
THE SUPERVISING CONTRACT
LAWYER NOT REQUIRED

James H. Hester, Agent

DATE: *April 2, 1981*
MIDWAY PLANNING BOARD

[illegible]

Ho-Folk Registry of Deaths
 Death, West
 Received Dec. 6, 1922
 With Body
 John Edgar Cook
 1225 N. 5th St.
 St. Paul, Minn.
 Died at Home 874 19 22
 Age 39 1/2
 Cause of Death
 Registrar

[illegible]

RECEIVED
JUL 26 2011
JOURNAL OF POST KEYNESIAN
ECONOMICS

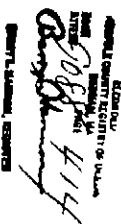
9088

414

Lot 6A Fisher St., Medway

90911

10. -



RELEASE OF COVENANT AND CONDITIONS

We, the undersigned, being a majority of the Planning Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify that lots 6A and 6B on a plan entitled, Definitive Subdivision Plan, Fisher St., Medway, Mass., Subdivision of land in Medway, Massachusetts, Owner & Developer: Kenneth S. Racicot, Trustee of Racicot Realty Trust, dated November 12, 1985, Surveyed by: GJM Engineering Consultants, which is registered in Norfolk County Registry as Plan No. 1095 of 1988, Plan Book 373, to which reference may be made for a more particular description, is hereby released from the terms, provisions, and conditions as set forth in a covenant between Kenneth S. Racicot, Trustee and the Planning Board of the Town of Medway, dated April 16, 1986, recorded in Book 8120, Page 718 with said deeds.

Signed and sealed at Medway, Massachusetts, this 11th day of December, 1990.

[Signature]
[Signature]
[Signature]

NORFOLK, SS.

Dated: Dec 11, 1996

Then personally appeared the above-named Allen Fraser and acknowledged the foregoing instrument to be his free act and deed, before me.

H. D. M. Brodwin
Notary Public
My commission expires:
March 12, 1993

RECEIVED
RECORDED
OCT 30 AM 11:19

Jun 28 11 03:15P

Edmund L. Myers, Esq.

508 478-2205

P. 2

QUITCLAIM DEED

I, AUDRA J. RODENHISER, being an unmarried person, of Medway, Norfolk County, Massachusetts,

in full consideration of less than One Hundred (\$100.00) Dollars, and pursuant to a Judgment of Divorce from the Norfolk Probate and Family Court, Docket No. 10D0376DR,

grant to ANDREW S. RODENHISER, of 104 Fisher Street, Medway, Norfolk County, Massachusetts, individually

with QUITCLAIM COVENANTS

(Description)

The land with the buildings thereon situated on the Northeasterly side of Fisher Street in Medway, Norfolk County, Massachusetts, being shown as Lot 6A on a plan entitled "Plan of land in Medway, Mass., Scale 1" = 40', dated March 28, 1989, Revised: November 7, 1990, Owner: Dean Cooperative Bank, Franklin, Mass., Prepared by: E.A.S. Survey, Inc., 141 Route 6A Salt Pond Bldg., P.O. Box 1729, Sandwich, MA 02563" which plan is recorded in Norfolk Registry of Deeds as Plan No. 874 of 1990 in Plan Book 396. Reference is hereby made to said plan on a more particular description to said Lot 6A.

Lot 6A containing 382,269± or 8.7± acres according to said plan.

Subject to grants of easement recorded with said Deeds in Book 6489, Page 606 and Book 6085, Page 480 and subject to "existing cart road" as shown on said plan and to "existing driveway" as shown on said plan.

Together with a one-half interest in the private way as shown on said plan. Together with the right to use said private way in common with the other owner of Lot 6B and subject to the owner of the easement to use said private way, and together with the right to install utilities within said private way. Subject to the further restriction that the said private way will remain a private way and that the owners of Lot 6A and Lot 6B as shown on said plan will maintain said way, and share costs equally.

Subject to Two Rights of Way, one 50' wide & one 60' wide, both shown on Plan No. 874 of 1990 in Plan Book 396 and subject to another 50' wide Right of Way shown on plan filed as Plan No. 1095 of 1988 in Plan Book 373 insofar as same is still in force and applicable.

Property Address: 104 Fisher St. Medway MA

Jun 28 11 03:15P

Edmund L. Myers, Esq.

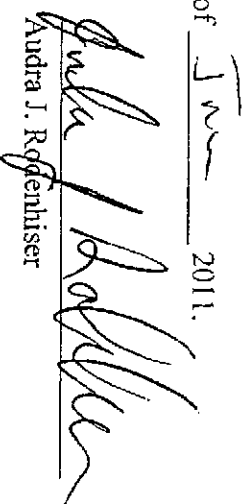
508 478-2205

P.3

Subject to a Planning Board Covenant dated April 16, 1986 and recorded with said Deeds in Book 8120, Page 718 as affected by Release of Covenant and Conditions recorded in Book 9088, Page 414.

Being the same premises conveyed to Audra J. Rodenhiser by deed of Andrew S. Rodenhiser and Audra J. Rodenhiser dated February 28, 2003 and recorded with Norfolk Registry of deeds in Book 18331, Page 548.

WITNESS my hand and seal this ~~22~~ day of June 2011.

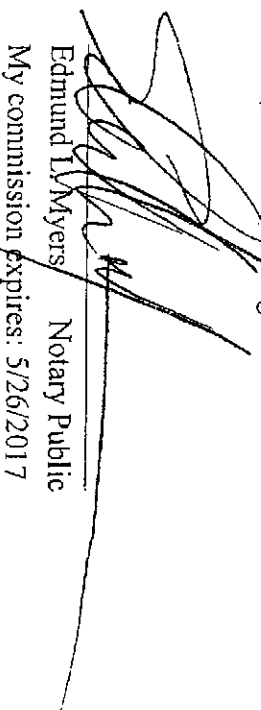

Audra J. Rodenhiser

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Date:

On this 28 day of June, 2011, before me, the undersigned notary public, personally appeared AUDRA J. RODENHISER, proved to me through satisfactory evidence of identification, which was by David L. L..., to be the person whose name is signed on the within document, and acknowledged to me that she signed it voluntarily for its stated purpose.


Edmund L. Myers Notary Public
My commission expires: 5/26/2017

GILMORE, REES & CARLSON, P.C.

ATTORNEYS AT LAW

1000 Franklin Village Drive
Franklin, Massachusetts 02038
(508) 520-2200
Facsimile (508) 520-2217

Daniel J. Gilmore**
Christopher T. Carlson
Bruce J. Bettigole*
Paul D. Bishop
Sidney A. Stobodkin
Joseph D. Kropp

Of Counsel
William J. Rees
Karin Blake, P.C.

Katherine A. Botelho*
Jane Fisher Carlson
Todd M. Machnik
Philip B. Evans
Robert J. Morrill
Michelle M. Raymond
Deborah E. Batog

* Also Admitted To Practice In Rhode Island
** Also admitted to Practice in Maine

April 29, 2002

FIRST-CLASS MAIL AND CERTIFIED
MAIL - RETURN RECEIPT REQUESTED

Mr. and Mrs. Andrew S. Rodenhiser
104 Fisher Street
Medway, Massachusetts 02053

TURN OFF PHONE
DURING EXHIBIT

JUL 26 2011

Re: GIOVANELLA v. RODENHISER/RIGHTS OF WAY

Dear Mr. and Mrs. Rodenhiser:

Please be advised that this Firm represents Ms. Jo-Ann Giovannella, an owner of the real estate located off Fisher Street, Medway, Norfolk County, Massachusetts ("Premises"), which Premises abut the easterly boundary of your property.

As you are aware, my client asserts the right to use certain rights of way crossing over your property to the Premises. Based upon my review of documents obtained from the Norfolk County Registry of Deeds, I have concluded that the Premises have the benefit of two (2) Rights of Way, both of which cross your property. The first Right of Way is by virtue of the reservation of a sixty foot (60') right of way by Ms. Giovannella's husband, her predecessor-in-title, in his Deed to Kenneth S. Racicot, Trustee of Racicot Realty Trust ("Racicot") dated December 3, 1982 and recorded with the Registry in Book 6085, Page 480, a copy of which is marked as Exhibit "A" and enclosed herewith. This Right of Way is shown on a Plan recorded with the Registry as Plan No. 911 of 1982 in Plan Book 300, a copy of which Plan is marked Exhibit "B" and enclosed herewith.

The second Right of Way is by virtue of a Grant from Racicot to Ms. Giovannella's husband, her predecessor-in-title, dated July 25, 1984 and recorded with the Registry in Book 6489, Page 606, a copy of which Grant is marked as Exhibit "C" and enclosed herewith. This Right of Way is fifty feet (50') wide and shown on a plan recorded with the registry as Plan No. 1035 of 1989 in Plan Book 314, a copy of which is marked as Exhibit "D" and enclosed herewith.

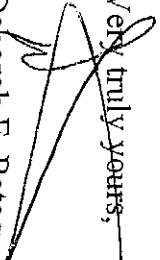
Further, the records at the Registry indicate that Racicot mortgaged Lot 6 (of which your property is a portion thereof) to Dean Cooperative Bank in November of 1986. Therefore, Dean Cooperative Bank, as your predecessor-in-title, took title subject to the above-described Rights of Way, as set forth in its Deed to you recorded with the Registry in Book 8804, Page 427, a copy of which Deed is marked Exhibit "E" and attached hereto. The Plan referenced in your Deed, which shows the locations of both Rights of Way is marked Exhibit "F" and enclosed herewith. Please note your property is also subject to an existing driveway and a cart road shown on said Plan, which may further benefit the Premises.

Based upon the enclosed documents and plans, which are of record with the Registry, the Premises have the benefit of two (2) Rights of Way over your property. As you are aware, my client is in the process of selling the Premises. In connection therewith, she has retained the services of Betty McCall, a local real estate broker. Further, my client intends to retain the services of a surveyor to stake the location of the Rights of Way for prospective buyers, as any sale of the Premises would be with the benefit of said Rights of Way.

It is my understanding that you have unjustifiably refused to acknowledge my client's rights to cross your property and have also attempted to interfere with the same. In the event you continue to interfere with my client's or her agents' lawful exercise and use of the Rights of Way, you are herein notified that I have been instructed to pursue all legal and equitable remedies against you. I trust such action will not be necessary.

You are further instructed to refrain from contacting my client or her sons directly. Should you wish to discuss this matter or, if you have an interest in purchasing the Premises, please have your attorney contact me.

Very truly yours,


Deborah E. Batog

DEB/gam

Enclosures

cc: Ms. Jo-Ann Giovannella
(w/copies of encls.)
Daniel J. Gilmore, Esq.
(w/o copies of encls.)

194624

RECEIVED
JUL 26 2011
DEBORAH E. BATOG

480

MASSACHUSETTS NOTICING DEED SHORT FORM (INDIVIDUAL) 261

We, EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, both
of Medway, Norfolk County, Massachusetts

for consideration paid, and in full consideration of \$116,000.00

granted KENNETH S. RACICOT, Trustee of Racicot Realty Trust under
declaration of trust dated 12/3/82 to be recorded herewith
of 295 Washington Street, Sherborn, Middlesex with quitclaim covenants
County, Massachusetts,

belonging situated on the Easterly side of Fisher Street in Medway,
Norfolk County, Massachusetts, and being shown as Lot 1 on a plan
entitled "Plan of Land
in Medway, Mass. Property of: Edward J. & Francis J. Giovanella
Scale: 60 feet to an inch Date: November 23, 1982. Guerriere &
Halnon, Inc. Engineering and Land Surveying 326 West Street,
Milford, Mass.", which plan is to be recorded herewith. Said Lot 1
contains 18.13+ acres according to said plan. Reserving to the
grantors, in common with others entitled thereto, the right to use
the "60' wide right of way" as shown on the plan hereinbefore referred
to, for any and all purposes for which public ways are commonly used
in the Town of Medway.

For grantors' title, see Norfolk Deeds Book 5827, Page 80.



Address of Property: Fisher Street (unnumbered), Medway, MA

RECEIVED & RECORDED

DEC 3 11 30 AM '82

Witness our hands and seals this 3rd day of December 1982

Edward J. Giovanella

Francis J. Giovanella

Notary Public for the Commonwealth of Massachusetts

Middlesex ss.

December 3, 1982

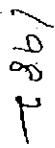
Then personally appeared the above named Edward J. Giovanella and Francis J. Giovanella
and acknowledged the foregoing instrument to be theirs

Robert E. Picco Notary Public - KENNEDY DISTRICT

My commission expires, March 10, 1983

JUL 26 2011

John C. Kennedy
Chairman



1 CERTIFY THAT THIS PLAN HAS
2 BEEN PREPARED IN CONFORMITY
3 WITH THE RULES AND REGULATIONS
4 OF THE REGISTRARS OF DEEDS OF THE
5 COMMONWEALTH OF MASSACHUSETTS.

ORRIS ASSOCIATES INC.

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED.

MEMORANDUM FOR THE BOARD

2nd Lieut. Geo. B. L.

6489

606

RECEIVED RECORDED
1984 SEP -5 AM 9 26REFER TO PLAN NO. 10354/1984 PL. BOOK 314

KENNETH S. RACICOT, Trustee of RACICOT REALTY TRUST, a/k/a The Racicot Realty Trust, under Declaration of Trust dated December 3, 1982, recorded with Norfolk Registry of Deeds, Book 6085, Page 473, as amended by Amendment dated May 16, 1983, recorded with said Deeds, Book 6179, Page 30, of Sherborn, Middlesex County, Massachusetts.

In consideration of the payment of the sum of One (\$1.00) Dollar and other good and valuable consideration, grant to EDWARD J. GIOVANIELLA and FRANCIS J. GIOVANIELLA, their successors and assigns, with quitclaim covenants,

an Easement over the "50' wide right of way" as shown on a plan of Lot 6 on a plan entitled "Plan of Land in Medway, Massachusetts," property of Racicot Realty Trust, May 30, 1984, Drake Associates, Inc., to be recorded herewith, said "50' wide right of way" for the benefit of and as appurtenant to the Grantee's land, to be used in common with the Grantor, their successors and/or assigns for all purposes for which public ways are used in the Town of Medway.

The Grantees, by acceptance of this easement, consent and agree, for themselves, their heirs and assigns, that they will share equally with the owner of Lot 6, in the cost of maintenance (including snow plowing) and repair of the Right of Way.

For my title see Deed recorded with said District Deeds in Book 6085, Page 480.

Witness my hand and seal this 25th day of July, 1984.

Kenneth S. Racicot
KENNETH S. RACICOT, Trustee of
Racicot Realty Trust

COMMONWEALTH OF MASSACHUSETTS

July 25th, 1984

Gilliland, ss.

Then personally appeared the above named KENNETH S. RACICOT, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me

James J. Buckley
Notary Public

My commission expires: 11/7/86

JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD

8804

427

2500
PL 25-00

MASSACHUSETTS GUILDFORD DEED BY CORPORATION (LONG FORM) 788

DEAN COOPERATIVE BANK

97177

RECEIVED
DEAN COOPERATIVE BANK
JUL 26 2011
JUL 26 2011

a corporation duly established under the laws of Massachusetts
and having its usual place of business at 21 Main Street, Franklin, Norfolk County,
Middlesex County, Massachusetts

for consideration paid, and in full consideration of \$55,000.00

grant to ANDREW S. RODENHISER AND AUDRA J. RODENHISER, husband and wife,
as tenants by the entirety, both
20 Highgate Road, Framingham,
Middlesex County, Massachusetts

(Description and consideration, if any)

The land situated off the Northeastern side of Fisher Street in Medway, Norfolk County, Massachusetts, and being shown as Lot 6A on a plan entitled "Plan of Land in Medway, Mass., Scale: 1" = 40'", dated March 28, 1989, Revised: November 7, 1990, Owner: Dean Cooperative Bank, Franklin, Mass. Prepared by: B. A. S. Survey, Inc., 141 Route 6A Salt Pond Bldg., P. O. Box 1729, Sandwich, MA 02563", said plan to be recorded herewith, to which reference is made for a more particular description.

Lot 6A containing 382,2691 or 8.71 acres according to said plan.

Conveyance is made subject to grants of easement recorded with Norfolk Deeds in Book 6489, Page 606 and Book 6085, Page 480.

Conveyance is also made subject to "existing cart road" as shown on said plan, and to "existing driveway" as shown on said plan.

Together with a one-half interest in the private way as shown on said plan. Together with the right to use said private way in common with other owner of Lot 6B and subject to the owner of the easement to use said private way, and together with the right to install utilities within said private way.

Conveyance is made subject to the further restriction that the said private way will remain a private way and that the owners of Lot 6A and Lot 6B as shown on said plan, will maintain said way, and share costs equally.

Said conveyance does not constitute all the assets or a substantial portion of the assets of said Dean Cooperative Bank and said conveyance is made in the usual course of business.

For title see Foreclosure Deed of Dean Cooperative Bank recorded with Norfolk Deeds in Book 8515, Page 5.

The premises are conveyed subject to a right of way 50' wide as shown on said Plan and a Right of Way 60' wide as shown on said Plan.

The premises are conveyed subject to a Planning Board Covenant dated April 16, 1986 Recorded with said Deeds in Book 1120, Page 718.

Property address: Lot 6A, Fisher Street, Medway, Massachusetts 02053

RECEIVED
NORFOLK COUNTY
90 DEC -6 AM 10:42

REFER TO PLAN NO. 874411950 PL BOOK 386

RECEIVED
JUL 26 2011
JUL 26 2011

Witness the execution and the corporate seal of said corporation this ninth

day of November 19 89

Dean Cooperative Bank

By: Wayne A. Cottle, President & Treasurer

The Commonwealth of Massachusetts

November 9, 19 89

Worfolk ss.

Then personally appeared the above named WAYNE A. COTTLE

and acknowledged the foregoing instrument to be their free act and deed of DEAN COOPERATIVE BANK

before me,

ROBERT W. BLINLER

Notary Public - FEBRUARY 15, 1926

Recorded Dec. 18, 1989 at 11h. 49m. A. M.

) The following is subjoined to the foregoing instrument.

JUL 23 2011

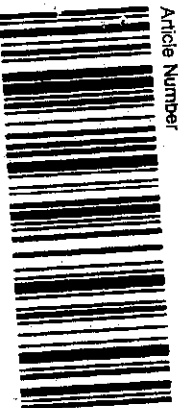
JOHN OF NEWBURY
PLANNING BOARD

NOV. 7, 1990
MARCH 28, 1989

POST OFFICE
JUL 26 2011

U.S. MAIL
PS Form 3811, July 2001

2. Article Number



7160 3901 9644 6375 9839

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

D. If delivery address different from item 1, enter delivery address below:

☐ Agent
☐ Addressee

☐ Yes
☐ No

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Mr. and Mrs. Andrew S. Rodenhiser
104 Fisher Street
Medway, Massachusetts 02053

7869-3

DEB

PS Form 3811, July 2001

Domestic Return Receipt



TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

July 26, 2011

TO: Medway Planning and Economic Development Board members
FROM: Susy Affleck-Childs
RE: Bay Oaks Subdivision - Complying with the Affordable Housing Provisions of the Zoning Bylaw

The Bay Oaks Preliminary Subdivision Plan shows the division of the property at 104 Fisher Street into a 4 lot residential subdivision; 1 lot for the existing single family home and 3 lots for new construction.

APPLICABILITY - Per the affordable housing section of the Medway Zoning Bylaw, the affordable housing provisions are applicable to the division of land into 3 or more lots. The requirement is that an applicant must provide at least 15% of the lots in a division of land as affordable housing units. For this proposed subdivision which will result in 3 additional lots, the developer must provide .45 of an affordable housing unit. As the bylaw requires any portion of a unit to be rounded up, this would result in the construction or provision of 1 affordable housing dwelling unit.

OPTIONS - There are several ways the applicant can meet their affordable housing obligation.

1. **On Site Construction** - The affordable dwelling unit is constructed on the development parcel. If so, a density bonus is provided to allow for the construction of one additional market rate dwelling unit for every affordable unit that has to be provided. To fit in/make room for the additional market rate unit, the standard requirements for lot area, frontage and setbacks and type of unit may be adjusted for all the lots in the subdivision.
2. **Off-Site** - The applicant may provide the affordable housing unit on a property different from the subdivision parcel, either through new construction or renovation. The density bonus to permit the construction of one additional market rate dwelling unit in the proposed development is applicable.
3. **Land Donation** – If the Board determines that the affordable unit cannot be produced through either option 1 or so and if the Board approves, the applicant may make a donation of land to the Affordable Housing Trust. The density bonus to authorize the construction of one additional market rate dwelling unit within the development is applicable.

4. **Payment in Lieu of Direct Provision of Affordable Housing** – If the Board determines that the affordable unit cannot be produced through option 1, 2 or 3, and if the Board approves, the applicant may make a payment in lieu of construction to the Medway Affordable Housing Trust. The amount of payment is based on the number of required affordable housing units times the “*equivalent affordable housing unit value*”. The “*equivalent affordable housing unit value*” is equal to the difference between the median sale price for market rate single family homes sold in Medway during the 36 months preceding the application as determined by the Medway Board of Assessors and the purchase price of a home that is affordable to a qualified purchaser as determined by the Massachusetts Department of Housing and Community Development (DHCD) assuming a household size of 4. With the payment in lieu of option, the density bonus of one additional market rate dwelling unit is NOT available.

The Medway Board of Assessors has provided a spreadsheet showing the price of single family homes sold in Medway between July 1, 2008 and June 30, 2011. There were 323 arms length transactions during that period. The median sale price was \$347,500.

According to the Mass DHCD, the purchase price of a 3 bedroom (4 person) home affordable to a qualified purchaser is \$187,000.00.

Equivalent AH unit value = \$347,500 - \$187,000 = \$160,500.

As the affordable housing obligation for this subdivision is .45 of an affordable dwelling unit, the required payment in lieu of amount for the proposed Bay Oaks subdivision would be the Equivalent AH unit value x .45

\$160,500 x .45 = \$72,225

The affordable housing payment in lieu of construction for the Bay Oaks subdivision would be **\$72,225.**



TETRA TECH

MEMORANDUM

To: Susan Affleck-Childs – Medway Planning and Economic Development Board Coordinator

Fr: Steven Bouley–Tetra Tech

Re: **Pine Ridge
Subdivision Review for Bond Reduction
Medway, MA**

Dt: 07/25/11

RECEIVED
JUL 25 2011
TOWN OF MEDWAY
PLANNING BOARD

At the request of the Medway Planning Board, Tetra Tech performed an inspection of The Village at Pine Ridge Subdivision against the approved Definitive Subdivision Plans dated September 6, 2006 and the most recent bond estimate conducted by VHB dated March 9, 2007. The inspection was conducted in order to generate a list for incomplete construction items and current issues that should be repaired or resolved.

On Thursday, July 21, 2011, Steven Bouley from Tetra Tech performed an inspection of the current condition of the subdivision. There are several items to note that remain to be installed. These items are as follows:

Right-of-Way

1. A “Slow Children” and “Fire Lane” sign remain to be placed as approved on the plans. The signage should be placed on-site prior to completion of the project.
2. Two (2) light poles remain to be installed at the cul-de-sac. The light poles should be installed prior to completion of the project. See Photo #1.

Roadway

3. Bituminous concrete berm needs to be installed for the entire cul-de-sac. The berm should be installed prior to final paving. See Photo #2.
4. The top course of pavement needs to be installed.
5. All catch basin structures and a water gate casting within the roadway are at binder grade. All structures should be raised to finish grade upon installation of the top course of pavement. See Photo #3.



TETRA TECH

6. The concrete ADA ramps do not contain truncated dome pavers. However, the ramps are constructed as detailed on the approved subdivision plans. It is at the discretion of the board to allow the ramps as constructed. See Photo #4.
7. The word "STOP" and a stop line are not painted at the intersection of Pine Ridge Drive and Candlewood Drive. Parking stalls should also be painted in the parking area adjacent to the mailboxes. Pavement markings should be painted at the proposed locations as shown on the plans. See Photo #5 and #6.

Drainage

8. The catch basin structures do not contain hoods. Hoods should be installed in the structures prior to the completion of the project.

Emergency Access

9. Vegetation is overgrown in several locations throughout the emergency access. Tall weeds should be removed and trees should be pruned back along the access in areas where they are overgrown.
10. The emergency signage has not been installed. Two (2) No Parking Emergency Access signs shall be added on both sides of access.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2382.

Very truly yours,

Steven Bouley
Civil Engineer

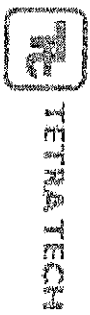


Photo #1

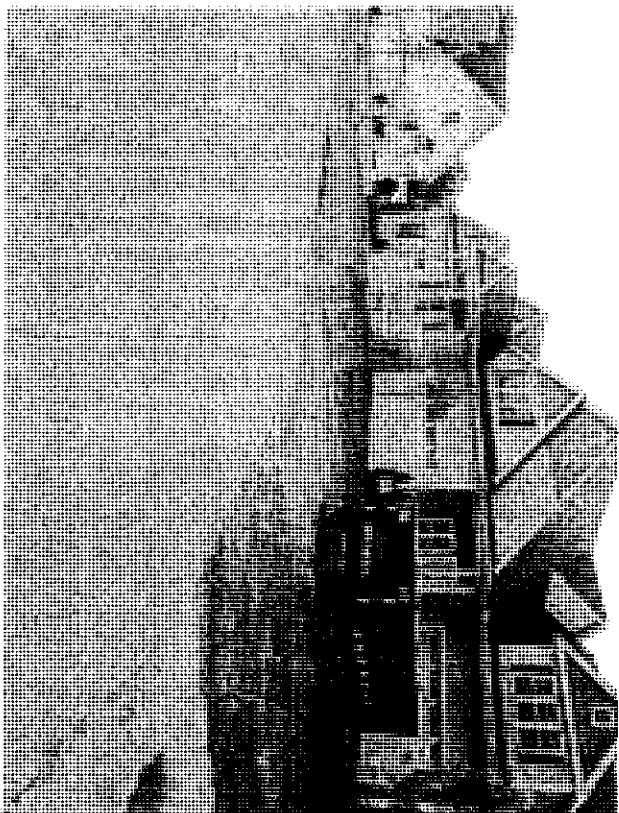
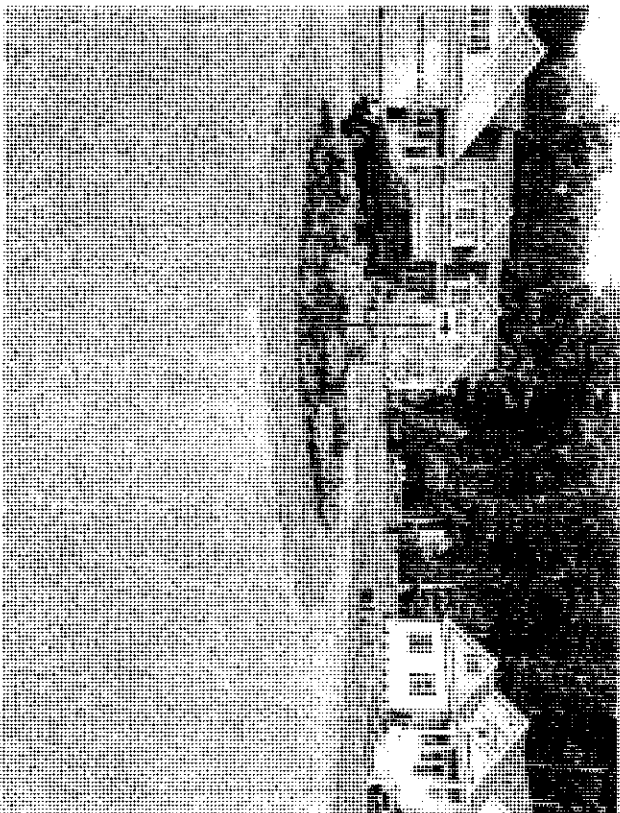


Photo #2





TETRA TECH

Photo #3

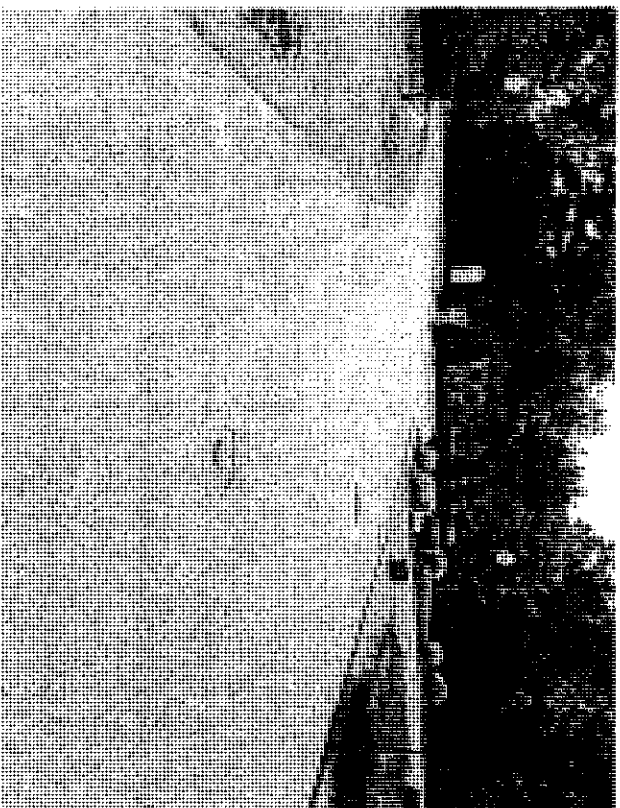
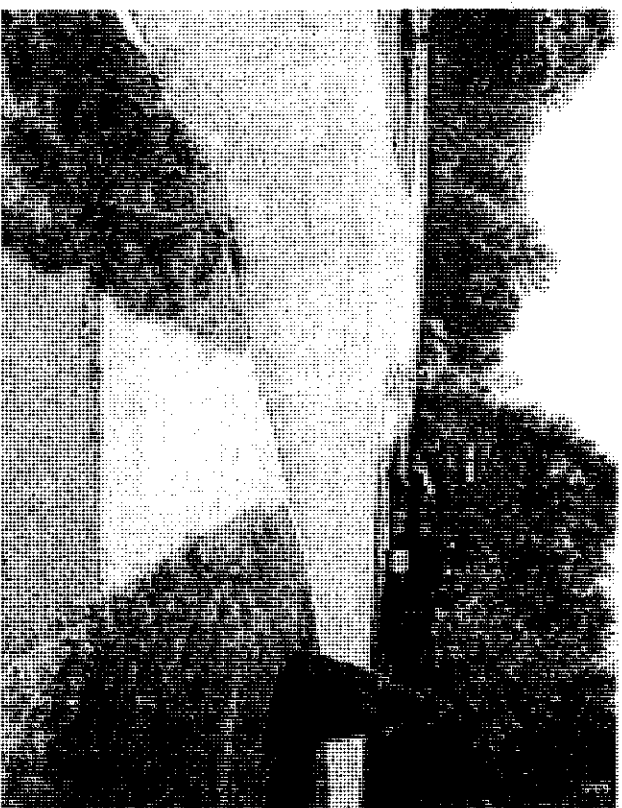


Photo #4



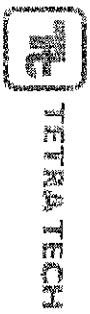
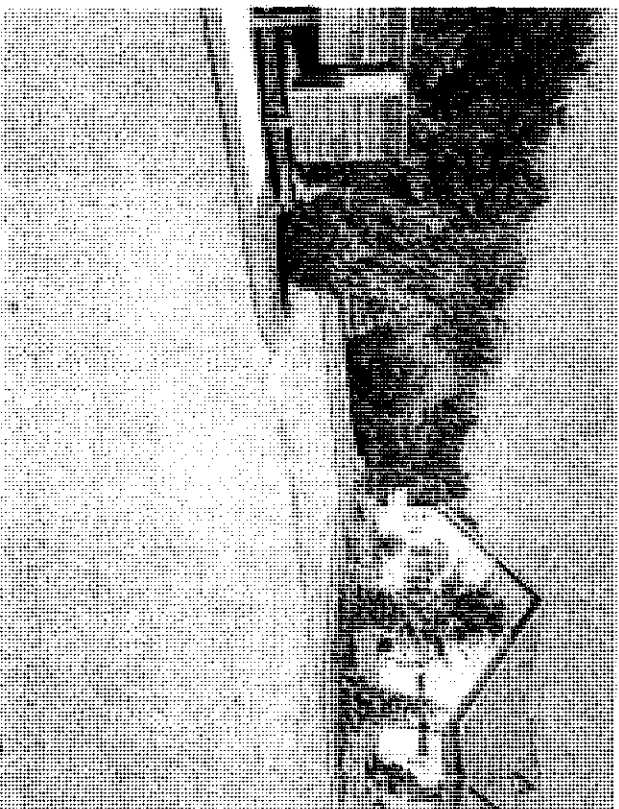


Photo #5



Photo #6



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TETRA TECH

Bond Value Estimate
The Village at Pine Ridge
Definitive Subdivision
Medway, Massachusetts
July 21, 2011

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course - 1 1/2" Depth (Roadway)	180	TON	\$90.00	\$16,200
HMA Berm - Modified	400	LF	\$6.00	\$2,400
Water Gate Adjustments	1	EA	\$125.00	\$125
Drain Structure Adjustments	6	EA	\$290.00	\$1,740
Light Poles	2	EA	\$5,300.00	\$10,600
Signage(Slow Children, Fire Lane)	2	EA	\$325.00	\$650
Pavement Markings	1	LS	\$500.00	\$500
As-built Plans	560	LF	\$5.00	\$2,800
Legal Services	1	LS	\$3,000.00	\$3,000
				\$38,015

Subtotal \$38,015

Recommended Bond Value \$38,015

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 7/2010 - 7/2011.

**August 9, 2011
Medway Planning and Economic Development Board Meeting
155 Village Street
Medway, MA**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE: Tom Gay

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments.

Proposal for Zoning Bylaw Change:

Bruce Hamelin a resident in Medway came to the Board with a proposal for a change to the zoning map. The parcel reference was shown on a map and is currently zoned as ARI. The area is a triangular shaped parcel that is immediately west of I-495. It abuts Bellingham and an industrial park in Milford. The remaining part of the parcel is east of I-495 and is zoned Industrial III zone. Overall, the parcel is .51 acres and assessed at \$800.00. This is currently owned by NSTAR. Mr. Hamelin recommends changing the zoning to Industrial III.

Member Rogers wanted to know if this was taken from a remnant of land leftover from building I-495. He believes that this was left with no use or compatibility.

Resident Hamelin does not know.

Susy Affleck-Childs communicated that it may be a good time to have a discussion with the Board of Selectmen and the Town Administrator to discuss zoning articles for the fall town meeting.

Village Estates Definitive Subdivision Plan – 2772 Village Street:

The continued public hearing for Village Estates Definitive Subdivision Plan was opened at 7:15 pm.

Present for the applicant were Paul DeSimone of Colonial Engineering and Dottie Santoro.

The Board was provided a confidential document from Town Counsel Barbara Saint Andre relative to the Village Estates Subdivision and the 2772 Village becoming non-conforming given it is a corner lot.

Paul DeSimone gave a brief overview of the plan revisions which were in relation to the previous comments from Tetra Tech Rizzo and PGC Associates. The revisions were noted in a memo from Colonial Engineering, Inc. dated July 25, 2011. **(See Attached)**

The revised plan shows the planting of shrubs around the stormwater management facilities. It also shows the 30' pine trees along the west side of the property that will be removed.

The Board is also in receipt of review memos from PGC Associates, Inc. dated August 1, 2011 regarding the revised plans and from Tetra Tech Rizzo dated August 3, 2011. **(See Attached)**

Mr. DeSimone had supplied the Board with a series of Waiver Requests from the Subdivision Rules and Regulations. **(See Attached)**

The applicant would like a waiver from the requirement of a looped water system. The reason for this is due to the fact that the proposed private way is very short in length. The water line cannot be extended, since there are no existing roads on abutting parcels to loop to. The water line would have to be run back down the middle of the road to Village Street.

The applicant proposes to install a water main line to the hydrant for fire protection and to service the proposed dwelling. There would also be a second water main back down the middle of the road to tie into the main in Village Street. There will be three gate valves installed in Village Street at the tie into the water main.

The applicant is also seeking a waiver from 7.7.2 regarding stormwater management which requires the limits of detention and retention basins and related structures to not be closer than 30 feet to lot/parcel lines and any right of way. Tetra Tech Rizzo will provide further recommendation in relation to this issue. It was also suggested that there be some follow-up with the DPW Director.

The applicant is proposing shallow, unobtrusive infiltration trenches within the private roadway layout. This was shown on Parcel "A". Mr. DeSimone indicated that the goal of this design is to provide a low-impact development stormwater system. The design meets DEP stormwater standards and is aesthetically pleasing.

The next waiver requested is from 7.9.2 Roadway Alignment. The requirement is for a 40 foot curb radius. The applicant is seeking a 24 foot curb radius. The applicant communicated that a 24 foot radius is adequate for two house lots.

Paul DeSimone commented on the curb matter that Gino Carlucci had referenced in his review letter. There no curb. How will you finish it? The sidewalk will not be touched. The road is level with the concrete. The two driveways will be taken out.

Dave Pellegrini from Tetra Tech Rizzo communicated that the Town will be undertaking a project to fix this part of Village Street, including the sidewalks. The intent is to do the project this year. The Town will meet the existing grade. The question is does the Board want to fix the sidewalk

along this property when it is to be fixed in the future. Dave Pellegri suggested showing the limit of what needs to be repaired

There is not a waiver proposed from the sidewalk requirement. There are sidewalks there but they are not in the best shape.

Paul DeSimone informed the Board that he is waiting to hear back from the DPW regarding sidewalks. He will show the limits and saw cuts of what needs to be repaired.

There are two driveways and one has a dip.

Member Tucker wants to make sure that the Board remains consistent with the action relative to the sidewalks and making sure it is equitable with the other decisions the Board has made.

Dave Pellegri questions, does this sidewalk provide safe pedestrian standards? This needs to be determined. This is not clear.

Member Spiller-Walsh noted that the Board could write that a condition that improvements be made and this could be decided by Dave.

It was suggested to have Dave Pellegri meet with Paul DeSimone and Tom Holder to come up with a solution relative to the sidewalks and this could move forward.

The Board next discussed the street layout.

The Chairman informed all that Town Counsel is looking at the road layout and how it would impact the adjacent properties.

The Board was looking for some clarity from the Building Commissioner, John Emidy and Town Counsel. Susy-Affleck-Childs informed all that a confidential document was received from Town Counsel. Locating the roadway layout on the western edge of the parcel would put the building on the adjacent parcel to the west at 274 Village Street in non-conformity with the zoning bylaw as it would not be set back 35 feet from a street line. This is not a problem until the owner of 274 Village Street wants to build. Susy Affleck-Childs also read from the Subdivision Regulations that subdivision approval shall not be granted if the division by the land creates a zoning violation on an adjacent parcel. This is not a regulation the Board should waive.

Chairman Rodenhiser asked if the layout can be moved to the right (east) to get the clearance.

Susy Affleck-Childs communicated that the Board could agree to a reduced width for the right of way instead of 50'.

Paul DeSimone responded that a spite strip could be put in between but they would need to ask for a waiver from that requirement.

This was brought up in the very first meeting from Gino Carlucci.

There would be no basis to grant that waiver.

There needs to be a strip of land which goes with lot two.

This protects the abutter as well.

The spite strip was not addressed in the letter from Town Counsel.

Paul DeSimone commented that there needs to be clarity from Counsel.

There may need to be some flexibility with the right-of-way.

Member Tucker communicates that the definition of setback is based on property lines. The Board cannot waive the zoning requirement that a building be set back 35 feet from a street line.

Paul DeSimone communicated that he will come up with a drawing showing a spite strip.

Member Spiller-Walsh has a problem with the turning radius. She wants to know what is going to happen with the swales at the end.

Paul DeSimone responded that everything will be coming out and the lawn will be replaced.

Member Spiller-Walsh wanted to know what will be going to the left of the trees. She wanted to know what the plan is for landscaping.

Paul DeSimone responded that this will be lawn and not grass.

Dave Pellegrini noted that the large pines will need to be removed and the applicant might want to put in new trees for a buffer.

Paul DeSimone noted that there will be a good buffer remaining if the roadway layout moves (easterly). This will not change.

Chairman Rodenhiser noted that if the road moves, those trees can remain.

Karyl Spiller-Walsh noted that she visited the site to observe the water issue.

Abutter, Mr. Brundage, 268 Village Street noted that this area fills with water.

Mr. Brundage noted that the water stayed in the field. The grading has changed. The front where the road is going holds so much water. Where is the water going to go with a new road in?

Dave Pellegrini noted that the water will be controlled by the stormwater design. The condition will not be worse and the flow will not increase.

Member Spiller-Walsh asked Mr. DeSimone if they could create a swale or detention area to fix the problem.

Paul DeSimone communicated that he needs to take (survey) shots to see what is going on.

Chairman Rodenhiser asked the abutter if Mr. DeSimone can look to see grades.

Mr. Brundage does not want Paul DeSimone to be on his property.

Chairman Rodenhiser asked if Mr. Brundage has had his land surveyed. Mr. Brundage responded no.

Susy Affleck-Childs communicates that the applicant's engineer cannot design something without concise and precise data.

Mr. Brundage communicated that he has never had a chance to do the final grade.

The Chairman asks again if Mr. DeSimone can go onto his property.

Mr. Brundage is agreeable to allow Mr. DeSimone from Colonial Engineering come to his property to do take survey shots. He would like to be informed when they come.

Mr. Brundage showed a photo. At the west of the site, the picture shows an x where he was standing and took a picture and the sight line was shown. He contends that this is not 240 feet. He is questioning the line of site distance.

Paul DeSimone noted that this was done with instrumentation.

Dottie Santoro communicated that she does not want to pay to resolve problems which have long existed.

Susy Affleck-Childs communicated that there is deadline for Board action which is August 29, 2011.

The applicant Mrs. Santoro is comfortable granting an extension until September 30, 2011.

Dave Pellegrini will be meeting with Tom Holder about connecting to the sewer system.

The Board is in receipt of an email dated August 4, 2011 from Tom Holder, Director of Public Services. **(See Attached)** The email referenced that Mr. Holder would like to see hydrant detail included on plans noting thrust protection. Mr. Holder is also wondering if the extending of the public sewer extension would need MADEP approval.

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to continue the public hearing for Village Estates until Tuesday, August 23, 2011 at 7:15 pm.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to extend the approval deadline for Village Estates until September 30, 2011.

Bay Oaks Preliminary Subdivision Plan – 104 Fisher Street

Chairman Rodenhiser recused himself from the discussion. Vice Chairman Tucker assumed responsibility for chairing the meeting for this agenda item.

Present were Rob Truax of GLM Engineering and Andy Rodenhiser, applicant.

Rob Truax explained that they have made further changes to the plan to address a few of the issues which were presented at the last meeting. (See Attached) The new revised plan dated August 3 and 2011 shows the proposed roadway as a common drive and it is narrowed into 18 ft with a hammerhead to lot 3 and 4. After speaking with abutter Reed, he had asked that the lot one come out on private road. There were changes to the total areas of the lots. Another change was to lot 4 which shows the existing 60 foot easement. The 50 foot easement through Lot 2 has been changed to put the driveway up the easement.

Member Tucker asked that when they go to revise the plans again, to please add a note about the 50 foot easement running all the way to Fisher Street. Please note that this does exist and is not a dead end at the cul-de-sac. The applicant will also need an easement for the driveway on Lot one to cross the adjacent lot.

Member Spiller-Walsh communicated that a house footprint would be relevant to shown on Lot 2 with the wetlands. Is it comfortable there with the wetlands? The footprint would be relevant.

Rob Truax communicated that there would be individual lot filings with the Conservation Commission.

Member Spiller-Walsh is concerned about the legality of the right of way. Could there be 5 lots? Attorney Batog representing the Giovanella family responded that they have had people out there and there could be two lots on their property.

The Board will have until the next meeting to review all the letters.

Dave Pellegri from Tetra Tech Rizzo has not commented beyond the original letter.

Susy Affleck-Childs provided a chronology of 104 Fisher Street. (See Attached)

She also communicated to the Board that she has not been able to locate the Planning Board's subdivision decision from 1986. There is a subdivision covenant which was written in 1986. This information has been forwarded to Town Counsel.

Vice Chairman Tucker recommends that Susy Affleck-Childs provide information to Town Counsel relative to the 1986 covenant and ask for review.

Member Spiller-Walsh wanted to know what is done with all the snow during the winter.

Andy Rodenhiser indicated that the snow is stacked on both sides of the roadway. The snow has been removed with loaders in the past. He also communicated that the establishment of the Home Owners Association would address the snow removal.

Member Rogers indicated that individuals that buy lots may have concerns about the snow removal. It could be a condition to pull the snow out of there.

Vice Chairman Tucker noted that there could be a plan to control this.

The discussion moved to the massive retaining wall on either side of the existing roadway. The age of wall is at least 20 years. It was indicated that the back is sloped and staggered.

Member Spiller-Walsh wanted to know if there has been thought about thinning, trimming and crisping up some of the planting within the ledge to improve the landscaping.

Andy Rodenhiser informs the Board that he takes care of the driveway, trimming the trees and removing the leaves.

Member Spiller-Walsh communicates that the Design Review Committee may have some selective ideas with not much effort.

Susy Affleck-Childs indicates that the maintenance could come from the Homeowners Association.

This is only a preliminary plan and not even in an official public hearing. The Board is identifying the issues and does not need to sign or make a decision.

The Vice Chairman asked if the public had any comments.

The Board is in receipt of a letter dated August 9, 2011 from Phillips, Silver, Talman, & Simrich, P.C. attorney for Andy Rodenhiser relative to the old subdivision covenant. (See **Attached**) The attorney indicates that the covenant was released by the Board and its provisions no longer apply.

The Board would like this letter to be forwarded to Town Counsel for review.

Attorney Batog responded explaining the parallel of the subdivision covenant and a ConCom Certificate of Compliance which is issued with the Order of Conditions. The covenant has to do with the road and runs with the land. The Zoning Board of Appeals has looked to former precedents with past decisions and regards to opinions and this is how she looks at this Covenant.

Attorney Batog is happy with the changes made to the plan. She also understands that the septic locations are firm based on perc tests and there is a question about the location of leeching field based on right of way. She has completed no further research, but will look into the cart paths and hoped that the Board will look at the enforceability of the subdivision covenant.

Mr. Truax explained that the plan shows cart paths which have not been located and a path that runs through lot 3. There will be a field location of this and will be picked up. The other runs up the existing driveway. This will show on the definitive plan.

Susy Affleck Childs suggests that the Board continue this informal discussion to the next meeting and request some information from Town Counsel on the Covenant issue.

Andy Rodenhiser does not want to rush this process and wants to maintain integrity.

Mr. Truax asked if the Board wants to see a further revised plan.

Vice Chairman Tucker indicated that a revised plan will be needed at the Definitive Stage.

Abutter: Mrs. Presswood, 92 Fisher St:

Mrs. Presswood is concerned about the serious flooding in 2009. Some of the properties sit on bubbling brooks. She is concerned about water quality, leeching, and septic. She is also hoping that the privacy around the perimeter of her property could remain. She was also wondering if blasting would have to be done and would this cause possible cracking of her house foundation.

Mr. Truax responded that there are big rocks, but he does not anticipate blasting.

Andy Rodenhiser responded that there was no blasting done when his house was built.

Vice Chairman Tucker stated that there are preblast surveys, notifications and legality issues which are worked out prior to blasting. He also explained that Town's Board of Health gets involved with approving septic systems and there are State regulations which need to be followed.

Abutter Presswood responds that there are no guarantees.

Susy Affleck-Childs recommends that Mrs. Presswood speak with Health Agent, Bill Fisher to answer her questions about leech fields and wells.

Vice Chairman Tucker responds that there can be damage to aquifer which can happen and have an impact on the quality of water. This is not common, but it can happen.

Member Spiller-Walsh communicates that an option for the abutters is to purchase the land and keep it as is. If you own it you can control it.

The Board continued the discussion to Tuesday, August 23, 2011 at 8:00 pm.

Medway Middle School Minor Site Plan – 45 Holliston Street:

Member Tucker recused himself from the discussion as he is chairman of the Medway Middle School Building Committee.

Andy Rodenhiser resumed chairing the meeting.

The application for review and approval for the minor site plan project for the Medway Middle School was dated July 27, 2011. (**See Attached**). The minor site plan status is in accordance with the Medway Zoning By-Law, Section V. Use Regulations, Subsection C.

The application pertains to the proposed new front entrance and lobby addition on the Holliston Street side of the Middle School building. The exterior work that is subject to the site plan review is one component of the multi-faceted Medway Middle School building improvement project.

Notification of the briefing was sent to property owners within 300 feet of the school or any official party of interest.

The Board is also in receipt of a memo dated July 27, 2011 from Christopher Garcia, from Garcia, Galucka, & Desousa Consulting Engineers regarding stormwater. (**See Attached**)

The Project Description (**See Attached**) explains that the project included the interior renovation of the existing building, demolition of the concrete front entrance and replacement with a new entry structure, full depth removal and replacement of portions of the existing parking lots on the eastern side of the existing building, removal and replacement of portions of the existing concrete sidewalks and improvements to ADA access within the site, replacement of site lighting poles, and installation of a new electrical service to the building. There will also be installation of a new emergency power generator and the installation of a new fire protection sprinkler service from the existing water main on the site.

The Board is in receipt of the Development Impact Report dated July 27, 2011 from Knight, Bagge and Anderson, Inc. KBA Architects. (**See Attached**) This memo references that during the construction period, the construction vehicle activity will be isolated and segregated from the school use activity. All construction vehicles will be parking in the parking lot at the North end of the site that is accesses off Kelley Street. There will be measures taken to mitigate noise.

It was also explained that there was a meeting with the Medway Fire Department to discuss a number of issues.

Member Spiller-Walsh communicated that they are continuing to work with the Design Review Committee. The Design Review Committee will be working on the coloring of the window frames.

Matt Buckley, Chairman of the Design Review Committee, informed the Board that the DRC is happy with the progress. It was suggested that the landscaping does need to be addressed. The Design Review Committee would like to have a landscape plan and be able to keep as many of

the existing plants. Some areas around the building are barren. The existing trees in the front of the school will need to be taken out.

The Chairman wanted to know if the funding for any landscaping plan has been addressed and will the Board putting in a condition in the site plan decision for a landscape plan be burdening for them.

Member Rogers proposed that the Board agree with whatever the Design Review Committee puts forth for implementation.

Bob Tucker explained that there has been some discretionary money put aside for landscaping, but the money is limited.

It was discussed that there could be a statement within the decision that the landscape items will be worked out. It was suggested that a list of items be created.

Member Spiller-Walsh added that the Design Review Committee discussed and is working on raising funds and is looking for local businesses to donate plantings and benches for the landscaping.

The Design Review Committee understands that the project budget does not fund the aesthetics.

Member Spiller-Walsh responded that the Design Review Committee is clear about the financial limitations.

The color palette will not be decided until this goes out to bid. The coloring coordination will be based on specification and options from the selected supplier.

Mr. Tucker reported that the School Committee is not in favor of a putting a logo on the interior floor of the new lobby.

Eric Hulstrom, 15 Dean Street:

Mr. Hulstrom was curious about the temporary construction, and wanted to know if there was going to be additional signage during the construction. He also thought that one of the trees at the intersection will be need to be trimmed.

Susy Affleck-Childs asked if there will be any direct mailing to abutters about the construction.

Member Tucker indicated that this will be done through email through the website. The School Department will also be direct mailing a newsletter to citizens.

Susy Affleck-Childs will prepare a draft decision for the next meeting.

The Board will place this as an agenda item for August 23, 2011. The Board would like a letter from the Design Review Committee at that time.

Candlewood Estimate:

There has been no action from the Board on this. There was an estimate provided August 3, 2011 estimate of punch list items is \$14,600.

Pine Ridge Bond Reduction:

An estimate for the remaining work to be done in the adjacent Candlewood subdivision was provided. (See Attached). It is dated August 3, 2011 and was provided by Tetra Tech Rizzo. The estimated cost for those items at Candlewood is \$14,600.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to reduce to bond for the Village at Pine Ridge to \$40,000 based on the estimate provided by Tetra Tech Rizzo dated August 4, 2011.

Consultant Report:

Consultant Dave Pellegrini will provide paperwork in relation to Speroni Acres and Franklin Creek still under review and will provide feedback at the next meeting scheduled for August 23, 2011.

Minutes of July 26, 2011:

July 26, 2011:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to approve the minutes from July 26, 2011 with noted revisions on page five.

(Andy Rodenhiser abstained from vote)

OTHER BUSINESS

1. A memo was received from 495/Metro West Development Compact providing an update of the 495/Metro West Development Compact. (See Attached)

The Chairman informed the Board that he had a conversation with someone who may be interested in putting solar panels on a three acre parcel in the Industrial III zoning district. The zoning bylaw does not authorize the solar farm use in that zone. (It is allowed in the Industrial II zoning district).

Susy Affleck-Childs was also contacted by the same energy company. The parcel of interest is located within Industrial III and is not an authorized use. She encouraged the prospective buyer to look at Industrial II areas.

The Chairman suggested to the prospective buyer that the exemption may not be interrupted that way. He suggested that this person work with the EDC to explore other possibilities.

Member Tucker wanted to know what is the impact of solar power over open land. He is not sure if technology is where it needs to be for commercial use. He is not in favor of placing panels over open ground.

*Minutes of August 9, 2011 Meeting
Medway Planning & Economic Development Board
Approved August 23, 2011*

The Chairman responded that all of that would need to be worked out. This would need a site plan review.

Member Rogers disagrees with member Tucker about the underground effect of the solar panels. The Board should be motivated to look at the possibilities.

There are carbon credits to be sold and tax credits to be earned.

Susy Affleck-Childs will forward the letter which was sent from the energy company looking at the site in the Industrial III zone.

2. Susy Affleck-Childs reported that the Zoning Amendments from the June town meeting have been approved by the Attorney General Office.
3. Susy Affleck-Childs reported that she had submitted two proposals for the Capital Improvement budget – one for continued GIS work and one for a community signage project.
4. The Town is sponsoring a 2010 Census Workshop on August 23, 2011 at the High School. This is open to the Town Boards and Committees.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 10:50 pm.

Future Meetings:

The next meetings scheduled are: Tuesday, August 23rd and September 13, & 27, 2011.

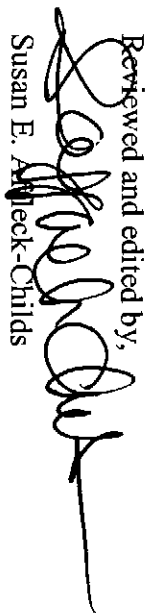
The meeting was adjourned at 10:50 PM.

Respectfully Submitted,


Amy Sutherland

Meeting Recording Secretary

Reviewed and edited by,


Susan E. Affleck-Childs
Planning and Economic Development Coordinator

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

August 1, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053



Re: Village Estates Definitive Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the revised definitive subdivision plan submitted by Dorothy and Russell Santoro of Medway for property on Village Street. The plan was prepared by Merriken Engineering of Millis and Colonial Engineering, Inc. of Medway, and is dated May 19, 2011, with a revision date of July 25, 2011.

The plan proposes to construct a permanent private way cul-de-sac in order to create frontage and divide a lot on Village Street with an existing house on it into two lots. The existing house on the property would remain. The new lot exceeds 30,000 square feet so it qualifies for a duplex (subject to granting a special permit by the ZBA) and a duplex house is shown on the plan. The total size of the parcel is 2.026 acres.

I have repeated the comments from my June 23, 2011 letter with new comments in **bold** as follows:

Zoning

1. The lots in the subdivision as shown on the plan comply with area, frontage and lot shape requirements of the Zoning Bylaw.

Subdivision Rules and Regulations

2. Section 5.7.32 requires landscaping of a cul-de-sac island. No island is proposed since the dead-end street is proposed to have a hammerhead turnaround (as allowed for permanent private ways). However, an island effect is created by the proposed two driveways for each side of the duplex winding around opposite sides of a detention basin (labeled as Infiltration Trench #1) within the cul-de-sac right-of-way. While the presence of the basin will limit possibilities, consideration should be given to requiring a landscaping plan for this area. **The plan now shows the planting of shrubs around the stormwater management facilities. It also shows the 30" pines along the west side of the property that will be removed.**

3. Section 7.7.2 (p) requires drainage basins or other elements of a drainage system to be 30 feet from a lot line. All three infiltration trenches are less than 30 feet from the lot line and no

waiver has been requested. A waiver from this requirement is now requested. It should be noted that the plan indicates that the bottom of one basin will be at elevation 182 while the top of the foundation wall will be 188, leaving the basement floor at 180 or 181 and about 45 feet away from the basin.

4. Section 7.25.1 requires that bounds be placed on all points of curvature and angle points along the roadway layout. No bounds are shown on the plan. **The plan now shows concrete bounds to be set.**

5. Section 4.6.11 requires that a proposed street name be shown on the plan. No name is shown. Since this is a permanent private way adding 2 (possibly 1) residences and since the existing house already has a Village Street address, it may be preferable to leave the way without a name and assign Village Street addresses. However, since the existing house is #272 and the property next door is #274, the new dwelling units would need to be 272 with a letter attached. **A street name is now shown.**

General Comments

6. In considering whether there is a possibility of extending the way onto adjacent developable land, the abutting lots on both sides have excess land, but the lot to the east is mostly wetlands and the lot to the west has a second dwelling unit on it already.

7. The existing house currently has two driveways to Village Street. One is paved and one is gravel. A new driveway from the proposed new street is proposed for the existing house, and both existing driveways are proposed to be abandoned. The new road will overlap one of the existing curb cuts, but there should be a condition to require that the other curb cut is removed and that the curbing and sidewalk on each side be connected across this opening in accordance with DPS requirements. **The plan does not show closing of this curb cut, only that the driveway is to be abandoned.**

8. The plan states that the owner of Lot 2 will own the roadway layout. However, since the existing house on Lot 1 will also be accessed from the new roadway, there should be, at a minimum, an access easement on the new roadway in favor of Lot 1. The owner of Lot 1 should also be part of a homeowners association responsible for maintenance of the new roadway.

If there are any questions about these comments, please call or e-mail me.

Sincerely,



Gino D. Carlucci, Jr.



TETRA TECH

RECEIVED

AUG 05 2011

**TOWN OF MEDWAY
PLANNING BOARD**

August 3, 2011

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

**Re: Village Estates
Definitive Subdivision Review
Medway, Massachusetts**

Dear Mr. Rodenhiser:

Tetra Tech (TT) previously performed a review of the proposed Site Plan for the above – mentioned project. The project includes the construction of a new roadway to service one new residential house lot and an existing single family house currently on the property. The roadway is proposed to be a permanent private way upon completion of the project. The existing house is designated to remain, although the existing gravel driveway and barn will be demolished, with access now being proposed from the new roadway. The new house lot will require utilities servicing the parcel including sewer, water, private utilities, and stormwater. The stormwater design will incorporate the runoff from the proposed roadway and both parcels. The sanitary sewer will need to be extended from the intersection of Village Street and Brookside Road, within Village Street and through the end of the proposed "Road A" to service the new house lot.

TT previously received the following materials:

- A plan (Plans) set entitled "Village Estates, Definitive Subdivision, Permanent Private Way", dated July 25, 2011, prepared by Colonial Engineering, Inc. and Merrikan Engineering, LLP.
- A drainage report (Drainage Report) entitled "Stormwater Report: 272 Village Street, Medway, MA, 2-Lot Residential Subdivision", dated July 20, 2011, prepared by Merrikan Engineering, LLP.

The Plans, Drainage Report and accompanying materials were originally reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations, Zoning Bylaw (ZBL) (Updated on September 18, 2007), the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway



TETRA TECH

Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

On July 20, 2011, TT received updated plans and responses to our original comments from Merrikan Engineering, LLP. Their responses are provided in italics below our original comments. We have reviewed the applicant's responses and provided additional comments bulleted below the original comment or reply.

The following items were found to be not in conformance with Town of Medway, Massachusetts Zoning Bylaw & Map, or requiring additional information:

No comments

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0-Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. Calculations for proposed piping system using the Rational Method for the 25-year storm event shall be provided (Ch. 100 §5.5.9 (h))

ME Response:

These calculations have been provided in the attached stormwater report supplement. It should be noted that only one pipe actually could be calculated using the rational method, that being the pipe from the westerly forebay at the beginning of the road. The other two pipe flows are dictated by the Hydrocad calculations and the infiltration trench outlet structures.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.
2. Present widths of existing streets and Private ways within 700' shall be provided. (Ch. 100 §5.7.12)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
 3. The existing and proposed location of the Base Flood Elevation shall be shown on the plans if encountered within 700' of the subdivision. (Ch. 100 §5.7.13)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.



TETRA TECH

4. The calculation of the lot shape factor shall be provided. (Ch. 100 §5.7.14)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
5. Proposed layout of electric, telecommunications, natural gas, cable, and spare communications conduit shall be shown on the plans. (Ch. 100 §5.7.19)
 - TT 8/3/11 Update: Electric, telecommunications, natural gas and cable have all been shown on the revised plans. However, a spare conduit is not shown on the plans.
6. At least two benchmarks are to be shown on each plan and profile sheet. (Ch. 100 §5.7.20)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
7. A note shall be added to the cover sheet of the Definitive Subdivision Plan indicating that all improvements shall be constructed in accordance with Mass DOT handicap requirements and the current ADA/AAB requirements in effect at the time of construction. (Ch. 100 §5.7.34)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.

Section 7.0-Design and Construction Standards

8. Water pipes shall be extended and connected to form a loop type system. (Ch. 100 §7.6.2 (b))
 - TT 8/3/11 Update: A waiver has been requested by the applicant for this item.
9. A spare communication conduit shall be installed in the same trench with electric, telephone, and cable conduit for future use by the Town of Medway. The board shall determine if this applies to private roadways. (Ch. 100 §7.6.2 (h))
 - TT 8/3/11 Update: A spare conduit is not shown on the plans.
10. Infiltration systems shall be located on separate parcels. The board shall determine if this applies to private roadways. (Ch. 100 §7.7.2 (p))
11. Substantial landscaping and planting shall be provided around detention and retention basins to the satisfaction of the board. We believe that the intent of



TETRA TECH

this regulation extends to large infiltration trenches such as that proposed on this project. (Ch. 100 §7.7.2(r))

ME Response:

The plan has been revised to add a planting scheme around the proposed infiltration trenches. It should be realized, however, that these infiltration trenches are less than one-foot deep and will barely be noticeable as a drainage feature in the landscape. As such, screening is not a significant concern. To the contrary, these shallow features could easily be moved on a regular basis as part of the lawn areas for the adjacent homes and would therefore be aesthetically pleasing, requiring no screening.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.
- 12. The width of the Right of Way should be noted on the plans and meet the minimum requirements. (Ch. 100 §7.9.4 (a))
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
- 13. Diameter of the cul-de-sac shall be provided on the plans and meet the minimum requirements. (Ch. 100 §7.9.4 (c))
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
- 14. The applicant shall ensure that an adequate turnaround acceptable to the fire chief is provided. (Ch. 100 §7.9.6 (d))
- 15. Vertical granite curbing shall be installed at the intersection. A note and detail shall be provided on the plans. (Ch. 100 §7.10.1)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
- 16. Sidewalks exist along the entire frontage of the subdivision parcel along the existing Town way, however the board shall review and determine the ability of the existing sidewalk to provide safe pedestrian access and meet accessibility requirements. (Ch. 100 §7.13.3)
 - TT 8/3/11 Update: If project is completed after the town sidewalk improvement project, the applicant shall meet and match existing sidewalk at entrance. If this project precedes town sidewalk improvement project, then new sidewalks will be required per the boards



TETRA TECH

discretion to provide safe pedestrian access. New sidewalks in this scenario shall meet and match existing.

17. Fire alarm system shall be installed and shown on plan. (Ch. 100 §7.17.1)

- TT 8/3/11 Update: A waiver has been requested by the applicant for this item.

18. To enhance the aesthetic quality of the streetscape, street Trees shall be planted. (Ch. 100 §7.19.2)

- TT 8/3/11 Update: We would recommend street trees be planted along west side of driveway to replace 30" pines designated to be removed to maintain buffer screening.

19. No street lights are proposed. (Ch. 100 §7.21)

- TT 8/3/11 Update: A waiver has been requested by the applicant for this item.

20. Monuments shall be installed along the roadway layout at all points of curvature and angle points. They shall also be installed along easements at each angle point. (Ch. 100 §7.25.1)

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

21. A detail of the monument shall be provided on the plans. (Ch. 100 §7.25.2)

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

22. The Infiltration Trench #2 Detail is noted twice on the plan. This should be revised to include Infiltration Trench #3 Detail.

ME Response:

The trench #3 detail is on the plan, it was just labeled incorrectly, which has been corrected.

- TT 8/3/11 Update: This item has been addressed to our satisfaction. However, Infiltration Trench #3 was designed using an infiltration rate of 8.27 in/hr. Standard 3 located in Volume 1, Chapter 1, Page 7 of the



TETRA TECH

Massachusetts Stormwater Handbook states that... "To ensure the long-term operation of infiltration BMP's, pretreatment is required before discharge to an infiltration BMP... discharges to the ground within an area with a rapid infiltration rate (greater than 2.4 inches per hour)...at least 44% of the total suspended solids must be removed prior to discharge to an infiltration structure." Additionally, Standard 4 states that... "The required water quality volume equals 1.0 inch of runoff times the total impervious area of the post-development project site for a discharge if within an area with a rapid infiltration rate (greater than 2.4 inches per hour). Measures should be taken in the design to address these issues."

23. All infiltration trench details should note the groundwater elevation.

ME Response:

As requested, groundwater elevations have been added to each detail.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

24. The 3-3" diameter holes in the outlet headwall for infiltration trench #1 should be routed through device 4 (12" culvert) and not modeled as primary outlet.

ME Response:

The note for Infiltration Trench #1 has been revised to route the three 3-inch outlets routed through the pipe. Since the 3-inch orifices are the control, the re-routing does not change the results of the model in any way.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

25. The outlet headwall detail for infiltration trench #1 and infiltration trench #2 notes an 8 inch thick wall however in the Hydrocad model the weir has a width of 0.5 feet.

ME Response:

The plan detail has been changed to specify a 0.5" thick headwall section, consistent with the hydrology calculations.

- TT 8/3/11 Update: This item has been addressed to our satisfaction. However, we assumed the applicant meant a headwall section thickness of 0.5' as opposed to 0.5".



TETRA TECH

26. Redox was observed in hole OTH#3 at 15 inches (elev.178.05). The bottom elevation of infiltration trench #2 is 180.00; this only provides 1.95 feet separation.

ME Response:

It was noted that it appeared that the groundwater separation for this trench was only 1.95 feet. In reality, however, the ground elevation at OTH 3 is 179.25 (it was rounded up to the nearest tenth in the soils log), and therefore, the seasonal high-groundwater elevation is 178.0, which is two feet below the bottom of the infiltration trench. If desired, we could raise the trench by 0.05', but this would be a symbolic gesture, with no practical benefit.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

27. A mounding analysis shall be provided for all infiltration trenches and all infiltration fields since separation to groundwater is less than 4 feet.

ME Response:

We have performed a mounding analysis for each of the proposed infiltration trenches and fields as discussed in the attached stormwater report supplement.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the Town of Medway – Water/Sewer Department Rules and Regulations, or requiring additional information:

Water

28. Water hydrant shall be clearly identified on plan. It appears that there is a hydrant symbol located at the end of Road "A" but it is not labeled. (Construction Methods-1)

- • TT 8/3/11 Update: This item has been addressed to our satisfaction.

29. There should be three valves at the roadway intersection unless otherwise approved by the Department of Public Works (Construction Methods-5).

- TT 8/3/11 Update: This item has been addressed to our satisfaction.



ITEMS TO CORRECT

30. A hydrant detail should be provided. The detail should identify the hydrant be backed by $\frac{1}{4}$ yard of concrete against trench wall and be surrounded with $\frac{1}{4}$ yard of $\frac{3}{4}$ inch stone for drainage. (Construction Method-7).
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
 31. It is unclear by looking at the profiles whether or not the waterline is set to a depth of 4.5 feet below proposed grade. If not, the drawing shall be modified to reflect this minimum cover requirement. (Construction Method-8)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
 32. Where will the electric and gas services be located? Water Services shall be 3' away. Private utilities should be added to the plans to determine the sufficient spacing. (Construction Method-14)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
 33. The size of the existing waterline in Village Street shall be noted.
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
 34. The method of connection between the existing and proposed waterlines shall be noted.
 35. Water service to the building should be shown on the plans.
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
- Sewer
36. Sewer service to the building shall be shown on plans. (Construction Method-1)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
 37. $\frac{3}{4}$ -inch crushed stone shall be installed six inches over and below the sewer pipe. A typical trench detail is provided, however it does not meet the requirements for sewer trenching. Separate details should be provided for the individual utilities proposed on the project.
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.



TETRATECH

The following items were found to be not in conformance with good engineering practice or requiring additional information:

38. How will Village Street be repaired upon completion of the utility work? The plans should show sawcut lines, limits of pavement, curb, and sidewalk repairs. Private utility connections should also be shown since those locations may drive the limits of repair.

- TT 8/3/11 Update: Sawcut lines are now shown on plan. We would like to also see limits of sidewalk reconstruction. All work within Right-of-Way shall comply with the DPW conditions for their road opening permit.

39. Existing trees/brush should be shown on plans. It's unclear what trees/brush fall within the project limits on the southwest corner of the site. If there are additional trees identified for demolition, they should be noted on the plans.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

40. Is there existing vegetation (other than lawn/garden) designated for removal on Lot 2? If so, we would like to see some replacement trees/vegetation be added.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

41. Please provide fine grading at entrance to Road "A". It is currently difficult to understand how water will be directed towards the sediment forebay and not out to Village Street.

ME Response:

The 20 scale detail has been updated with additional spot elevations to clarify how the entry of the road will be graded to shed runoff into the adjoining sediment forebays.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

42. We would recommend some landscaping be proposed around large infiltration trenches.

- TT 8/3/11 Update: A waiver has been requested by the applicant for this item.

43. Are easements required in Private Roadway for public utilities?



TETRA TECH

44. Verify that the Water/Sewer board and/or the Medway Department of Public Works has confirmed sufficient capacities in both the existing water and sewer lines within Village Street to accept the additional flows from the proposed development.
45. Verify that silt fence is not required by the Conservation Commission.
- TT 8/3/11 Update: This item has been addressed to our satisfaction.
46. Please provide a note that the 12-inches of gravel below the proposed roadway shall meet the Massachusetts Department of Transportation specifications for gravel borrow.
- TT 8/3/11 Update: This item has been addressed to our satisfaction.
47. The majority of the house is within the 100-foot buffer zone. The applicant should update the Planning Board regarding the status of the Conservation Commission review.
48. A waiver is being requested for a reduction in radius for the curbing at the entrance to the site. The applicant should provide testimony from the fire department that this waiver will not negatively impact emergency vehicles.
49. One of the future driveways extends over bituminous berm. This should be modified or clarified.
- TT 8/3/11 Update: This item has been addressed to our satisfaction.
50. A Flared End section detail should be provided.
- TT 8/3/11 Update: This item has been addressed to our satisfaction.
51. A Thrust Block detail should be provided.
- TT 8/3/11 Update: This item has been addressed to our satisfaction.



TETRA TECH

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegrini, P.E.
Sr. Project Manager

Colonial Engineering, Inc.

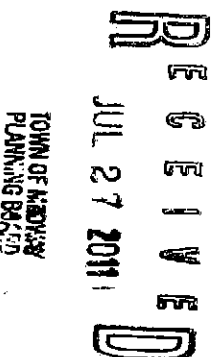
P.O. Box 95

Medway, Ma 02053

508-533-1644

July 25, 2011

Mr. Andy Rodenhiser
Planning Board
Medway Town Hall
155 Village Street
Medway, Ma 02053



Ref: Village Estates
Definitive Subdivision
Review Comments Responses

Dear Members :

WE are in receipt of comments from your consultant's, Tetra Tech and PGC Associates, Inc. dated June 23, 2011.

Attached is the response from Merrikin Engineering concerning storm water and Colonial Engineering response to the other comments.

Tetra Tech Comments

Section 5.0 - Procedures for Submittal, review and Action on Definitive Subdivision Plans:

2. Present widths of existing streets within 700' has been updated on the Cover Sheet.
3. Base Flood Plain has been added to the Cover Sheet.
4. Lot shape Factor Calculations are now shown on the Legal Sheet
5. Layout of Utilities is addressed in note #3 on the Cover Sheet.
6. A second Benchmark has been added to the Plan and Profile & Proposed Grading Sheets.
7. Mass Dot handicapped note was added to Cover Sheet note #1

Section 7.0- Design and construction Standards

8. Looped water type system, we have requested a waiver on the Cover Sheet.
9. Layout of Utilities was addressed in note #3 on Cover Sheet.
10. This item has been addressed with the board at the public hearing.
12. Width of the Right of Way is shown on the legal sheet.
13. Diameter of the cul-de- sac is shown on the legal sheet.
14. Have not received answer from Fire chief.
15. Note #2 has been added to the cover sheet. Detail has been added to detail sheet #3. V.G.C label has been added on proposed grading sheet at curbing location.
16. Waiting for recommendation's from Medway DPW.
17. Fire alarm system, request for waiver shown on cover sheet.
18. Landscape Trees shown on Plan & Profile Sheets.
19. Street lights, request for waiver on Cover Sheet.
20. Monuments, have been added to Legal Sheet.
21. Detail of monuments shown on Detail Sheet 8 of 8.

Water

28. Water Hydrant labeled on Proposed Grading and Plan & Profile Sheets.
29. Three gate valves are now shown on the Plan & Profile Sheets.
30. Hydrant detail has been added to Detail Sheet 8 of 8.
31. See Detail Sheet 6 of 8 (Road Way Typical Section), water main shown at min. 5' under grass strip. Grass strip is 6" higher that road way. Note has been added to the profile under the water main min. of 4.5' under finished road grade.
32. Gas line and services have been added to the Proposed Grading and Profile Sheets.
Note has been added in regards to the electric lines and services on the Cover Sheet.

33. The existing water main size in Village Street has been added to the Existing Conditions Sheet.
34. The water connection type between the existing water line and proposed line has not been Answered by Water/Sewer Board
35. The proposed water service to the building has been added to the Proposed Grading and Plan & Profile Sheets.

Sewer

36. The proposed sewer lines and service to the building has been added to the Proposed Grading & Plan & Profile Sheets.
37. Typical trench detail shown on Detail Sheet 6 of 8 has been change to reflect this requirement.

Conformance With Good Engineering Practice

38. Note has been added to the Proposed Grading sheet showing location of saw cut lines and that all work shall be inspected by the Medway DPW.
39. Existing trees have been added to the existing Conditions Plan, and some have been labeled to be removed on the proposed Grading Sheet .
40. There are trees and vegetation within the protected wetland area that will not be disturbed.
42. See response from Merrikin Engineering on comment #11.
43. No, the utilities are private and are to be maintained by the owners.
44. Have not received answer from Water/Sewer Board.
45. No road work or utilities to be done within 100 ft. of wetlands. Owner will file with Conservation Commission upon start of permitting for proposed house.
46. Note has been added to the road cross section detail on Sheet 6 of 8
47. The 40 ft. x 80 ft. house box shown on the plan is per Subdivision requirements only.
The applicant has not finalized the house to be built, and will file with the Conservation Commission upon approval of Subdivision.

- 48. Have not received answer from Fire chief.
- 49. The berm has been removed at the driveway opening, and shown on the Plan & Profile Sheet.
- 50. Fared end section has been added to Detail Sheet 8 of 8.
- 51. Thrust block detail has been added to Detail Sheet 8 of 8.

PGC Associates, Inc. Comments

- 2. See response from Merrikin Engineering on comment #11.
- 3. Request for waiver noted on Cover Sheet.
- 4. Monuments are shown on Legal Sheet.
- 5. Street name provided by town and shown on Plan & Profile and Proposed Grading Sheet.
- 7. There is an existing concrete sidewalk across the two driveways that are to be abandoned. There is no curbing along Village Street at this location.
- 8. There will be a homeowners association formed after approval of Subdivision.

Please do not hesitate to contact me if you have any questions or comments.
Sincerely,

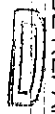
Colonial Engineering, Inc.

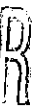
Paul Desimone

Medway Planning and Economic Development Board **FORM Q - Request for Waiver from Rules and Regulations**

Complete 1 form for each waiver request

Project Name:	VILLAGE ESTATES
Property Location:	272 VILLAGE STREET
Type of Project/Permit:	DEFINITIVE SUBDIVISION
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.6.2.B WATER FACILITIES INSTALLATION
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	WATER PIPES SHALL BE EXTENDED AND CONNECTED TO FORM A LOOP TYPE SYSTEM
What aspect of the Regulation do you propose be waived?	LOOP TYPE SYSTEM
What do you propose instead?	WATER MAIN LINE TO HYDRANT FOR FIRE PROTECTION AND TO SERVICE THE PROPOSED DWELLING.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	THE PROPOSED PRIVATE WAY IS VERY SHORT IN LENGTH. THE WATER LINE CAN NOT BE EXTENDED, BECAUSE THERE ARE NO EXISTING ROADS ON ABUTTING PARCELS TO FORM A LOOP TO THE WATER LINE WOULD HAVE TO BE RAN BACK DOWN THE MIDDLE OF THE ROAD TO VILLAGE STREET.
What is the estimated value/cost savings to the applicant if the waiver is granted?	OWNER WOULD HAVE TO GET A COST ESTIMATE TO DETERMINE ANY SAVINGS.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	NO SUPERIOR DESIGN, JUST NOT PRACTICAL IN THIS CASE.
What is the impact on the development if this waiver is denied?	THERE WOULD BE A SECOND WATER MAIN BACK DOWN THE MIDDLE OF THE ROAD TO TIE INTO THE MAIN IN VILLAGE STREET.
What are the design alternatives to granting this waiver?	ALTERNATIVE AS SHOWN ON PLANS.
Why is granting this waiver in the Town's best interest?	THERE WOULD BE 3 GATE VALVES INSTALLED IN VILLAGE STREET AT THE TIE INTO THE WATER MAIN, RATHER THAN 6 GATE VALVES THAT THE TOWN WOULD HAVE TO MAINTAIN OR REPAIR.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	THE TOWN WOULD AVOID ANY COSTS ASSOCIATED WITH THE ADDITIONAL VALVES LEAKING OR HAVING TO BE REPAIRED.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	N/A
Waiver Request Prepared By:	PAUL DESIMONE


 JUL 27 2011
 TOWN OF MEDWAY
 PLANNING BOARD



Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
 Complete 1 form for each waiver request


Project Name:	VILLAGE ESTATES
Property Location:	272 VILLAGE STREET
Type of Project/Permit:	DEFINITIVE SUBDIVISION
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.7.2 P STORMWATER
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	The limits of detention and retention basins and related structures shall not be closer than 30 feet to lot/parcel lines and any right of way.
What aspect of the Regulation do you propose be waived?	The proposed infiltration trenches (which may not actually fall under this regulation) are closer than 30 feet.
What do you propose instead?	Shallow, unobtrusive infiltration trenches within the private roadway layout shown as Parcel "A"
Explanation/Justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	The goal of this design is provide a low-impact-development (LID) friendly, decentralized stormwater system that will blend with the landscape and overall site. In addition, soils conditions on the site are restrictive.
What is the estimated value/cost savings to the applicant if the waiver is granted?	None. Similar facilities would need to be created in any case.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	This design is LID friendly, which encourages, small, decentralized stormwater BMPs that are spread out over a larger area than the detention basins that are common in older designs or in larger sites. The design meets DEP stormwater standards and is an improvement over centralized "detention basins" and is much more aesthetically pleasing.
What is the impact on the development if this waiver is denied?	Unclear. Small, shallow infiltration trenches are not included in the list of items to be setback 30 feet.
What are the design alternatives to granting this waiver?	Unclear. Small, shallow infiltration trenches are not included in the list of items to be setback 30 feet.
Why is granting this waiver in the Town's best interest?	It results in a low-impact-development (LID) design, which is highly encouraged by the DEP.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None. Similar facilities would need to be created in any case.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	The design itself is a mitigation, resulting in an integrated stormwater management system that will be unobtrusive and which will blend into the landscape due to the decentralized and shallow nature of the trenches.
What is the estimated value of the proposed mitigation measures?	n/a
Other Information?	n/a
Waiver Request Prepared By:	Daniel Merrikin
Date:	26-Jul-11

RECEIVED

2011 JUL 27
 TOWN OF MEDWAY


Medway Planning and Economic Development Board **FORM Q - Request for Waiver from Rules and Regulations** Complete 1 form for each waiver request

Project Name:	VILLAGE ESTATES
Property Location:	272 VILLAGE STREET
Type of Project/Permit:	DEFINITIVE SUBDIVISION
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.9.2 ALIGNMENT
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	REQUIRED 40 FT. CURB RADIUS AT STREET INTERSECTIONS
What aspect of the Regulation do you propose be waived?	40 FT CURB RADIUS
What do you propose instead?	24 FT CURB RADIUS
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	LEFT SIDE OF ROAD IS DESIGNED ALONG PROPERTY LINE AND THERE IS NOT ENOUGH ROOM FOR THE 40 FT RADIUS. THE 24 FT RADIUS PROVIDED IS ADEQUATE FOR THE SMALL AMOUNT OF TRAFFIC FOR 2 HOUSE LOTS.
What is the estimated value/cost savings to the applicant if the waiver is granted?	SMALL AMOUNT OF SAVINGS DO TO THE GRANITE CURBING WILL STILL BE INSTALLED.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	THERE WILL BE NO VISABLE EFFECT ON THIS PROJECT
What is the impact on the development if this waiver is denied?	NONE
What are the design alternatives to granting this waiver?	MOVE PAVEMENT DESIGN OVER TO ONE SIDE. ROAD PAVEMENT WOULD NOT BE CENTERED IN ROAD LAYOUT.
Why is granting this waiver in the Town's best interest?	NO BENEFIT TO TOWN, ROAD IS PERMANENT PRIVATE WAY.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	NO COSTS OR SAVINGS TO TOWN, ROAD IS PRIVATE.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	N/A
Waiver Request Prepared By:	PAUL DESIMONE
Date:	25-Jul-11


 JUL 27 2011
 TOWN OF MEDWAY
 PLANNING & ECONOMIC DEV. BOARD

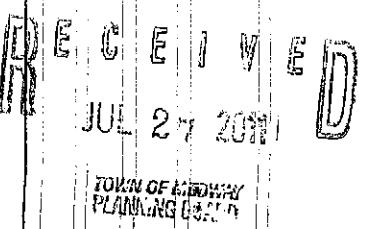
Medway Planning and Economic Development Board **FORM Q - Request for Waiver from Rules and Regulations** Complete 1 form for each waiver request

Project Name:	VILLAGE ESTATES
Property Location:	272 VILLAGE STREET
Type of Project/Permit:	DEFINITIVE SUBDIVISION
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.17.1 FIRE PROTECTION
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	A FIRE ALARM SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATIONS OF AND LOCATED AS DIRECTED BY THE MEDWAY FIRE DEPT.
What aspect of the Regulation do you propose be waived?	ALL
What do you propose instead?	CALL FIRE DEPT. ON HOME PHONE OR CELL PHONE
Explanation/Justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	FIRE ALARM SYSTEM ARE OUT DATED AND IN MY OPINION THIS SYSTEM WAS INTENDED FOR LARGE PUBLIC SUBDIVISIONS WITH SEVERAL HOMES, OR IN LARGE COMMERCIAL BUILDING.
What is the estimated value/cost savings to the applicant if the waiver is granted?	OWNER WOULD HAVE TO GET A COST ESTIMATE TO DETERMINE ANY COST SAVINGS.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	THERE WOULD BE NO VISABLE FIRE BOXES.
What is the impact on the development if this waiver is denied?	NO IMPACT
What are the design alternatives to granting this waiver?	NO ALTERNATIVE DESIGN
Why is granting this waiver in the Town's best interest?	TOWN WOULD NOT HAVE TO RESPOND TO FALSE CALLS FROM CHILDREN PULLING THE ALARM BOX.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	NO COST SAVINGS TO TOWN BECAUSE THIS IS A PRIVATE ROAD.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	N/A
Waiver Request Prepared By:	PAUL DESIMONE
Date:	25-Jul-11


 TOWN OF MEDWAY
 PLANNING BOARD
 JUL 27 2011

Medway Planning and Economic Development Board **FORM Q - Request for Waiver from Rules and Regulations** Complete 1 form for each waiver request

Project Name:	VILLAGE ESTATES
Property Location:	272 VILLAGE STREET
Type of Project/Permit:	DEFINITIVE SUBDIVISION
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.21 STREET LIGHTS
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	INSTALL STREET LIGHTING WITHIN THE SUBDIVISION AT THE ENTRANCE
What aspect of the Regulation do you propose be waived?	INTSALL LIGHTING WITHIN THE SUBDIVISION
What do you propose instead?	LAWN LAMPS AT PROPOSED AND EXISTING HOUSE
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	THE PROPOSED ROAD IS STRAIGHT AND IS ONLY 219 FEET IN LENGTH. THERE WILL ONLY BE ONE ADDITIONAL DWELLING IN THE SUBDIVISION. THE ROAD ENTRANCE IS MORE OF A DRIVEWAY, NOT A MAJOR INTERSECTION WHERE A LIGHT WOULD BE NEEDED.
What is the estimated value/cost savings to the applicant if the waiver is granted?	THE OWNER WOULD NEED TO GET AN ESTIMATE FOR ANY COST SAVINGS.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	THERE WOULD NOT BE A LIGHTPOLE WITH A LIGHT MOUNTED 25 FT ABOVE GRADE ON A SCENIC ROAD. THERE ARE EXISTING LIGHTS ALONG VILLAGE STREET CLOSE TO THIS INTERSECTION.
What is the impact on the development if this waiver is denied?	NO IMPACT.
What are the design alternatives to granting this waiver?	HOUSE LIGHTS AND LAWN LAMPS.
Why is granting this waiver in the Town's best interest?	THERE WOULD BE NO LIGHT FOR THE TOWN TO MAINTAIN.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	AVIOD COST OF MAINTAINING AND ELECTRIC USAGE CHARGES.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	N/A
Waiver Request Prepared By:	PAUL DESIMONE
Date:	JULY 25 2011



Merrikin Engineering, LLP

Consulting Engineers

730 MAIN STREET
SUITE 2C

MILLIS, MA 02054

TELEPHONE (508) 376-8833
FAX (508) 376-8823

July 21, 2011

Mr. Andy Rodenhiser
Planning Board
Medway Town Hall
155 Village Street
Medway, MA 02053



Re: Village Estates
Definitive Subdivision
Stormwater Responses

Dear Members:

We are in receipt of comments from your consultant, Tetra Tech, dated June 23, 2011. Attached is a stormwater report calculation supplement, which includes an updated narrative, mounding calculations, rational method calculations and a slightly revised post-construction model for the Village Street design point.¹ We offer the following responses to the stormwater system comments:

Section 5.0 – Procedures for Submission, Review and Action on Definitive Subdivision Plans:

1. Rational Method Calculations: These calculations have been provided in the attached stormwater report supplement. It should be noted that only one pipe actually could be calculated using the rational method, that being the pipe from the westerly forebay at the beginning of the road. The other two pipe flows are dictated by the Hydrocad calculations and the infiltration trench outlet structures.

11. Plantings around Infiltration Trenches: The plan has been revised to add a planting scheme around the proposed infiltration trenches. It should be realized, however, that these infiltration trenches are less than one-foot deep and will barely be noticeable as a drainage feature in the landscape. As such, screening is not a significant concern. To the contrary, these shallow features could easily be moved on a regular basis as part of the lawn areas for the adjacent homes and would therefore be aesthetically pleasing, requiring no screening.

¹ Given that the majority of the original report remains unchanged, it would be wasteful to reprint the entire volume for these minor changes.

Mass DEP Stormwater Management Standards:

22. Infiltration Trench #2 Detail: The Trench #3 detail is on the plan, it was just labeled incorrectly, which has been corrected.
23. Infiltration Trench Details: As requested, groundwater elevations have been added to each detail.
24. Infiltration Trench #1 Outlet Headwall: The node for Infiltration Trench #1 has been revised to route the three 3-inch outlets routed through the pipe. Since the 3-inch orifices are the control, the re-routing does not change the results of the model in any way.
25. Infiltration Trench Headwall Detail: The plan detail has been changed to specify a 0.5" thick headwall section, consistent with the hydrology calculations.
26. Infiltration Trench #2 Groundwater: It was noted that it appeared that the groundwater separation for this trench was only 1.95 feet. In reality, however, the ground elevation at OTH 3 is 179.25 (it was rounded up to the nearest tenth in the soils log), and therefore, the seasonal high-groundwater elevation is 178.0, which is two feet below the bottom of the infiltration trench. If desired, we could raise the trench by 0.05', but this would be a symbolic gesture, with no practical benefit.
27. Mounding Analyses: We have performed a mounding analysis for each of the proposed infiltration trenches and fields as discussed in the attached stormwater report supplement.

Engineering Practice:

41. Fine Grading at Road Entrance: The 20 scale detail has been updated with additional spot elevations to clarify how the entry of the road will be graded to shed runoff into the adjoining sediment forebays.

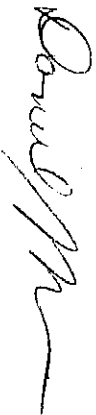
Other Revisions:

In addition, the revised plans include a minor modification of Infiltration Trench #1. In order to have a more aesthetic appearance, most of the trench will have a loam & seed bottom with two locations where the underlying crushed stone bed will project to the surface. These two surficial crushed stone areas will act as a conduit to quickly convey puddling water into the underlying stone for infiltration to enhance the infiltration that will otherwise occur through the loamed bottom. The stormwater calculations have been updated to reflect the reduction in storage capacity within the infiltration trench, the results of which have not changed significantly.

Please do not hesitate to contact me if you have any questions or comments.

Sincerely,

MERRIKIN ENGINEERING, LLP

A handwritten signature in black ink, appearing to read "Daniel Merrikin", written over a horizontal line.

Daniel J. Merrikin P.E.

cc: File

Susan Affleck-Childs

From: Thomas Holder
Sent: Thursday, August 04, 2011 12:43 PM
To: Susan Affleck-Childs
Cc: Pellegri, David; William Donahue; David Damico
Subject: RE: Village Estates Definitive Subdivision Plan - 272 Village Street

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AUG 04 2011
TOWN OF MEDWAY
PLANNING DEPT.

Hi Suzy – I wanted to make a couple of comments on the proposed plan and to also get Dave's input.

1. We have now standardized our hydrants so our expectation would be that the proposed hydrant at the end of Bedelia Lane would conform. We can offer this standard hydrant specification. I would also like to see a hydrant detail included on the plans noting thrust protection.
2. I have concerns with extending the public sewer system along Village Street to Bedelia Lane. I am not certain if this is considered a sewer extension which would need MADEP approval. Maybe Dave can offer insight on this.
3. Since Village Street is a primary arterial road, we would require that Control-Density-Fill (Flow-fill) be used as backfill for all excavations within the public right-of-way.

Thank you for the consideration.
Tom

Thomas Holder | Director
Department of Public Services

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3275

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

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From: Susan Affleck-Childs
Sent: Thursday, June 16, 2011 2:29 PM
To: Alan Tingley; Alison Slack ; Allison Potter; Andy Rodenhiser ; Ann Sherry ; Arlene Doherty ; Barbara Saint Andre ; Bill Fisher; Board of Selectmen; Bob Ferrari; Dave Pellegri; David Damico; David Travallini; David Travallini ; Design Review Committee; Fran Hutton Lee; Frank Faist; Gino Carlucci; Jeff Watson; Jim Wickis ; John F. Emidy; John Schroeder; Joseph Musmanno; Julie Balse; Julie Fallon; Kai Imgenberg; Karon Skinner-Catrone; Mark Cerel ; Matt Buckley ; Melanie M. Phillips; Paul Trufant; Rob Pomponio; Rob Pomponio; Suzanne Kennedy; Thomas Holder; Tina Wright ; Will Naser; Zoning Board
Subject: RE: Village Estates Definitive Subdivision Plan - 272 Village Street

Hi,

The Board's public hearing on this application for a 2 lot subdivision at 272 Village Street will begin June 28, 2011 at 7:15 p.m.

Attached is the definitive plan set. Please review. If you have any comments, please forward them to me by June 27th. If you would like to review a full size set of this plan in paper version, please let me know and I would be glad to supply one to you.

Best regards.

SUSY

Susan E. Affleck-Childs

Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

508-533-3291

saffleckchilds@townofmedway.org

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From: Susan Affleck-Childs

Sent: Wednesday, June 01, 2011 1:52 PM

To: 'Alan Tingley'; Allison Slack ; Allison Potter; Andy Rodenhiser ; Ann Sherry ; Arlene Doherty ; Barbara Saint Andre ; Bill Fisher; Board of Selectmen; Bob Ferrari; Dave Pellegrini; David Damico; David Travallini ; David Travallini ; Design Review Committee; Fran Hutton Lee; Frank Faist; Gino Carlucci; Jeff Watson; Jim Wickis ; John F. Emidy; John Schroeder; Joseph Musmanno; Julie Balise; Julie Fallon; Kai Imgenberg; Karon Skinner-Catrone; Mark Cerel ; Matt Buckley ; Melanie M. Phillips; Paul Trufant; Rob Pomponio; Rob Pomponio; Suzanne Kennedy; Thomas Holder; Tina Wright ; Will Naser; Zoning Board

Subject: Village Estates

Hi all-

Attached please find the application for a 2-lot subdivision at 272 Village Street. A public hearing will be set for June 28, 2011 at 7:15 PM. I do not yet have a PDF version of the plans and stormwater report, so if you would like a hard-copy, let me know.

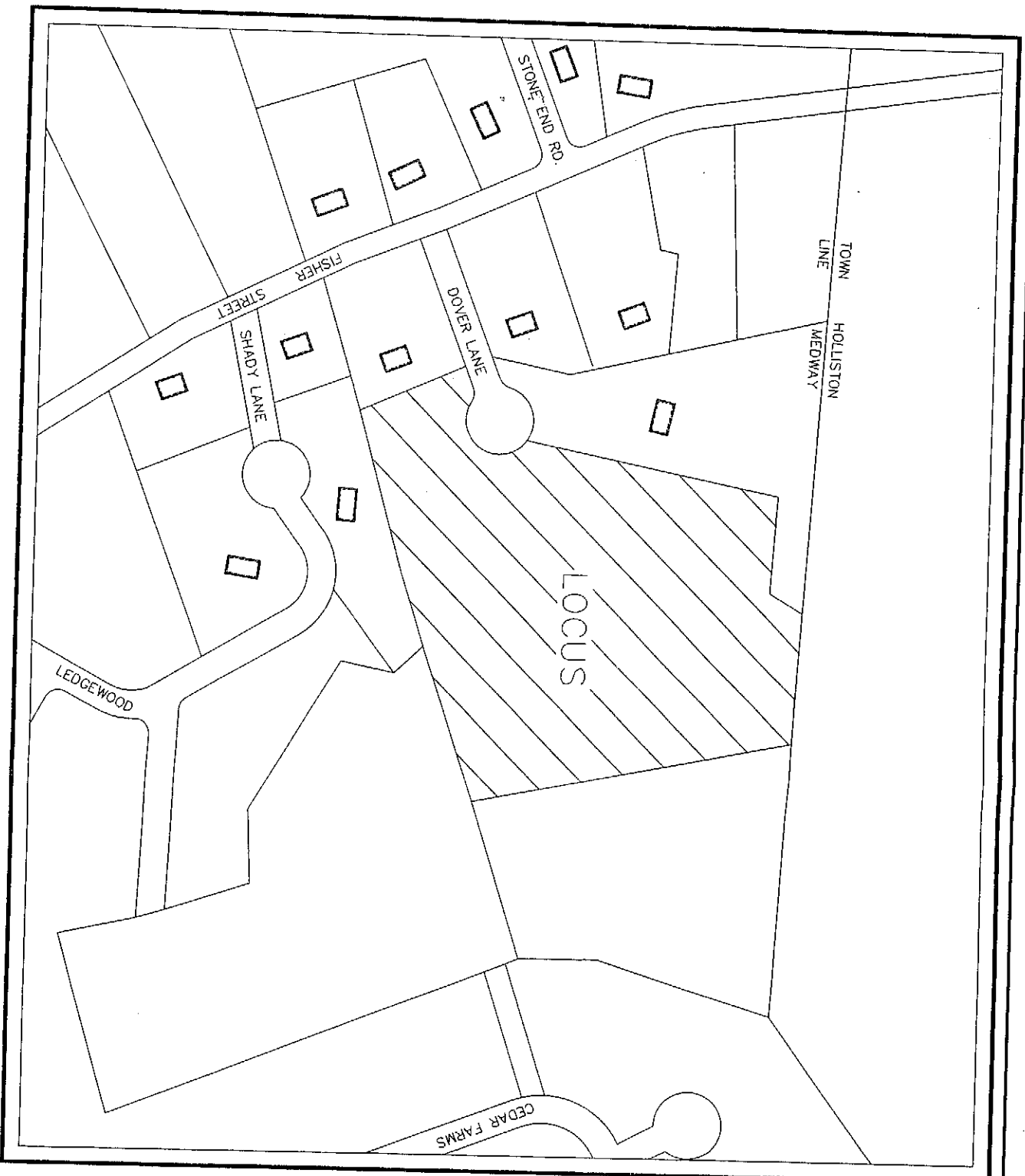
Stacey

SUSY

Susan E. Affleck-Childs

Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

508-533-3291



LOCUS MAP
1" = 100'

APPROVED BY
MEDWAY PLANNING BOARD

DATE _____

DATE _____

ASSESSORS REFERENCE:
MAP 4, PARCEL 44A-5A

ZONING CLASSIFICATION
AR-1
AREA 44,000 S.F.
PER LOT 190'
LOT SHAPE FACTOR: 22

JONCE E. WATKINS P.L.S. DATE _____

PAUL E. THOMAS P.E. DATE _____

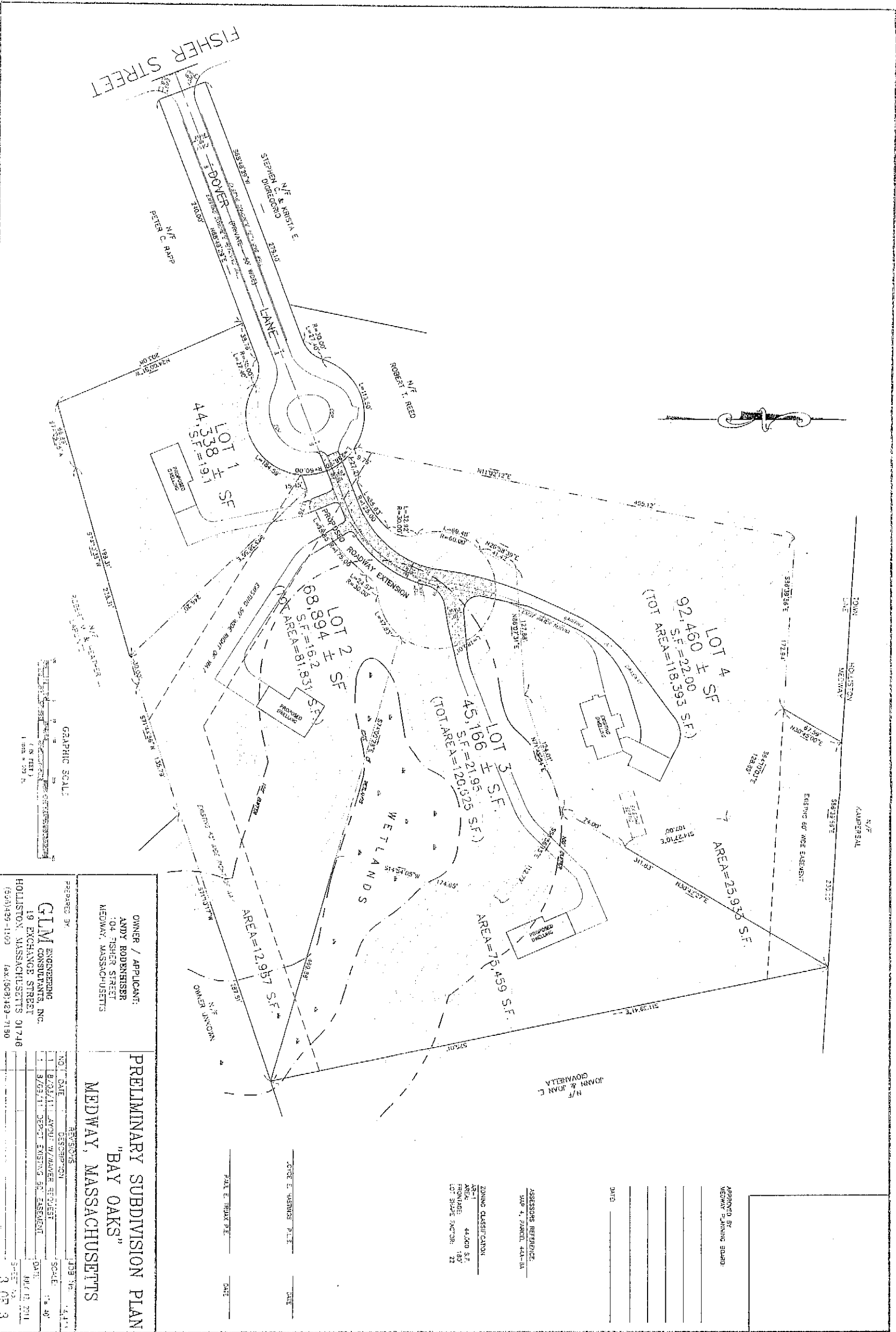
OWNER / APPLICANT:
ANDY RODENHISER
104 FISHER STREET
MEDWAY, MASSACHUSETTS

PREPARED BY:
GLM ENGINEERING
CONSULTANTS, INC.
19 EXCHANGE STREET
HOLLISTON, MASSACHUSETTS 01746
(508)429-1100 fax:(508)429-7160

**PRELIMINARY SUBDIVISION PLAN
"BAY OAKS"
MEDWAY, MASSACHUSETTS**

REVISIONS			JOB No.
NO.	DATE	DESCRIPTION	14,411
1	9/03/11	LAYOUT w/WAIVER REQUEST	SCALE: 1" = 100'
			DATE: JULY 12, 2011
			SHEET No.
			1 OF 3

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AUG 04 2011
TOWN OF MEDWAY
PLANNING BOARD



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AUG 09 2011
TOWN OF MEDWAY
PLANNING BOARD

Chronology of 104 Fisher Street

TRANSACTION		DATE	EXPLANATION	RECORDING INFO
Longo Realty Trust conveys 23.5 acres on the east side of Fisher Street to Edward and Francis Giovanella (as tenants in common)		12/31/1980		Book 5827, Page 80 1-8-1981
Giovanellas divide (ANR plan) the 23.5 acre parcel into Lot 1 (18.13 acres with frontage on Fisher Street) and Lot 2 (5 acres of back land with no frontage); Lot 1 has a 60" easement/ROW		11/23/1982	Lot 1 has a 60' wide ROW running along the full length of the northern boundary (approximately 1130 feet) from Fisher Street on the west to Lot 2 on the east. On the ANR plan, Lot 2 is noted as being non-buildable.	Plan Book 300, #911-1982 12-3-1982
Giovanellas conveys Lot 1 to Racicot Realty Trust		12/3/1982	In conveying Lot 1, the Giovanellas reserve, in common with others entitled thereto, the right to use the 60' wide ROW on Lot 1 for any and all purposes for which public ways are commonly used in the Town of Medway. The Giovanellas retain ownership of Lot 2 in the back (5 acres).	Book 6085, Page 480 12-3-1982
Racicot Realty Trust divides lot 1 into 6 lots (ANR plan).		mid December, 1982	5 lots have frontage on Fisher Street. Lot 6 is a 12.373 acre wide strip of land approximately 320' long connecting the main part of the lot to Fisher Street	Plan Book 300, #911 of 1982 12-16-1982

TRANSACTION	DATE	EXPLANATION	RECORDING INFO
Racicot Realty Trust grants Giovanelias an easement over the 50' wide ROW on Lot 6	7/25/1984	<p>The ROW runs east to west in the southern portion of the lot covering the full width of the property between Fisher Street on the west and the Giovanelias property at the back on the east. The ROW is for the benefit of the Giovanelias to be used in common with Racicot (his successors and assigns) for all purposes for which public ways are used in the Town of Medway. In accepting the easement (ROW) the Giovanelias are responsible to share equally with the owner of lot 6 in the cost of maintaining and repairing the ROW.</p>	Book 6489, Page 606 9-5-1984
Medway PB approves a Definitive Subdivision Plan for Racicot Realty Trust	<p>Endorsed 4-8-1986; reaffirmed 9-27-1986</p>	<p>The plan divides Lot 6 into 2 house lots (6A and 6B) with a cul de sac for frontage. Lot 6A is shown with a 50' ROW running northeasterly from the end of the cul de sac to the western boundary of the Giovanelias' 5 acre parcel to the east. Lot 6A on the plan does NOT show the 50' ROW previously granted by Racicot to the Giovanelias in 1984 or the 60' easement along the northern edge of the property previously retained by the Giovanelias when they sold the land to Racicot in 1982. NOTE - sac cannot locate the subdivision Certificate of Approval from 1986.</p>	Plan Book 373, #1095 of 1988 10-5-1988
Subdivision Covenant signed by Racicot Realty Trust and the Medway PB	4/23/1986	<p>This is not the standard covenant to ensure performance. It looks like a combination of a conventional covenant and a PB subdivision decision.</p>	Book 8120, Pages 718-720 10-5-1988

TRANSACTION	DATE	EXPLANATION	RECORDING INFO
Medway PB endorses an ANR Plan for Dean Cooperative Bank	4/1/1989 and 11/13/1990	The ANR plan adjusts the boundary line between Lots 6A and 6B; it retains the cul de sac; it removes the ROW shown on the 9-7-1986 subdivision plan; it shows the previously granted ROWs from 1982 and 1984.	Plan Book 396, # 874-1990 12-6-1990
Dean Bank takes ownership of Lot 6	11/9/1989	Foreclosure deed	Book 8515 - Page 5 12-18-189
Dean Bank conveys Lots 6A (8.7 acres) to Andy and Audra Rodenhiser	12/4/1990	The conveyance is subject to the previously granted ROW easements from 1982 and 1984; Rodenhisers receive one half interest in the private way shown on the plan and the right to use the private way in common with the owner of Lot 6B subject to the owner of the easement/ROW to use the private way, and together with the right to install utilities in the private way. Subject to restriction that the private way will remain a private way. The owners of Lots 6A and 6B shall maintain the say and share costs equally. The premises was conveyed subject to a PB Covenant from April 15, 1986	Book 8804, page 427; 12-6-1990
PB Releases Subdivision Covenant from April 1986	12/11/1990		Book 9088, Page 414 10-30-1991
Audra Rodenhiser conveys Lot 6A to Andy Rodenhiser	6/28/2011		
			compiled by soc 7-29-2011

PHILLIPS, SILVER, TALMAN, AFRAME & SINRICH, P.C.

DAVID A. TALMAN

JAY Z. AFRAME

SCOTT S. SINRICH

JESSICA PARENTI

SARAH L. HARRIS

CHRISTINE A. OLIVARI

LAW OFFICES

146 MAIN STREET, 5TH FLOOR

WORCESTER, MASSACHUSETTS 01608-1137

TELEPHONE (508) 754-8852

FACSIMILE (508) 754-1944

SUMNER SILVER

OF COUNSEL

JAMES J. PHILLIPS

OF COUNSEL

August 9, 2011

Mr. Andrew Rodenhiser
104 Fisher St.
Medway, MA 02053

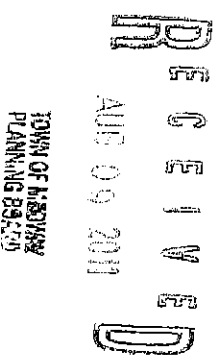
RE: Covenant Regarding Fisher Street
Medway Property

Dear Andy:

You have asked us to review the Covenant regarding your Fisher Street, Medway property dated April 16, 1986, recorded at the Norfolk County Registry of Deeds at Book 8120, Page 718, and the Release of Covenant and Conditions recorded at said Registry at Book 9088, Page 414. A question has arisen as to whether the Release releases the provisions of paragraph 11. of the Covenant, which states that the land shall not be further subdivided. Attorney Deborah Batog, representing the Giovannella family, owners of abutting property, has put forth the position at the July 26, 2011 meeting of the Medway Planning Board that the Release applies to the restrictions on construction, and not, what she refers to as, restrictions that run with the land.

In paragraph 15. of the Covenant, it states, "When the requirements of this covenant have been complied with as to a particular lot, then the foregoing restrictions as to the erecting or placing of a building on that lot shall be removed, and a certificate of partial compliance duly executed by a majority of the Board waiving this provision as to such particular lot(s), shall be filed and recorded in the Norfolk Registry of Deeds." That provision suggests that compliance as to certain of the building provisions shall be certified to by a certificate of compliance, not a release, and signed by the Planning Board.

The Release of Covenants and Conditions dated December 11, 1990, by its terms, would be a complete release of all covenants and conditions. It states, "We, the undersigned, being majority of the Planning Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify that Lots 6A and 6B on a plan entitled.... to which reference may be made for a more particular description, is hereby released from the terms, provisions, and conditions as set forth in a covenant between Kenneth S. Raicot, Trustee and the Planning Board of the Town of Medway, dated April 16, 1986 recorded in Book 8121, Page 718 with said deeds." This language is very broad, and clearly states that it releases the lots from the terms, provisions and



Mr. Andrew Rodenhiser

August 9, 2011

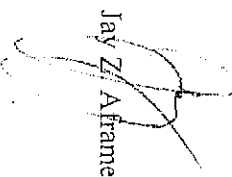
Page 2

conditions as set forth in the covenant, without any limitation thereon. In that regard, it can only be interpreted as a complete release of all of the provisions contained in the covenant, including the provision restricting the right of further subdivision.

To some degree whether the Release releases the restriction on further subdivision or not may be irrelevant, in that I believe it would be within the Planning Board's authority to now modify or release the covenant, if it still existed, which it appears it does not. So in the end, I believe it is up to the Planning Board whether to grant your right to further subdivide the lot, without being burdened by the previous covenant, which seemingly has been extinguished, subject to their normal parameters upon a request for subdivision.

I hope this is helpful to you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jay Z. Aframe". The signature is stylized with a large, sweeping initial "J" and "A".

Jay Z. Aframe

JZA:les



RECEIVED

JUL 28 2011

TOWN OF MEDWAY

TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Goy, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

July 28, 2011

ABUTTER NOTIFICATION
Medway Middle School - 45 Holliston Street
Minor Site Plan Public Presentation & Discussion

In accordance with the Medway Zoning By-Law, Section V. Use Regulations, Subsection C. Site Plan Review and Approval and the provisions of Chapter 40A, Massachusetts General Laws, notice is given that *the Medway Planning and Economic Development Board will have a public discussion on Tuesday, August 9, 2011 at 9:00 p.m. in the Sanford Room of Medway Town Hall, 155 Village St., Medway, MA* to consider an application for review and approval of a *minor site plan* for the Medway Middle School at 45 Holliston Street.

The application pertains to the proposed new front entrance and lobby addition on the Holliston Street side of the Medway Middle School building. The exterior work that is subject to site plan review is one component of the multi-faceted Medway Middle School building improvement project being undertaken by the Town of Medway. The Medway Middle School is located on the west side of Holliston Street in the Agricultural Residential II zoning district and is shown as Parcel 1C-118&26 on Medway Assessors Map 1-2 (January 1, 2010).

You are receiving this notification because you own property within 300 feet of the school or are an official party of interest. The application and plans depicting the proposed scope of work are on file with the Medway Town Clerk at the Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. They are also available for review at the Medway Planning and Economic Development office at Town Hall. Additional information will be posted to the Planning and Economic Development Board's web page at www.townofmedway.org.

Interested persons or parties are invited to review the plans, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to the Medway Planning and Economic Development Board, 155 Village Street, Medway, MA 02053 or emailed to: planningboard@townofmedway.org. For further information, please contact the Planning & Economic Development office at 508-533-3291.

Andy Rodenhiser, Chairman

Telephone: 508-533-3291 Fax: 508-533-3252
planningboard@townofmedway.org

*This application for Site Plan Review and Approval is made pursuant to the Medway Zoning By-Law,
Section V. USE REGULATIONS, Sub-Section C. SITE PLAN REVIEW & APPROVAL.*

Date: July 26, 2011

The undersigned, being the applicant and the owner of all land included within the proposed site shown on the accompanying Site Plan entitled Site Demolition & Preparation Plan – C1.0, Site Layout Plan – C1.1 and Site Utility Plan C2.1 dated 7/1/2011 prepared by Christopher Garcia, of Garcia, Galuska, Desousa herewith submits this application to the Medway Planning Board for Review and Approval of a *Minor Site Plan Project*.

PROPERTY/SITE INFORMATION

1. Property Location Address: 45 Holliston Street, Medway, MA
2. Assessor's Information: Map: 1C Parcel: 118 & 26
3. Zoning District: _____
4. The owner's title to the land is derived under a deed from: _____ dated _____ and recorded in Norfolk County Registry of Deeds, Book _____, Page _____ or Land Court Certificate of Title # _____ registered in Norfolk County District Book _____ Page _____.
5. Frontage: _____
Yard Depth: Front _____ Side _____ Side _____ Rear _____
6. Is any portion of the site within a flood plain area? Yes X No _____
If Yes, is it clearly shown on the plan? Yes X No _____
7. Is any portion of the site within a wetland resource area? Yes X No _____
If Yes, is it clearly shown on the plan? Yes X No _____
8. Does any portion of the site have frontage on a Scenic Road? Yes X No _____

CONTACT INFORMATION

9a) Property Owner: Town of Medway School Department
Address: 45 Holliston Street

Primary Contact: Dr. Judy Evans
Telephone: 508-533-3222 FAX: _____
E-mail: jevans@medway.k12.ma.us

9b) Applicant (if other than property owner): _____
Address: _____

Primary Contact: _____
Telephone: _____ FAX: _____
E-Mail: _____

Please check here if you are the equitable owner (purchaser on a purchase and sales agreement.)

9c) *NOTE – If someone other than the property owner or the equitable owner is the applicant or will be representing the applicant, then the property owner or equitable owner must designate an Official Representative below:*

Official Representative: Knight, Bagge & Anderson, Inc.
Address: 6 Thirteenth Street, Charlestown, MA 02129

Primary Contact: Daniel P. Bradford, AIA
Telephone: 617-241-2807 Fax: 617-241-2857
E-Mail: dbradford@kbaarchitects.com

10. Engineer: Garcia Galuska, Desousa
Address: 370 Faunce Corner Road
Dartmouth, MA 02747

Primary Contact: Chris
Garcia
Telephone: 508-998-5700 FAX: 508-998-0883
E-Mail: chris_garcia@g-g-d.com

11. Surveyor: _____
Address: _____

Primary Contact: _____ FAX: _____
Telephone: _____

12. Architect: Knight, Bagge & Anderson, Inc.
Address: 6 Thirteenth Street, Charlestown, MA 02129

Primary Contact: Daniel P. Bradford, AIA
Telephone: 617-241-2807 FAX: 617-241-2857

PROJECT INFORMATION - Type of Project

13. A Minor Site Plan Project is defined as any construction, alteration, reconstruction or renovation project or change of use (*not included within the definition of a Major Site Plan Project*) which requires a building permit and which involves one or more of the following:

PLEASE CHECK (X) ALL THAT APPLY

☒ *Exterior Alteration* – A change in the outside appearance of an existing building or premises, visible from a public or private street or way.

Building Dimensions: _____ Gross Floor Area 221,420 sf

_____ *Change in Use* – A change in use of an existing building requiring five (5) or more but less than fifteen (15) parking spaces

Building Dimensions: _____ Gross Floor Area _____

_____ *New Construction* – Construction of a new building or an addition to an existing structure requiring five (5) or more but less than fifteen (15) parking spaces

Building Dimensions: _____ Gross Floor Area _____

_____ *Change in Parking Area* – Construction, expansion, redesign or alteration of a parking area involving the addition of five (5) or more but less than fifteen (15) new parking spaces

_____ *Other* – A site, which through continuous or proposed use, may be detrimental to municipal infrastructure or public safety

Building Dimensions: _____ Gross Floor Area _____

_____ *Other* – Any use or structure, or expansion thereof, exempt under MGL, c. 40A, s. 3, but only if one or more of the above criteria is met

NOTE – Gross Floor Area includes the existing building and proposed addition if any, and/or proposed new building.

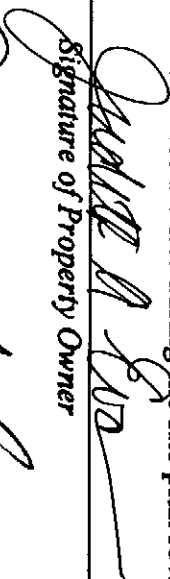
14. *Project Description* as specified in the Application Guidelines.
15. *Development Impact Report* as specified in the Application Guidelines.

SIGNATURES

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true and complete to the best of my knowledge and belief.

If applicable, I hereby authorize _____
to serve as my OFFICIAL REPRESENTATIVE to represent my interests before the Town of Medway with respect to this application for site plan review and approval.

In submitting this application, I also authorize the Planning Board, its agents, and other Town officials to access the site during the site plan review process.


Signature of Property Owner

7/27/11
Date


Signature of Applicant (if other than Property Owner)

Date


Signature of Official Representative

7/26/11
Date

APPLICATION SUBMITTALS - Required

Town Clerk

- ☒ One (1) Minor Site Plan Project Application form with original signatures
- ☒ One (1) copy of the Project Description
- ☒ One (1) full size set of the Site Plan
- ☒ One (1) copy of the Development Impact Report
- ☒ One (1) copy of the Stormwater Drainage Evaluation

Planning Board

- ☒ One (1) Minor Site Plan Project Application form with original signatures plus sixteen (16) copies
- ☐ One (1) copy of the Inspector's written determination that the proposed scope of work constitutes a Minor Site Plan.
- ☒ Sixteen (16) copies of the written Project Description as specified in the Application Guidelines.
- ☒ Sixteen (16) copies of a written Development Impact Report.
- ☒ Sixteen (16) sets of the Site Plan – 3 full size (24" x 36") and 13 reduced size (11" x 17").
- ☐ One (1) list of requested waivers from the DEVELOPMENT STANDARDS of the Site Plan Rules and Regulations.
- ☒ Three (3) copies of the Stormwater Drainage Evaluation
- ☒ One (1) certified list of all abutters and parties of interest within 300 feet
- ☐ One (1) copy of all relevant approvals received to date from other town boards and commissions
- ☐ Minor Site Plan Project Filing Fee – Made payable to the Town of Medway
\$250 + \$.10/sq. ft. of gross floor area
NOTE – Gross Floor Area includes the existing building and proposed addition if any, and/or the proposed new building
- ☐ Minor Site Plan Project Review Fee - Made payable to the Town of Medway
\$500 deposit

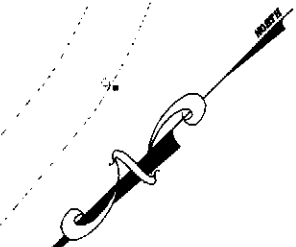
NOTE - 2 separate checks are to be submitted.

DEMOLITION NOTES

1. REMOVE EXISTING UTILITIES AS SHOWN DURING NEW
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- 10. REMOVE & DISPOSE



**REPAIRS TO THE
MEDWAY MIDDLE SCHOOL**
45 HOLLISTON STREET
MEDWAY, MASSACHUSETTS 02053



REV DATE DESCRIPTION

Issued By: NCK

Checked By: CMG



Drawing Number:

**SITE DEMOLITION &
PREPARATION PLAN**

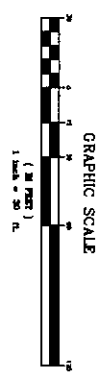
Scale: 1" = 20' 0"

1. SITE DEMOLITION & PREPARATION PLAN

Scale: 1" = 20' 0"

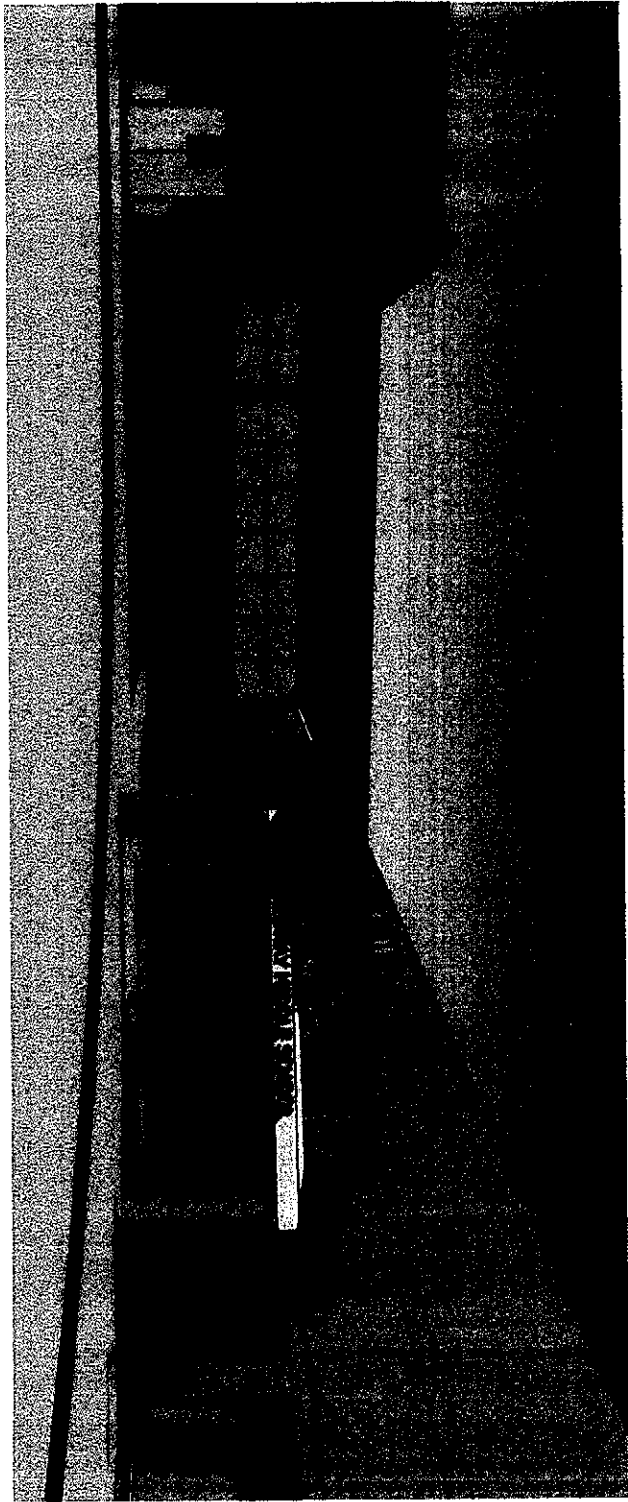
HOLLISTON STREET

KELLY STREET

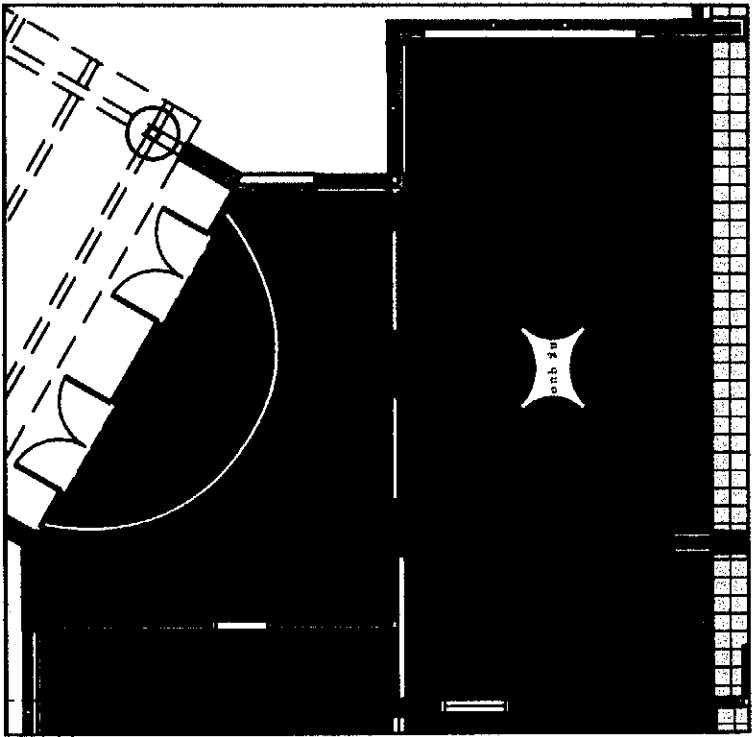




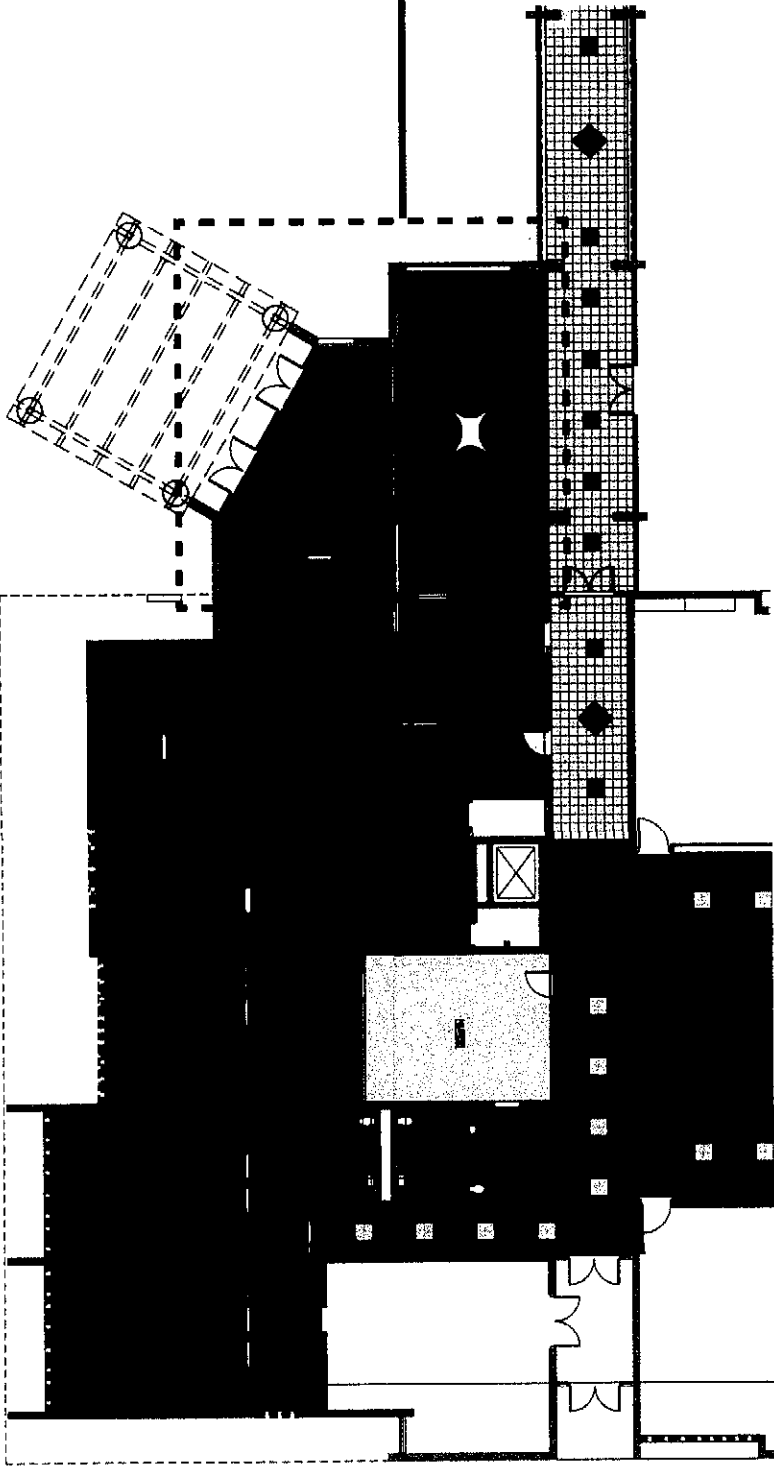
MAIN ENTRY PERSPECTIVE A



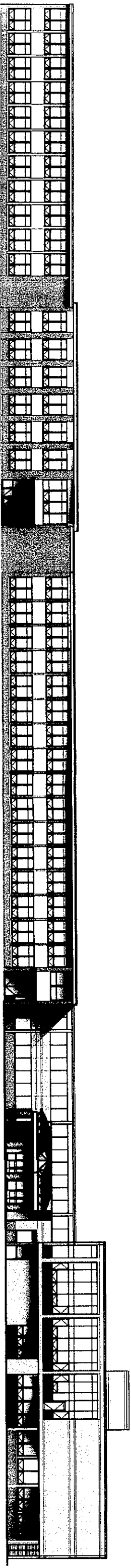
MAIN ENTRY PERSPECTIVE B



FLOOR GRAPHICS STUDY



MAIN OFFICE RENDERED FLOOR PLAN



EXTERIOR ELEVATION AT MAIN ENTRY

MEDWAY MIDDLE SCHOOL - Main Office

45 Holliston Street
Medway, MA 02053

KBA ARCHITECTS
KNIGHT, BAGGE AND ANDERSON, INC.



GARCIA · GALUSKA · DESOUSA
Consulting Engineers Inc.

370 Faunce Corner Road, Dartmouth, MA 02747-1271

L#34522
J#445 001 00.00

July 27, 2011

Medway Planning Office
155 Village Street
Medway, MA 02053

Attn: Susan Affleck-Childs

Re: Medway Middle School
45 Holliston St
Medway, MA

Dear Ms. Affleck-Childs:

Enclosed please find 17 copies of the proposed site plans for the renovation of the Medway Middle School located at 45 Holliston Street.

The project includes the interior renovation of the existing building, demolition of the concrete front entrance plaza and replacement with a new entry structure, full depth removal and replacement of portions of the existing parking lots on the eastern side of the existing building, removal and replacement of portions of the existing concrete sidewalks in areas of disrepair, improvements to ADA access within the site, replacement of existing site lighting poles, installation of a new electrical service to the building, installation of a new emergency power generator and installation of a new fire protect sprinkler service from the existing water main on the site.

The existing drainage system consists of a closed-pipe network of catch basins, trench drains and drainage manholes throughout the main building areas as well as the parking lot located northwest of the building. The existing system in the area of the building and northwestern parking discharges to the municipal drainage network located in Holliston Street.

The proposed work on the site is anticipated to have no effect of peak runoff rates and volumes. Site regrading is limited to ADA accessible ramps at existing sidewalks and the area of impervious cover should match the existing conditions. Therefore, we expect no adverse effects to the existing drainage system on the site.

If you have any questions or comments regarding the enclosed material please feel free to contact our office at your earliest convenience.

Very truly yours,
GARCIA · GALUSKA · DESOUSA
Consulting Engineers Inc.

Christopher M. Garcia

NCK/jlf
cc: Dan Bradford, AIA, KBA Architects
Enc.



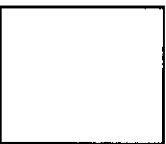
RECEIVED
JUL 27 2011
TOWN OF MEDWAY
PLANNING DEPT

10000 OF 1000000
2/10/2011 10:00 AM

ARCHITECT'S

MEMORANDUM

Project Number:



Project Description

PROJECT: Repairs to Medway Middle School
45 Holliston Street
Medway, MA 02053

Date: 7/27/11

Current and proposed Uses:

The current building is used as the Medway Middle School for grades 5-8. It building also houses the School Department Administrative Office for the Superintendent and School Business Manager. There are no proposed changes to the use of the building and those functions will be maintained after the project is completed.

Proposed Site Improvements:

The proposed site improvements include increased HC accessibility onto and throughout the site with accessible parking and routes from parking into and around the building proposed. New site lighting is proposed to replace and improve the site lighting conditions. The landscaping scope is minimal and will be limited to repairs to all areas disturbed by the construction process and by the installation of new underground utilities, including a new electric service and a water line for the new sprinkler system. There is a proposed new entrance lobby addition at the front of the building. This addition will include revised concrete paving in front of the addition. General repairs are proposed to the concrete walk around the entire building and sections will be added to provide a continuous accessible loop around the building.

Construction/Demolition:

The predominance of the project scope is repairs replacement of existing interior systems. However, the exterior envelope will be altered with new replacement windows. There is a slight modification being proposed to reduce the size of the existing front entrance canopy which is at the former main entrance to the building before the addition was added in the 70's. The only new proposed construction is the lobby addition (approximately 2000 SF). Which will also include adding an enclosed corridor beneath the current 2nd floor bridge that links the original building to the 70's addition.

Intended Building Users:

The current building users (grades 5-8) and the school administration will be the intended users when the project is completed.

Existing/proposed pedestrian and vehicular access:

There are no proposed alterations to the vehicular or pedestrian access to and from the building. However, a heightened level of security will be implemented into the building so that the pedestrian access will be limited and controlled to only secured and supervised entrances.

RECEIVED
JUL 27 2011

Kevin J. Buckley, AIA
Daniel P. Bradford, AIA

TOWN OF MEDWAY
PLANNING BOARD

ARCHITECT'S

MEMORANDUM

Project Number:



Development Impact Report

PROJECT: Repairs to Medway Middle School

45 Holliston Street
Medway, MA 02053

Date: 7/27/11

Traffic Impact

The use of the building will remain as it currently exists as a Middle School. This project will incur no increased use of the building and at the completion of the repair work, there will be no impact on the traffic volume or traffic patterns as a result of the proposed project.

Exclusive of this project, the Medway Safety Department has plans to alter the vehicle access to and from the site to improve the efficiency of the car pick up and drop off patterns and to improve the safety of students and pedestrians as they approach the building during those peak periods.


During the construction period (from Fall 2011 through Summer 2013) the construction vehicle activity will be isolated and segregated from the school use activity. No construction access to the site will be allowed while school is in session, from the front access drives. But rather, all construction vehicles, including work force vehicles and deliveries, will be from the parking lot at the North end of the site that is accessed off Kelley Street. The Construction Manager, Consigli Construction Corp. has produced a series of Logistic Plans that identify this segregated traffic flow to the site.

Community Impact

At the completion of the project, since there will be no change of use or function of the building, there will be no increased or altered impact to the community as a result of this project. Throughout the duration of construction, measures will be taken to control and mitigate noise and site activity but the anticipated impact on the community during the construction period is negligible.

Parking Impact

At the completion of the repair work, there will be no increased parking requires as a result of the scope of this project. During the construction period, the back lot off Kelley Street will be occupied for all construction related parking. The existing parking lots to the south side of the site are adequate to handle the staff and visitors parking for the school use. Aside for some changes to the walking patterns for staff to the building from the parking, there is no impact on parking anticipated during construction.

<div>  TETRA TECH </div> <div> Bond Value Estimate The Village at Pine Ridge Candlewood Drive Punch List Items Medway, Massachusetts August 3, 2011 </div> <div> One Grant Street Framingham, MA 01701 Tel 508.903.2000 Fax 508.903.2001 </div>				
DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course - 1 1/2" Depth (roadway patching)	1	LS	\$750.00	\$750
Locate Bounds	3	EA	\$350.00	\$1,050
Crack Sealing	1	LS	\$500.00	\$500
Street Sweeping	1	LS	\$1,500.00	\$1,500
Clean Drainage System	1	LS	\$7,500.00	\$7,500
Adjust Drain Structure	4	EA	\$290.00	\$1,160
Drain Structure (replace: frame, cover, steps)	1	LS	\$1,000.00	\$1,000
Gas Trap	3	EA	\$400.00	\$1,200
			Subtotal	\$14,660
			Recommended Bond Value (min.)	\$40,000

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 8/2010 - 8/2011.
2. Quantities and items are taken from punch list generated by VHB dated March 5, 2001.

495/METROWEST DEVELOPMENT COMPACT

RECEIVED
JUL 27 2011

DATE: July 18, 2011
TO: Chairs, Board of Selectmen, Planning Boards, and Conservation Commissions
 Town Administrators and Town Planners
FROM: 495/MetroWest Development Compact Coordinating Committee (shown above)
RE: Update on the 495/MetroWest Development Compact

TOWN OF METROWEST
 PLANNING BOARD

Thank you for participating in the *495/MetroWest Development Compact*. Your community's input on infrastructure needs, preservation opportunities and key development locations across the region is critical to the project's success, and we greatly appreciate your contributions.

Your input, as well as the recommendations of the other thirty-six municipalities within the *495/MetroWest Development Compact*'s study area, led to the identification of 226 Priority Development Areas and 383 Priority Preservation Areas and a wide range of infrastructure priorities. These initial findings were incorporated into a series of maps that were discussed at two regional forums in Westborough on June 15 and in Boxborough on June 21.

In addition, a regional analysis prepared by the Metropolitan Area Planning Council's Data Center provided extensive economic and demographic data on the study area, such as:

- **POPULATION:** 40,000 new residents since 2000, growing at 6%, twice the state rate
- **EMPLOYMENT:** 400,000 jobs, with over 50% along the Route 9 corridor
- **JOB:** Five communities (Framingham, Marlborough, Milford, Shrewsbury, Worcester) each host more than 10,000 jobs held by commuters
- **DEVELOPMENT:** From 1999 to 2005, 6,400 acres were developed while 2,000 acres were permanently protected

More information is available online at www.495partnership.org/compact, including the presentation from the forums; regional maps; and multi-municipal maps showing the development locations, preservation opportunities, and infrastructure needs identified by each community. As the study moves forward this summer, the local recommendations will be reviewed to identify areas of regional significance and in the fall we will hold additional public forums to present these findings. The study and final report are expected to be complete by the end of the year.

Please let us know if you have any questions or concerns, and we look forward to continuing our work with you on the *495/MetroWest Development Compact*, since it will form the framework for public decision-making in land use regulation and infrastructure investment within the region over the next twenty years.

For Further Information, visit www.495partnership.org/compact, or contact any of the partners:

<u>Executive Office of Housing & Economic Development:</u>	<u>Mass Audubon:</u>
Robert Mitchell	Stephanie Elson
617-788-3658 / robert.mitchell@state.ma.us	781-259-2146 / selson@massaudubon.org
<u>495/MetroWest Partnership:</u>	<u>Metropolitan Area Planning Council:</u>
Paul Matthews	Steven Winter
cell: 508-479-8234 / paul@495partnership.org	617-451-2770 / swinter@mapc.org
<u>Central Massachusetts Regional Planning Commission:</u>	<u>MetroWest Regional Collaborative:</u>
Megan DiPrete	Bruce Leish
508-459-3315 / mdiprete@cmrpc.org	508-881-2924 / bleish@mapc.org

**August 23, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, Tom Gay and Karyl Spiller-Walsh

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates – Planning Consultant
Dave Pellegrini, Tetra Tech Rizzo – Engineering Consultant

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were none.

Consultants Reports:

Engineering Consultant Dave Pellegrini will provide paperwork in relation to Speroni Acres and Franklin Creek is still under review and he will provide feedback at the next meeting scheduled for September 13, 2011.

Evergreen Meadow:

The Board is in receipt of a memo from Tetra Tech Rizzo dated August 11, 2011. (See Attached)

A site inspection was done by Steve Bouley. It is the recommendation of Tetra Tech Rizzo that the current condition of the subdivision satisfies the conditions of the approved OSRD Definitive Subdivision Plan, Certificate of Action and Scenic Road Work Permit. The items on the generated punch list have been addressed.

It was recommended that the applicant flush the stormwater drainage system prior to the Town taking ownership of the roadway and infrastructure. Dave Pellegrini will be meeting at the site on Monday August 29, 2011.

The Board was made aware that Iarussi Way will be placed on the warrant for street acceptance for the fall 2011 town meeting.

Speroni Acres:

Tetra Tech Consultant Dave Pellegrini is in the process of doing the overlays on Speroni Acres. The as-built plans have been supplied to TTR. It was communicated by Dave that the locations

shown on the as-built plans seemed accurate to what he has observed on site. There will be another meeting to discuss this. There is no decision yet.

It was suggested to look at the deeds regarding the easements and to also review the as-built plans against the original subdivision plan. Dave Pellegrini will do this research.

Franklin Creek:

Tetra Tech Rizzo Consultant, Dave Pellegrini indicated that the developer's surveyor is preparing the as-built plan. Once these are submitted they will be reviewed by Tetra Tech Rizzo.

Evergreen Meadow:

Member Rogers asked about the construction trailer. Was it permitted?

Susy Affleck-Childs reported that she had checked with the Building Department and no permit had been issued for the temporary site trailer.

On a motion made by Chan Rogers and seconded by Bob Tncker, the Board voted unanimously to have the applicant obtain a temporary trailer permit or remove the trailer.

NOTE – Susy Affleck-Childs will follow-up with the Building Department and the developer Taniel Bedrosian.

Village Estates Definitive Subdivision Plan – 272 Village Street:

The continued Public Hearing for Village Estates Definitive Subdivision Plan was opened at 7:15 pm.

Mr. DeSimone of Colonial Engineering was present to represent the owner/applicant Russ and Dorothy Santoro.

The Board is in receipt of a confidential email from Town Counsel Barbara Saint Andre dated August 18, 2011. The email provides the Board with guidance relative to the applicant moving the proposed right of way easterly away from the western property line. The Board had suggested to the applicant that the right of way width be reduced from 50' to 40'. This would need to be requested by a waiver. The result of this is a reserve strip which would also need a waiver.

It was the opinion of Counsel that with a two foot strip of land between 274 Village Street and the new street that the side setback issue at the adjacent property to the west is resolved.

Abutter Wayne Brundage (268 Village Street) is still concerned about the water coming onto his property.

Dave Pellegrini indicated that he had been out on site and has looked at the site distance from the southern end of the roadway out to Village Street. To the East there is plenty of site distance

and to the West it looked ok. He recommended that the applicant put the site distances on the plan with the accurate measurements.

Dave Pellegrini also looked at the sidewalk area on Village Street. He indicated that the sidewalk is in decent condition. There are about 6 or 7 panels which could be fixed. He suggested bituminous concrete.

There was also a recommendation from the DPW to reduce the size of the water line to 6" since it does not need to be as big as indicated on the plan. Consultant Carlucci suggested that the elevations and the physical impacts of those be reviewed.

Dave Pellegrini responded that the elevations seem ok.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to continue the public hearing for Village Estates until Tuesday, September 13, 2011 at 7:15 pm.

Medway Middle School Site Plan

Member Tucker recused himself as a Board member at 7:37 pm. as he serves as chairman of the Medway Middle School Building Committee.

The Board is in receipt of a draft Minor Site Plan Decision for the Medway Middle School – New Entryway & Façade Improvements for 45 Holliston Street. The draft decision is dated August 18, 2011. (See Attached)

The Board discussed page three of the document. Under Conditions of Approval, it was noted that there will be ongoing cooperation with the Medway Design Review Committee. This will be accomplished by having the applicant continue meeting with the Medway Design Review Committee over the course of the project development and construction on the noted items listed within the approval.

It was recommended that the last sentence in the fourth bullet on page three be eliminated. Another change will be to the sixth bullet which will eliminate the word "breezeway" and replace it with the words "new lobby exterior wall" and also add the words "metal window frames". It was also suggested to eliminate "around windows" with "new insulated panels".

Member Rogers communicated that the Design Review Committee are design professionals and are equipped to do this. He also communicated that he has been briefed by DRC Chairman Matt Buckley.

The Board is comfortable with how the decision is written.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the Minor Site Plan Decision for the Medway Middle School at 45 Holliston Street with the noted revisions.

NOTE - Bob Tucker did not take part in any of the voting)

Bay Oaks Preliminary Subdivision Plan – 104 Fisher Street:

Chairman Rodenhiser recused himself from the discussion as he is the applicant/developer. Vice Chairman Tucker ran the meeting.

Mr. Rodenhiser communicated that his engineer is not present since he is finished with the preliminary aspect of the presentation unless the Board wants something else.

Vice Chairman Tucker informed all that Town Counsel Barbara Saint Andre was asked to give advice about the questions which were brought up by the Board during previous meetings. Her confidential communication was distributed.

Affleck-Childs provided the Board with an overview of the opinion from Town Counsel. The Board was seeking guidance of the scope of the abutter's right in relation to the right-of-way and their rights to use it and or improve it. Counsel opined that the abutters can use this area and improve it if they choose to.

The other question was whether the Town's zoning setback requirement applies to property lines or the easement right-of- way lines. Counsel indicated that the right of way is not the same as a property line and the setback requirement is from the street line.

The third question asked of Counsel was in relation to the former subdivision covenant from 1986. It was the opinion of Counsel that when the Planning Board released that covenant it was a release of all the conditions listed and applied to everything.

Member Rogers stated that the easement with the deed still remains and will continue to exist and runs with the land. The covenant does not release the plan. The right of way easement is contained in separate documents. So therefore, this is double covered (plan, deed and easement).

Counsel indicated that in order to put in a road, it would have to be 35 feet away from any house.

Applicant Rodenhiser responded that there is no proposal for a road to go up the right of way. In the revised preliminary plan that we have provided, the proposed location for a house has been moved and thus there is no issue, there is now 35 feet or more space between the right of way and any future house.

The Board wanted to know what the next steps would be in relation to this process. Susy Affleck-Childs responded that the next step would be to write up a series of questions. This would be a statement of issues for the applicant to address at the definitive plan stage. The applicant may choose to move ahead with the definitive plan if he chooses.

Member Spiller-Walsh noted that she is still concerned about the water.

Vice Chairman Tucker responded that the Board has been tracking those issues and will be noted in the letter to the applicant.

The forum was opened to the public.

Deborah Batog, attorney for the Gionovellas, indicated that there is a third right of way which has not been released or terminated. The Attorney wants to make sure that this third right-of-way is reflected in the next plan.

The Attorney wanted to receive a copy of Town Counsel's letter and was told that this is a confidential document. Attorney Batog wanted to know if Mr. Rodenhiser was provided with the letter from counsel.

Susy-Affleck-Childs responded that Mr. Rodenhiser was not provided with a copy of the letter.

Attorney Batog wanted to know if Town Counsel looked into other subdivisions from that time period which had covenants and more specifically how the covenants were written. She wants to know if the same form was used and referenced the recent decision from Wingate Farm. She questions why in this case, a general release. It is clear from actions of this Board that throughout there are these are the type of covenants that run in perpetuity. The timing of the release was done out of foreclosure and the deed references subject to and not noted subject by. What was protocol then? The same type of language was used with Wingate Farms and Rolling Meadows.

Susy Affleck-Childs reported she did not pose those questions to Counsel and Counsel was not asked to look at previous cases or other subdivisions. Counsel was only supplied what the Board asked in relation to the three questions. Town Counsel was not asked to look at previous covenants from other subdivisions.

Attorney Batog will scan and provide a written explanation for the Board to review.

Susy Affleck-Child communicates that the covenant now is a form of performance guarantee or promise that the applicant is making to the board. The applicant is agreeing that the lots cannot be sold until a certain amount of the construction is completed or security provided. When the applicant can prove that the certain work is done, and a bond provided based on the value of the remaining work, the board releases those lots from the performance covenant. It appears that the covenant for back then probably served as a decision.

Attorney Batog asked then why include perpetuity if that is the intent. A release would not release the construction. This is not clear cut what the intent is in relation to the restrictions. The easement of record in the chain of title needs to be noted.

Susy Affleck-Childs asked Attorney Batog if she could put in writing her questions and concerns.

Susy Affleck-Childs will prepare a document for the Board to review for the September 13, 2011 meeting.

Chairman Rodenhiser returned to the meeting at 8:28 pm.

Claybrook II Subdivision:

A letter was sent out August 16, 2011 to Mr. Rosenau relative to the surety held by the Middlesex Savings Bank for the completion of the Claybrook II Subdivision. **(See Attached.)**

To date, the Town has received no communication back from the bank.

Member Tucker indicated he would like to have a status report on this matter at the September 13th meeting.

Draft Warrant Articles for Fall Town Meeting (See Attached) dated August 12, 2011

Street/Infrastructure Acceptance & Open Space:

This article is to see if the town will vote to accept Iarussi Way. The language of the article will be refined.

Rezone Parcel near I-495:

This article is to rezone the portion of parcel 3-43 B that is located west of Interstate 495 from Agricultural Residential I to Industrial III as had been recommended/requested by Bruce Hamblin.

Susy Affleck-Childs will check with Bellingham and Milford to get the accurate parcel numbers for the abutting properties and will include that information in the article.

Commercial III & IV – Allow for accessory family dwelling units.

The article is to see if the Town will vote to amend the Medway Zoning Bylaw to allow for accessory family dwelling units, by special permit, in the Commercial III and IV zoning districts.

FRONTAGE

The Board discussed the proposed definition and felt more work was needed. They agreed to have Susy Affleck-Childs rework the language relative to the proposed definition of frontage.

Proposed Amendments to the OSRD Bylaw:

The Board received a cover memorandum from Susy Affleck-Childs dated August 17, 2011 relative to the proposed amendments to the OSRD bylaw. **(See Attached.)** The document includes proposed amendments to the OSRD bylaw prepared by Gino Carlucci. She noted that the proposed changes were based on discussions held during various PEDB meetings over the past 6 months and specific discussion which took place between Consultant Carlucci, Susy Affleck-Childs and member Tom Gay.

The text incorporates the OSRD amendments approved by the June 13, 2011 town meeting,

There are a variety of changes proposed for the Board to review:

There was discussing about increasing the overall minimum tract size from 8 to 10 acres. The tracts of land totaling less than 10 acres could only be considered if the land abuts the Charles River, Chicken Brook or Hopping Brook.

The next bullet item specified what information needs to be provided to the Board for Pre-application review. This would require the applicant to submit a pre-application. The application shall consist of information such as aerial and ground photos of site, map illustration features on site (such as aquifers, streams, etc) identification and documentation of any stone walls, historic structures, significant trees etc.

There would need to be a calculation of the density of areas within 1,000 feet of the site perimeter.

At the pre-application review, the applicant shall propose and identify potential development areas and open space areas including potential trails and trail connections.

It was also recommended to establish a maximum overall density for the OSRD tract to be consistent with the density of the adjacent neighborhood. Further in no case shall the number of dwelling units for an OSRD result in a density for the entire site that exceeds the highest density of the same number of existing contiguous dwelling units.

The Board next moved to discuss that the Board may adjust the amount of required open space depending on the size of the tract. 50% open space would be required for parcels between 10 and 25 acres in size. 60% open space would be required for parcels over 25 acres.

The Open Space Committee should be given an opportunity to review this document. The Board would like to look at an updated version and rework this further before this is provided to the Open Space Committee.

The Board will continue working on this document.

Minutes of August 9, 2011 meeting:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to approve the minutes from July 26, 2011 with noted revisions on page five.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 10:15 pm.

Future Meetings:

The next meetings scheduled are: Tuesday, September 13, & 27, 2011.

The meeting was adjourned at 10:15 PM.

Medway Planning and Economic Development Board
Minutes of August 23, 2011 meeting
APPROVED – September 13, 2011

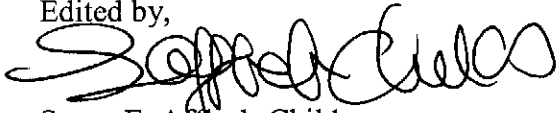
Respectfully Submitted,



Amy Sutherland

Meeting Recording Secretary

Edited by,



Susan E. Aleck-Childs

Planning and Economic Development Coordinator



TETRA TECH

MEMORANDUM

To: Susan Affleck-Childs – Medway Planning and Economic Development Board
Coordinator

Fr: Steven Bouley–Tetra Tech (TT)

Re: **Evergreen Meadow
Subdivision Review (Punchlist)
Medway, MA**

Dt: 08/11/11

RECEIVED
AUG 17 2011

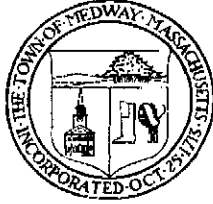
TOWN OF MEDWAY
PLANNING BOARD

At the request of the Medway Planning Board, Steven Bouley from TT performed an inspection of the Evergreen Meadow Subdivision against the approved OSRD Definitive Subdivision Plan, Certificate of Action and Scenic Road Work Permit in order to generate a punch list for incomplete construction items and current issues that should be repaired or resolved. We found that the current condition of the subdivision satisfies the conditions of the aforementioned documents. However, TT recommends that the applicant flush the drainage system prior to the town taking ownership of the roadway.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,

Steven Bouley
Civil Engineer



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.,
Karyl Spiller Walsh

Draft – August 15, 2011

Minor Site Plan Decision
Medway Middle School – New Entryway & Façade
Improvements
45 Holliston Street

You are hereby notified that on August 23, 2011, at a duly called and properly posted meeting, the Medway Planning and Economic Development Board acted on the application of the Medway School Department for approval of a minor site plan project for the new entryway and façade improvements for the Medway Middle School at 45 Holliston Street. After reviewing the application and information compiled during the public review process which commenced on July 27, 2011 (*the date of application submittal*), the Board, on a motion by _____, seconded by _____, approved the application with conditions noted herein. Those voting in favor were Andy Rodenhiser, Chan Rogers and Karyl Spiller-Walsh. Thomas Gay was absent from the 8-9-2011 meeting and member Robert Tucker was recused.

SITE INFORMATION – The application pertains to the Medway Middle School building at 45 Holliston Street in the Agricultural Residential Zoning District, shown as Parcel 1C-118&26 on Medway Assessors Map 1-2 (January 1, 2010).

PROPOSED MODIFICATION – The Town is undertaking a comprehensive repair project for the Medway Middle School. This is a 2 year project to commence September 2011 and conclude August 2013. The scope of work is primarily the replacement of interior building systems. There are no proposed changes to the use of the building or its functioning as a middle school for grades 5-8 and as administrative offices for the Medway School Department. The project does not change the enrollment or employment numbers. No alterations are planned to the vehicular or pedestrian access to and from the building.

The major exterior aspect of the work pertains to the demolition of the existing front entrance plaza and a proposed new front entrance and lobby addition (approximately 2000 sq. ft) on the Holliston Street side of the school building. The work will also include concrete paving in front of the addition. Other exterior improvements will entail window replacement and installation of colored panels along the east facing building façade

Site improvements include the replacement of portions of the existing parking lots on the east side of the building. However, there are no increased parking requirements resulting from the overall scope of interior work. Other site work entails removal and replacement of some of the existing concrete sidewalks in areas of disrepair and the addition of some sections of sidewalk to provide a continuous accessible loop around the entire building. Replacement site lighting is proposed to improve conditions. Landscaping is minimal and is limited to repairs to areas disturbed by the construction process and the installation of underground utilities including new water line and electric service.

Site regrading is limited to improvements needed to achieve adequate ADA accessibility. The proposed site improvement work is not expected to have any effect on peak stormwater runoff rates and volumes. No adverse effects to the existing drainage system are anticipated.

PROCEDURAL SUMMARY

June 6 and July 11, 2011 Applicant meets informally with the Medway Design Review Committee to discuss façade renovation

July 27, 2011 Medway Middle School Building Committee, on behalf of the Medway School Department, submits an application for a minor site plan for improvements to the Middle School building at 45 Holliston Street.

July 28, 2011 Notice of Public Briefing is mailed to abutters and posted with the Medway Town Clerk and to the Town's web site.

August 4, 2011 Building Inspector/Zoning Enforcement Officer John Emidy confirm provides a written confirmation of his prior determination that the proposed scope of work constitutes a minor site plan project pursuant to the Site Plan section of the Medway Zoning bylaw.

August 9 and 23, 2011 Public Briefing is opened and closed. NOTE – As Planning and Economic Development Board Member Robert Tucker is chairman of the Medway Middle School Building Committee, he recused himself from acting in the capacity of a Board member for purposes of reviewing the site plan application.

INFORMATION PROVIDED:

Application for Minor Site Plan Review – dated July 26, 2011

Project Description dated July 27, 2011 prepared by KBA Architects, Charlestown, MA

Development Impact Report dated July 27, 2011 prepared by KBA Architects

Stormwater Review Letter dated July 27, 2011 prepared by Christopher Garcia, PE of Carcia Galusaka Desousa Consulting Engineers, Inc., Dartmouth, MA

The proposal is shown on plans titled *Repairs to the Medway Middle School*, prepared by KBA Architects as follows:

Sheet C1.0	Site Demolition and Preparation Plan – July 1, 2011
Sheet C1.1	Site Layout Plan – July 1, 2011
Sheet C2.1	Site Utility Plan - July 1, 2011
Untitled Sheet	Main Entry Perspective A, Main Entry Perspective B, Floor Graphics Study. Main Office Rendered Floor Plan, Exterior Elevation at at Main Entry

TESTIMONY

Applicant & Representatives

Robert K. Tucker, Chairman of the Medway Middle School Building Committee
Dan Bradford – KBH Architects
_____ - Compass Project Management

Matthew Buckley, Chairman of the Medway Design Review Committee

_____ ??????????? citizen . . .

CONDITIONS OF APPROVAL

1. Plan Revisions –

- a. A Cover Sheet
- b. A signature box for Planning and Economic Development Board endorsement signatures with space provided for approval and endorsement dates.
- c. Add a note that lighting must comply with lighting standards of Medway zonignn bylaw.

2. On-going Cooperation with the Medway Design Review Committee

Light fixtures

Replacement paving materials/pattern for plaza area in front of new entry

Color selection for panels

Selection of landscape materials

3. **Plan Endorsement** - Within thirty (30) days after the Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan reflecting all required revisions, if any, to the Board to review for compliance with the Board's *Decision*. The Applicant shall provide an original of the site plan modification documents in their final form to the Board for signature/endorsement. After endorsement, the Applicant shall provide 6 full copied sets of the modified plan documents to the Board plus an electronic file.

4. Project Completion

A. If the work is conducted as a Construction Control Project, prior to the issuance of a permanent occupancy permit, the applicant shall provide the Board with a written certification of a professional engineer and/or architect registered in the Commonwealth of Massachusetts that all construction work has been completed in strict compliance with the approved and endorsed site plan and decision.

APPEALS - Any person aggrieved by the Board's *Decision* may appeal such to the court within twenty (20) days of the date the *Decision* is filed with the Town Clerk.

PLANNING & ECONOMIC DEVELOPMENT BOARD MEMBERS:

Date: _____

ATTEST:

Susan E. Affleck-Childs, Planning & Economic Development Coordinator

cc: Robert K. Tucker, Medway Middle School Building Committee
Dr. Judith Evans, Medway School Superintendent
John Emidy, Building Commissioner
Thomas Holder, DPS Director
Suzanne K. Kennedy, Town Administrator
Paul Trufant, Fire Chief
Dan Bradford, KBA Architects

Questions for next week – for Dan Bradford

Light fixtures

Paving materials/patterns

Building panels – color

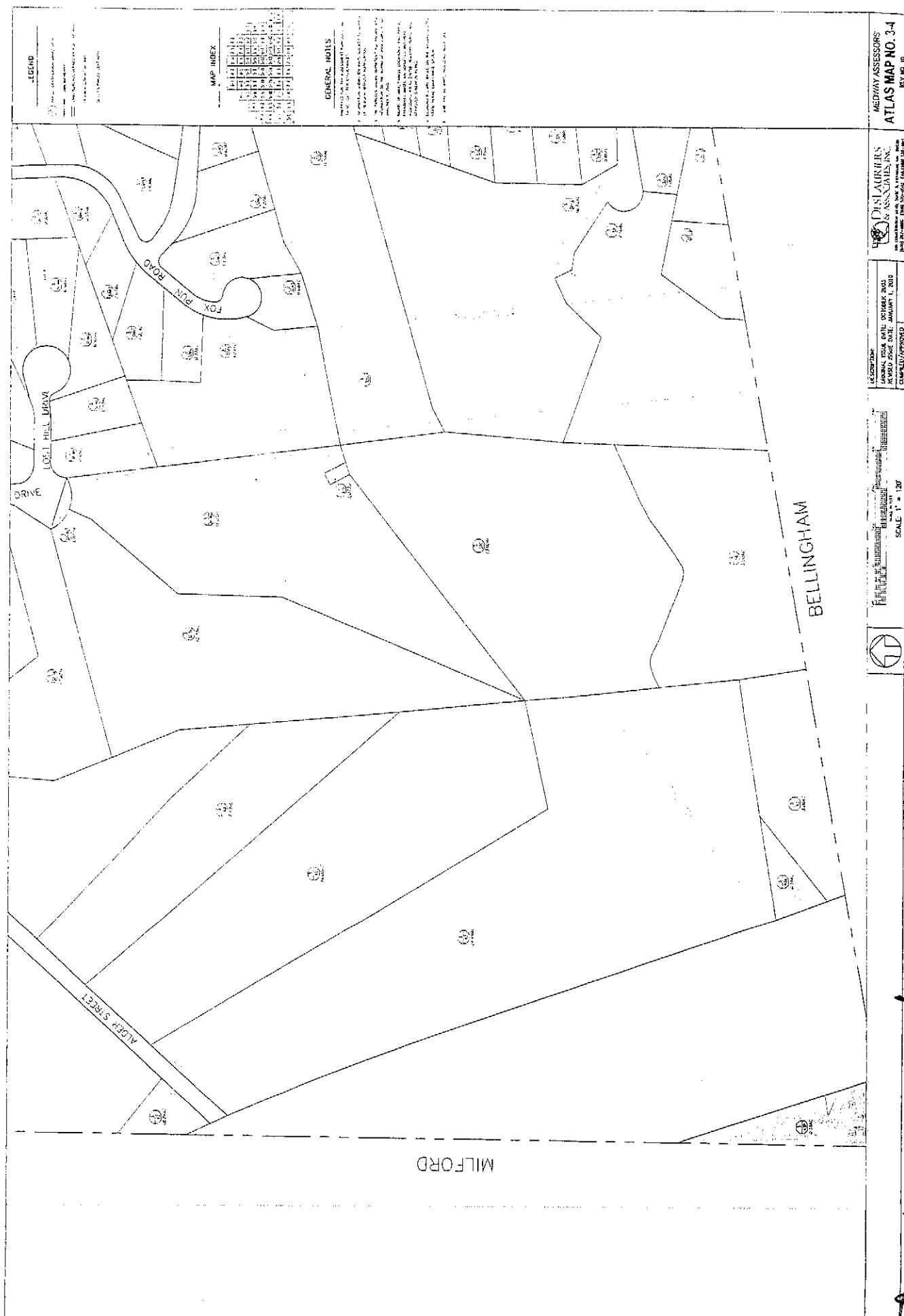
Sac Draft – 8-12-2011

ARTICLE ____: To see if the Town will vote to amend the Medway Zoning Map as follows:

Rezone the entire portion of Parcel 3-43B that is located west of Interstate 495 as shown on a map on file with the Town Clerk from Agricultural Residential I to Industrial III.

Or to act in any manner relating thereto.

Planning and Economic Development Board



✶ Check zong in
Muesel + Bellingham

Street/Infrastructure Acceptance & Open Space Parcel
Sac Draft – 8-12-2011

ARTICLE : To see if the Town will vote to accept Iarussi Way from Station 0+00 to its end at Station 9+57.36 as laid out by a vote of the Board of Selectmen as a public way as shown on *Plan of Land - Street Acceptance - Iarussi Way* prepared by GLM Engineering Consultants, Inc. of Holliston, MA dated July 8, 2011, last revised _____ on file in the office of the Town Clerk.

And further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and to accept the deed or deeds to the Town of a fee simple interest or easements in said streets and any associated drainage, utility or other easements for said streets, and for any trail or public access easements and to appropriate a sum of money for this purpose and any related expenses;

And to accept the conveyance of a deed for OPEN SPACE PARCEL

And further to authorize the Board of Selectmen and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

Planning and Economic Development Board

Commercial III – Allow for accessory family dwelling units
sac draft - 8-12-2011

ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw by revising SECTION V. USE REGULATIONS, Sub-SECTION I. Commercial District III by inserting a new Paragraph 3 as follows and by renumbering the existing Paragraph 3 to become paragraph 4.

3. An accessory family dwelling unit is authorized by special permit only. The special permit must be recorded prior to the issuing of an occupancy permit. Upon transfer of property, the special permit shall become null and void. An accessory use in a single-family dwelling is subject to the following conditions:
 - a) The single-family dwelling or accessory family dwelling shall be occupied by the owner of the premises. For the purpose of this section, the “owner” shall be one or more individuals who hold legal or beneficial title to the premises and for whom the premises is the primary residence for voting and tax purposes.
 - b) The accessory family dwelling unit only may be occupied by the following family members: mother/father, mother-in-law/father-in-law, son/daughter, son-in-law/daughter-in-law, sister/brother, sister-in-law/brother-in-law, grandmother/grandfather, step-mother/step-father, step-son/step-daughter, step-sister/step-brother, step-grandmother/ step-grandfather. A notarized statement of the relevant relationship shall be provided to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit.
 - c) There shall not be more than one (1) bedroom in the accessory family dwelling unit.
 - d) The accessory dwelling unit shall have an exterior design such that the structure is not changed from the character of a single-family dwelling.
 - e) There shall be no additional driveway or curb cut providing access to the premises. All parking to be off-street.
 - f) A certificate of occupancy for the accessory family dwelling unit is required, and shall be issued to the owner only, and is not transferable. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory dwelling unit shall be null and void. The Occupancy Permit shall expire not more than three years after date of issue.

Commercial IV – allow for accessory family dwelling units
sac draft - 8-12-2011

ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw by revising SECTION V. USE REGULATIONS, Sub-SECTION J. Commercial District IV by inserting a new Paragraph 3 as follows and by renumbering the existing Paragraph 3 to become paragraph 4.

3. An accessory family dwelling unit is authorized by special permit only. The special permit must be recorded prior to the issuing of an occupancy permit. Upon transfer of property, the special permit shall become null and void. An accessory use in a single-family dwelling is subject to the following conditions:
 - a) The single-family dwelling or accessory family dwelling shall be occupied by the owner of the premises. For the purpose of this section, the “owner” shall be one or more individuals who hold legal or beneficial title to the premises and for whom the premises is the primary residence for voting and tax purposes.
 - b) The accessory family dwelling unit only may be occupied by the following family members: mother/father, mother-in-law/father-in-law, son/daughter, son-in-law/daughter-in-law, sister/brother, sister-in-law/brother-in-law, grandmother/grandfather, step-mother/step-father, step-son/step-daughter, step-sister/step-brother, step-grandmother/ step-grandfather. A notarized statement of the relevant relationship shall be provided to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit.
 - c) There shall not be more than one (1) bedroom in the accessory family dwelling unit.
 - d) The accessory dwelling unit shall have an exterior design such that the structure is not changed from the character of a single-family dwelling.
 - e) There shall be no additional driveway or curb cut providing access to the premises. All parking to be off-street.
 - f) A certificate of occupancy for the accessory family dwelling unit is required, and shall be issued to the owner only, and is not transferable. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory dwelling unit shall be null and void. The Occupancy Permit shall expire not more than three years after date of issue.

DRAFT – 8-22-2011 sac

Add definition for “frontage” and use it instead of “lot width”

ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw by inserting in alphabetical order a definition for “frontage” in SECTION II DEFINITIONS as follows:

Frontage: The lot line along a street or streets providing rights of and actual access to a potential building site.

and by deleting the term “Minimum lot width” and replacing it with the term “Minimum Continuous Frontage” in SECTION V. USE REGULATIONS as follows:

Sub-Section G. Commercial District I – 2. c)

Sub-Section I. Commercial District III – 3. c)

Sub-Section J. Commercial District IV – 3. c)

Sub-Section K. Commercial District V – 2. c)

Sub-Section M. Industrial District I – 2. c)

Sub-Section N. Industrial District II – 2. c)

Sub-Section O. Industrial District III – 2. c)

Sub-Section V. Business/Industrial – 2. c)

Or to act in any manner relating thereto.

Planning and Economic Development Board



TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

August 17, 2011

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Proposed amendments to the OSRD bylaw

Attached are proposed amendments to the OSRD bylaw prepared by Gino Carlucci. See draft dated July 22, 2011. They are based on discussions held during various PEDB meetings over the past 6 months and a specific discussion Gino and I had with Tom Gay over a month ago. The text INCLUDES the OSRD amendments approved by the June 13, 2011 Town Meeting.

There are a variety of additional changes proposed for your review.

- Increase the overall minimum tract size from 8 to 10 acres. Tracts of land totaling less than 10 acres could only be considered if the land abuts the Charles River, Chicken Brook or Hopping Brook. (page 1)
- Specify what info needs to be provided for the pre-application review. (page 2)
- Establish a maximum overall density for the OSRD tract to be consistent with that in the adjacent neighborhood. (page 6)
- Adjust the amount of required open space depending on the size of the tract. 50% open space would be required for parcels between 10 and 25 acres in size. 60% open space would be required for parcels over 25 acres. (page 7)
- Require the open space to be integrated within the development and to link to abutting areas. (page 7)
- No parking, fields, etc. would be allowed within the open space parcel for those developments with less than 60% of the total area used as open space but they would be allowed for developments with more than 60% of the tract designated for open space. (page 7). Gino used the open space percentage as the qualifying metric rather than total acreage. This would mean that a parcel with under 25 acres that provides 60% open space (though only 50% is required) could include parking in the open space parcel. (page 7)
- Require that the siting of the dwelling units, accessory buildings and site improvements be done to maximize views of the open space. (page 9)

PROPOSED AMENDMENTS TO OSRD BYLAW

(Deletions are shown in ~~striketrough~~ type and additions are in **bold**. Notes are in **bold brackets [xxx]**)

T. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

1. **Purpose and Intent** - The primary purposes for OSRD are:

- a) To allow for greater flexibility and creativity in the design of residential development
- b) To protect community water supplies;
- c) To minimize the total amount of disturbance on the site;
- d) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and/or historical and archeological resources.
- e) To discourage sprawl and encourage a more efficient form of development that consumes less open land and conforms more closely to existing topography and natural features than a conventional **[grid?]** subdivision;
- f) To further the goals and policies of the Medway Master and/or Open Space Plans;
- g) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner.
- h) To preserve and enhance the community character;
- i) To preserve and protect agriculturally significant land;
- j) To protect the value of real property;
- k) To allow for housing types that will diversify the community's housing stock including the provision of affordable housing for persons of low and moderate incomes.

(Item k) added May 14, 2007)

2. **Eligibility**

- a) **Zoning Classification** - Only those tracts located in the AR-I and AR-II Districts shall be eligible for consideration as an OSRD.
 - b) **Contiguous Parcels** - To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. For the purposes of this section, parcels that are directly opposite each other across an existing street, and each have a minimum of 25 feet of frontage on the same 25-foot section of roadway, may be considered as if contiguous. Provided, however, that parcels or sets of parcels on opposite sides of a street must each have practical development potential as evidenced by either meeting the dimensional requirements of the residential zoning district in which it lies, or, in the opinion of the Planning Board, has sufficient access and area to be subdivided in accordance with the Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions.
- (Revised June 15, 2009)
- c) **Land Division** - To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to M.G.L. c. 41, s. 81P, provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided.
 - d) **Tract Size** - An OSRD shall be on a site that is a minimum of **8 10** acres in area. The Planning and Economic Development Board may approve an OSRD on a tract of land that is less than **8 10** acres if such property directly abuts the Charles River, Chicken Brook or Hopping Brook and that portion of the property that abuts any of these waterways is included in the open space.

(Item d) added June 15, 2009)

Draft proposed amendments - pgc – 7-22-2011

3. *Special Permit Required*

- a) The Planning Board may authorize an OSRD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the provisions outlined below.
- b) The Planning Board shall adopt *OSRD Rules and Regulations* which shall more fully define the application requirements including the size, form, number and contents of the *Site Context and Analysis Plan*, *Concept Plan*, and *Yield Plan*, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.
- c) Upon approval by the Planning Board, an OSRD may include a Local Convenience Retail use of no more than 7,500 square feet of gross building area. *(Item c) added 6-2-08)*
- d) Upon approval by the Planning Board, an OSRD may include a Community Center or Building erected solely for the use of the residents of the OSRD and their guests for educational, recreational and social purposes. *(Item d) added 6-2-08)*

4. *Pre-Application Phase*

- a) ***Pre-Application Review*** -The purpose of the pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development. **The applicant is required to submit a pre-application and to schedule a pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to review the pre-application and attend the informal pre-application review.**

The pre-application shall consist of already existing and readily available information and shall include, but not be limited to:

- 1) **Aerial and ground photos of the site**
- 2) **Map(s) illustrating features of the site and nearby surrounding areas including water resources (such as aquifers, streams and riparian areas, DEP Zone II's, wetlands, floodplains and certified and potential vernal pools), BioMap areas, Priority Habitats and Estimated Habitats of Rare and Endangered Species, other protected open space and any other features that the applicant believes may be significant**
- 3) **Identification and documentation (which may consist of photographs) of any stone walls, historic structures, significant trees, important landscapes, scenic views or other resources of the site**
- 4) **Calculation of the density of areas within 1000 feet of the site perimeter**

At the pre-application review, the applicant shall:

- 1) **outline the proposed OSRD including presentation of a preliminary Site context and Analysis Plan prepared with input from a Registered Landscape Architect)**
- 2) **propose and identify potential development areas and open space areas, including potential trails and trail connections**

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- 3) seek preliminary feedback from the Planning and Economic Development Board and/or its agents
- 4) ~~review potential open space, trails and trail connections~~
- 5) present a preliminary concept for handling stormwater runoff
- 6) discuss potential mitigation measures pursuant to paragraph 13. B) herein
- 7) and set a timetable for submittal of a formal application.

At the applicant's request and expense, the Planning and Economic Development Board may engage technical experts to review the applicant's informal plans and facilitate submittal of a formal application for an OSRD special permit.

- b) *Site Visit* – As part of a request for a pre-application review, the applicant shall grant permission to Planning and Economic Development Board and Open Space Committee members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

(Paragraph 4. Replaced in its entirety – June 13, 2011)

5. ***Four-Step Design Process*** - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and considered in determining the layout of proposed streets, house lots and/or dwelling units and open space.

- a) *Identify Conservation & Potential Development Areas*

- 1) Identify and delineate *Conservation Areas*: This includes:

- a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)
- b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views)

- 2) Identify and delineate *Potentially Developable Area(s)*. To the maximum extent feasible, the *Potentially Developable Area(s)* shall consist of land outside identified *Primary and Secondary Conservation Areas*.

The specific features of the parcel that are proposed to be preserved shall be identified. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potential Development Area be preserved.

- b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the *Potentially Developable Area(s)* and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

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- c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.
- d) *Draw in Lot Lines*

A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.

(Paragraph 5 was replaced in its entirety – June 13, 2011.

6. OSRD Application

- a) Contents – An application for an OSRD Special Permit shall include:
 - 1) *Site Context and Analysis Plan* – The Site Context and Analysis Plan shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.
 - 2) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The *Concept Plan* shall show the Proposed Development Area (s) and the proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development.
 - 3) *Yield Plan* - See Paragraph 7 herein.
 - 4) *Design Plan* - The Design Plan shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping identifying typical features such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.
 - 5) *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-Section 13 (b) shall be included as part of the application.
 - 6) Narrative Statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interest of the Town to grant the OSRD Special permit rather than approve a conventional subdivision plan.

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- 7) ***Other Information*** – The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control law or any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

(Paragraph 6 replaced in its entirety – June 13, 2011)

d) General Procedures – Upon receipt of an application for an OSRD Special Permit, the Planning Board shall, within fourteen (14) days of the filing of the completed application, distribute copies of the application, accompanying plans and other documentation to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of Public Services, Police Chief, Fire Chief, Design Review committee and the Town's consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the 35-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period. The Decision Findings of the Planning Board shall contain, in writing, an explanation for any departure from the recommendations of any reviewing party.

SAC NOTE: I am not sure what happened to this section as we did the most recent amendments!! I may have deleted it by accident!! We can easily make it item c) of Paragraph 6.

7. ***Maximum Number of Dwelling Units/Yield Plan***

- a) The maximum possible number of OSRD dwelling units shall be derived after preparation of a *Yield Plan*. The *Yield Plan* shall indicate the tract's total area (TA) and its wetland and riverfront area (WA). WA shall include those portions of the tract that are classified as wetland and/or are located within the 200' riparian zone of a perennial stream as determined by the Medway Conservation Commission. *(Revised June 15, 2009)*

The following formula shall be used to determine the maximum possible number of OSRD dwelling units that may be permitted. The resulting amount shall be rounded down to the nearest whole number.

$$\text{Maximum \# of OSRD Dwelling Units} = \frac{\text{TA} - (0.5 \times \text{WA}) - (0.1 \times \text{TA})}{\text{Zoning District Minimum Lot Area}}$$

- b) The maximum number of OSRD dwelling units may not necessarily be the number of units the Planning Board approves in the OSRD Special Permit. **In no case shall the number of dwelling units (including any bonus units that may result from Section X Affordable Housing) result in a density for the entire site that exceeds the highest density of the same number of existing contiguous dwelling units (exclusive of roadway right-of-way and lot area beyond 25%? above the minimum required area for that district) within 2500 feet of the site perimeter. [This might work in developed areas, but if the site is in an area without nearby development it probably does not work. Perhaps there could be an exclusion if there is no existing development within**

500 feet or 1000 feet of the developed area or perhaps we could use the zoning district density for undeveloped areas]

8. ***Adjustment of Dimensional Requirements*** - The Planning and Economic Development Board may authorize modification of lot size, shape, and other bulk requirements for lots within an OSRD, subject to the following limitations:
- a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
 - b) Lot frontage shall not be less than fifty feet (50').
 - c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.
 - d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.
 - e) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	Average Separation Distance (feet)
Single family detached dwelling units with 2500 ft ² or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Single family detached dwelling units with more than 2500 ft ² of habitable space	30
Four or five attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft ² of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages up to 2 bays and 1 story sheds of a size not requiring a building permit shall not be considered in calculating the distances between buildings.

- f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the dwelling unit or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

(Paragraph 8 replaced in its entirety – June 13, 2011)

9. ***Open Space Requirements*** - A minimum of fifty percent (50%) of the tract shown on the development plan for **parcels of 25 acres or less** shall be open space. **For parcels of more than 25 acres, a minimum of sixty percent (60%) of the tract shown on the development plan shall be open space.** For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (e) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.
- a) In the minimum required open space area (equal to 50% **or 60%** of the total area of the proposed OSRD parcel), the percentage of land that is a *resource area* (as defined and regulated by the Medway General Wetlands Protection Bylaw (ARTICLE XXII)) shall not exceed the percentage of the total tract that is a *resource area*; provided, however, that in any proposed open space beyond the minimum required, the applicant may include a greater percentage of *resource area*. *(Revised May 14, 2007 & June 15, 2009)*
 - b) The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas. **In either case, the open space shall be integrated into the development and/or abutting areas in a manner that maximizes its visibility and function.**
 - c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. **For developments in which 60% of the tract is open space, the Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., ~~pedestrian walks and bike paths, playgrounds, or other recreation facilities~~). For developments with less than 60% of open space, use of the space shall be limited to pedestrian walks, picnic areas or other passive uses. Open space along the water may be used for water-based recreation purposes such as canoe launches, fishing piers, etc.** The open space shall be accessible to the public, unless the Planning Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning Board may require a minimum number of off-street parking spaces to facilitate such public access. *(Revised June 15, 2009)*
 - d) While protecting resources and leaving land in its natural state is a primary goal, the Planning Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.
 - e) The following shall not qualify toward the required minimum open space area:
 - 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
 - 2) Sub-surface drainage, septic and leaching systems per Title 5
 - 3) Seventy-five percent (75%) of the land area subject to any type of utility easement
 - 4) Land within thirty feet (30') of any dwelling unit

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- 5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
- 6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
- 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
- 8) Buffer areas in the Development Area as required in Subsection 10 (i)

(Revised June 13, 2011)

- f) Ownership of the Open Space - The open space shall, at the Planning Board's discretion, be conveyed to:
 - 1) The Town or its Conservation Commission, upon its agreement;
 - 2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;
 - 3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed of trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.
- g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

(Item 9. g) revised June 13, 2011)

10. ***General Design Standards*** – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:

- a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.
- b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.

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- c) **Dwelling units and associated accessory buildings, parking, drainage facilities, landscaping, lighting, etc. shall be located to maximize views of the open space for residents of the development, abutting properties and passersby to the extent practicable.**
- c) The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.
- d) All open space (*landscaped and usable*) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- f) Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.
- g) Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning Board.
- h) Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space. (Added May 14, 2007)
- i) A minimum fifteen foot (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements. (Revised June 13, 2011)
- j) Parking – A minimum of three (3) off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan. (Revised June 13, 2011)
- k) Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer. (Added June 15, 2009)

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- l) Pedestrian circulation measures shall be provided to facilitate movement within the Development area as well as between it and the Open Space and the abutting existing neighborhood(s). *(Added June 13, 2011)*
- m) Trails shall be provided to facilitate public access to the Open Space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel. *(Added June 13 2011)*

11. ***Decision of the Planning Board*** - The Planning Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:

- a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;
- b) Whether the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;
- c) Whether the OSRD promotes less sprawl and a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;
- d) Whether the OSRD reduces the total amount of disturbance on the site;
- e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;
- f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and
- g) Whether the *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.
- h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning Board's *Design Review Guidelines*.
- i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.
- j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.
- k) Whether the impact of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated.
- l) Whether the OSRD protects and enhances community character

(Items 11 (h) – 11 (l) added May 14, 2007)

An OSRD Special Permit decision shall include the approved *Concept Plan*. The OSRD Special Permit Decision shall specifically state that the OSRD Definitive Plan shall substantially comply with the approved *Concept Plan*. The applicant shall record the OSRD Special Permit Decision/*Concept Plan* at the Norfolk County Registry of Deeds. *(Added June 2, 2008)*

12. OSRD Definitive Plan

- a) Subsequent to recording the OSRD Special Permit Decision and *Concept Plan* at the Registry of Deeds, the applicant shall prepare and submit an OSRD Definitive Plan to the Planning Board. The OSRD Definitive Plan shall include all plan changes as may be required by the conditions of the OSRD Special Permit.
- b) The Inspector of Buildings shall not issue a building permit for any building or structure authorized by an OSRD Special Permit unless the Planning Board has approved or conditionally approved and endorsed an OSRD Definitive Plan, filed such with the Town Clerk and provided such to the Inspector of Buildings,
- c) An OSRD Definitive Plan shall comply with the application contents, review process, and Design & Construction Standards of the *Subdivision Rules and Regulations* for a definitive subdivision plan, except that another traffic study and development impact report are not required. The Planning Board may agree to waive/vary those standards upon written request of the applicant, provided that the Planning Board finds that it is in the best interests of the Town to do so.
- d) In cases where a definitive subdivision plan is not technically necessary (e.g. a multi-family condominium project), the Planning Board will consider site design features that are normally the subject of Site Plan Approval (SECTION V. USE REGULATIONS, Sub-Section C of the Medway Zoning Bylaw) such as parking, lighting, landscaping, site amenities, etc. The Development Standards of the Planning Board's *Site Plan Rules and Regulations* shall be adhered to. The OSRD Definitive Plan shall be prepared to comply with those standards. The Planning Board may agree to waive/vary those standards, upon written request from the applicant, provided that the Planning Board finds that it is in the best interests of the Town to do so.
- e) The OSRD Definitive Plan shall substantially comply with the approved OSRD *Concept Plan*. An OSRD Definitive Plan will be considered not to substantially comply with the approved *Concept Plan* if the Planning Board determines that any of the following conditions exist:
 - 1) An increase in the number of building lots;
 - 2) A decrease in the open space acreage of more than 5%;
 - 3) A significant change in the lot layout;
 - 4) A change in the general development pattern which, in the opinion of the Planning Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*;
 - 5) A change to the stormwater management facilities which, in the opinion of the Planning Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*; and/or,
 - 6) Changes in the wastewater management systems, which, in the opinion of the Planning Board, adversely affect natural landscape features or other features identified for preservation in the approved *Concept Plan*.

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- f) If the Planning Board determines that the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan*, the Board may disapprove the OSRD *Definitive Plan* for failure to comply with the conditions of the OSRD Special Permit.
 - g) The Planning Board may conditionally approve an OSRD Definitive Plan that does not substantially comply with the approved *Concept Plan*. However, such conditional approval must identify where the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan* and shall require that the applicant file an application to modify the OSRD Special Permit within a specified time period in order to amend the approved *Concept Plan* by incorporating the significant changes identified by the Planning Board. The public hearing on the application to amend the OSRD Special Permit and *Concept Plan* shall be limited to the significant changes identified by the Planning Board in their conditional approval of the OSRD Definitive Plan.
(Paragraph 12 added 6-2-08)
 - h) The OSRD Definitive Plan shall be recorded at the Norfolk County Registry of Deeds.
(Item h) added June 15, 2009)
- 13) ***OSRD Special Permit Provisions*** - Depending on the nature of the particular OSRD, the Planning Board may, as a condition of any Special Permit for an OSRD, establish conditions, limitations and safeguards; require construction observation/inspection, bonding or other performance guarantees, plan compliance measures and the submittal of as-built plans; and establish reasonable mitigation measures which the Board believes are in the Town's best interests.
(Corrected June 15, 2009)
- a) ***Conditions, Limitations and Safeguards*** - The Planning Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:
 - 1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.
 - 2) Controls on the location and type of access to the site;
 - 3) Controls on the number, type and time that service and delivery vehicles access the site;
 - 4) Provision for preservation of scenic views;
 - 5) Limitations on the hours of operation for any Local Convenience Retail Use or Community Center/Building included in the OSRD;
 - 6) Conditions to minimize off-site impacts and environmental quality during construction;
 - 7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
 - 8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to

adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.

- b) ***Mitigation Measures*** – The Planning Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:
- 1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Planning Board, for the relevant type of structure(s) and use (s).
 - 2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements. *(Added 11-10-08)*

(Sub-Section T. was replaced in its entirety June 6, 2005)

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August 16, 2011

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Middlesex Savings Bank
6 Main Street
Natick, MA 01760

Attn.: Mr. Doug Rosenau

**DEMAND FOR RELIEF UNDER MASSACHUSETTS GENERAL
LAWS CHAPTER 93A**

Dear Mr. Rosenau:

Please be advised that this office is town counsel to the Town of Medway, Massachusetts. This is a formal demand letter pursuant to Massachusetts General Laws chapter 93A. It is a demand for relief and damages on behalf of my client for the unfair, deceptive, and unreasonable practices employed by the Middlesex Savings Bank with regard to the surety held by the Middlesex Savings Bank for the completion of the Claybrook II Subdivision in Medway.

On or about May 7, 1997, the Middlesex Savings Bank (the Bank) entered into an agreement (the agreement) with the Town of Medway (the Town), and Philip Wax and Jon Mark Delli Priscoli as Trustees of the Claybrook II Development Trust (the applicant). A copy of that agreement has been provided to you previously, but another copy is enclosed for your convenience. This agreement was to secure the construction of ways and installation of municipal services in the Claybrook II Subdivision (the Subdivision). Under the agreement, the applicant and Bank bound themselves to the Town, through its Planning Board (now the Planning and Economic Development Board) in the amount of \$91,000 to secure the obligations of the applicant to complete the construction of ways and installation of municipal services in the Subdivision. In September of 1997, the Planning Board voted to release a portion of the surety, reducing the amount to \$42,190 (this amount does not include any accumulated interest.)

The agreement provides, among other things, that the "lender hereby agrees that none of the funds retained as security, as specified herein, shall be disbursed to the applicant without the prior written release of said funds by the Planning Board." The agreement further provides: "In the event that after the expiration of the time set forth in the documents 1-4 above...the Applicant has failed to complete any stage of construction, and further provided that the Town has notified the Applicant by certified mail of the Applicant's failure to properly complete and a period of 30 days has elapsed since the Applicant was given notice, than any funds remaining undisbursed shall be made available in whole, or in part, by the lender to the Planning Board for the benefit of the Town of Medway to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this Agreement." The applicant was notified by certified mail on June 2, 2010 that the Subdivision had not been properly completed, and further notified on June 24, 2010, again by certified mail, that the Planning Board had found the subdivision in default. Copies of those letters are also enclosed for your reference.

On August 6, 2010, the Bank was notified by certified mail that the Subdivision was in default and that notice had been provided to the applicant more than 30 days prior. The Bank was notified to deliver to the Town the surety money that the Bank should have been holding pursuant to the Agreement. On behalf of the Bank, you informed the Planning Board, through its representative, Susan Affleck-Childs, that the Bank had discharged the mortgage, and therefore was not holding any of the funds as required by the agreement. The Bank's action was in direct contravention of the Bank's agreement with the Town.

Since that time, Ms. Affleck-Childs has contacted the Bank on numerous occasions in an effort to obtain the funds that rightly should be paid over to the Medway Planning Board to be used toward the completion of the Subdivision. The Bank has failed, neglected, and refused to provide the funds to the Town as required by the agreement. The Bank's failure to do so constitutes a breach of the Bank's agreement with the Town.

As a direct and proximate result of the Bank's unfair, deceptive and unreasonable practices, the Town has been damaged in the amount of \$42,190 plus accumulated interest. The Town hereby demands immediate payment of \$42,190 plus accumulated interest. **This letter requires a written response and/or tender or offer of settlement within thirty days from receipt hereof. Failure to respond with a reasonable settlement offer within said thirty days may subject you to an award of double or triple damages and attorneys' fees. Please note that if you fail to tender a written offer within thirty days, the Town shall have the right to commence legal action in this matter.**

Middlesex Savings Bank
August 16, 2011
Page 3

Please direct all further communications in this matter to my office.

Very truly yours,



Barbara J. Saint André

Enclosures

cc: Board of Selectmen
Planning and Economic Development Board

**September 13, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Tom Gay, Chan Rogers, and Karyl Spiller-Walsh

ABSENT WITH NOTICE: Bob Tucker

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates
Dave Pellegrini, Tetra Tech Rizzo

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were none.

Engineering Consultant's Report:

Evergreen Meadow:

Tetra Tech Representative Dave Pellegrini indicated that the entire drainage system at the site has been flushed. This was the last thing on the punch list.

Susy Affleck-Childs informed the Board that she attended the Board of Selectmen meeting to discuss taking the first step in the roadway layout process for Iarussi Way at Evergreen Meadow. There will need to be title work completed which is now required by Town Counsel.

Member Rogers noted that the trailer had been moved and the good side of the trailer is looking into the neighborhood. This is acceptable and is an improvement.

Speroni Acres:

Dave Pellegrini noted that the as-built plans appear to be pretty good. The overlay is completed. The next step will be to have Merrikin Engineering respond to the original comments and compare with the new comments. Dave also wants to make sure that Merrikin aligns the recommendations with the State Regulations.

It was noted by Dave that detention basin #2 falls outside of the utility easement on the top of cul-de-sac. This was constructed in the wrong location (not as shown on the definitive subdivision plan) due to the moving of the wetland delineation. The basin is currently 85% inside of the easement.

The easement may need to be modified later down the line. This is the responsibility of the developer during the street acceptance process.

The Board discussed that the applicant should explain how they will clear up the basin issue. Dave will ask Merrikin to provide a proposal on how to address this issue.

Tetra Tech Rizzo will provide a comment letter.

This item will be placed on the October agenda.

Franklin Creek:

Tetra Tech Rizzo Representative Dave Pellegrini communicated to the Board that there is an issue with the pavement. The paving slips have been provided. These slips did not match up. It appears to be relatively low. Dave is ready to propose that some cores samples be taken. The results will be provided to the Board. Once the results of the core samples come in, Dave will then recommend what action may need to be taken.

It was recommended that a letter be sent to the landowners so they are aware of the road paving issues.

DPS requested they patch Franklin Street. DPS requested the patch go from curb to curb.

It was suggested that there could be two letters one coming from DPS and one from PB. The bond will be checked.

SWAP:

The SWAP Legislative Breakfast is scheduled for September 16, 2011 from 8:00 am to 10:00. This meeting will take place at the Bellingham Senior Center. The discussion topics of regional interest will include economic development, job creation, state budget/legislator priorities and land use and zoning reform.

SWAP is preparing a proposal to the Metropolitan Area Planning Council for funding to produce a greater SWAP Area Public Transit Feasibility Study. This application is being made in response to MAPC'S recent request for proposal for "place based" projects for its sustainable communities initiative to implement the Metrofuture Regional Plan. There will be 10 projects funded. The deadline application is September 14, 2011. **(See Attached Synopsis.)**

The Board is in support of sending a support letter.

On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted unanimously to support the application for the MAPC's recent request for proposal for "place based" projects for its sustainable and support sending a letter.

Meeting Minutes - August 23, 2011

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from August 23, 2011 with the noted revisions on page 6 and 7.

Route 109 Committee

Tom Holder, Paul Yorkis, and Chan Rogers will be giving a presentation next Friday to the Boston MPO to secure inclusion of the Medway Route 109 project on the TIP list.

There will be a Walkability workshop taking place on October 5, 2011. This will take place at 5:30 pm and will start at Charles River Bank.

Bay Oaks Preliminary Subdivision Plan – 104 Fisher Street:

Chairman Rodenhiser recused himself at 8:00 pm.

Member Tom Gay took over as Chairman in the absence of Vice Chairman Tucker.

Susy Affleck-Childs provided the Board with a draft of the comments/questions dated September 12, 2011 based on the discussions during the Board's review of the preliminary subdivision plan. **(See Attached)**

The Board is also in receipt of information from Attorney Deborah Batog on behalf of the Giovanella family relative to the history of cart paths on this parcel. **(See Attached)**

Applicant Rodenhiser did not receive a copy of the cart path information.

Susy Affleck-Childs informed all that this process started in July and the Board and residents have provided input for the applicant. This information included in the draft document was compiled and created from the minutes of the previous meetings. She created a collection of draft comments and a listing of the things which need to be addressed at the future submittal of the definitive subdivision plan. There are 13 bullet items noted. There is a description of the right of way easements along with a listing of folks who spoke at the public briefings.

Member Gay noted that the document was created from information gathered starting back in July. This is the input for the applicant and a listing of the items which would need to be addressed during the definitive plan submittal along with others which may come up. The bullet items cover a range of topics from Conservation Commission issues, retaining wall issues, no disturb zone, plan deficiencies, review and approval by the Fire Chief.

Member Gay asks the members of the Board if they have any other items which need to be addressed.

Member Spiller-Walsh wanted to know which item addressed the existing retaining walls. These walls made an impression on her after driving up to the site. She inquired about the width of the retaining wall. She feels the road is extremely narrow between the two retaining walls.

Member Gay noted that the roadway width between the walls is 18 ft.

Member Spiller-Walsh wants to know if this is passable with two big trucks. There is no bail out area because of the wall.

Member Gay noted that the Fire Chief will be providing input at the next stage of the submittal process.

Member Rogers notes that Fisher Street is less than 18 feet wide. It is not reasonable to think this wall could be modified. It would be expensive to move.

Member Spiller-Walsh responded that there are no retaining walls on Fisher Street.

Member Gay asked whether we add something else to this document from a safety basis, but on the other hand there would be a small number of vehicles using the roadway on a regular basis. There would be a use of four units.

Member Spiller-Walsh notes that there may be possibly two more lots (if the Giovanellas ever developed their property).

Susy Affleck-Childs noted that if two more units were proposed in the future (Giovanella property), the adequacy of the roadway would have to be addressed then.

Applicant Rodenhiser noted that he can pass the trash truck on the driveway with his CHEVY Suburban.

Member Gay asked if there were any other questions.

Karyl Spiller-Walsh responded that the site distance on Fisher Street is doable.

Consultant Carlucci did not have further comments.

Member Spiller-Walsh would like on site demonstration provided under Item 12 so she could see two large vehicles passing each other.

Member Rogers does not agree with the request by member Spiller-Walsh. He indicated that the Board does not do this with other projects.

Member Spiller-Walsh does not think such a demonstration is impossible.

Member Gay noted that it does not hurt to make sure that this concern is verified. This is not a public hearing. The notation about the distances belongs in #13. The Board could include the need for documentation. Clarity is a good thing.

Dave Pellegri noted at there are specifications for smaller roadways in relation to the roadway width and clear width.

Member Spiller-Walsh inquired what the applicant would do to address people who are walking next to the retaining walls. She suggested providing a meandering pathway or trail from Fisher Street into the property to get into the cul-de-sac behind (outside) the retaining walls. She would like to see this included with the Definitive Plan submittal.

The standards for a private way do not require a walkway or pathway or trail. The applicant could include a pathway or trail outside of the retaining wall in the definitive plan submittal.

Member Rogers does not think a path is necessary.

Member Gay notes that outside the rules and regulations, the homeowners association would cover the maintenance. The rules do not require any type of pathway for this type of road.

The retaining walls run 200 ft. into the property.

Member Rodenhiser noted that residents were concerned about noise. There is a sound buffer with the traveled way and the retaining walls provide a buffering of sound. He asks the Board to weigh the options.

Member Spiller-Walsh thinks a meandering path or walkway is an option.

Member Rogers noted that Fisher Street has no sidewalks and people walk, run and push baby carriages on this street.

Dave Pellegrini comments that there may be an issue with ADA access.

Member Spiller-Walsh suggests that the members take a drive up the driveway.

Member Rogers notes that this needs to also be profitable for the applicant. This is unnecessary putting applicants through things that are not part of the rules and regulations. People in that area love that street and it serves over 100 houses.

Consultant Carlucci noted that there could be a middle ground with this relative to the retaining walls. The Board could ask the applicant to consider doing a path of some sort.

Member Gay asks the public for comments.

Abutter Giovanella. Mr. Giovanella commented that his big concern is about the safety for the children going to the bus. There is not room to step aside safely. The Board should be a preliminary walk through. There is no room to step aside safely with the retaining walls.

Member Gay notes that a site walk is part of our process.

Attorney Batog communicated that documentation regarding the cart path was provided to the Board. There is also additional documentation about covenant issue. She indicates that it is inappropriate for a board to consider the profitability of the project for the applicant. This is not the Planning Board's place to make judgement on this. There is an issue about access. Why does this applicant not have to upgrade the roadway, but the impact is greater on the next applicant that comes along.

Member Gay states this is a matter of timing for the improvements and that private roads need ongoing maintenance.

Attorney Batog said the new lots would have to be part of the homeowners association and would benefit from the use of the private road and this applicant is not doing what is necessary to benefit the additional lots.

Member Gay stated the concern about the HOA in the document does say the entire right of way should be owned by a single association of all owners which directly abutting the right of way.

Member Rogers notes that he is thinking specifically about the client. He feels that Attorney Batog misinterpreted his views and the use of the word profitability. He is concerned that others to be able to develop their land. He does not think it is fair to charge someone \$100,000 to build a retaining wall.

Attorney Batog notes that the Board's discussion is that this is passed on to the next owners of the lots. The Board is worried about these 4 lots and not the other two lots (possible future).

Member Gay does not think that we can require the applicant to undertake construction to accommodate future development that is not even proposed. The Board can ask to not create any further impediments to future development.

Susy Affleck-Childs notes that the language in the rules and regulations notes that the adequacy of the existing way leading to a proposed subdivision is a factor in the board's review of a proposed development. Any modifications become the responsibility of the subsequent developer.

Attorney Batog notes that this is prejudicial for her client to do anything in the future. Is this feasible for 4 lots, and possible 2 more in the future?

Member Rogers does not appreciate the Attorney making interpretation of his views when he is looking after the abutters and the other property owners.

Dave Pellegrini noted that when the definitive plan application officially comes to the Board, the safety standards will be reviewed and the site evaluated for safety. This will be a yes or no answer from the safety standpoint.

Member Spiller-Walsh notes that the easements currently exist and go through the actual lots. This is hard to ignore. These are considered access. The Board must consider the safety of the road for the additional lots.

Attorney Batog communicated that she is looking to preserve the rights of her clients relative to the use of the easement and the rights of their property.

Member Rogers responds that the Board has an obligation to do that as well.

Attorney Batog communicated that her client tried to work with the applicant about relocating the easements which would be a win/win. This has gone nowhere. The cart paths are now noted. The development in the future is not infringed upon. The plan currently shows those rights of ways.

Member Gay notes that there is specific information relative to the matter of easements and cart paths and those would be part of that discussion.

Mr. Rodenhiser noted that the discussion which took place with the Gionovellios was relative to Mr. Rodenhiser purchasing the land from the abutter. We could not agree on price. There was no need to spend the money to relocate the easements. They exist on paper now. The three new lots are essentially presold. This does not impact anything.

Member Gay wants to make sure easements and the maintenance of those do not create a hardship for the development of abutting property.

Resident Rodenhiser noted that the easements exist as they are.

Susy Affleck-Childs will rework this document and will resend it to the Board.

Member Rogers noted that the easements cannot be changed without all the parties involved. The easements will continue to exist regardless of what the board does.

Village Estates Definitive Subdivision Plan – 272 Village Street:

The continued Public Hearing for Village Estates Definitive Subdivision Plan was opened at 7:15 pm.

Mr. DeSimone was not present at the meeting, applicant Russ Santoro informed the Board that Mr. DeSimone was planning to attend. After waiting an hour the Board decided to continue the hearing.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to continue the public hearing for Village Estates until Tuesday, September 27, 2011 at 7:15 pm.

The Board would like a letter sent to the applicant.

Claybrook II Subdivision:

The Town received information that Middlesex Savings Bank will provide the surety money to the Town.

Sustainable Neighborhood Road Design:

Dave Pellegrini will be doing research on how the current private way regulations line up with the guidebook for Massachusetts Cities and Towns.

The booklet will be sent out to the Board electronically.

Member Spiller –Walsh asked if the book will be purchased for the Board members to review.

Thayer Development Concept: (See Attached)

Dan Hooper, chairman of the Thayer Development Committee was present. The Committee secured \$30,000 from the Community Preservation fund for Thayer site design development. The development concept plan was provided to the Board. The maintenance and function room scheduling will be the responsibility of the caretaker. The addition will be a function room, caterer's kitchen, and bathrooms. The main function room will be 1600 square feet. This room will be used for things such as nature's classroom, larger municipal meetings, etc. There will also be a patio to accommodate indoor/outdoor events with the use of tents. The primary access road will be Mechanic Street. It was proposed to create a connector road from Main Street to Choate Park/Thayer. It would be the hope that 2013 would be the completion of phase #1.

This Committee will be going to Design Review Committee in the future.

There is plenty of demand for this type of facility.

Susy Affleck-Childs noted that this project will require a site plan review.

The Committee looked at other facilities in Framingham, & Lincoln to help with this process.

The square footage of the whole addition is 3600 square feet. This will be open timber frame.

Susy Affleck-Childs noted that there would probably be a need for some type of elevator.

All members discussed that there are still many questions which need to be answered and it was recommended that this not be presented at the fall 2011 town meeting.

25 Stable Way – Duggan:

The Board is in receipt of a memo dated September 12, 2011 from Heaney & Small, LLP.
(See Attached)

The letter is requesting a partial release of restrictive covenant form.

The Board reviewed the packet which was provided.

On a motion made by Tom Gay, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to remove the lot from the subdivision covenant. The board signed the document.

Fall Town Meeting – November 14, 2011

The Board was advised from an email that the primary purpose of Fall Town Meeting is to attend to financial matters. Any zoning articles are not recommended to be placed in this warrant.

The Board does not agree that zoning articles should not be placed on the warrant.

Susy Affleck-Childs suggested this be discussed with the Board of Selectmen.

Adjourn:

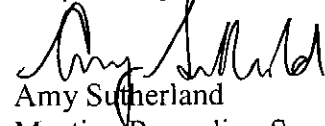
On a motion made by Karyl Spiller-Walsh, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 10:30 pm.

Future Meetings:

The next meetings scheduled are: Tuesday, September 27, 2011.

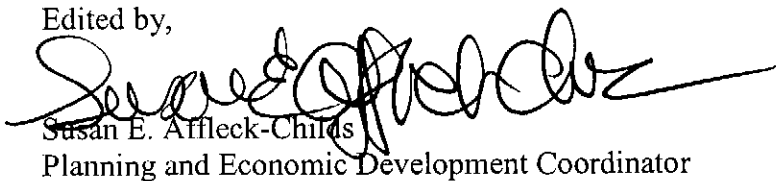
The meeting was adjourned at 10:30 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street - Medway, Massachusetts 02053
508-533-3291
planningboard@townofmedway.org

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

DRAFT - September 12, 2011

CERTIFICATE OF ACTION
Bay Oaks Preliminary Subdivision Plan
104 Fisher Street

You are hereby notified that at a duly called and properly posted meeting held on September 13, 2011, the Town of Medway Planning and Economic Development Board (PEDB) concluded its review of the Bay Oaks Preliminary Subdivision Plan, prepared by GLM Engineering of Holliston, MA dated July 12, 2011 and last revised August 9, 2011, for the 8.78 acre property located at 104 Fisher Street. The Board also approved the filing of this document with the Medway Town Clerk.

BACKGROUND – An application with a preliminary subdivision plan was filed with the PEDB by Andy Rodenhiser, owner of 104 Fisher Street, on July 14, 2011. The 8.78 acre subject property (Medway Assessors Map 4, Parcel 44A-6A) is located in Medway's Agricultural-Residential I zoning district. Upon receipt of the application, a Public Briefing was scheduled to occur during the PEDB's next regular meeting on July 26, 2011.

DISCLOSURE - The applicant, Andy Rodenhiser, is presently an elected member of the Medway Planning and Economic Development Board and serves as its chair. Before submitting any preliminary subdivision application documents to the Town, Mr. Rodenhiser consulted with Medway Town Counsel Barbara Saint Andre and the Massachusetts Ethics Commission regarding conflict of interest issues. As a result of those discussions, the following actions were taken:

1. Mr. Rodenhiser recused himself from sitting on the PEDB during the public briefings on his proposed subdivision. He departed the Board table and sat across from the Board, as is customary for all applicants, during the proceedings,
2. Statement of Disclosure of Appearance of Conflict of Interest – On the advice of Town Counsel, the remaining 4 PEDB members (Robert Tucker, Tom Gay, Karyl Spiller-Walsh, and Chan Rogers) along with Planning Consultant Gino Carlucci,

Engineering Consultant Dave Pellegrini, and Medway Planning and Economic Development Coordinator Susan Affleck-Childs prepared Disclosures of Appearance of Conflict of Interest as required by MGL c 268A, section 23 (b) (3). PEDB member disclosure statements were filed with the Medway Town Clerk; staff and consultant disclosure statements were filed with the Medway Town Administrator's office. The existence of such disclosure statements was announced during the July 26, 2011 Public Briefing.

SUMMARY OF PROPOSAL - The proposed Bay Oaks Preliminary Subdivision Plan shows the division of the subject property into 4 house lots (three for construction of new single family detached homes and one for the existing residence) and the extension of the existing private way to a maximum total length of 600' to create the necessary frontage for the new house lots to comply with the Medway Zoning Bylaw. The applicant intends to request waivers from the road construction standards of the *Subdivision Rules and Regulations*. Instead of constructing a full public roadway, a privately owned common driveway is proposed to be constructed within the ROW extension. It would be owned and maintained by a homeowners' association. The stormwater drainage design would be low impact. There are wetlands on site and both septic systems and wells would have to be installed.

SUBJECT PROPERTY – The 8.78 acre subject parcel was created through action of the Medway Planning Board in 1986 when a 2 lot subdivision was approved. The subject property was conveyed to Andy and Audra Rodenhiser in December 1990.

To the best of our understanding, the parcel is subject to a number of existing right-of-way easements including:

- A 60' wide ROW which starts at the western edge of the adjacent Giovanella property to the east (0-R Fisher Street/ Medway Assessors 4-44) and runs approximately 403' along entire northern edge of the Rodenhiser property, continues onto the adjoining property to the west at 106 Fisher Street owned by Robert Reed, and extends across other properties all the way to Fisher Street. The total length of this easement is 1070 feet. The easement was expressly established in December 1982 to the benefit of Edward and Francis Giovanella to be used for any and all purposes for which public ways are commonly used in the Town of Medway.
- A 50' wide ROW that runs approximately 1057' long starting from Fisher Street and running easterly, southeasterly and westerly again on Lot 6, a 12.3 acre parcel that was created as shown on an ANR plan from December 1982 for Racicot Realty Trust. This easement was expressly established in July 1984 to the benefit of Edward and Francis Giovanella to be used for any and all purposes for which public ways are commonly used in the Town of Medway. NOTE – The Lot 6 referenced herein is the lot from which the Rodenhiser subject property was first created in 1986.
- A 50' ROW on Lot 6A as shown on a Definitive Subdivision Plan endorsed in April 1986 and affirmed in September 1988 (and recorded in October 1988). The ROW extends from the eastern end of the 350' long private way as shown on the Definitive Subdivision Plan and runs northeasterly then easterly for approximately 805' to the western edge of the Giovanella property. There is no

evidence of an express grant of this easement to the Giovanellas. NOTE – A subsequent ANR Plan recorded in December 1990 refines the Definitive Subdivision Plan. It shows only a very small portion of the above noted ROW easement.

ABUTTER NOTIFICATION – Pursuant to the *Medway Subdivision Rules and Regulations*, the PEDB sent a first class mail notification regarding the application and the 7/26/2011 Public Briefing for the Bay Oaks Preliminary Subdivision Plan to the abutters (owners of property within 300 feet of the subject parcel). See attached Abutter Notice. Abutters in both Medway and Holliston were notified. The notice was also posted with the Medway Town Clerk and to the Medway web page on July 14, 2011.

REVIEW PROCESS – The Board began its review of the proposed preliminary subdivision plan at its meeting on July 26, 2011. The discussion continued at the Board meetings on August 9 & 23, 2011 and September 13, 2011 when it concluded.

The Bay Oaks Preliminary Subdivision Plan was reviewed by the Town's Planning Consultant, Gino Carlucci of PGC Associates and by David Pellegri of Tetra Tech-Rizzo, the Town's Engineering Consultant. Those review letters are attached.

Based on questions raised by both the Board and abutters during the public briefing, the Board sought the review and opinion of Medway Town Counsel Barbara Saint Andre of Petrini & Associates. Those confidential communications were provided to Board members (except for Andy Rodenhiser).

Concerns were raised by Attorney Deborah Batog of Gilmore, Rees & Carlson of Franklin, MA representing the Giovanella family, owners of the approximately 5 acre parcel (0-R Fisher Street/ Medway Assessors 4-44) immediately to the east of the applicant's property. The concerns pertained to preserving her clients' rights in the subject property.

The applicant sought guidance from the PEDB regarding the affordable housing requirements pursuant to the Medway Zoning Bylaw, SECTION V. Use Regulations, Sub-Section X Affordable Housing. A guidance memo dated July 26, 2011 prepared by Planning and Economic Development Coordinator Susan Affleck-Childs was provided and discussed. A copy is attached.

During the course of the various meetings, abutters were provided an opportunity to comment. Email communications were received from:

- Stephen and Krista Digregorio, 108 Fisher Street (7-26-2011)
- Katherine and Larry Presswood, 92 Fisher Street (7-22-2011)

During the course of the various public briefings, verbal comments were offered by:

- Robert Reed, 106 Fisher Street (7-26-2011)
- Attorney Deborah Batog of Gilmore, Rees & Carlson (7-26-2011, 8-9-2011, 23, 2011, ?????)
- Katherine Presswood, 92 Fisher Street (8-9-2011)
- Peter Rapp, 100 Fisher Street (7-26-2011)

CONCERNS/ISSUES –With this document, the PEDB neither approves nor disapproves the Bay Oaks Preliminary Subdivision Plan. Based on the discussions during the public briefings, the Board has identified the following issues and concerns and directs the applicant and his development team to fully address these matters in preparation for submitting an application for approval of the Bay Oaks Definitive Subdivision Plan.

1. Full review by the Conservation Commission will be required with a filing for the subdivision.
2. Applicant needs to provide a proposal regarding the home owners association's responsibilities for maintaining the existing and proposed extended roadway and the associated utilities, infrastructure and drainage facilities. The Board would prefer to have the entire roadway ROW (existing and new) owned by a single home owners association comprised of all owners of property which directly abut the ROW.
3. Due to the ledge on the property, blasting may be needed to install infrastructure and construct homes. The applicant should provide a proposal on how any blasting process will be managed and how any impacts will be mitigated.
4. Stormwater facilities must be located on a separate parcel. They cannot be located on a house lot.
5. Board of Health review and approval will be required for septic systems and wells; all required setbacks shall be applied.
6. The definitive plan application shall include a full Request for any Waivers of the Subdivision Rules and Regulations. The form of such request shall be as specified by the Board.
7. The definitive plan shall show the location of all easements and cart paths and any other restrictions to which the property is subject.
8. The condition of the substantial retaining wall on either side of the existing roadway is of concern as it is at least 20 years old. As part of the definitive plan submittal, the applicant should provide an inspection report from a structural engineer regarding the wall's condition. It is understood that the Board may require improvements to the wall as part of the definitive subdivision plan decision.
9. To provide maximum buffers with the abutting neighbors, the definitive plan should show a no disturb zone of at least 15 feet on the house lots which abut existing residential properties.
10. The Board affirms the applicability of the affordable housing provisions of the Zoning Bylaw to this project. The Board is not authorized to waive such provisions; the only local board to which the applicant may appeal the affordable housing provisions is the Zoning Board of Appeals. The applicant should provide a proposal to the Board with the definitive plan application to describe how the affordable housing requirements will be met.
11. All preliminary plan deficiencies noted in the review letters dated 7-21-2011 from PGC

Associates and Tetra Tech Rizzo should be thoroughly addressed/resolved in the definitive plan submittal.

12. The Fire Chief has not provided review comments on the preliminary subdivision plan. The applicant is advised that during the definitive subdivision plan process, the Fire Chief's approval of the roadway design and turnaround is required.
13. The applicant is reminded that a detailed Existing Conditions plan is required as part of the Definitive Plan submittal (Section 5.7.6 of the Subdivision Rules and Regulations). The Board urges the applicant to make the fullest effort possible to preserve the site's existing significant features.

Attest:

Susan E. Affleck-Childs, Planning & Economic Development Coordinator

cc: Andy Rodenhiser, applicant
Rob Truax, GLM Engineering
Suzanne K. Kennedy, Town Administrator
John Emidy, Building Commissioner/Zoning Enforcement Officer
Maryjane White, Town Clerk
Tom Holder, DPS Director
Karon Skinner-Catrone, Conservation Agent
Will Naser, Chief Assessor
Melanie Phillips, Treasurer/Collector
Karen Sherman, Holliston Town Planner
Paul Trufant, Fire Chief
Sergeant Jeff Watson, Medway Police

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Tuesday, September 13, 2011 2:05 PM
To: 'Deborah E. Batog'
Subject: RE: Bay Oaks-cart path research

Thanks for the clarification. I expect the applicant and his engineer will appreciate having this information.

Susy

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

508-533-3291

saffleckchilds@townofmedway.org

RECEIVED
SEP 19 2011

TOWN OF MEDWAY
PLANNING BOARD

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

-----Original Message-----

From: Deborah E. Batog [mailto:DBatog@grcpc.com]
Sent: Tuesday, September 13, 2011 2:05 PM
To: Susan Affleck-Childs
Cc: rtruax@glengineering.com; Christopher Giovannella
Subject: RE: Bay Oaks-cart path research

Hi,

I apologize for the miscommunication. I was referring to my request at the last briefing that the plan be revised to show all of the rights of way and cartpaths. I thought this was being done prior to today.

The attached is merely documents as to research on where the cartpath goes and who may have rights in it.

Best,
Deb

Deborah E. Batog, Esquire
Gilmore, Rees & Carlson, P.C.
1000 Franklin Village Drive
Franklin, MA 02038

Tel: (508) 520-2200
Fax: (508) 541-8453
dbatog@grcpc.com

-----Original Message-----

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Tuesday, September 13, 2011 2:00 PM
To: Deborah E. Batog
Cc: rtruax@glengineering.com
Subject: RE: Bay Oaks-cart path research

Hi Deborah,

Thanks for forwarding this information along to us.

At this late date and time, the Planning and Economic Development Board would NOT expect the applicant's engineer revise the preliminary subdivision plan with this new information for presentation to the Board this evening.

However, we will certainly include language in our comments on the preliminary subdivision plan that all such cart path information should be shown on the definitive subdivision plan when/if it is submitted in the future.

Best regards,

Susy

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

508-533-3291

saffleckchilds@townofmedway.org

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-----Original Message-----

From: Deborah E. Batog [mailto:DBatog@grcpc.com]
Sent: Tuesday, September 13, 2011 1:58 PM
To: Susan Affleck-Childs
Cc: rtruax@glengineering.com; Christopher Giovannella
Subject: Bay Oaks-cart path research

Hi,

I apologize for getting the attached to you so close to the hearing, but I wasn't able to find anything definitive on the holder of the cartpath rights. However, my research was limited. I have copied Mr. Rodenhiser's engineer on this e-mail, as he had indicated that he was going to locate the cart paths on the property and in connection therewith, maybe he can add information/documentation.

What I have attached are following:

Medway Assessors Map- which shows the cartpath running from the Holliston townline over Mr. Rodenhiser's property, the Giovanella property to Cedar Farms Road through the depicted ROW. It think it is the Newton parcel that it crosses from the Giovanella property to Cedar Farms.

Deed in chain of title for Giovanella and Rodenhiser parcels. Book 4495, Page 686. The Kampersal family also owned the property in Holliston over the town line from the Giovanella and Rodenhiser parcels. I have included this Deed because the legal description of the larger tract references Fisher and Mann as abutters.

Typed version of recorded cartpath from Fisher to Mann.

Older Assessor map identifying Fairbairn and Newton

Current Deed to Giovanella parcel with bounding description referencing Fairbairn and Newton.

Based upon the attached, it appears that this cartpath runs from the Holliston town line (formerly Smith/Kampersal property) through the following parcels: Rodenhiser, Giovanella, Newton Estate, Cedar Farms, Ozella (now John Giovanella), Giovanella (Joann) and to Fisher Street.

I look forward to seeing the revised Plan showing all the rights of way/cartpaths affecting the property at tonight's meeting.

Best,
Deb

Deborah E. Batog, Esquire
Gilmore, Rees & Carlson, P.C.
1000 Franklin Village Drive
Franklin, MA 02038
Tel: (508) 520-2200
Fax: (508) 541-8453
dbatog@grcpc.com

-----Original Message-----
From: copier [mailto:Toshiba@grccpc.com]
Sent: Tuesday, September 13, 2011 1:23 PM
To: Deborah E. Batog
Subject: Scanned from Toshiba723 09/13/2011 13:23

Scanned from Toshiba723.
Date: 09/13/2011 13:23
Pages:8
Resolution:200x200 DPI

686

Noted, as
 by virtue of this writ, I this day of the aforesaid A. M.
 attached of the right, title and interest that the within named
 A. C. Ryley Realty Trust and A. C. Ryley Trustees of A. C. Ryley Trust
 jointly and severally
 has by deed to say and of Real Estate in the County of Norfolk

Thomas J. Ryley
 Deputy Sheriff

Atty: Joseph A. D'Agostino, Ocean St., Marshfield

Recorded Feb. 28, 1968 at 11h. 11m. A.M.

I, ANNIE P. SMITH, having no husband, of Holliston, Middlesex
 County, Massachusetts, for consideration paid, grant to REIN
 KAMPERSAL, of said Holliston, with WARRANTY COVENANTS, the land
 in said Holliston, with the buildings thereon, comprised of two
 parcels severally bounded and described as follows:-

A tract of land, with the buildings thereon, situated on the
 road from Braggville to Medway, now called Fisher Street, bounded;
 beginning at the southeast corner of the premises on said road,
 four feet west of the edge of Hopping Brook, so-called, and thence
 running North 13° East by land formerly of Appleton Bragg eleven
 rods nine links, in a line four feet from the edge of said Brook;
 thence by land formerly of said Bragg North 72° West about thirty-
 three rods to said road; thence by said road fifty-three rods, more
 or less, to the place of beginning; being the same premises describ-
 ed in a deed from Appleton Bragg to George F. Claflin, dated Decem-
 ber 21, 1807 and recorded with Middlesex So. Dist. Deeds, Book
 1029 page 154. said parcel contains about 2 1/2 acres of land.

A tract of land situated on said road, near the Braggville
 Station of the Boston & Albany Railroad Co., bounded; beginning at
 the westerly corner of the premises at the above parcel, thence run-
 ning northerly on the easterly line of said road 60 feet to a
 bound; thence easterly by land formerly of William A. Bragg, on the
 line of a fence and ditch, 450 feet, more or less, to Hopping
 Brook; thence southerly by said Hopping Brook 165 feet, more or
 less, to the above described tract; thence westerly by said tract
 500 feet, more or less, to the point of beginning; being the same
 premises described in a deed from William A. Bragg to George Claflin
 dated Nov. 21, 1891, recorded with said Deeds, Book 2101 page 159.
 said tract contains about 1 acre of land.

Also another tract of land located near the foregoing parcel,
 situated partly in said Holliston and partly in Medway in the County
 of Norfolk, containing forty acres, more or less, and bounded and
 described as follows; beginning at a town bound between said Med-
 way and Holliston and thence running southerly and bounded easter-
 ly by land formerly of Ebenezer Fisher to land formerly of Herell
 Lovering; thence westerly on said Lovering land to land formerly
 of Hugh McGowan; thence westerly on said McGowan land to the town
 road leading from Hopkinton to Bellingham, now called Fisher Street;
 thence northerly on said road to land formerly of Lewis Fisher; thence
 northerly on said Fisher land to land formerly of James Mann; thence
 easterly, southerly, easterly and southerly on said Mann land to
 the first mentioned bound, or however otherwise bounded and described;
 being the same premises described in a deed from William Claflin Jr. to
 George P. Claflin, dated April 15, 1852, recorded with Norfolk Deeds,
 Book 235 fol. 15, also recorded with said Middlesex So. Dist. Deeds,
 Book 235 page 151

For title see probate of George P. Claflin with Middlesex Pro-
 bate records and Middlesex Registry of Deeds records.

Said premises are hereby conveyed subject to mortgages thereon
 to Holliston Savings Bank and to Alfred A. Kampersal, and to taxes
 assessed thereon for the year 1942, all of which the grantee av-
 surnes and agrees to pay.

WITNESS my hand and seal this twenty-eighth day of May, 1942:

Annie P. Smith

Fisher St. Holliston, Mass.

Whereas in the lifetime of Ebenezer H. Fisher, late of Medway, deceased, negotiations between him and James Mann of said Medway were had respecting a passageway for the use and benefit of him, the said James Mann, across land of said Ebenezer H. Fisher which negotiations were never completed.

Now know all persons whom it may concern that S. Simon Fisher, Administrator of the Estate of said Ebenezer H. Fisher and in the capacity of guardian of Lewis L. Fisher, the only surviving child and heir to the estate of said Ebenezer H. Fisher, in consideration of \$7.50 paid to me by said James Mann, I do in said capacity of guardian as aforesaid bargain, sell and convey and grant to him, the said James Mann, his heirs and assigns, forever, a right and privilege of a cartway from the public road passing by the house of Nathan Adams across the land of said Ebenezer H. Fisher, deceased, about 40 rods to a land of said James Mann entering said land of said Fisher, deceased, on the easterly side of a wall about 10 rods from the house of said Nathan Adams, said cartway to be as near to said wall as convenient.

In Witness Whereof, I have hereunto set my hand and seal this 18th day of April, 1854 in presence of Simon Fisher (seal) guardian. In presence of Christophe Slocomb.

Norfolk County, April 28, 1854.

Then personally appeared the within named Simon Fisher as guardian and acknowledged the within instrument to be his free act and deed before me, A.M.B. Fuller, Justice of the Peace, dated May 17, 1854.

that the attorney in fee of the said grantor doth pay or shall pay
fit in the exercise of a fair discretion to sell and convey to said grantor
execute and deliver valid and proper deeds thereof and to the said
pay the said dues and demands and all expenses and charges due and
become due as aforesaid till the close of the said association and the balance
if any to pay to the said grantor his heirs or assigns I do hereby
witness of the said David Partidge have hereunto set my hand and seal
this fourth day of April in the year eighteen hundred and fifty two David
Partidge being legally constituted and delivered in presence of John H. Fisher and
Commis. of the said Massachusetts Justices of the Peace who then personally
appeared the above named David Partidge and under his hand and seal
instrument to be his true and correct before me John H. Fisher Justice of the
Peace. May 17 1852. Recd entered & recorded by John Fisher

Fisher Adm. & Man.
to
Manor

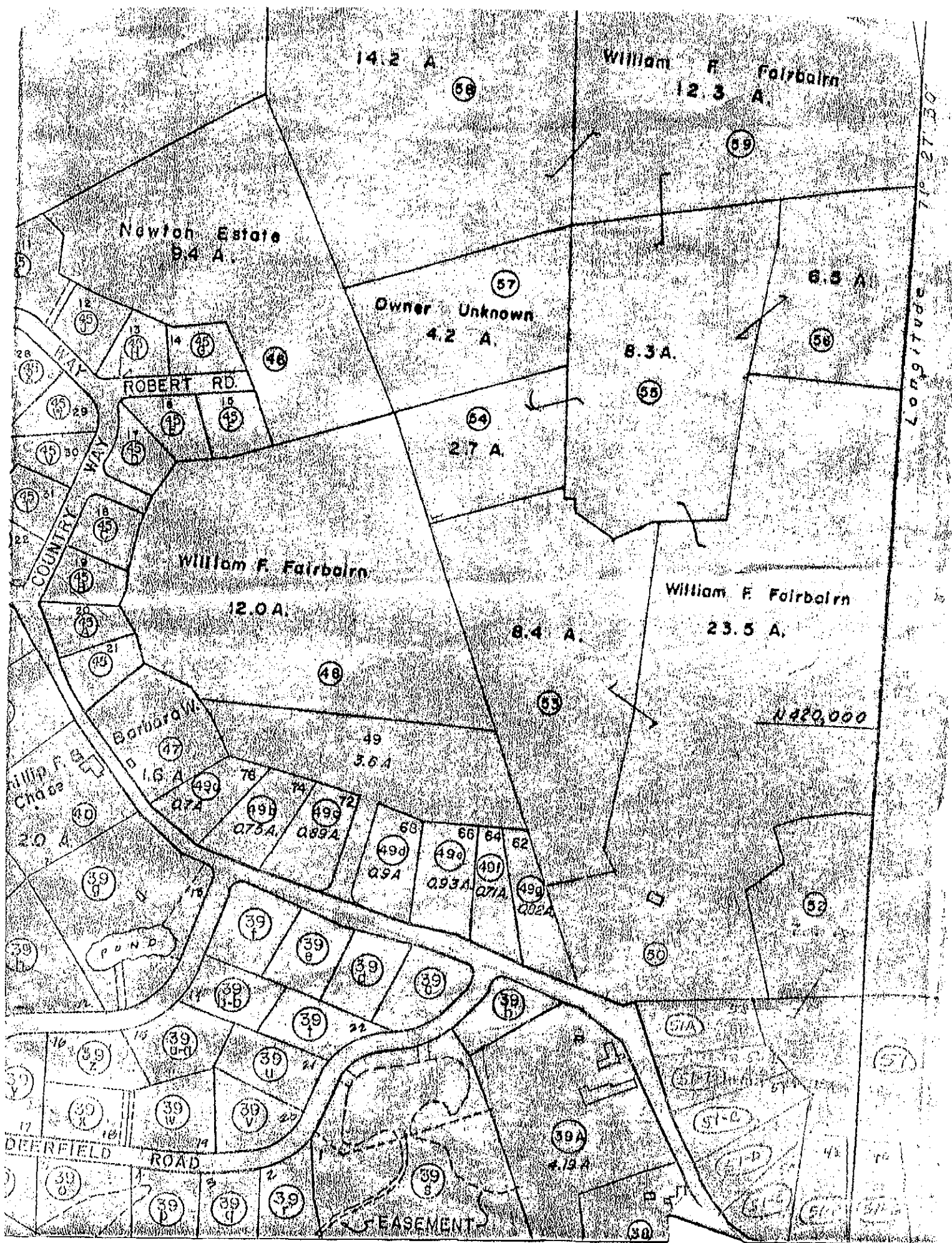
Whereas in the lifetime of the deceased
Fisher late of Medbury deceased negotiations between him and James
Stann of said Medbury were had respecting a passage way for the use
benefit of him the said James Stann across lands of said George H. Fisher
which negotiations were never completed. Now know all persons whom
it may concern that I Sheriff Fisher administrator of the estate of said
George H. Fisher under the capacity of guardian of said S. Fisher

the only surviving child and heir to the estate of said Ebenezer H. Fisher
in consideration of seven dollars and fifty cents paid to me by said James
Mann. I do in said capacity of guardian aforesaid bargain sell and
convey and grant to him the said James Mann his heirs and assigns forever
a right and privilege of a cartway from the public road passing by the
house of Nathan Adams across the land of said Ebenezer H. Fisher deceased
about forty rods to land of said James Mann entering said land of
said Fisher deceased on the easterly side of a wall about ten rods
from the house of said Nathan Adams said cartway to be as near said
wall as convenient — In witness whereof I have hereunto set my hand
and seal this eighteenth day of April eighteen hundred and fifty four
in presence of Simon Fisher (son of) guardian In presence of Christopher
Morse

Norfolk ss: April 28. 1854. Then personally appeared
the within named Simon Fisher as guardian & acknowledged the
within instrument to be his free act and deed before me A. M. B. Fuller
Justice of the Peace.

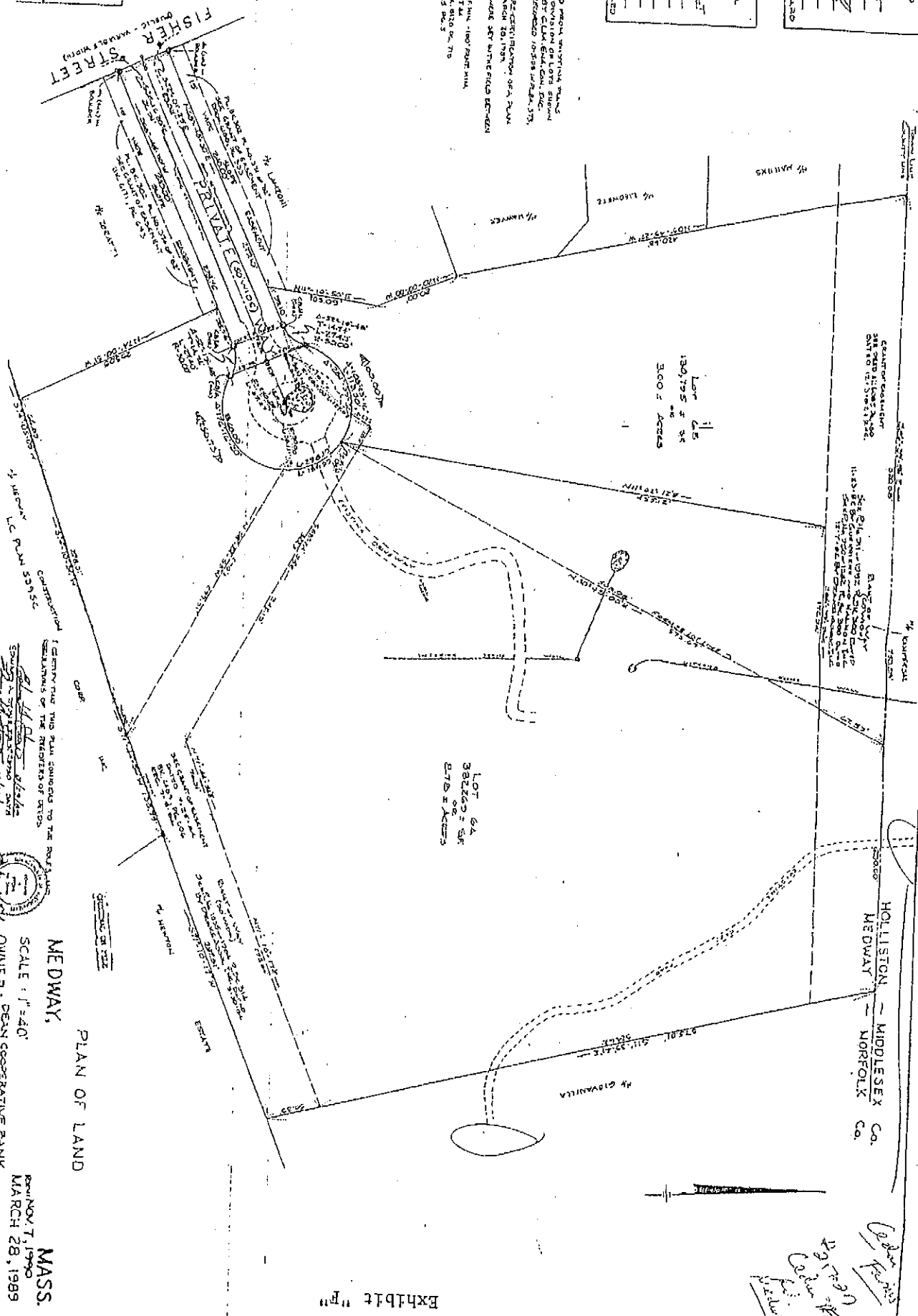
May 17. 1854. Received entered and
Examined by *Esqr. John May*

Know all men by these presents that
Alvin Wright of Medway in the county of Norfolk & Commonwealth
of Massachusetts for man in consideration of nine hundred and seventy
two dollars paid by Alpheus O. Grant of Medway aforesaid a man the
receipt whereof is hereby acknowledged do hereby give grant bargain sell



APPROX. TANK
DISPOSITION CONTROL
NOT REQUIRED

Registry of Books
 1. Book 1
 2. Book 2
 3. Book 3
 4. Book 4
 5. Book 5
 6. Book 6
 7. Book 7
 8. Book 8
 9. Book 9
 10. Book 10
 11. Book 11
 12. Book 12
 13. Book 13
 14. Book 14
 15. Book 15
 16. Book 16
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 98. Book 98
 99. Book 99
 100. Book 100



“Exhibit”

MASSACHUSETTS SOUTHERLY DEED BOOK FROM (INDIVIDUAL) 801
 We, Samuel V. Longo and Joseph J. Renda, Jr., both of Milford,
 Worcester County, and Benjamin G. Longo, of Millis, Norfolk County,
 Massachusetts, Trustees of Longo Realty Trust, under Declaration of
 Trust dated October 31, 1975, recorded with Norfolk Deeds, Book 5176,
 Page 641

rk

CONFIDENTIAL

~~Instrument~~ for consideration paid, and in full consideration of \$60,000.00

grants to Edward J. Giovanella and Francis J. Giovanella, as tenants in
 common
 both of Medway, Norfolk County, Massachusetts with quitclaim returns
 rk

thelandia said Medway, situated on the Easterly side of Fisher Street,
 said to contain approximately 23.5 acres, bounded and described as
 follows:

XXXXXXXXXXXXXXXXXXXXXX

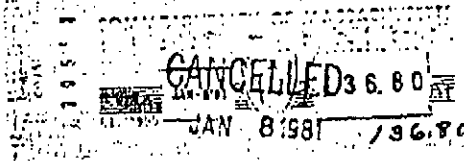
Beginning at a point on the Easterly side of Fisher Street at
 Holliston-Medway Town line; thence

SOUTHERLY	by Fisher Street, to land now or formerly of George W. and Christina M. Scribner; thence
NORTHEASTERLY	by land of said Scribner and by land now or formerly of the Estate of Newton to land of William F. Fairbairn; thence
NORTHERLY	by said Fairbairn land to the Medway-Holliston Town line; thence
WESTERLY	on said Town line to the point of beginning.

Being the same and all of the same premises conveyed to the
 grantors by deed of John J. Longo et al, Trustees, dated October 31,
 1975, recorded with Norfolk Deeds, Book 5176, Page 655.

Fisher Street, Medway, Massachusetts
 58 Fisher Street, Medway, Massachusetts

Property Address:
 Grantee's Address:



Witness our hand and seal this 31st day of December 1980

Samuel V. Longo
Joseph J. Renda Jr.
Benjamin G. Longo
 Trustees as aforesaid

The Commonwealth of Massachusetts

Norfolk

at

December 31, 1980

Then personally appeared the above named Benjamin G. Longo as Trustee as aforesaid
 and acknowledged the foregoing instrument to be his free act and deed before me

P. Joseph Kenney Notary Public - XXXXXXXXXXXX

My commission expires September 22, 1983

Recorded Jan. 8, 1981 at 12h. 20m. P.M.

Conty 250.6637 P.490
 CR77 VOL 11005 P.379

Thayer Development Concept

Thayer Development Committee

10. September 2011

Concept Overview

The Thayer Development Committee, after securing \$30,000 from the Community Preservation fund for Thayer site design development, has spent the last 10 months meeting and working with a landscape and architectural consultant team to provide a development concept for the site. Our agreed upon objectives:

1. The open spaces and vistas - both inward and outward to and from the site - are to be preserved and enhanced; the historical significance of the House and site should be emphasized.
2. A rented caretaker's apartment should be constructed to provide on site, residential presence and security.
3. Any addition to the facility should be designed sympathetic to the history, the area's beauty and the scale of the site while providing broad demographic functionality to the community. Additionally, programmatic components of the development – rentable apartment and function room space - should generate sustainable funds through fees and rent enough to offset the site's ongoing maintenance costs.

Site Use

Primary features of the concept:

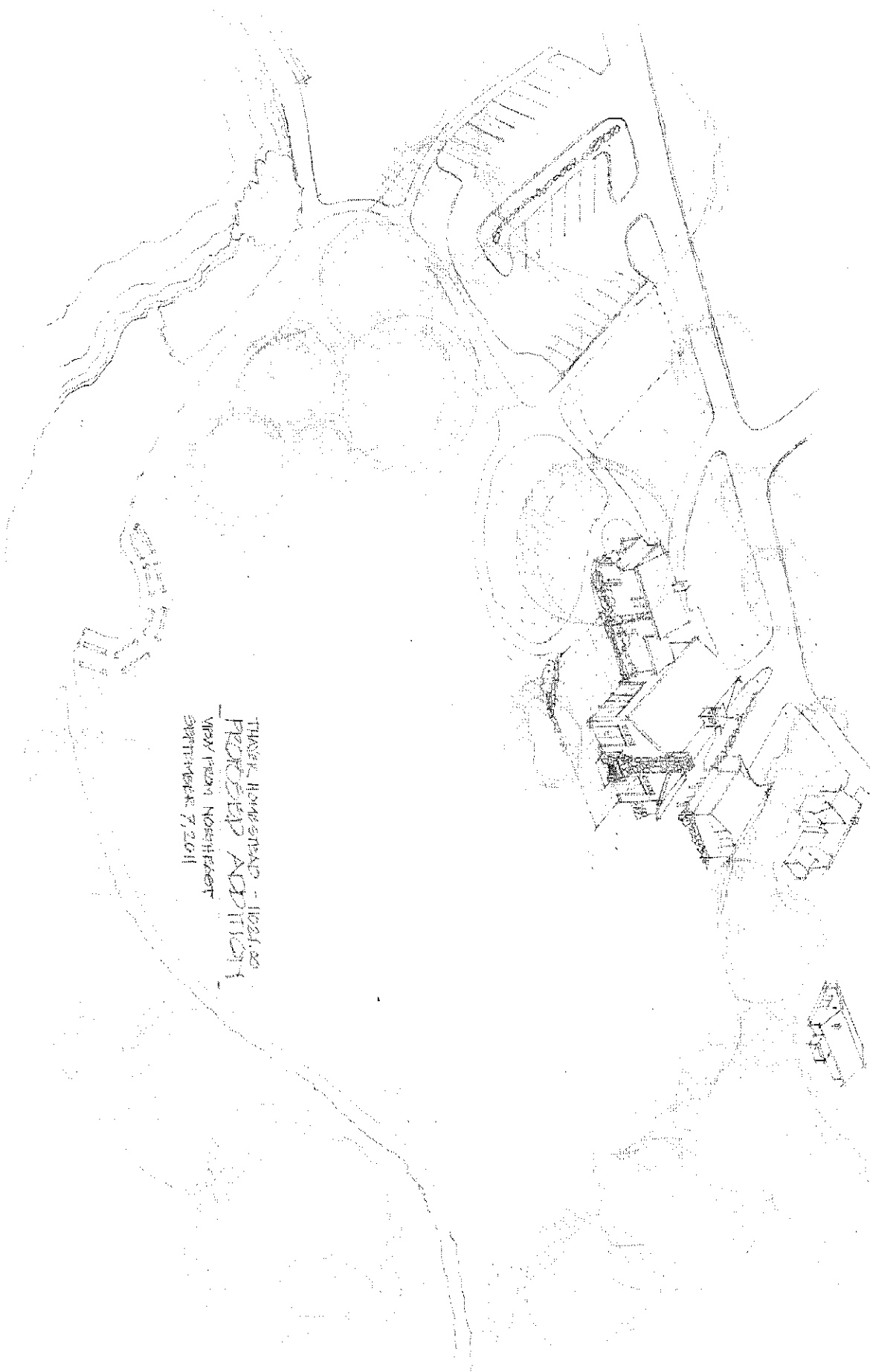
1. Renovation of the 2nd and 3rd floors of the Thayer House into a caretaker's apartment. Continued residential presence on site will likely create a more secure site. Caretaker responsibilities may include low-key building maintenance and function room scheduling (TBD).
2. The proposed 1st floor of a renovated Thayer House will be "opened up", creating a small meeting space, small office space, a storage room and a small bathroom. It is envisioned that this meeting space could accommodate smaller municipal meeting needs especially during the weeknight hours.
3. A proposed sympathetic addition will house a modestly sized function room, a caterer's kitchen and fully accessible men & women's restrooms. The function room floor space would be approximately 1,600 sf. Midweek uses are envisioned to be municipal, educational and non-profit in nature, e.g., nature's classroom, larger municipal meetings, girl scout troupe gatherings, etc. Weekend uses might include fee-based, private functions housing around 60-65 people banquet-style and nearly 100 via theatre-style seating.
4. A patio is proposed to accommodate indoor/outdoor events during fair climate seasons allowing for the possibility of erecting small function tents (max 25' x 30' to the east of the room) or very large function tents to the north of the room on into the "green"/lawn.
5. Other site uses: The Town annually hosts events such as the Air Force band concert and Holiday Fireworks on or near this site but with inadequate facilities to handle the number

of participants well. Medway's Tricentennial celebration could host a number of events here as well. Fundraising events that like antique and car shows or cultural events like fall fests and modest outdoor trade shows or markets could take advantage of the attractive vistas and venue amenities. As proposed, moderately small weddings or parties could be hosted indoors. With the addition of tents, larger capacity events could be held as well. A location for erecting temporary staging on the Thayer property with a backdrop being Choate Pond is being considered, with staging components likely to be portable and storable.

Vehicular and Pedestrian Movement in and around the Site

Currently, Mechanic Street is the primary access road to the Thayer site as well for Choate Park. The Rt. 109 Design project proposes to create a connector road from Main St. to Choate Park/Thayer. Best case scenario for the Rt. 109 project's completion would be 7-8 years out. In the meantime, the recommendation for completing a phase #1 construction for Thayer would be by summer/fall 2013, in time for a grand opening during the Tricentennial celebration. •To accommodate any event parking at Thayer, we are proposing a piggy-back approach to the existing Choate Park lot west of Chicken Brook. A looped access between each property at the north end of the lot would provide a safer and more logical one-way route to expand capacity and serve better the parking needs (see Site Plan). The capacity currently conceptualized would essentially increase the current capacity there from 11 to 27 cars with an allowance for overflow parking further to the west on the Thayer front lawn. An additional 2 spaces for handicapped parking would be provided on the Thayer entry drive at the front door, and parking for catering vehicles would be located at the kitchen entrance. The caretaker's apartment would have access to caterer's kitchen parking during the week. Pedestrian accessible paths are proposed from all parking spaces to the front entry, to the patio to the north, to existing Choate Park paths and bridge and to Oak St.

Though not part of the initial concept plans, site amenities would include signage on property and likely a "wayfinding" sign on Main St. to direct Rt 109 travelers to the site. Additionally, parking lot lighting, sensitive to both the neighborhood, the site's historical setting and to dark sky lighting practices, would be located for pedestrian safety and site functionality and security. We understand that at least one municipal security camera is planned for the Choate Park/Thayer site as well. Provisions relating the site's general use and lease agreements will dictate hours of operation, sound levels, police detailing requirements, use intensity, building and site capacities, alcohol permitting, etc. These are all details that are acknowledged to be important but have yet to be fully outlined at this stage in the concept development. Engineering issues of site and parking lot drainage and other site complexities will be addressed in the construction document phase of the development effort, if the Town Meeting approves funding for such.



THAYER HOMESTEAD - 1024.00
 PROPOSED ADDITION
 VIEW FROM NORTHEAST
 SEPTEMBER 7, 2011

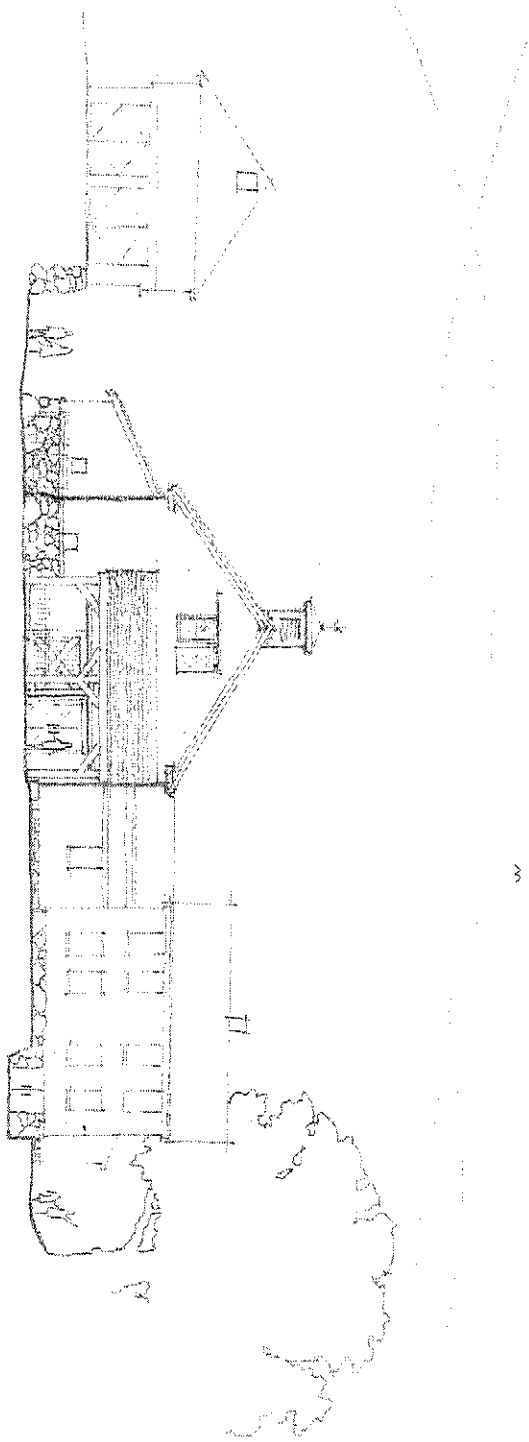
C21A



1000.00

ARCHITECTURAL

Thayer Homestead



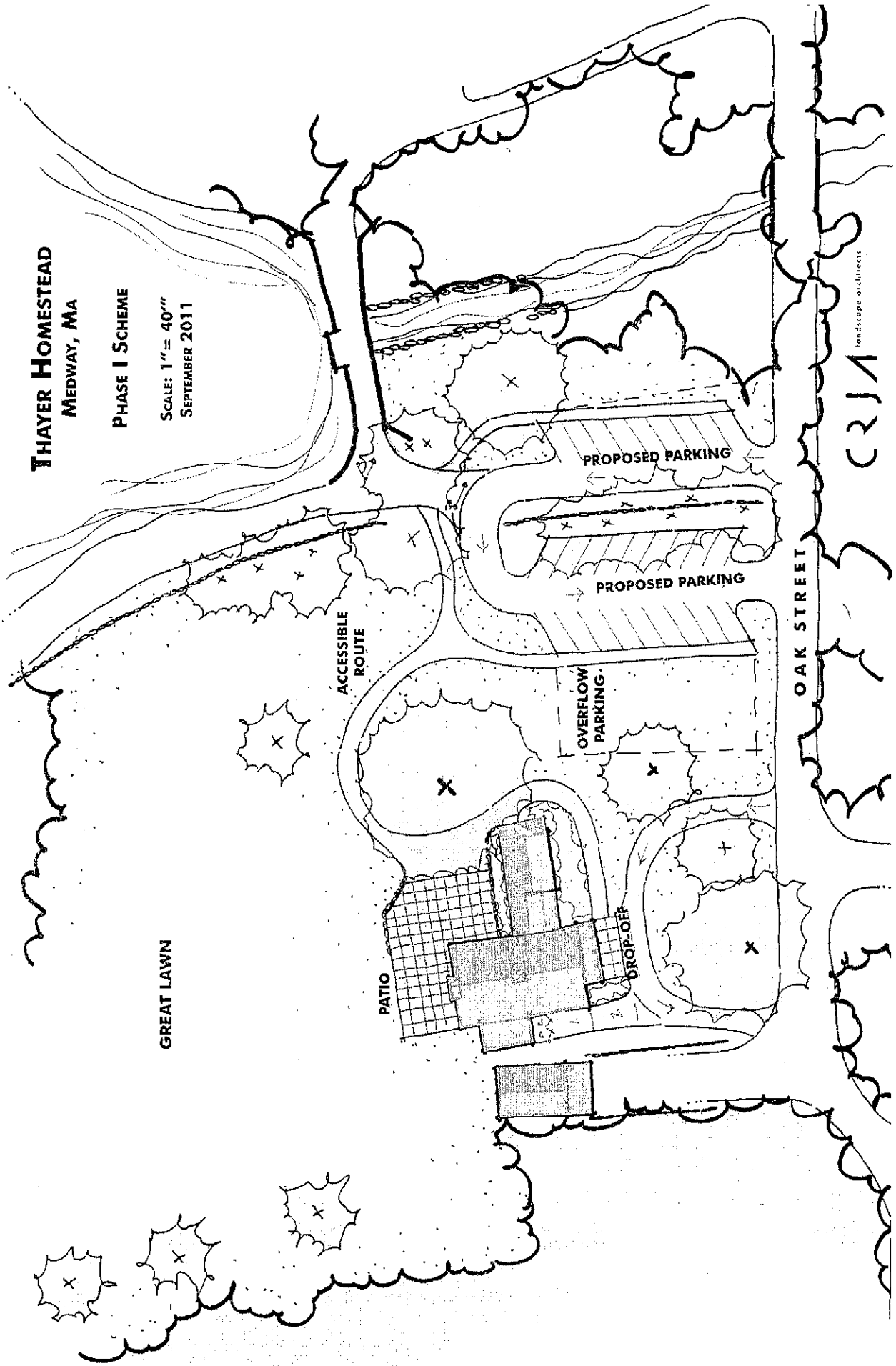
THAYER HOMESTEAD - 1824-1825
 PROPOSED ADAPTATION
 SOUTH FARMER'S ELEVATION
 SEPTEMBER 7, 2011



THAYER HOMESTEAD
MEDWAY, MA

PHASE I SCHEME

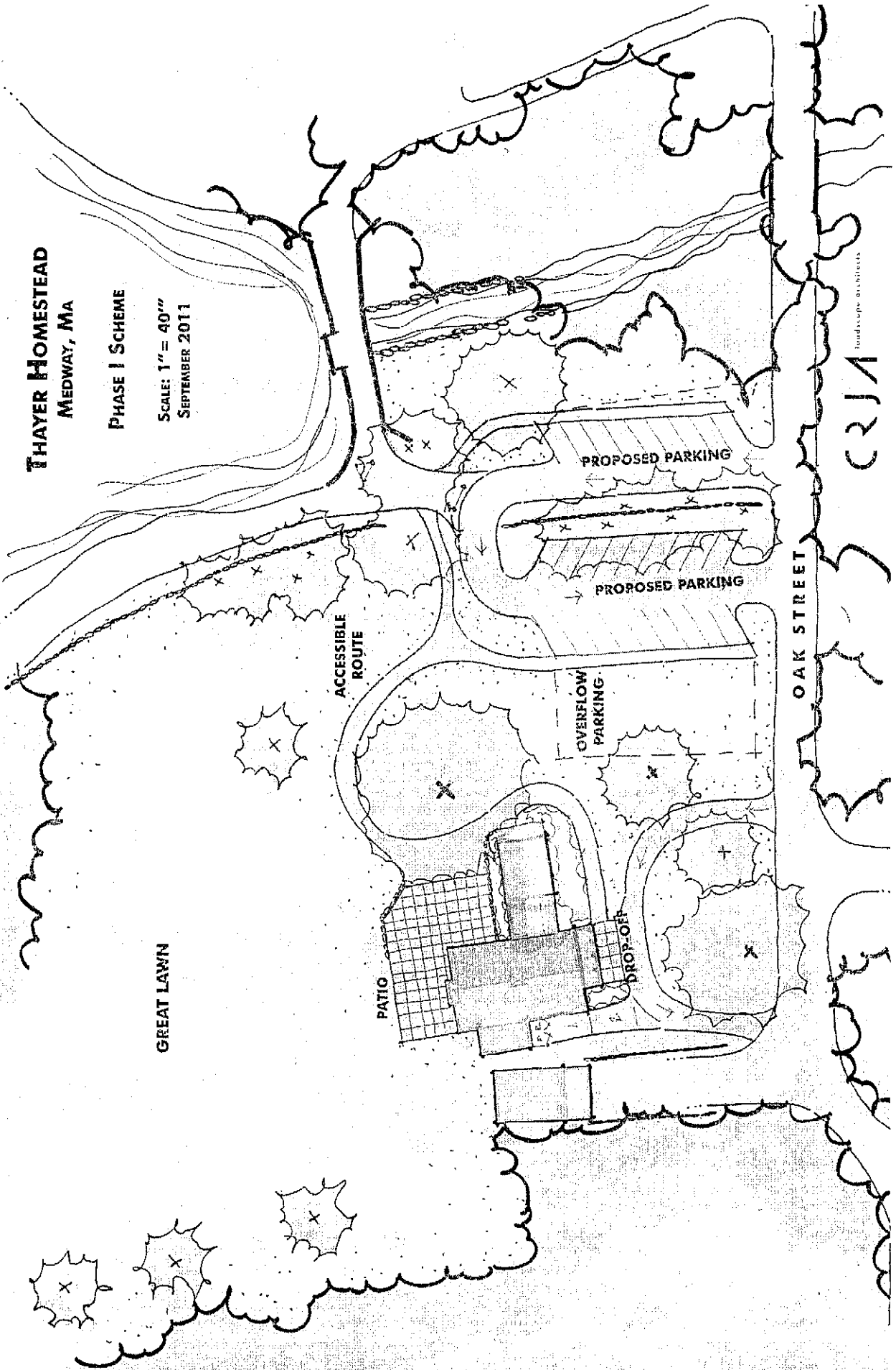
SCALE: 1" = 40'
SEPTEMBER 2011



THAYER HOMESTEAD
MEDWAY, MA

PHASE I SCHEME

SCALE: 1" = 40"
SEPTEMBER 2011



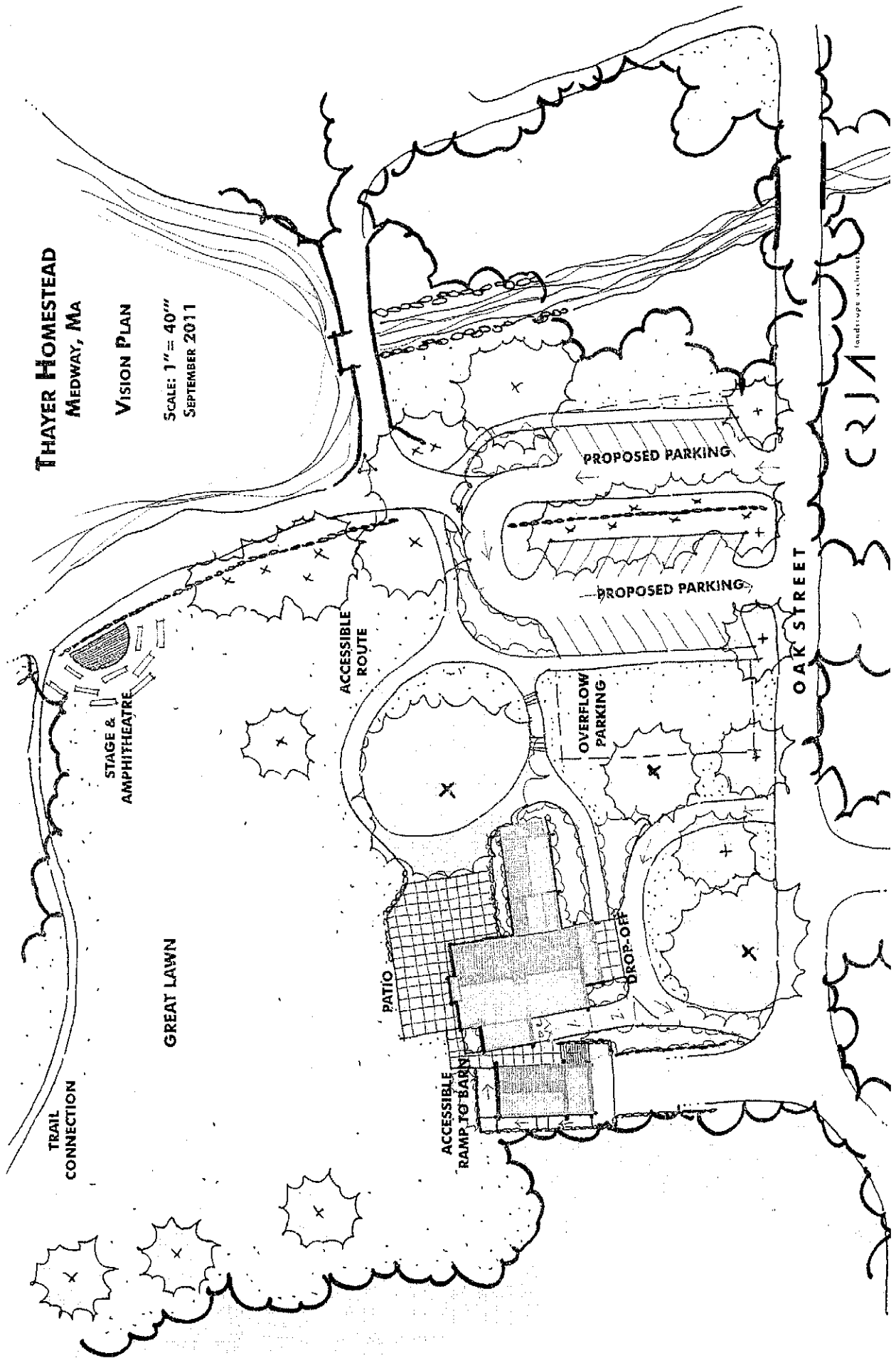
landscape architects

CRJA
2011

THAYER HOMESTEAD
MEDWAY, MA

VISION PLAN

SCALE: 1" = 40"
SEPTEMBER 2011



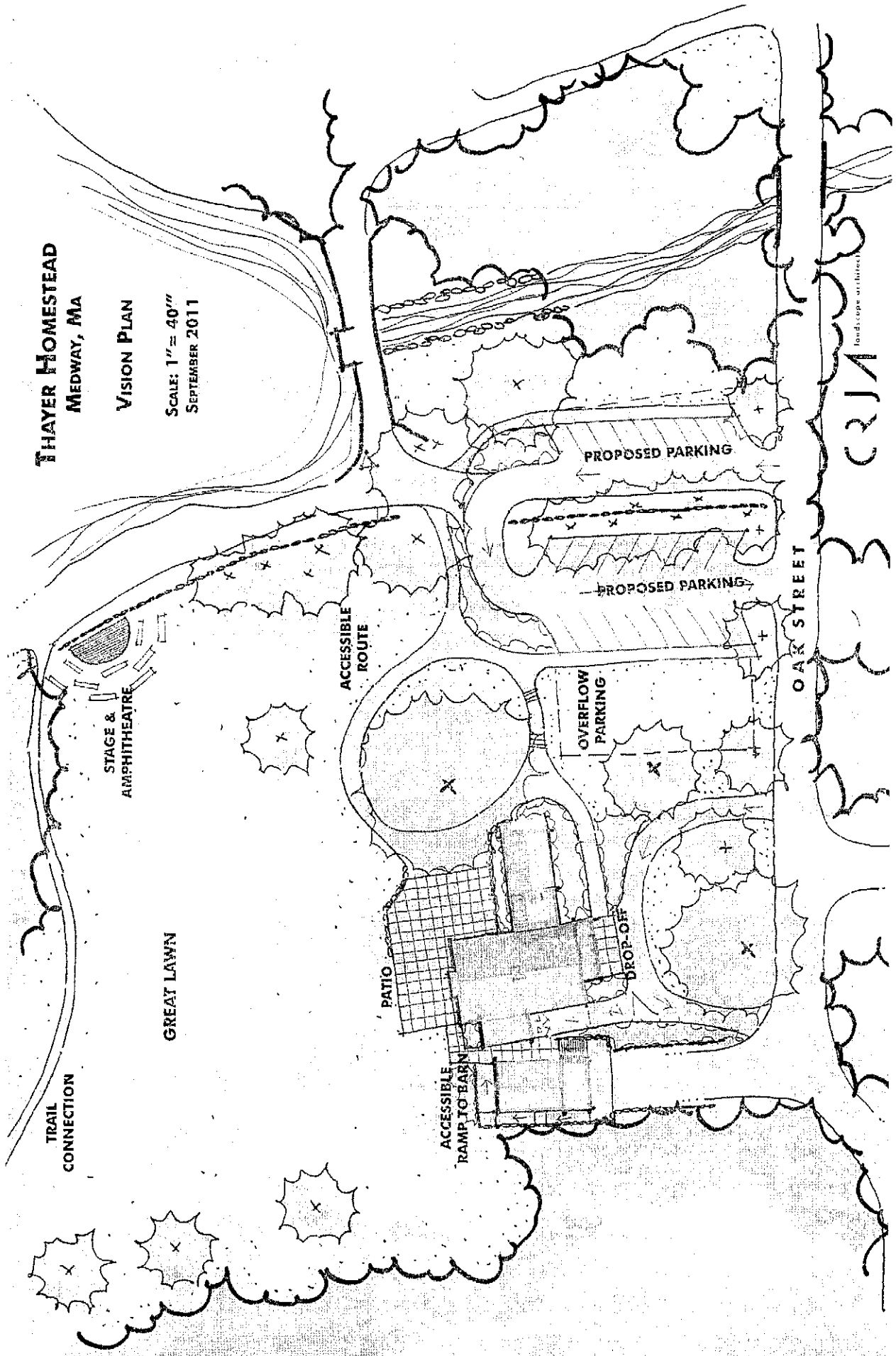
landtrope architects

CRJA

THAYER HOMESTEAD
MEDWAY, MA

VISION PLAN

SCALE: 1" = 40'
SEPTEMBER 2011



LAW OFFICES
OF
HEANEY & SMALL, LLP
24 ASYLUM STREET
Milford, MA 01757
Telephone number (508) 473-2777
Fax number (508) 473-0367

RECEIVED
SEP 12 2011

TOWN OF MEDWAY
PLANNING BOARD

September 12, 2011

Ms. Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053

Re: Dugan- 25 Stable Way, Medway, MA


Dear Ms Childs:

Please be advised that this office represents Mr. and Mrs. Brian Dugan in the connection with the sale of the above referenced property scheduled for September 16, 2011. I have been advised that there is an outstanding Planning Board Covenant on title.

I have attached a Partial Release of Restrictive Covenant Form for consideration for the meeting scheduled for September 13, 2011. I understand this is very short notice but I do not want to hold up this closing

I want to thank you very much for taking my call today and your professionalism and getting this to me as soon as you did.

Very Truly Yours,



Michael E. Heaney

Partial Release of Restrictive Covenant

Planning & Economic Development Board – Town of Medway, MA

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that Lot 20 (also known as 25 Stable Way) on a definitive subdivision plan entitled Broad Acres Estates in Medway, MA, with a final revision date of June 1, 1997, prepared by DeSimone & Associates, which is recorded with the Norfolk County Registry of Deeds as Plan Number 773 of 1998 in Plan Book 461-4, to which reference may be had for a more particular description, is hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in a Covenant between the Medway Planning Board and W. Gregory Whelan, Antoinette M. Cunning, Michael DelGenio and Pauline DelGenio dated August 4, 1998 and recorded with the Norfolk County Registry of Deeds in Book 12972, Page 444.

Executed under seal this 13th day of September, 2011.

Signatures of a majority of the members of the Planning & Economic Development Board of the Town of Medway:

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, SS. _____

On this _____ day of September, 2011 before me, the undersigned notary public, personally appeared _____

proved to me through satisfactory evidence of identification, which was a Massachusetts Drivers License, to be the persons whose names are signed on the above document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

Notary Public
My commission expires:

168006

BK 12972PG444

C 10

P 100

TOWN OF MEDWAY, MASSACHUSETTS

COVENANT

The undersigned, W. Gregory Whelan of Millis, Massachusetts, and Antoinette M. Cunning, Michael DelGenio and Pauline DelGenio of Medway, Massachusetts, hereinafter called "Covenantor", having submitted to the Medway Planning Board application for approval of a Definitive Plan of a subdivision entitled "Broad Acres Estates", dated June 1, 1997, and prepared by DeSimone & Associates does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to Sec. 81-U, Chapter 41, G.L. (Ter. Ed.) as amended that:

1. Except as otherwise expressly provided in Sec. 81-U of Ch. 41, G.L., no lot included on such plan shall be built upon or conveyed until the work on the ground for construction of the way and for municipal services necessary to serve such lot has been completed in the manner specified by the Subdivision Regulations of the Town of Medway or a performance bond or other security in lieu of completion has been accepted by the Planning Board and in accordance with the covenants, conditions, agreements, terms and provisions contained in the following:
 - a) Application for Approval of Definitive Plan dated June 1, 1997.
 - b) The Definitive Plan as defined by the above Rules and Regulations and as qualified by the Certificate of Approval of a Definitive Plan with Waivers issued by the Planning Board and dated June 30, 1998.
2. It is the intention of the covenantor and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid Subdivision and shall operate as restrictions upon said land, and shall be binding upon the executors, administrators, devisees, heirs, assigns, and successors in title to the premises.
3. The Covenantor is the owner of record of the premises shown on said plan and states that there is no outstanding mortgage on the premises.
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or all lots not previously released by the Planning Board without first providing such ways and services.
5. This covenant shall take effect upon approval of said plan.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

RECEIVED RECORDED
NORFOLK COUNTY
98 NOV 13 PM 12:59

REFER TO PLAN NO.

PLAN BOOK NO.

773 7198P
461-4 SHEETS

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DEDHAM, MA
BOOK PAGE
47787

Barry T. Hannon
BARRY T. HANNON, REGISTER

BK12972PG445

In witness whereof, the undersigned covenantors do hereunto set their hands and seals this 4th day of August, 1998.

W. Gregory Whelan
W. Gregory Whelan, Applicant

Michael DelGenio
Michael DelGenio, Owner

Antoinette M. Cuning
Antoinette M. Cuning, Owner

Pauline DelGenio
Pauline DelGenio, Owner

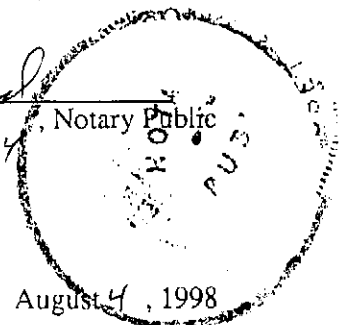
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

August 4, 1998

Then personally appeared the above-named W. Gregory Whelan who acknowledged the foregoing instrument to be his free act and deed, before me.

Theresa A. Bayl
My Comm. Exp.: 10-15-2004, Notary Public



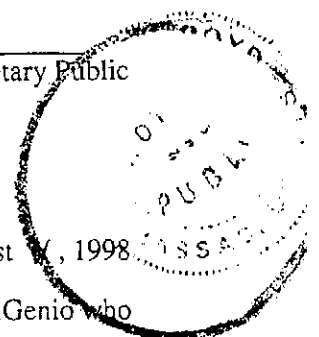
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

August 4, 1998

Then personally appeared the above-named Antoinette M. Cuning who acknowledged the foregoing instrument to be her free act and deed, before me.

Theresa A. Bayl
My Comm. Exp.: 10-15-2004, Notary Public



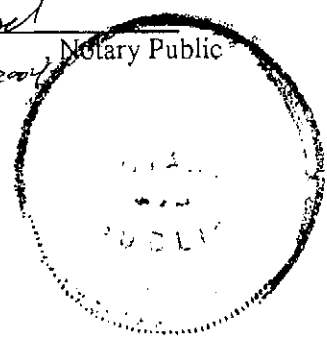
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

August 4, 1998

Then personally appeared the above-named Michael DelGenio and Pauline DelGenio who acknowledged the foregoing instrument to be their free act and deed, before me.

Theresa A. Bayl
My Comm. Exp.: 10-15-2004, Notary Public





C/O METROPOLITAN AREA PLANNING COUNCIL
60 TEMPLE PLACE, BOSTON, MA 02111
617-451-2770

SWAP LEGISLATIVE BREAKFAST SEPTEMBER 16, 2011

8:00 AM TO 10:00 AM

BELLINGHAM SENIOR CENTER

40 BLACKSTONE ST., BELLINGHAM, MA 02019

You are cordially invited to join local legislators and community leaders for coffee and pastries and a facilitated discussion of topics of regional interest, including:

- Economic Development/Jobs Creation
- State Budget/Legislators' Priorities
- Land Use and Zoning Reform

Please save the date, and RSVP to:

Cynthia Wall
MAPC SWAP Coordinator
cwall@mapc.org

617-451-2770 ext. 2058

SWAP promotes cooperative action on land use, transportation and economic development in the subregion. Plan to take advantage of this opportunity to meet with area legislators.

Bellingham
Dover

Franklin
MAPC

Hopkinton
Medway

Milford

Norfolk
Mills

Wrentham
Sherborn

**September 27, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, and Karyl Spiller-Walsh

ABSENT WITH NOTICE: Chan Rogers

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates
Dave Pellegrini, Tetra Tech Rizzo

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any Citizen Comments.

Nick Turi, 8 Fisher Street:

The Board is in receipt of an email from Nick Turi relative to Pine Meadow subdivision. (See **Attached.**) He is concerned about the appearance of the property at the entrance to the subdivision which is next to his home. This was recently seeded with wild flower mix and the seeds are not germinating. There is wild grass growing, but that is about it. Mr. Turi is willing to plant some of his perennials to improve the site. It was suggested that this hill be cleared and stabilized and possibly covered with dark mulch.

Susy Affleck-Childs would like to check the decision to reference any language relative to the landscaping and ultimate ownership of this parcel.

Dave Pellegrini will be checking the definitive subdivision plan to see what was specified for this area.

The Board recommends sending a letter to the owners and inviting the representatives to the next meeting.

Village Estates Definitive Subdivision Plan – Public Hearing Continuation

Mr. Paul DeSimone of Colonial Engineering was present at the meeting.

The Board is in receipt of a review memo from Tetra Tech dated September 22, 2011. (See **Attached**)

The applicant has surveyed the sidewalk locations that require repairs. These are now shown on the revised plan.

The Board is in receipt of several more Form Qs which is the request for Waivers from the Subdivision Rules and Regulations. **(See Attached).**

The next correspondence was from the Bill Donohue of Medway Department of Public Services which is dated September 26, 2011. **(See Attached).** This is a letter authorizing a waiver to the initial design of an 8" water main.

The Town of Medway Fire Chief Paul Trufant also provided a letter dated September 26, 2011. **(See Attached).** This letter references that there is no need to install a fire hydrant at the end of the new water main as there is a hydrant sufficiently close by on Village Street.

The Board discussed the curbs and berms and wants to wait to act on this until the drainage is figured out.

The applicant is also seeking a waiver from the road paving standard. Consultant Carlucci noted that another option is gravel.

Chairman Rodenhiser wanted to know where the forebays go on sheet 7 & 8.

Abutter, Mr. Wayne Brundage was also present at the meeting. He continues to express his concern regarding the sight distance from the end of the roadway at Village Street and about water from 272 Village Street coming onto his property.

Member Tucker would like further clarity on where the overflow of water will be going in the northwest corner of the lot.

Dave Pellegri will take a look at the water overflow.

The Board next discussed the concern about the sight distance.

Dave Pellegri responded that a lower height was used than required. This is based on ASHTO standards. The site distance does appear to be fine.

Dave Pellegri will check the standard relative to the composition of the roadway apron at Village Street. If the road is gravel, how far back should the paved apron extend?

The Board would like the plan to show the existing landscaping and what will be retained, and proposed. The Board wants this included on Sheet 5.

On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted unanimously to extend the deadline for Planning Board action on the Village Estates Definitive Subdivision Plan until October 30, 2011.

On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted unanimously to continue the hearing for Village Estates until October 11, 2011.

Bay Oaks Preliminary Subdivision Plan – 104 Fisher Street – Continued Public Briefing

Chairman Rodenhiser recused self at 8:00 pm.

Vice Chairman Tucker took over as Chairman.

Susy Affleck-Childs provided the Board with the draft of the comments from the Certificate of Action revised and dated September 22, 2011 which have taken place during the informal meetings. **(See Attached)**

The first comment discussed is relative to the resurfacing the retaining wall.

Member Tucker is concerned about putting a face stone on such a big structure.

Susy Affleck-Childs communicates that the Board can ask the applicant to come up with a proposal.

Member Gay does not want to reduce the width of the existing retaining wall by adding a field stone surface to it. He did go to visit the site and is not concerned about width but about the soil behind the retaining wall.

Mr. Rodenhiser suspects that there is ledge behind the walls.

The Board next discussed the need for a demonstration of 2 way traffic in the roadway between the retaining wall.

Member Tucker accepts the photographs which were presented as a demonstration of 2 way traffic. **(See Attached.)**

Member Spiller-Walsh is comfortable with the demonstration of the vehicles as presented by the photographs.

Affleck-Childs will remove and eliminate that item relative to the demonstration.

The Board next discussed item #14 regarding pedestrian safety.

Member Tucker notes that he will have to evaluate the feasibility of this.

Affleck-Childs also notes that Fisher Street is a scenic road and the applicant will need to address this item.

Member Tucker wanted to know what is a significant tree.

Affleck-Childs responded that it is defined in the Scenic Road Rules and Regs.

Member Spiller-Walsh appreciates that the retaining wall defines the access and that it is pre-existing. Her concern continues to be the children, who may be walking between these walls; there is no real way to get out of the way when cars come up the road. This is a unique and dangerous spot for pedestrians. There needs to be an alternative which would address the concern.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the Certificate of Action with the edits to Items #8 & #13.

Susy will make the modifications and will file this document with the Town Clerk.

NOTE – Mr. Rodenhiser returned to the table and resumed chairing the meeting.

Engineer's Report – Dave Pellegri

Speroni Acres

Dave Pellegri reported that Merrikin Engineering would like to be on the October 25, 2011 agenda. Dave will incorporate all comments for the meeting. This will be a joint presentation. It was suggested that the neighbors be invited to this meeting.

Dave Pellegri did communicate that the two basins do match at the entrance. The third basin does not. There is a problem with the wetland delineation. There will be comments relative to the maintenance. This needs to be provided by Merrikin. Dave will provide color coded easement lines. The basins now are stabilized with growth which is good.

It was suggested that we ask Town Counsel about the options for addressing the location of the easements. How can we make this work for all parties with the best outcome for all? What are the potential options available? It was also noted that maybe we need to explore the existing water issue. The Board would like to invite Tom Holder to the meeting.

The Board needs to look at setting up a date for this. It was suggested November 8, 2011.

Evergreen Meadow:

The Board is in receipt of a memo from Tetra Tech Rizzo dated September 6, 2011. **(See Attached)** This memo is in relation to the cleaning of the drainage system located at the Evergreen Meadow Subdivision. The system was cleaned satisfactorily. This completes the punch list.

The Board is also in receipt of a memo dated September 22, 2011 from Susy Affleck-Childs relative to the paperwork for the roadway layout for Iarussi Way. **(See Attached)**.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to recommend as specified the road layout for Iarussi Way as presented on the Street Acceptance Plan prepared by GLM Engineering dated August 1, 2011 as presented.

Susy will be attending the Conservation Commission next Wednesday to confirm their concurrence to accept the donation of the open space parcel.

Franklin Creek

The Board is in receipt of the field observation form from Tetra Tech Rizzo dated September 20, 2011 along with a draft letter dated September 26, 2011 to send to the neighbors. **(See Attached)**

Dave Pellegrini informed that Board that DPS staff Tom Holder and Jim Smith were also on-site to speak with Marko Vajentic regarding the pavement settling issues on Franklin Street. Dave also noted that the calculated amount of top course varied from the provided paving slips, thus the need for additional tests to verify pavement depths. There were six cores taken with variations in paving thickness.

The Board agrees that there is no need to rip up the road although it is low in a couple of spots. The Board decided that a letter be written to the abutters on Franklin Creek Lane noting that this will remain a permanent private way and will not be considered as an accepted street. Susy and Dave will work on that.

Consulting Planner's Report – Gino Carlucci

Department of Conservation and Recreation Grant:

Gino Carlucci is preparing a grant application to the Massachusetts Department of Conservation and Recreation for \$15,000 from the federally funded Recreational Trails Grant Program. This will be to construct a trail at the Medway Amphitheatre Site.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board votes unanimously to support the Town's application for the Mass Department of Conservation and Recreational Trails Grant Program.

Susy will draft a letter.

Appointment to the Medway Design Review Committee:

On a motion made by Bob Tucker and seconded by Tom Gay, the Board votes unanimously to appoint Bruce Hamblin as an Associate Member to the Medway Design Review Committee for a term through June 30, 2011.

Member Tucker left at 9:00 pm.

Fall Town Meeting Warrant Articles:

The Board is in receipt of a memo from Susy listing the possible five warrant articles. **(See Attached.)**

The Chairman wanted to know which articles would be revenue articles.

Susy Affleck-Childs noted that #1, #4, & #5 were revenue articles.

The Board agreed that they need to still work on the article regarding a definition of frontage. The Board does not want it placed on the warrant for the fall town meeting.

The articles which will be submitted for the November 14, 2011 Town Meeting will be:

1. Street Acceptance for Iarussi Way (Evergreen Meadow)
2. Amend Zoning Map – Change Zoning of a small parcel west of I-495 from ARI to Industrial III.
3. Zoning – Allow for accessory family dwelling units by special permit from the ZBA in Commercial III and IV. (add business and industrial areas)
4. Zoning – Allow for home based businesses by right in Commercial II and IV

Susy Affleck-Childs noted that she had been informed by Rich Dunne, chairman of the BOS, that they did not want any zoning articles for the fall town meeting.

Medway Livable Community Workshop:

There will be a Medway Livable Community Workshop on Wednesday October 5, 2011 from 5:30 -7:30 pm at the Charles River Bank, 70 Main Street. The workshop will explore the everyday challenges of getting around and living along Medway's Route 109/Main Street corridor with a focus on the area between Holliston and Highland Streets.

Fall 2011 CPTC Workshops:

The Board is in receipt of a packet including the fall 2011 Workshops offered through the Citizen Planner Training Collaborative.

Meeting Minutes:

September 13, 2011

On a motion made Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from September 13, 2011.

Adjourn:


On a motion made by Karyl Spiller-Walsh, and seconded by Tom Gay, the Board voted unanimously to adjourn the meeting at 9:30 pm.

Future Meetings:

The next meetings scheduled are: Tuesday, October 11 & 25, 2011.

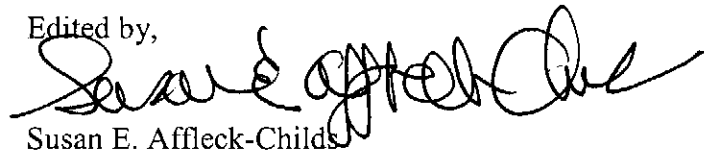
The meeting was adjourned at 10:30 PM.

Respectfully Submitted,


Amy Sutherland
Meeting Recording Secretary

*Minutes of September 27, 2011 Meeting
Medway Planning & Economic Development Board
Approved 10-25-2011*

Edited by,

A handwritten signature in black ink, appearing to read "Susan E. Affleck-Childs". The signature is fluid and cursive, with a large initial "S" and a distinct "E".

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Susan Affleck-Childs

From: Nicholas Turi [videreman@hotmail.com]
Sent: Tuesday, September 27, 2011 9:38 AM
To: Susan Affleck-Childs
Subject: Medway Planning and Economic Development Board Meeting - Pine Meadow discussion
Importance: High

Hi Susy,

I was wondering if you could give me a call when you have chance? My cell number is 508-254-9181. My questions are in reference to the Pinemeadow project. I've been in contact with Gary Feldman several times about the grooming and planting on the hill adjacent to my property. The landscaper (Matt Facilino) has attempted to shoot the hill with wildflower seed and hasn't been successful, two years in a row. I know the reason and have brought it to the attention of the project manager (Gary) but there is still a lack of priority and concern for the appearance of that entrance to that development and the project in general. The latest attempt this year to seed the hill was similar to last year. The contractor waits until the hill is covered with weeds (crabgrass and all sorts of broad leaf weeds) then shoots it with wild flower seed. The seed mix formula used never has a chance to hit the ground. The weeds attract all the paste seed mix and it never gets chance to get to the ground to germinate. I am not a horticulturists but I know enough to say that this will never germinate unless it is done early in the season or better preparations to the ground are made.

Sorry, It seems if I don't cry out nothing gets done. You know this has been a struggle for us having the Pinemeadow project lurking in our back yard. Sitting in our home looking at what is a forgotten project by the owners. It is a real eye sore again with weeds, saplings and rock as our back drop to our home. I would like to know if we have any time line for the project or any updates from the owners? Do we need another town meeting with the owners to get at least the hill done properly much less a commitment on some progress? I hope you can help us.

Thank you,

Nick

Nick Turi and Family
8 Fisher Street
Medway, Ma 02053

From: sachilds@townofmedway.org
To: videreman@hotmail.com; sj90@comcast.net
Subject: 1-25-2011 Medway Planning and Economic Development Board Meeting - Pine Meadow discussion
Date: Thu, 20 Jan 2011 19:03:58 +0000

HI,

The agenda item re: Pine Meadow is scheduled for 7:45 pm. We do have a short public hearing before that, so the time is a good estimate right now. The meeting will be held at Medway Town Hall at 155 Village Street.

Gary . . please be prepared for you and/or the owners to provide an update on the project status and to present your plan for spring construction and your plans to address Mr. Turi's concerns.

Thanks.

Susy

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

508-533-3291



★ August 3, 2011
(Revised September 22, 2011)

RECEIVED
SEP 22 2011
TOWN OF MEDWAY
PLANNING BOARD

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

**Re: Village Estates
Definitive Subdivision Review
Medway, Massachusetts**

Dear Mr. Rodenhiser:

Tetra Tech (TT) previously performed a review of the proposed Site Plan for the above – mentioned project. The project includes the construction of a new roadway to service one new residential house lot and an existing single family house currently on the property. The roadway is proposed to be a permanent private way upon completion of the project. The existing house is designated to remain, although the existing gravel driveway and barn will be demolished, with access now being proposed from the new roadway. The new house lot will require utilities servicing the parcel including sewer, water, private utilities, and stormwater. The stormwater design will incorporate the runoff from the proposed roadway and both parcels. The sanitary sewer will need to be extended from the intersection of Village Street and Brookside Road, within Village Street and through the end of the proposed “Road A” to service the new house lot.

TT previously received the following materials:

- A plan (Plans) set entitled “Village Estates, Definitive Subdivision, Permanent Private Way”, dated July 25, 2011, prepared by Colonial Engineering, Inc. and Merrikan Engineering, LLP.
- A drainage report (Drainage Report) entitled “Stormwater Report: 272 Village Street, Medway, MA, 2-Lot Residential Subdivision”, dated July 20, 2011, prepared by Merrikan Engineering, LLP.

The Plans, Drainage Report and accompanying materials were originally reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations, Zoning Bylaw (ZBL) (Updated on September 18, 2007), the MA DEP

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001



TETRA TECH

Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

On September 16, 2011, TT received a second set of updated plans addressing our original comments from Merrikan Engineering, LLP. Their responses are provided in italics below our original comments. We have reviewed the applicant's plans and have updated our comments, bulleted below the original comment or reply.

The following items were found to be not in conformance with Town of Medway, Massachusetts Zoning Bylaw & Map, or requiring additional information:

No comments

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0-Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. Calculations for proposed piping system using the Rational Method for the 25-year storm event shall be provided (Ch. 100 §5.5.9 (h))

ME Response:

These calculations have been provided in the attached stormwater report supplement. It should be noted that only one pipe actually could be calculated using the rational method, that being the pipe from the westerly forebay at the beginning of the road. The other two pipe flows are dictated by the Hydrocad calculations and the infiltration trench outlet structures.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.
2. Present widths of existing streets and Private ways within 700' shall be provided. (Ch. 100 §5.7.12)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
 3. The existing and proposed location of the Base Flood Elevation shall be shown on the plans if encountered within 700' of the subdivision. (Ch. 100 §5.7.13)



- TT 8/3/11 Update: This item has been addressed to our satisfaction.
- 4. The calculation of the lot shape factor shall be provided. (Ch. 100 §5.7.14)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
- 5. Proposed layout of electric, telecommunications, natural gas, cable, and spare communications conduit shall be shown on the plans. (Ch. 100 §5.7.19)
 - TT 8/3/11 Update: Electric, telecommunications, natural gas and cable have all been shown on the revised plans. However, a spare conduit is not shown on the plans.
 - TT 9/22/11 Update: A spare conduit is now shown on the plans.
- 6. At least two benchmarks are to be shown on each plan and profile sheet. (Ch. 100 §5.7.20)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.
- 7. A note shall be added to the cover sheet of the Definitive Subdivision Plan indicating that all improvements shall be constructed in accordance with Mass DOT handicap requirements and the current ADA/AAB requirements in effect at the time of construction. (Ch. 100 §5.7.34)
 - TT 8/3/11 Update: This item has been addressed to our satisfaction.

Section 7.0-Design and Construction Standards

- 8. Water pipes shall be extended and connected to form a loop type system. (Ch. 100 §7.6.2 (b))
 - TT 8/3/11 Update: A waiver has been requested by the applicant for this item.
- 9. A spare communication conduit shall be installed in the same trench with electric, telephone, and cable conduit for future use by the Town of Medway. The board shall determine if this applies to private roadways. (Ch. 100 §7.6.2 (h))
 - TT 8/3/11 Update: A spare conduit is not shown on the plans.
- 10. Infiltration systems shall be located on separate parcels. The board shall determine if this applies to private roadways. (Ch. 100 §7.7.2 (p))



TETRA TECH

11. Substantial landscaping and planting shall be provided around detention and retention basins to the satisfaction of the board. We believe that the intent of this regulation extends to large infiltration trenches such as that proposed on this project. (Ch. 100 §7.7.2(r))

ME Response:

The plan has been revised to add a planting scheme around the proposed infiltration trenches. It should be realized, however, that these infiltration trenches are less than one-foot deep and will barely be noticeable as a drainage feature in the landscape. As such, screening is not a significant concern. To the contrary, these shallow features could easily be moved on a regular basis as part of the lawn areas for the adjacent homes and would therefore be aesthetically pleasing, requiring no screening.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

12. The width of the Right of Way should be noted on the plans and meet the minimum requirements. (Ch. 100 §7.9.4 (a))

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

13. Diameter of the cul-de-sac shall be provided on the plans and meet the minimum requirements. (Ch. 100 §7.9.4 (c))

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

14. The applicant shall ensure that an adequate turnaround acceptable to the fire chief is provided. (Ch. 100 §7.9.6 (d))

15. Vertical granite curbing shall be installed at the intersection. A note and detail shall be provided on the plans. (Ch. 100 §7.10.1)

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

16. Sidewalks exist along the entire frontage of the subdivision parcel along the existing Town way, however the board shall review and determine the ability of the existing sidewalk to provide safe pedestrian access and meet accessibility requirements. (Ch. 100 §7.13.3)

- TT 8/3/11 Update: If project is completed after the town sidewalk improvement project, the applicant shall meet and match existing sidewalk at entrance. If this project precedes town sidewalk



TETRA TECH

improvement project, then new sidewalks will be required per the boards discretion to provide safe pedestrian access. New sidewalks in this scenario shall meet and match existing.

- TT 9/22/11 Update: The applicant has surveyed sidewalk locations that require repairs as requested by TT. These locations are now provided on the revised plans.

17. Fire alarm system shall be installed and shown on plan. (Ch. 100 §7.17.1)

- TT 8/3/11 Update: A waiver has been requested by the applicant for this item.

18. To enhance the aesthetic quality of the streetscape, street Trees shall be planted. (Ch. 100 §7.19.2)

- TT 8/3/11 Update: We would recommend street trees be planted along west side of driveway to replace 30" pines designated to be removed to maintain buffer screening.

19. No street lights are proposed. (Ch. 100 §7.21)

- TT 8/3/11 Update: A waiver has been requested by the applicant for this item.

20. Monuments shall be installed along the roadway layout at all points of curvature and angle points. They shall also be installed along easements at each angle point. (Ch. 100 §7.25.1)

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

21. A detail of the monument shall be provided on the plans. (Ch. 100 §7.25.2)

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

22. The Infiltration Trench #2 Detail is noted twice on the plan. This should be revised to include Infiltration Trench #3 Detail.

ME Response:



TETRA TECH

The trench #3 detail is on the plan, it was just labeled incorrectly, which has been corrected.

- TT 8/3/11 Update: This item has been addressed to our satisfaction. However, Infiltration Trench #3 was designed using an infiltration rate of 8.27 in/hr. Standard 3 located in Volume 1, Chapter 1, Page 7 of the Massachusetts Stormwater Handbook states that...*"To ensure the long-term operation of infiltration BMP's, pretreatment is required before discharge to an infiltration BMP... discharges to the ground within an area with a rapid infiltration rate (greater than 2.4 inches per hour)...at least 44% of the total suspended solids must be removed prior to discharge to an infiltration structure."* Additionally, Standard 4 states that...*"The required water quality volume equals 1.0 inch of runoff times the total impervious area of the post-development project site for a discharge if within an area with a rapid infiltration rate (greater than 2.4 inches per hour). Measures should be taken in the design to address these issues."*

23. All infiltration trench details should note the groundwater elevation.

ME Response:

As requested, groundwater elevations have been added to each detail.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

24. The 3-3" diameter holes in the outlet headwall for infiltration trench #1 should be routed through device 4 (12" culvert) and not modeled as primary outlet.

ME Response:

The node for Infiltration Trench #1 has been revised to route the three 3-inch outlets routed through the pipe. Since the 3-inch orifices are the control, the re-routing does not change the results of the model in any way.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

25. The outlet headwall detail for infiltration trench #1 and infiltration trench #2 notes an 8 inch thick wall however in the Hydrocad model the weir has a width of 0.5 feet.

ME Response:

The plan detail has been changed to specify a 0.5" thick headwall section, consistent with the hydrology calculations.



TETRA TECH

- TT 8/3/11 Update: This item has been addressed to our satisfaction. However, we assumed the applicant meant a headwall section thickness of 0.5' as opposed to 0.5".
- TT 9/22/11 Update: The plan was modified accordingly.

26. Redox was observed in hole OTH#3 at 15 inches (elev.178.05). The bottom elevation of infiltration trench #2 is 180.00; this only provides 1.95 feet separation.

ME Response:

It was noted that it appeared that the groundwater separation for this trench was only 1.95 feet. In reality, however, the ground elevation at OTH 3 is 179.25 (it was rounded up to the nearest tenth in the soils log), and therefore, the seasonal high-groundwater elevation is 178.0, which is two feet below the bottom of the infiltration trench. If desired, we could raise the trench by 0.05', but this would be a symbolic gesture, with no practical benefit.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

27. A mounding analysis shall be provided for all infiltration trenches and all infiltration fields since separation to groundwater is less than 4 feet.

ME Response:

We have performed a mounding analysis for each of the proposed infiltration trenches and fields as discussed in the attached stormwater report supplement.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the Town of Medway – Water/Sewer Department Rules and Regulations, or requiring additional information:

Water

28. Water hydrant shall be clearly identified on plan. It appears that there is a hydrant symbol located at the end of Road "A" but it is not labeled. (Construction Methods-1)

- TT 8/3/11 Update: This item has been addressed to our satisfaction.



TETRA TECH

29. There should be three valves at the roadway intersection unless otherwise approved by the Department of Public Works (Construction Methods-5).

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

30. A hydrant detail should be provided. The detail should identify the hydrant be backed by $\frac{1}{4}$ yard of concrete against trench wall and be surrounded with $\frac{1}{4}$ yard of $\frac{3}{4}$ inch stone for drainage. (Construction Method-7).

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

31. It is unclear by looking at the profiles whether or not the waterline is set to a depth of 4.5 feet below proposed grade. If not, the drawing shall be modified to reflect this minimum cover requirement. (Construction Method-8)

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

32. Where will the electric and gas services be located? Water Services shall be 3' away. Private utilities should be added to the plans to determine the sufficient spacing. (Construction Method-14)

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

33. The size of the existing waterline in Village Street shall be noted.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

34. The method of connection between the existing and proposed waterlines shall be noted.

35. Water service to the building should be shown on the plans.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

Sewer

36. Sewer service to the building shall be shown on plans. (Construction Method-1)

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

37. $\frac{3}{4}$ -inch crushed stone shall be installed six inches over and below the sewer pipe. A typical trench detail is provided, however it does not meet the requirements for



TETRA TECH

sewer trenching. Separate details should be provided for the individual utilities proposed on the project.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with good engineering practice or requiring additional information:

38. How will Village Street be repaired upon completion of the utility work? The plans should show sawcut lines, limits of pavement, curb, and sidewalk repairs. Private utility connections should also be shown since those locations may drive the limits of repair.

- TT 8/3/11 Update: Sawcut lines are now shown on plan. We would like to also see limits of sidewalk reconstruction. All work within Right-of-Way shall comply with the DPW conditions for their road opening permit.

39. Existing trees/brush should be shown on plans. It's unclear what trees/brush fall within the project limits on the southwest corner of the site. If there are additional trees identified for demolition, they should be noted on the plans.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

40. Is there existing vegetation (other than lawn/garden) designated for removal on Lot 2? If so, we would like to see some replacement trees/vegetation be added.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

41. Please provide fine grading at entrance to Road "A". It is currently difficult to understand how water will be directed towards the sediment forebay and not out to Village Street.

ME Response:

The 20 scale detail has been updated with additional spot elevations to clarify how the entry of the road will be graded to shed runoff into the adjoining sediment forebays.

- TT 8/3/11 Update: This item has been addressed to our satisfaction.

42. We would recommend some landscaping be proposed around large infiltration trenches.



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- TT 8/3/11 Update: A waiver has been requested by the applicant for this item.
43. Are easements required in Private Roadway for public utilities?
44. Verify that the Water/Sewer board and/or the Medway Department of Public Works has confirmed sufficient capacities in both the existing water and sewer lines within Village Street to accept the additional flows from the proposed development.
45. Verify that silt fence is not required by the Conservation Commission.
- TT 8/3/11 Update: This item has been addressed to our satisfaction.
46. Please provide a note that the 12-inches of gravel below the proposed roadway shall meet the Massachusetts Department of Transportation specifications for gravel borrow.
- TT 8/3/11 Update: This item has been addressed to our satisfaction.
47. The majority of the house is within the 100-foot buffer zone. The applicant should update the Planning Board regarding the status of the Conservation Commission review.
48. A waiver is being requested for a reduction in radius for the curbing at the entrance to the site. The applicant should provide testimony from the fire department that this waiver will not negatively impact emergency vehicles.
49. One of the future driveways extends over bituminous berm. This should be modified or clarified.
- TT 8/3/11 Update: This item has been addressed to our satisfaction.
50. A Flared End section detail should be provided.
- TT 8/3/11 Update: This item has been addressed to our satisfaction.
51. A Thrust Block detail should be provided.
- TT 8/3/11 Update: This item has been addressed to our satisfaction.
52. The water line should be reduced from an 8" to a 6" CLDI pipe unless design capacity or safety design dictates otherwise.



TETRA TECH

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Sr. Project Manager

P:\21583\127-21583-11008\PROJ\MGMT\REVIEW\LTR_VILLAGE ESTATES_2011-09-22.DOC

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	Village Estates
Property Location:	272 Village Street
Type of Project/Permit:	
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.6.2 (b) Water Facilities Installation
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Water mains, with hydrant, valves and other fittings, shall be constructed and installed within the subdivision for adequate water supply for domestic and fire protection use.
What aspect of the Regulation do you propose be waived?	The requirement for water main, with hydrant, valves and other fittings.
What do you propose instead?	Install a common 2" water service line or two 1 1/2" water service lines.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	There is an existing fire hydrant within 100 ft from road opening along Village Street. The existing Hydrant is with in the state required setback distances from the existing structure and the proposed dwelling.
What is the estimated value/cost savings to the applicant if the waiver is granted?	The owner would need to get price estimates from contractors.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	See attached letters from the fire chief and department of public services.
What is the impact on the development if this waiver is denied?	The possibility of water main with low usage that could become stagnate.
What are the design alternatives to granting this waiver?	
Why is granting this waiver in the Town's best interest?	There would be no gate valve's installed at Village Street to be maintained by the town, there
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Town cost saving would be for the maintence of water gates.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	This item would have to be addressed with the owner
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Paul Desimone
Date:	26-Sep-11

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 TOWN OF MEDWAY
 PLANNING BOARD

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	Village Estates
Property Location:	272 Village Street
Type of Project/Permit:	Definitive subdivision
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.10.2 Curbs and Berms
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Curbing shall be provided the full length of all streets along each side of the roadway.
What aspect of the Regulation do you propose be waived?	The requirement for hot mix asphalt cap cod berm.
What do you propose instead?	Gravel earth berm.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Owner is requesting a waiver of the road pavement. If granted there would be no practical use for hot mix asphalt cape cod berm.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Owner would need to get estimate from paving contractor.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	The proposed gravel berm would be a replacement for the cape cod berm. The significant improvement relates more to the requested waiver from the required pavement of the road.
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	Gravel earth berm for any water run off.
Why is granting this waiver in the Town's best interest?	The proposed private road is only for the addition of one single family home or possible duplex. A full road build out would take from the natural setting.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None Private Road.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	This item would have to addressed with owner.
What is the estimated value of the proposed mitigation measures?	n/a
Other Information?	
Waiver Request Prepared By:	Paul DeSimone
Date:	26-Sep-11

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 SEP 27 2011

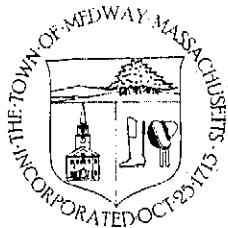
TOWN OF MEDWAY
 PLANNING BOARD

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	Village Estates
Property Location:	272 Village Street
Type of Project/Permit:	Definitive Subdivision
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.9.7 (H) Roadway Construction
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Pavement for roadways in subdivisions shall be hot mix asphalt pavement.
What aspect of the Regulation do you propose be waived?	Hot mix asphalt pavement.
What do you propose instead?	Compacted gravel.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	There is only one additional single family home or possible duplex proposed on this property. The indented requirement for a 18' wide paved road would have the capacity for many more homes.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Owner would have to get estimates from a paving contractor.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	The significant improvement would be less impervious material on site, storm water recharge would be greater than required. The gravel road would be less of a visual impact to the surrounding settings.
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	Impervious gravel road maintained by the property owner.
Why is granting this waiver in the Town's best interest?	A full road build out would only take from the natural Village Street setting.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None (Private Road).
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	This item would have to be addressed with the owner.
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Paul DeSimone
Date:	26-Sep-11

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TOWN OF MEDWAY
 PLANNING BOARD



TOWN OF MEDWAY
DEPARTMENT OF PUBLIC SERVICES
MEDWAY, MASSACHUSETTS

*Entrusted To
Manage The
Public
Infrastructure*

THOMAS M. HOLDER
DIRECTOR

DAVID D'AMICO
DEPUTY DIRECTOR

RECEIVED
SEP 27 2011

September 26, 2011

TOWN OF MEDWAY
PLANNING BOARD

RE: Letter of Waiver for Village Estates (Rear of 272 Village St)

Dear Mr. Santoro,

Per your request this letter is to provide a waiver to the initial design of an 8" water main which you had originally proposed for the Village Estates project. Your new proposal to install a common 2" water service line or two 1 1/2" water service lines is approved by the Water & Sewer Department. The 8" line is no longer required since you are not required to have a private fire hydrant on the property any longer, as determined by the Medway Fire Department in a letter of waiver to you.

All water and sewer installations must be done in accordance with the Town of Medway's Water and Sewer Regulations. The curb valves for each water connection must be outside of the Town right of way, on the Village Estates property.

Please contact us with any questions you may have at 508-533-3208.

Thank you,

William Donahue | Superintendent

Water & Sewer Division

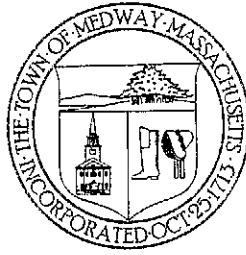
HIGHWAY - WATER - SEWER - FLEET - PARKS - FACILITIES - SOLID WASTE

TOWN OFFICES | 155 VILLAGE STREET | MEDWAY, MASSACHUSETTS 02053 | TEL 508-533-3275

Town of Medway Fire Department

Paul L. Trufant, Chief
44 Milford Street
Medway, MA 02053

Tel: (508) 533-3213
Fax: (508) 533-3254



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SEP 26 2011

TOWN OF MEDWAY
PLANNING BOARD

September 26, 2011

RE: Village Estates
272 Village Street
Medway, MA 02053

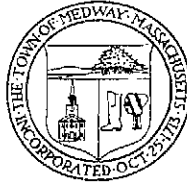
To Whom It May Concern,

In reviewing the plans it was found that a fire hydrant is within approximately 100 feet of the new proposed road. Unless there is a town bylaw that states a hydrant is required at the end of the new water main I do not see it necessary to install a hydrant.

If you have any further questions please feel free to contact me on (508)533-3211.

Sincerely,

Chief P.L. Trufant



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street - Medway, Massachusetts 02053
508-533-3291
planningboard@townofmedway.org

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

REVISED DRAFT – September 22, 2011

CERTIFICATE OF ACTION
Bay Oaks Preliminary Subdivision Plan
104 Fisher Street

You are hereby notified that at a duly called and properly posted meeting held on September 27, 2011, the Town of Medway Planning and Economic Development Board (PEDB) concluded its review of the Bay Oaks Preliminary Subdivision Plan, prepared by GLM Engineering of Holliston, MA dated July 12, 2011 and last revised August 9, 2011, for the 8.78 acre property located at 104 Fisher Street. The Board also approved the filing of this document with the Medway Town Clerk.

BACKGROUND – An application with a preliminary subdivision plan was filed with the PEDB by Andy Rodenhiser, owner of 104 Fisher Street, on July 14, 2011. The 8.78 acre subject property (Medway Assessors Map 4, Parcel 44A-6A) is located in Medway's Agricultural-Residential I zoning district. Upon receipt of the application, a Public Briefing was scheduled to occur during the PEDB's next regular meeting on July 26, 2011.

DISCLOSURE - The applicant, Andy Rodenhiser, is presently an elected member of the Medway Planning and Economic Development Board and serves as its chair. Before submitting any preliminary subdivision application documents to the Town, Mr. Rodenhiser consulted with Medway Town Counsel Barbara Saint Andre and the Massachusetts Ethics Commission regarding conflict of interest issues. As a result of those discussions, the following actions were taken:

1. Mr. Rodenhiser recused himself from sitting on the PEDB during the public briefings on his proposed subdivision. He departed the Board table and sat across from the Board, as is customary for all applicants, during the proceedings,
2. Statement of Disclosure of Appearance of Conflict of Interest – On the advice of Town Counsel, the remaining 4 PEDB members (Robert Tucker, Tom Gay, Karyl Spiller-Walsh, and Chan Rogers) along with Planning Consultant Gino Carlucci,

Engineering Consultant Dave Pellegri, and Medway Planning and Economic Development Coordinator Susan Affleck-Childs prepared Disclosures of Appearance of Conflict of Interest as required by MGL c 268A, section 23 (b) (3). PEDB member disclosure statements were filed with the Medway Town Clerk; staff and consultant disclosure statements were filed with the Medway Town Administrator's office. The existence of such disclosure statements was announced during the July 26, 2011 Public Briefing.

SUMMARY OF PROPOSAL - The proposed Bay Oaks Preliminary Subdivision Plan shows the division of the subject property into 4 house lots (three for construction of new single family detached homes and one for the existing residence) and the extension of the existing private way to a maximum total length of 600' to create the necessary frontage for the new house lots to comply with the Medway Zoning Bylaw. The applicant intends to request waivers from the road construction standards of the *Subdivision Rules and Regulations*. Instead of constructing a full public roadway, a privately owned common driveway is proposed to be constructed within the ROW extension. It would be owned and maintained by a homeowners' association. The stormwater drainage design would be low impact. There are wetlands on site and both septic systems and wells would have to be installed.

SUBJECT PROPERTY – The 8.78 acre subject parcel was created through action of the Medway Planning Board in 1986 when a 2 lot subdivision was approved. The subject property was conveyed to Andy and Audra Rodenhiser in December 1990.

To the best of our understanding, the parcel is subject to a number of existing right-of-way easements including:

- A 60' wide ROW which starts at the western edge of the adjacent Giovanella property to the east (0-R Fisher Street/ Medway Assessors 4-44) and runs approximately 403' along entire northern edge of the Rodenhiser property, continues onto the adjoining property to the west at 106 Fisher Street owned by Robert Reed, and extends across other properties all the way to Fisher Street. The total length of this easement is 1070 feet. The easement was expressly established in December 1982 to the benefit of Edward and Francis Giovanella to be used for any and all purposes for which public ways are commonly used in the Town of Medway.
- A 50' wide ROW that runs approximately 1057 long starting from Fisher Street and running easterly, southeasterly and westerly again on Lot 6, a 12.3 acre parcel that was created as shown on an ANR plan from December 1982 for Racicot Realty Trust. This easement was expressly established in July 1984 to the benefit of Edward and Francis Giovanella to be used for any and all purposes for which public ways are commonly used in the Town of Medway. NOTE – The Lot 6 referenced herein is the lot from which the Rodenhiser subject property was first created in 1986.
- A 50' ROW on Lot 6A as shown on a Definitive Subdivision Plan endorsed in April 1986 and affirmed in September 1988 (and recorded in October 1988). The ROW extends from the eastern end of the 350 long private way as shown on the Definitive Subdivision Plan and runs northeasterly then easterly for approximately 805' to the western edge of the Giovanella property. There is no

evidence of an express grant of this easement to the Giovanellas. NOTE – A subsequent ANR Plan recorded in December 1990 refines the Definitive Subdivision Plan. It shows only a very small portion of the above noted ROW easement.

ABUTTER NOTIFICATION – Pursuant to the *Medway Subdivision Rules and Regulations*, the PEDB sent a first class mail notification regarding the application and the 7/26/2011 Public Briefing for the Bay Oaks Preliminary Subdivision Plan to the abutters (owners of property within 300 feet of the subject parcel). See attached Abutter Notice. Abutters in both Medway and Holliston were notified. The notice was also posted with the Medway Town Clerk and to the Medway web page on July 14, 2011.

REVIEW PROCESS – The Board began its review of the proposed preliminary subdivision plan at its meeting on July 26, 2011. The discussion continued at the Board meetings on August 9 & 23, September 13 & 27, 2011 when it concluded.

The Bay Oaks Preliminary Subdivision Plan was reviewed by the Town's Planning Consultant, Gino Carlucci of PGC Associates and by David Pellegri of Tetra Tech Rizzo, the Town's Engineering Consultant. Those review letters are attached.

Based on questions raised by both the Board and abutters during the public briefing, the Board sought the review and opinion of Medway Town Counsel Barbara Saint Andre of Petrini & Associates. Those confidential communications were provided to Board members (except for Andy Rodenhiser).

Concerns were raised by Attorney Deborah Batog of Gilmore, Rees & Carlson of Franklin, MA representing the Giovanella family, owners of the approximately 5 acre parcel (0-R Fisher Street/ Medway Assessors 4-44) immediately to the east of the applicant's property. The concerns pertained to preserving her clients' rights in the subject property.

The applicant sought guidance from the PEDB regarding the affordable housing requirements pursuant to the Medway Zoning Bylaw, SECTION V. Use Regulations, Sub-Section X Affordable Housing. A guidance memo dated July 26, 2011 prepared by Planning and Economic Development Coordinator Susan Affleck-Childs was provided and discussed. A copy is attached.

During the course of the various meetings, abutters were provided an opportunity to comment. Email communications were received from:

- Stephen and Krista Digregorio, 108 Fisher Street (7-26-2011)
- Katherine and Larry Presswood, 92 Fisher Street (7-22-2011)

During the course of the various public briefings, verbal comments were offered by:

- Robert Reed, 106 Fisher Street (7-26-2011)
- Attorney Deborah Batog of Gilmore, Rees & Carlson (7-26-2011, 8-9-2011, 23, 2011, 9-13-2011)
- Katherine Presswood, 92 Fisher Street (8-9-2011)
- Peter Rapp, 100 Fisher Street (7-26-2011)

CONCERNS/ISSUES –With this document, the PEDB neither approves nor disapproves the Bay Oaks Preliminary Subdivision Plan. Based on the discussions during the public briefings, the Board has identified the following issues and concerns and directs the applicant and his development team to fully address these matters in preparation for submitting an application for approval of the Bay Oaks Definitive Subdivision Plan.

1. Full review by the Conservation Commission will be required in conjunction with the definitive subdivision plan filing.
2. Applicant needs to provide a proposal regarding the home owners association's responsibilities for maintaining the existing and proposed extended roadway and the associated utilities, infrastructure and drainage facilities. The Board would prefer to have the entire roadway ROW (existing and new) owned by a single home owners association comprised of all owners of property which directly abut the ROW.
3. Due to the ledge on the property, blasting may be needed to install infrastructure and construct homes. The applicant should provide a proposal on how any blasting process will be managed and how any impacts will be mitigated
4. Stormwater facilities must be located on a separate parcel. They cannot be located on a house lot.
5. Board of Health review and approval will be required for septic systems and wells; all required setbacks shall be applied.
6. The definitive subdivision plan application shall include a full Request for any Waivers of the Subdivision Rules and Regulations. The form of such request shall be as specified by the Board.
7. The definitive subdivision plan shall show the location of all easements and cart paths and any other restrictions to which the property is subject.
8. Existing retaining wall on roadway - The structural condition of the substantial retaining wall on either side of the existing roadway is of concern as it is at least 20 years old. As part of the definitive subdivision plan submittal, the applicant should provide an inspection report from a structural engineer regarding the wall's condition. It is understood that the Board may require structural improvements to the wall as part of the definitive subdivision plan decision. The Board also asks the applicant to provide plans for resurfacing the retaining wall with a natural field stone appearance.
9. To provide maximum buffers with the abutting neighbors, the definitive subdivision plan should show a no disturb zone of at least 15 feet on the house lots which abut existing residential properties.
10. The Board affirms the applicability of the affordable housing provisions of the Zoning Bylaw to this project. The Board is not authorized to waive such provisions; the only local board to which the applicant may appeal the affordable housing provisions is the Zoning Board of Appeals. The applicant should provide a proposal to the Board with the definitive subdivision plan application to describe how the affordable housing requirements will be met.

11. All preliminary plan deficiencies noted in the review letters dated 7-21-2011 from PGC Associates and Tetra Tech Rizzo should be thoroughly addressed/resolved in the definitive subdivision plan submittal.
12. The Fire Chief has not provided review comments on the preliminary subdivision plan. The applicant is advised that during the definitive subdivision plan process, the Fire Chief's approval of the roadway design and turnaround is required.
13. Roadway width - The Board is concerned about the safety of the existing roadway width for both the passing of vehicles and the safety of pedestrians. The Board requests that an on-site demonstration be provided to show the passability of two SUVs on the existing roadway.
14. Pedestrian safety – The Board is concerned about pedestrian safety along the roadway that will serve 5 homes under this subdivision proposal. The applicant is asked to evaluate the feasibility of constructing a meandering path/trail within the right of way but outside the existing retaining wall from Fisher Street up to the cul-de sac.
15. The applicant is reminded that a detailed Existing Conditions plan is required as part of the Definitive Plan submittal (Section 5.7.6 of the Subdivision Rules and Regulations). Measurements of the existing paved roadway should be specified. The Board urges the applicant to make the fullest effort possible to preserve the site's existing significant features in developing the definitive subdivision plan.
16. The applicant is advised that Fisher Street is a Medway Scenic Road. Any construction work done in the Town's Fisher Street Right of Way which might impact stone walls or significant trees may require a Scenic Road Work Permit. The applicant's attention is directed to Section 7.12 of the Subdivision Rules and Regulations. *"Where a subdivision is accessed from a Medway Scenic Road, the subdivision entrance shall be designed to reflect stone wall, post/rail fence or other distinctive features already present along the scenic roadway."*

Attest:

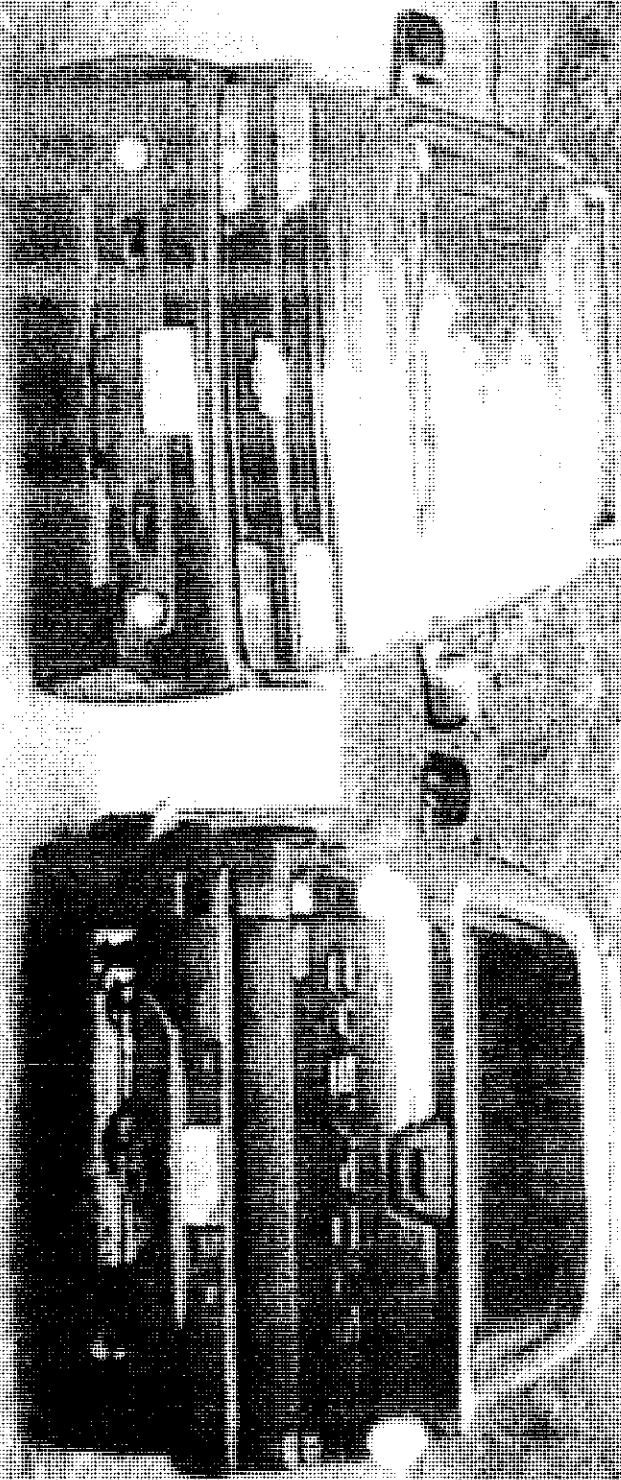
Susan E. Affleck-Childs, Planning & Economic Development Coordinator

cc: Andy Rodenhiser, applicant
Rob Truax, GLM Engineering
Suzanne K. Kennedy, Town Administrator
John Emidy, Building Commissioner/Zoning Enforcement Officer
Maryjane White, Town Clerk
Tom Holder, DPS Director
Karon Skinner-Catrone, Conservation Agent
Will Naser, Chief Assessor
Melanie Phillips, Treasurer/Collector
Karen Sherman, Holliston Town Planner
Paul Trufant, Fire Chief
Sergeant Jeff Watson, Medway Police

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SEP 29 2011

TOWN OF ANDOVER
PLANNING BOARD

Bay Oaks -
Existing Private Roadway



Susan Affleck-Childs

From: Pellegri, David [david.pellegri@tetrattech.com]
Sent: Wednesday, September 14, 2011 3:02 PM
To: Susan Affleck-Childs
Subject: Bay Oaks
Attachments: IMAGE_113.jpg; IMAGE_117.jpg

Susy,

Attached are a couple of pictures of the Bay Oaks retaining walls which I took one day when I drove by the project. You can distribute to the board members if it helps at all.

Dave

David R. Pellegri, P.E. Senior Project Engineer
Tetra Tech, Inc. 10000 Highway 100, Suite 100, Dallas, TX 75243
david.pellegri@tetrattech.com

Tetra Tech is an Equal Opportunity Employer. For more information, please visit our website at www.tetrattech.com

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TETRA TECH

MEMORANDUM

To: Susan Affleck-Childs – Medway Planning and Economic Development Board
Coordinator

Fr: Steven Bouley–Tetra Tech (TT)

Re: **Evergreen Meadow
Subdivision Review (Punchlist)
Medway, MA**

Dt: 09/06/11

At the request of the Medway Planning and Economic Development Board and Taniel Bedrosian (Developer), Steven Bouley from TT performed an inspection of the cleaning of the drainage system located at the Evergreen Meadow Subdivision. We found that the system was cleaned satisfactorily. The completion of this task completes all TT punch list items for the subdivision.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,

Steven Bouley
Civil Engineer



TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

September 22, 2011

TO: PEDB Members
FROM: Susy Affleck-Childs
RE: Roadway layout for Iarussi Way (Evergreen Meadows subdivision)

We are working toward street acceptance at the November 14, 2011 town meeting for the entire length (957.36') of Iarussi Way.

The Board of Selectmen, at its September 12, 2011 meeting, voted its intent to lay out Iarussi Way as a public road and has requested the Planning and Economic Development Board provide a report and recommendation regarding the roadway layout. The roadway lay out currently under consideration is shown on PLAN OF LAND STREET ACCEPTANCE 'IARUSSI WAY' dated July 8, 2011 prepared by GLM Engineering Consultants of Holliston, MA. A copy of that plan is provided for you.

Recommended Motion: - *I move that the Planning and Economic Development Board recommend to the Medway Board of Selectmen that it lay out as a public way the entire length of Iarussi Way from Station +00 to its end at Station 9+57.36 as shown on "PLAN OF LAND STREET ACCEPTANCE 'IARUSSI WAY' dated July 8, 2011 prepared for SENEK, LLC by GLM Engineering Consultants of Holliston, MA.*

Below is a *Synopsis of Roadway Layout/Street Acceptance Process* that was established in 2007 with the assistance of Town Counsel Barbara Saint Andre. The PEDB's vote to recommend a roadway layout is the second step in this process

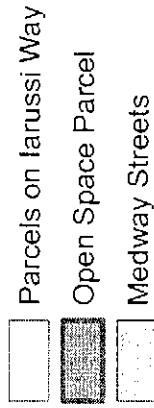
SYNOPSIS of ROADWAY LAYOUT/STREET ACCEPTANCE PROCESS
(as recommended by Town Counsel)

1. The BOS, by its own action, or upon petition by one or more inhabitants, initiates the process to lay out a road as a public way. At a BOS meeting, the BOS votes that it *"intends to lay out the road as a public way"* and refers the matter to the PB for a report.
2. The PB has 45 days to consider the matter, vote on it at a duly posted public meeting, and provide a report/recommendation back to the BOS. No public hearing is required.
3. The BOS, at a duly posted public meeting, votes to adopt a roadway layout. Ideally, there should be a plan that shows the metes and bounds of the road layout. The vote should reference a specific plan, preferably a street acceptance plan.
4. The BOS vote and the plan showing the roadway layout must be filed with the Town Clerk at least seven (7) days prior to the date that Town Meeting votes to accept the road as a public way.
5. Town Meeting votes to accept the road as laid out by the BOS as a public way and to authorize the BOS to accept the appropriate conveyances to the Town.

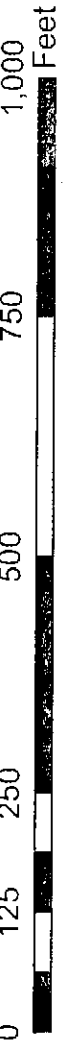
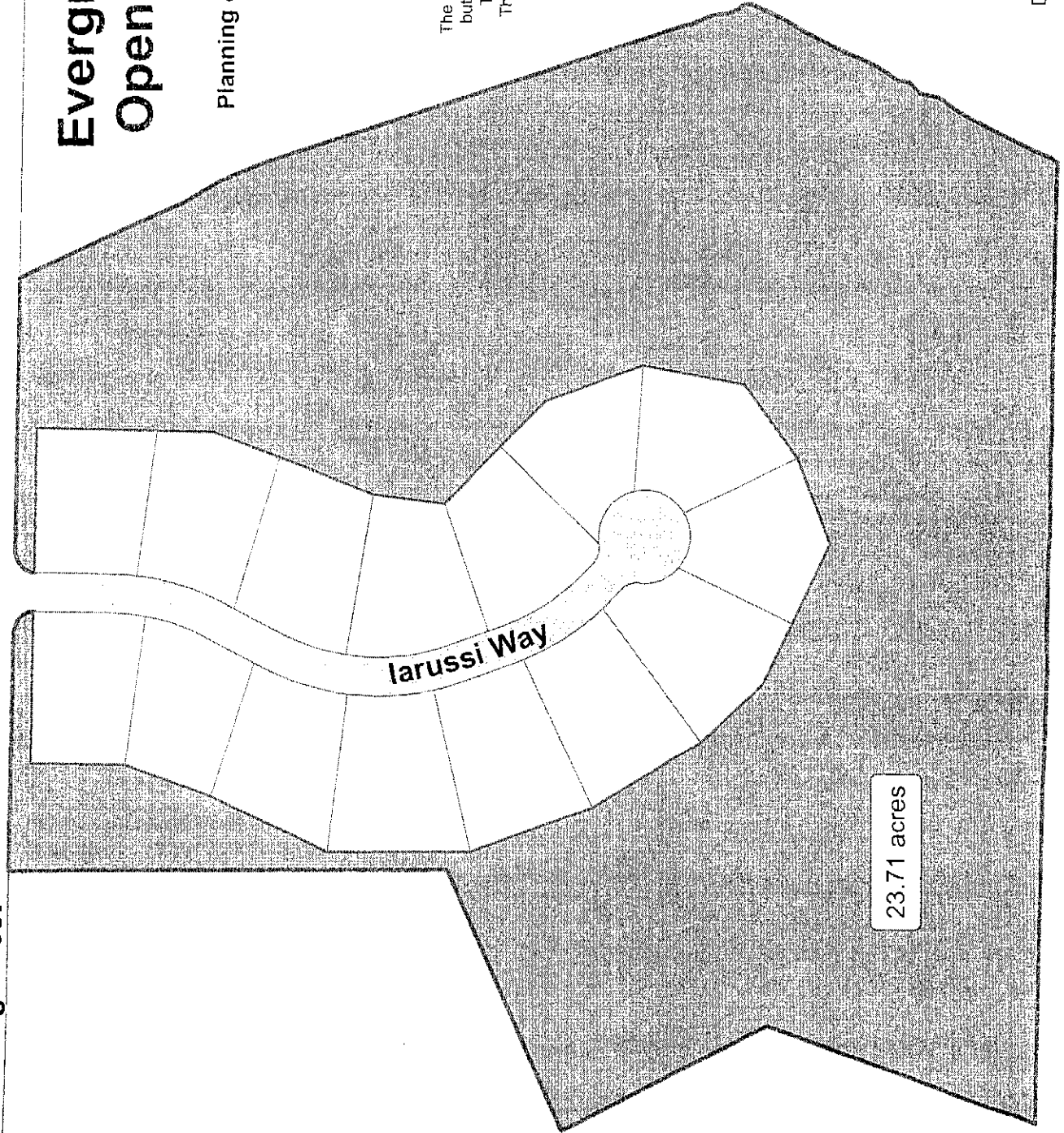
Lovering Street

Evergreen Meadows Open Space Parcel

Prepared by Medway
Planning & Economic Development Office



The information on this map is believed to be correct,
but errors in data entry or transmission may occur.
This map is not to be used for legal purposes.
The information on this map is subject to change
or revision at any time.



Data Provided by MassGIS
and the Town of Medway

Map created by Fran V Hutton Lee 9-26-2011

Tetra Tech One Grant Street Framingham, MA 01701						
Project Franklin Creek			Date 09-20-2011		Report No. 1	
Location Franklin St., Medway, MA			Project No. 127-21583-09006		Sheet 1 of 2	
Contractor Marko Vajentic Woodstructure Construction Inc.			Weather A.M. CLOUDY P.M.		Temperature A.M. 65 P.M.	
FIELD OBSERVATIONS						
<p>On Tuesday, September 20, 2011, Steven Bouley from Tetra Tech (TT) was on-site to inspect coring operations within the limits of the roadway. Tom Holder and Jim Smith of the Town of Medway DPS were also on-site to speak with Marko regarding settling issues in the roadway associated with the sewer connection on Franklin Street. While on-site the following observations were made:</p>						
1. Observations						
A. Marko Vajentic from Woodstructure Construction Inc. met on-site to conduct the coring of the pavement. Corings were performed on the roadway in order to determine the thickness of the top course of pavement. The corings were performed at 50 ft. intervals along the southern side of the roadway. It should be noted that the top course of pavement should be to a compacted depth of 1.50". The width of the roadway was also measured at each core.						
B. The core readings for the top course of pavement were as follows (refer to attached figure for approximate locations). It should be noted that the top course of pavement should be placed to a compacted depth of 1.50":						
		Top Course Depth		Roadway Width		
	A.	1.50"		22.00'		
	B.	1.75"		20.50'		
	C.	2.00"		20.00'		
	D.	1.00"		19.50'		
	E.	1.50"		20.50'		
	F.	1.25"		20.00'		
CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS		
Sup't	1	Bulldozer		Asphalt Paver		Dept. or Company
Foreman		Backhoe		Asphalt Reclaimer		Description of Work
Laborers	1	Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Bobcat		Vib. Walk Comp.		
Carpenters		Hoeram		Asphalt Berm Paver		
Masons		Excavator		Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tree Remover		
Surveyors		Conc. Mixer		Chipper		
		Conc. Truck		Screener		
		Pickup Truck		Drill Rig		OFFICIAL VISITORS TO JOB
		Dump Truck 6 Whl		Coring Machine	1	Tom Holder
		Dump Truck 10 Whl		Water Tank		Jim Smith
		Dump Truck 14 Whl		Lull		
		Dump Truck 18 Whl		Gradall		
Police Details: n/a				RESIDENT REPRESENTATIVE FORCE		
Time on site: 8:00 A.M.-10:30 P.M.				Name		Name
CONTRACTOR'S Hours of Work:						
						Resident Representative Steven Bouley

Project Franklin Creek	Date 09-20-2011	Report No. 1
Location Franklin Street, Medway, MA	Project No. 127-21583-09006	Sheet 2 of 2
Contractor Marko Vajentic Woodstructure Construction Inc.	Weather A.M. CLOUDY P.M.	Temperature A.M. 65 P.M.

FIELD OBSERVATIONS CONTINUED

2. Schedule
 - A. TT will continue to inspect the subdivision as needed.
3. New Action Items
 - A. N/A
4. Previous Open Action Items
 - A. The contractor must repair damaged binder course prior to installation of the top course of pavement.
5. Materials Delivered to Site Since Last Inspection:
 - A. N/A



September 26, 2011

Residents of Franklin Creek Subdivision
Franklin Creek Lane
Medway, MA 02053

Re: Franklin Creek Roadway

Dear Resident:

We are writing to notify you of a development that arose during the Franklin Creek roadway construction. Tetra Tech serves as the engineering consultant representing the Town of Medway. For the Franklin Creek Subdivision project we have been representing and reporting to the Town of Medway Planning and Economic Development Board (PEDB) while conducting construction inspections.

The top course of bituminous concrete pavement was recently installed along Franklin Creek Lane. Per Section 6.5.4(d) of the Town of Medway Planning Board Rules and Regulations "Each application of hot mix asphalt on the street and sidewalk and placement of curbing must be approved by the Department of Public Services (DPS) and the Town's Consulting Engineer." Neither TT nor the DPS were informed of the top course paving operations; therefore an asphalt inspection was not conducted on the roadway per the regulation above.

The primary objective during paving inspections is verifying that the depth of pavement placed meets the requirements of the approved plans and the town regulations. Since we did not witness the installation TT therefore acquired paving slips identifying the quantities of pavement delivered to the site, and photos of the installation from the paving contractor, in order to aid in the determination of the thickness of the placed top course. Additionally, a quantity was calculated representing the amount of top course that should have been placed based on depths provided in the plans. This quantity varied from that provided on the paving slips. Due to this discrepancy, it was determined that additional tests were required to verify pavement depths.


With approval from the PEDB, TT directed the contractor to conduct cores within the roadway to provide sample depths. Six cores were taken along the roadway at strategic locations. The following thicknesses were measured for the depth of the top course:

1.50", 1.75", 2.00", 1.00", 1.50", and 1.25". Slight variations in paving thicknesses is typical and since the measurements average the 1.50" depth required by the plans, TT did not require additional cores in order to limit disturbance to the newly paved roadway.

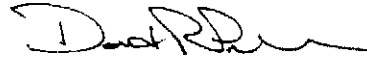
The paver, O'Brien Paving Inc. has agreed to guarantee the roadway for a period of three (3) years. Attached is their warranty which will be passed on to the homeowner's association. Although we can't guarantee the depth of pavement placed on the roadway, the tests conducted offer no reason to believe out of the ordinary structural issues will be encountered in the future.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,



Steven Bouley
Civil Engineer



David R. Pellegrini, P.E.
Senior Project Manager

Possible PEDB sponsored articles for November 14, 2011 Town Meeting

1. Street Acceptance for Iarussi Way (Evergreen Meadow)
2. Amend zoning map – change zoning of a small parcel west of I-495 from ARI to Industrial III
3. Zoning - Add definition for “frontage” and use it instead of the term “lot width” in Commercial districts I, III, IV, V, and Industrial Districts I, II and III, and in the Business/Industrial District.
4. Zoning - Allow for accessory family dwelling units by special permit from the ZBA in Commercial III and IV.
5. Zoning - Allow for home based businesses by right in Commercial II and IV.

Hold off till spring 2012 for:

1. OSRD changes
2. Affordable Housing changes
3. Village Residential Zone – new
4. Changes on Infill Housing
5. Contractor’s yards by right in Industrial I
6. Site plan – establish a staff based administrative site plan review process for mini projects, for very minor amendments and for by right 2-family homes.
7. Adopt new flood plain maps
8. Parking standards
9. Outdoor dining standards \
10. ???
11. ???

9-22-2011 sac

**October 11, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Bob Tucker, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE: Andy Rodenhiser, Karyl Spiller-Walsh

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Dave Pellegrini, Tetra Tech
Gino Carlucci, PGC Associates.

The Vice Chairman opened the meeting at 7:00 pm. He asked for any citizen comments. There were none.

Franklin Creek Lane:

The Board is in receipt of a letter dated October 6, 2011 from Tetra Tech Rizzo re: the paving issues. **(See Attached)**. The board is also in receipt of a draft letter **(See Attached)** prepared by Susy Affleck-Childs from Andy Rodenhiser which will be sent by the Board to the neighbors regarding the depth of the pavement.

The Board is comfortable with the language in the letter and is OK with the letter being sent.

Village Estates Definitive Subdivision Plan – Public Hearing Continuation

Mr. DeSimone of Colonial Engineering was present at the meeting.

The Board would like it noted in the record that the revised plans from the Engineer were not submitted until late morning on the day of the meeting. The Board has not had a chance to review the revised plans.

Mr. DeSimone noted that there is a low spot on the property and this was shown on the field. An apron was added to the roadway at the beginning where it meets Village Street. The trees are indicated on sheet 4 of 8.

The signs to indicate an upcoming street will be located 150 feet in either direction of Bedelia Lane on Village Street. Sergeant Jeff Watson also wants the name of the cross street to also be included. This would be a double sign. This should be a separate double sign. **(See Attached.)**

The Board would like a letter clarifying if 150 ft. is adequate.

The drainage still needs to be resolved. The low spot was located. The recommendation is to rework this area to make a trench or a swale in the low area. This will need to be reworked by Merrikin Engineering.

Abutter, Mr. Brundage wanted to know, what will happen with the rest of the extra water?

Mr. DeSimone indicated that the swale and infiltration will take care of this.

Mr. Brundage communicated that the applicant will be adding more water and it will be pitched toward his property. The soil is all clay.

Dave Pellegrini responded that the site is balanced between pre and post. There is a map from the drainage report. There are three water sheds. The E1 has been concentrated to alleviate the problem with water to Mr. Brundage. The rest has been balanced with the flow coming from the other areas. The water goes into the ground and into little detention systems and is stored. He believes that this was done to make sure that this complies with the regulations.

Mr. Brundage responded that he is planning to regrade his land.

Member Gay mentioned that the detail of the trench and where it runs has changed. He references sheet 5.

Dave Pellegrini confers and notes that this needs to be connected.

Paul DeSimone noted that this will be moved south.

The Board discussed that when the subdivision covenant is written reference must be made to the back lot and not the front. This needs to be written carefully. We do not want a repeat of what happened at 25 Milford Street/Rolling Meadows.

Susy Affleck-Childs noted for the record that both members Bob Tucker and Tom Gay have listened to the meetings which they did not attend, have filed Mullins Rule certifications and will be able to vote on this subdivision. **(See Attached).**

The applicant was also made aware that the curb cut for the new roadway from Village Street may need a Scenic Road public hearing with the board.

Pine Meadows II Subdivision:

The Board in receipt of an email **(See Attached)** from adjacent land owner Nick Turi as he was not able to attend the meeting. The email is regarding the landscaping on the hill at the Pine Meadows II subdivision adjacent to his property. He is requesting that this be landscaped with plants instead of grass and weeds. He also indicated that he is willing to contribute some perennials. He wants to see the weeds cleared. He doesn't believe the wildflowers have taken hold.

Gary Feldman was present to discuss the Pine Meadows II Subdivision. Mr. Feldman informed the Board that wild flower spraying was completed in August. This is the second spraying completed. The wildflower mix was what was specified on the plans. Gary Feldman indicated that Mr. Fasolino communicated that he can write a guarantee for the two year wildflower mix if the Board would like.

Mr. Feldman also informed the Board that there was another section of fence to be added, but instead there will just be an end post. This will be completed next week.

There was also a discussion about conveying this land to Mr. Turi so that he could maintain the land. It was confirmed that this was included in the decision.

Mr. Feldman will be on the May 2012 agenda for a status report.

Medway Middle School Repair Project

The Board is in receipt of a memo from Design Review Committee summarizing their concerns about the Middle School site plan. **(See Attached.)** Member Tucker would like this sent to him electronically to provide it to the rest of the team.

Member Tucker communicated that the Middle School project has a draft GMP. This has come in from Consigli Construction. The Committee is in the process of reviewing this. The Committee is going through a question and answer phase and are looking at contingencies which may be in place for the unknown. Things are moving forward.

Susy Affleck-Childs communicated that the Middle School installed a new free standing sign without securing a sign permit from the Building Department. There was discussion with DRC about a free standing sign. There should be some landscaping around the base. One thought was to use some of the plants at the Middle School that will be removed for the construction. Bob Tucker will bring this up at his meeting tomorrow evening. He asked for an electronic version of the DRC memo.

Other Business

Consultant Carlucci informed the Board that the Metropolitan Planning Organization has increased its membership from 14 to 22. The Town of Medway is running for the SWAP seat. The election will be on October 26, 2011.

The Board is in receipt of a resignation of Hasan Husain who serves on the Economic Development Committee. **(See Attached).**

Some of the members took part in the Walkable Communities tour through Medway. The Committee was looking at how the streets, sidewalks and buildings interact with people.

Susy Affleck-Childs reported that the Zoning Bylaw amendment articles that the Board had submitted for the fall town meeting were not included on the warrant. Susy indicated that Andy Rodenhiser was contacting one of the BOS members to discuss.

Susy noted there will be a work session on permanent private way standards at the next PEDB meeting.

The Charles River Watershed Association will be holding a workshop in the future on stormwater management.

Adjourn:

On a motion made by Tom Gay, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 8:30 pm.

Future Meetings:

The next meeting is scheduled for: Tuesday, October 25, 2011.

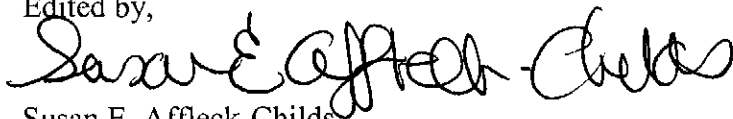
The meeting was adjourned at 8:30 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



October 6, 2011

Medway Planning and Economic Development Board
Franklin Creek Lane
Medway, MA 02053

Re: Franklin Creek Roadway

Dear Board:

We are writing to update you on the status of the Franklin Creek roadway construction. As you know, the top course of bituminous concrete pavement was recently installed along Franklin Creek Lane. Per Section 6.5.4(d) of the Town of Medway Planning and Economic Development (PEDB) Board Rules and Regulations "Each application of hot mix asphalt on the street and sidewalk and placement of curbing must be approved by the Department of Public Services (DPS) and the Town's Consulting Engineer." Neither Tetra Tech (TT) nor the DPS were informed of the top course paving operations; therefore an asphalt inspection was not conducted on the roadway per the regulation above.

Tetra Tech's primary objective during paving inspections is to verify that the depth of pavement placed meets the requirements of the approved plans and the town regulations. Since we did not witness the installation TT attempted to verify the thickness through other methods such as acquiring the paving slips to identify the quantities of pavement delivered to the site, and reviewing photographs of the installation provided by the paving contractor. Additionally, a quantity was calculated representing the amount of top course that should have been placed based on depths provided in the plans. This quantity varied from that provided on the paving slips. Due to this discrepancy and the inconclusive evidence provided, it was determined that additional tests were required to verify pavement depths.

With approval from the PEDB, TT directed the contractor to conduct cores within the roadway to provide sample depths. Six cores were taken along the roadway at strategic locations. The following thicknesses were measured for the depth of the top course: 1.50", 1.75", 2.00", 1.00", 1.50", and 1.25". Slight variations in paving thicknesses is typical and since the measurements average the 1.50" depth required by the plans, TT did not require additional cores in order to limit disturbance to the newly paved roadway.

The paver, O'Brien Paving Inc. has agreed to guarantee the roadway for a period of three (3) years. Attached is their warranty which will be passed on to the homeowner's association. Although the tests conducted offer no reason to believe out of the ordinary structural issues will be encountered in the future, since we can't guarantee the depth of pavement placed on the roadway we recommend that it not be accepted as a public way any time in the future.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,



Steven Bouley
Civil Engineer



David R. Pellegrini, P.E.
Senior Project Manager

FRANKLIN CREEK LANE
MEDWAY MA 02053

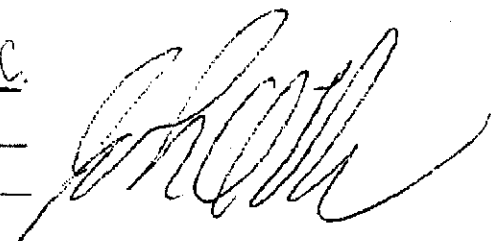
LIMITED WARRANTY

Project Location: 5

Note: This Limited Warranty specifically excludes consequential and incidental damages. There is a limitation of 3 years from the date of Substantial Completion of the Project in the duration of implied warranties.

1. **Person(s)/Entity(s) Covered.** This Limited Warranty is given by the Contractor to the Owner(s) of the Property and is transferable to, or enforceable by, any succeeding transferee or purchaser of the Property. Such transferee can be a person or business entity.
2. **Commencement and Duration of Coverages.** Each coverage under this Limited Warranty shall commence on the date of completion of the project and shall continue for a period of five years thereafter.
3. **General Coverages.** Excluding the matters and components covered by any manufacturers' or suppliers' warranties the coverage of this Limited Warranty are as follows:
 - a. **Cracking-** cracking that appears on the pavement caused by, but not limited to, faulty compaction of underlayment, soil, or deficiency of materials, and/or procedures used during installation.
 - b. **Sinking-** significant damage caused by complete or partial sinking of the driveway. Sinking may be caused by, but is not limited to, faulty compaction of underlayment, soil, or deficiency of materials, and/or procedures used during installation.
 - c. **Frost heaves-** heaving caused by, but not limited to, normal freeze/thaw cycles and climate caused damage.
 - d. **Flaking-** excessive flaking of all or part of the driveway's top surface caused by, but not limited to, poor quality or deficiency of materials, and/or procedures used during installation. This should also extend to areas designated for parking.
 - e. **Water Runoff-** defective or improper grading of the pavement causing puddles, pooling or in any way detrimental water runoff towards the structure's foundation, basement or accessory structures.
4. **Manufacturers' Warranties.** The Contractor hereby assigns transfers and passes through to the Owner each and every warranty, if any, made or furnished to the Contractor by the manufacturer and/or supplier of each of the materials installed at the Property and included in the scope of work. Copies of all such manufacturers' or suppliers' warranties are available to the Owner(s) upon request.
5. **Exclusions from Coverage.** The Contractor expressly disclaims responsibility for any of the following items, each of which is expressly excluded from this Limited warranty, to wit:
 - a. Loss or injury due to the elements, including conditions resulting from condensation on, or expansion or contraction of materials; and
 - b. Consequential or incidental damages.

O'BRIEN PAVING, INC.
WALPOLE, MA 02081
1-508-734-5360



8-18-11

DRAFT letter to Franklin Creek neighbors
10-6-2011

Dear _____,

We are writing to update you on the status of the Franklin Creek Lane roadway construction. As you are probably aware, the subdivision developer recently contracted for the installation of the top course of bituminous concrete pavement on Franklin Creek Lane. You are also aware that the subdivision was approved by the Board in _____ with the condition that Franklin Creek Lane would become permanent private way, to be conveyed by the subdivision developer to the future homeowners association.

The Town of Medway's standards for subdivision road construction require the Medway Department of Public Services (DPS) and the Town's Consulting Engineer which is Tetra Tech (TT) to approve each application of hot mix asphalt on a street, on sidewalks and for the placement of curbing. Unfortunately, for Franklin Creek Lane, neither the subdivision developer nor the paving contractor notified Tetra Tech and the Medway DPS when the top course paving operation was scheduled. Consequently, the Franklin Creek Lane top coat paving occurred without an asphalt inspection.

Tetra Tech's primary objective during any paving inspection is to verify that the actual depth of pavement that is placed on the roadway meets the requirements of the approved subdivision plan and the Town's regulations. The required depth for the top coat of bituminous concrete pavement is 1.5". Since Tetra Tech did not witness the actual installation of the top coat paving on Franklin Creek Lane, they attempted to verify the thickness of the pavement through other methods such as reviewing photographs of the installation provided by the paving contractor. Tetra Tech also acquired and reviewed the paving slips from the paving contractor to identify the quantities of pavement delivered to the site. A quantity was calculated representing the amount of top course paving material that should have been installed based on the paving depths specified in the Franklin Creek subdivision plan. The comparison concluded that the amount of paving material indicated on the contractor's paving slips was somewhat less than the amount specified by the subdivision plan.

Due to this discrepancy and the inconclusive evidence provided, the Board determined that additional tests were necessary to check on the adequacy of the pavement depths. At the Board's request, Tetra Tech directed the paving contractor to conduct core tests within Franklin Creek Lane to provide sample depths. Six core samples were taken at

strategic locations along the roadway. The following thicknesses were measured for the depth of the top course: 1.50", 1.75", 2.00", 1.00", 1.50", and 1.25". Slight variations in paving thicknesses are typical. Since these measurements average the 1.50" depth required by the regulations and the plan, Tetra Tech did not require additional core samples to be taken in order to limit disturbance to the newly paved roadway. However, the Board clearly cannot guarantee that the top course along the entire length and width of Franklin Creek Lane is paved to a consistent depth of 1.5".

The paver, O'Brien Paving Inc., has agreed to guarantee the roadway paving for a period of three (3) years. Attached is their warranty which will be passed on to the homeowner's association. Although the tests conducted offer no reason to believe that the roadway will encounter any out of the ordinary structural issues, we want you to be aware that the Town cannot guarantee the depth of pavement placed on the roadway.

If you have any questions or require additional information, please don't hesitate to contact _____.

Very truly yours,

Andy Rodenhiser
Chairman

Susan Affleck-Childs

From: Nicholas Turi [videreman@hotmail.com]
Sent: Tuesday, October 11, 2011 6:26 PM
To: Susan Affleck-Childs
Subject: RE: Medway Planning and Economic Development Board Meeting - Pine Meadow discussion

Hi Susy,

I can't attend. I am out of town. Would you please convey my thoughts to Gary and the owners about the landscaping on the hill adjacent to my property and the request to have it landscaped with plants instead of grass and weeds. I will contribute some perenials but I would need a plan and a decent starting point. I suggest clearing all the weeds and fresh top soil then planting in a reasonable time frame.

Thank you all very much,
Nick Turi

From: sachilds@townofmedway.org
To: videreman@hotmail.com
Subject: RE: Medway Planning and Economic Development Board Meeting - Pine Meadow discussion
Date: Tue, 11 Oct 2011 12:28:30 +0000

Hi Nick,

We haven't done a letter yet, but Gary Feldman and one of the owners is scheduled to attend tonight's PB meeting. 7:45pm. Can you attend?

Susy

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

508-533-3291

saffleckchilds@townofmedway.org

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

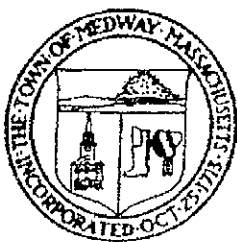
The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

From: Nicholas Turi [mailto:videreman@hotmail.com]
Sent: Monday, October 10, 2011 5:03 AM
To: Susan Affleck-Childs
Subject: RE: Medway Planning and Economic Development Board Meeting - Pine Meadow discussion

Hi Susy,

Did you have chance to work up a letter to Pine Meadow owners about the front hill landscaping? Would you please send me a copy when you have it.

Thank you,



Town of Medway
DESIGN REVIEW COMMITTEE
155 Village Street
Medway MA 02053
508-533-3291
drc@townofmedway.org

MEMORANDUM

October 4, 2011

TO: Medway Planning and Economic Development Board
FROM: Matt Buckley, Chairman
RE: Medway Middle School Repair Project

The Design Review Committee has been reviewing the proposed repair project of the Medway Middle school. We are pleased to have met twice with Bob Tucker, chairman of the Medway School Building Committee, and the project architects at scheduled DRC meetings on both June 6th and July 11th. During the Planning and Economic Development Board meeting of August 9th, 2011, we confirmed with you the design topics discussed with Mr. Tucker during the previous DRC meetings. At that time we agreed to continue our participation in this ongoing process to clarify a number of forthcoming topics.

Those aspects of the Middle School repair project that were discussed were as follows:

- Unification of the old and new architecture through the continuation of a brick detail along the base of the new building
- Emblem in the floor inside the new entrance
- Walkway/sidewalk from side parking facility to provide access to the new entrance, edged by some landscaping
- Consideration to offset the removal of all mature trees currently located in front of the catwalk/breezeway, by creating a landscape plan with seating area and planters of some type
- Transplanting of garden beds at the left of the "new" addition to the front of the building along the adjacent walkway.
- Interior courtyard with mature rhododendrons and other plantings to be preserved, moved, or replaced by a new plan for plantings.
- Incorporating the original High School bell, currently on site, into the landscaping/seating area
- Color scheme of breezeway panels, and entrance canopy structure to be determined.
- Lighting plan – are exterior lights currently sufficient and in good condition. If not and they are replaced, what type of fixture?

Some of these topics and others to come, will need further clarification as they have not been presented during our discussions. For instance, no color schemes or materials have been selected for the façade of the new entrance or for the surroundings of the replacement windows. Nor has a concept or landscape plan been prepared for a green space in the area to the left of the new entrance.

We are very glad to be included in this process and are pleased that we have been invited to continue our participation as the project moves forward. Mr. Tucker has indicated that he will present the topics to the DRC for review as they become available.

Design Review Committee Members

Matthew Buckley, Chairman
Julie Fallon, Vice Chairperson

Dan Hooper, Associate Member
Karyl Spiller-Walsh, Planning &
Economic Development Board Liaison

Rachel Walsh, Member & Corresponding
Secretary
Mary Weaver, Member and Recording Secretary

Susan Affleck-Childs

From: Hasan Husain [hmhusain@yahoo.com]
Sent: Friday, October 07, 2011 1:14 PM
To: Susan Affleck-Childs
Subject: EDC position

Dear Andy,

I regret to advise that I am resigning my position on the Economic Development Committee. Due to personal reasons I will be unable to fulfill my responsibilities on the committee. I do apologize for this as I had hoped to be much more active in the coming months. I have enjoyed working with everyone on the committee and hope to once again be of service.

Best regards,
Hasan Husain
1 Independence Lane
Medway, MA 02053




Town of Medway, Massachusetts

CERTIFICATION
PURSUANT TO G. L. c. 39, SECTION 23D
OF PARTICIPATION IN A SESSION OF AN
ADJUDCATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED
A SINGLE HEARING SESSION

Note: This form can only be used for missing one single public hearing session.
This cannot be used for missing more than one hearing session.

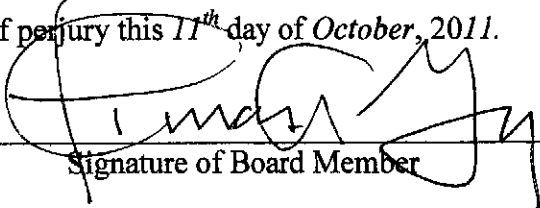
I, *Thomas A. Gay* (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of the *Medway Planning & Economic Development Board*.
2. I missed a public hearing session on the matter of *Village Estates* which was held on *August 9th, 2011*.
3. I have reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) applicable):

- a.  audio recording of the missed hearing session; or
- b.  video recording of the missed hearing session; or
- c.  a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this *11th* day of *October*, 2011.



Signature of Board Member

Received as part of the record of the above matter:

Date: *10-11-2011*

By: *S. Offit-Chiles*

Position: *Planning & Economic Development
Coordinator*

Town of Medway, Massachusetts

CERTIFICATION
PURSUANT TO G. L. c. 39, SECTION 23D
OF PARTICIPATION IN A SESSION OF AN
ADJUDCATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED
A SINGLE HEARING SESSION

Note: This form can only be used for missing one single public hearing session.
This cannot be used for missing more than one hearing session.

I, ROBERT TUCKER (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of PLANNING & ECON. DEV. BOARD

2. I missed a public hearing session on the matter of

Village Estates Subdivision

which was held on September 13, 2011

3. I have reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) applicable):

- a. RT audio recording of the missed hearing session; or
b. RT video recording of the missed hearing session; or
c. RT a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 11 day of October, 2011.

[Signature]
Signature of Board Member

Received as part of the record of the above matter:

Date: 10-11-2011

By: Safford Chell

Position: Planning & Economic Development
Coordinator

Susan Affleck-Childs

From: Sgt. Jeffrey Watson [watson@medwaypolice.com]
Sent: Wednesday, October 05, 2011 11:57 AM
To: Susan Affleck-Childs
Subject: Village Estates Subdivision

RECEIVED
OCT 05 2011

TOWN OF MEDWAY
PLANNING BOARD

To: Medway Planning Board and Economic Development

From: Sgt. Jeffrey W. Watson
Medway Police Department

Ref: Village Estates Subdivision

After looking at the plans dated May 19, 2011 the Medway Police Department would recommend the following signs.

1. Stop sign
2. Stop line painted
3. Street Sign
4. Cross Street Sign

All signs must follow the rules and regulations of the Town of Medway.

Sent from my HTC on the Now Network from Sprint!

**October 25, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser (arrived 8:15 p.m.) Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Dave Pellegri, Tetra Tech Engineering
Gino Carlucci, PGC Associates

Vice Chairman Bob Tucker opened the meeting at 7:00 pm.

The Vice Chairman asked for any citizen comments. There were none.

Bob Tucker announced that the public hearing continuation for Village Estates was delayed until Member Rodenhiser arrives.

Engineering Consultant's Report

Speroni Acres:

The Board is in receipt of a letter dated October 21, 2011 from Merrikin Engineering. (See **Attached**)

Dave Pellegri from Tetra Tech Rizzo communicated that he did not receive the letter from Merrikin Engineering until this evening and has not had a chance to review it. He did indicate that Merrikin Engineering appears to be on the right track. Dave will review the letter and provide feedback back to the Board.

The Board next discussed setting up a meeting with neighbors to discuss the status of the situation along with options to remedy the problems.

Dave Pellegri has reviewed the old comments from VHB. He has also reviewed all the data and will look at how this data may vary. He suggested doing a joint presentation with Merrikin Engineering.

The difficult situation clearly involves the drainage easements.

It was recommended that Tom Holder have someone from DPS at the meeting on November 22, 2011.

The Board discussed that the situation becomes more difficult to rectify since the standards have changed relative stormwater.

Susy Affleck-Childs informed the Board that they could impose a higher standard since it has been so long since the subdivision was first approved.

The Board created a list of discussion items for the November 22, 2011 meeting.

- Easements
- Drainage
- Sewer main
- Force main
- Ownership and maintenance
- Homeowners Association.

The neighbors will be made aware that the town is not responsible for this.

The group may need to organize a Homeowners Association. This will not be a function of the Planning and Economic Development Board.

The Board also discussed that the construction account is currently out of money. The Town will need to invoice Owen Sullivan. An estimate will need to be given to Owen Sullivan.

This will be discussed further at the next meeting which is scheduled for November 8, 2011.

Williamsburg Condominium

The Board is in receipt of an email dated October 20, 2011 from Gerald Swanson relating to the wattage on the street lighting on Williamsburg Way. He resides on 67 West Street. The lights are very bright. He spoke with the developer who told him to contact the Board.

Dave Pellegri from Tetra Tech Rizzo will check the levels and report back to the Board.

Franklin Creek Subdivision

The repaving on Franklin Street adjacent to Franklin Creek Lane will start tomorrow. Dave Pellegri plans to be on site.

Other Reports

Evergreen Meadows/Iarussi Way Street Acceptance

Susy Affleck-Childs reported that street acceptance for Evergreen Meadow/Iarussi way is proceeding. This has been placed on the warrant for the 11-14 fall town meeting. The

Conservation Commission concurs with the donation of the open space. There are sign offs from all the Boards and Committees. The deeds are in good order.

There was discussion about the condition of the open space parcel with public access. Recently, the developer cleaned up at the site. The area was trimmed and new gravel was spread. This will not be maintained by an association. The Town will be responsible for maintaining this area once the open space parcel is conveyed to the Town.

Susy spoke with Tom Holder to let him know this parcel is coming to the town.

There will need to be a discussion at a later date about how to maintain the other open space parcels that will be coming to the town.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to recommend street acceptance of Iarussi Way as a public way in its entirety. (Andy Rodenhiser was not present to vote)

Susy reported that the Board of Selectmen did not include our proposed zoning articles on the warrant for the fall town meeting. These will be submitted for the spring town meeting. The Board will still work on the OSRD and a frontage definition in preparation for spring town meeting.

Request for Bond Release Cedar Farms II Joe Griffiths:

The Board is in receipt of a letter dated August 24, 2011 from Joe Griffiths. **(See Attached)**

The letter is in relation to the road bond for Cedar Farms. There is a small portion of Cedar Farms which is not accepted. This is a small piece. There are approximately 3 to 4 house lots.

The letter requests a willingness to convey whatever is necessary to get his bond back.

Susy has not yet looked through the folder. A portion of the subdivision included a paper street for a cul-de-sac for legal frontage. This was back in 2003 and 2004. There was a question of ownership. The Board at the time tried to seek +guidance from the Town Administrator.

Susy will give a background report on this for the next meeting.

There is very little money in the construction account for this subdivision. Money will need to be deposited into the construction account to pay for the services provided by Tetra Tech Rizzo.

It was noted in the record that Joe Griffith is the developer of the street which Bob Tucker lives.

Informal ANR Discussion – 6 Neelon Lane:

The Board has been advised not to discuss this item on the agenda due to pending litigation (McDonald vs. Planning and Economic Development Board (Charles River Village OSRD))

This will be tabled until an executive session on November 8, 2011.

Design Review Committee Goals and Objectives 2011/2012:

Matt Buckley, Chairman of the Design Review committee prepared a memo dated October 24, 2011 with the goals and objectives for 2011-2012. **(See Attached).**

The Design Review Committee would like to attract design professionals to join the team. There are currently 5 active members. The Committee would like to have someone that has a background in architecture. The Committee has been pleased to have a laptop computer. The Committee would also like to purchase or acquire two peripheral devices for the laptop - a portable hand held scanner and a projector.

The Design Review Committee wishes to have a budget of \$1500. Susy Affleck-Childs indicated that she feels that this is doable. The Committee will need to have their numbers ready for the spring. The Committee would also like to be able to send members to seminars.

The Design Review Committee has worked with John Emidy to address any infractions to the bylaw.

One of the wish list items is to receive necessary training for MIT Open courseware. The Committee would also like to create a pamphlet for the residents to use as a tool along with livening up the website.

There was discussion about doing a mailing to the sign companies and also sending a letter to departments informing them of the DRC's services.

Susy communicated that the Design Review Committee is not a subcommittee of the Planning Board, but is more than that. The DRC has its own bylaw that specifies its responsibilities. In fact, the DRC provides support to the Planning Board but it is involved with other items such as sign reviews.

NOTE – Member Rodenhiser arrives at 8:15 p.m.

Village Estates Subdivision Public Hearing Continuation

The Chairman reopened the continued public hearing of the Village Estates Subdivision. Reference is made to updated plans dated October 21, 2011.

Susy noted that Chan Rogers is able to participate in the discussion but cannot vote since the video and audio did not take place at the meeting he was absent.

Paul Desimone started his presentation by referencing sheet 5 of 8. He communicated that to lessen the runoff, there will be an import of loam into the existing backyard to re-grade the backyard. This will allow the runoff to flow in a westerly direction around the existing garage and to the front yard. The natural flow was from back to front. There will also be a shallow rip-rap swale along the property to the rear of the site to ensure that any re-grading associated with

the new dwelling will not discharge runoff onto the abutting property. To the right, there is a proposed 6 inch deep rip rap swale grading from north to south.

Dave Pellegri indicated that the revised plan does represent the compromise.

Mr. Brundage noted that there is still roof off and the flow has changed.

Paul Desimone feels that the issue has been addressed.

Dave Pellegri indicated that the new grading is coming up a foot and will pitch down.

Member Tucker has a concern that it looks like the driveway into existing house will be under water.

Dave Pellegri noted that the water will flow across the driveway.

Member Tucker would like to see stone put under the driveway.

Paul DeSimone responded that that could be a condition put within the decision.

Susy Affleck-Childs wanted to know how do we protect the flowage pattern.

Dave Pellegri communicated that there is gradual run off and is not confined to a swale.

Susy Affleck-Childs asked if there is no easement, could we put an easement on this area to protect the flowage. There could be a flowage easement for a purpose. If the flow is what makes it work, this must be protected.

Paul indicated that there could be a flowage easement around the backyard. He also communicated that there could put a deed restriction placed on the back lot so that no grading can be done on Lot #1. This will be put in the deed.

The Board is in agreement.

Paul DeSimone said he had received clarification in regards to the street signs. The signs will put in as double sign. There will be a permanent private way sign.

Dave Pellegri communicated that there should be a specific type of gravel indicated within the decision since there is a waiver from the gravel driveway.

Susy Affleck-Childs wanted entered into the record a Mullins Rules disclosure from Karyl Spiller Walsh that she has reviewed the tape and minutes from the meeting held on October 11, 2011.

The Board reviewed the draft Certificate of Action which was dated October 20, 2011. **(See Attached)** and draft FINDINGS for waivers prepared by PGC Associates dated 10-24-2011 **(See Attached.)**

Within the findings section on page seven, the Board would like language added about the post lights at the end of the walkway. It was felt that including the reference to the Zoning Bylaw Section would be helpful.

Another finding was in relation to section 5.16.2. The Board noted that there should be language that the safety officer has provided review.

Section 5.16.5 should within the findings section should be revised that the Fire Chief and Safety Officer have provided input.

On page 10, the date of the plans needs to be changed to October 21, 2011.

There was a discussion whether something should be included about landscape. Mr. Desimone indicated that it will all be undergrowth and will grow wild.

Mr. Brundage wanted it noted that it was a pasture and not a garden.

The Board is in need of another deadline extension for action on this plan. On behalf of owner Russ Santoro, official representative Paul DeSimone submitted a written request.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to grant an extension until November 30, 2011.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to continue the hearing until November 8, 2011 at 7:30 pm.

Other Business – Claybrook II

The Board is also in receipt of a memo from the Claybrook Homeowners Association dated October 21, 2011. **(See Attached)**. The homeowners are eager for the Town to accept the streets. Susy reported there was a check secured in the amount of \$42,190 for the surety bond from Middlesex Bank that the Town has received.

Troubled Subdivisions:

The Board is in receipt of a memo from Susy Affleck-Childs dated October 19, 2011. **(See Attached)**

The memo along with the attached handout is a list of the unaccepted subdivisions throughout town. It was the original goal of the Planning Board to work on at least one troubled subdivision per year. After considerable discussion, the Board agreed that the next subdivision to work on would be Claybrook II.

Susy will do some background work on this. She and Andy Rodenhiser will be meeting with the Board of Selectmen on November 7, 2011 to discuss this and recommend Claybrook II.

Minutes:

September 13, 2011:

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from September 13, 2011.

(Member Tucker recused from vote)

September 27, 2011:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from September 27, 2011.

(Member Rogers recused from vote)

October 11, 2011:

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to accept the minutes from October 11, 2011.

(Member Rodenhiser and Spiller-Walsh recused from vote)

Private Way Standards:

The Board is in receipt of a matrix titled Private Way Standards. This matrix was created by both Susy Affleck Childs, and Dave Pellegrini. **(See Attached)**

The matrix included information about the current permanent private way standards along with the applicable section of the subdivision rules and regulations. It provided columns for 2-3 lot private way subdivisions, 4-5 lot private way subdivisions, small condo development private ways and larger condo development private ways. The Board felt that it would make sense to have each member review the matrix and email any comments and suggestions back to Susy by next Tuesday. She will compile.

The Board was pleased with all the work that has been done on this since there were no standards in place prior to 2005.

Resignation:

The Board is in receipt of a letter from Jim Sullivan relating to his resignation from the Open Space Committee. **(See Attached)**

Fincom Meeting:

Susy Affleck-Childs will be attending the FinCom Public hearing which will take place on Wednesday, November 2, 2011. This is in regard to the Board's warrant article to accept Iarussi Way for consideration at the 11-14-2011 town

OTHER BUSINESS

The Board would like a letter sent in support of the proposal for \$150,000 in CPA funds to be used toward the schematic design for the Thayer House project. Susy will prepare for the Board's review at the 11-8 meeting.

There will be a 495/MetroWest Development Compact meeting on Wednesday, November 9, 2011 in Worcester and also on November 15, 2011 in Framingham.

Adjourn:

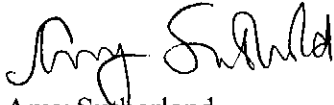
On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 11:00 pm.

Future Meetings:

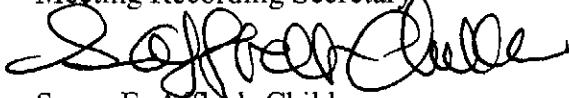
The next meetings scheduled are: Tuesday, November 8 & 22nd, 2011.

The meeting was adjourned at 11:00 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Merrikin Engineering, LLP

Consulting Engineers

730 MAIN STREET
SUITE 2C

MILLIS, MA 02054

TELEPHONE (508) 376-8883
FAX (508) 376-8823

October 21, 2011

Town of Medway
Planning Board
Town Offices
Medway, MA 02053

RECEIVED
OCT 25 2011

TOWN OF MEDWAY
PLANNING BOARD

Ref: Speroni Acres, review response

Dear Members of the Commission:

We would like to respond to the comments from VHB Dated July 12, 2011. In general, the original drainage design was not in accordance with the current Stormwater Regulations since it was approved in 1998. We are attempting to determine how the constructed system can comply within the current stormwater regulations, especially in the as-built condition since the forebays, and basins are well established and fully vegetated, with no indication of erosion, siltation or overtopping visible on the ground.

1. We have not reviewed a copy of the originally approved drainage report for the project, however, we assumed that there was no infiltration incorporated in the original design since it was before current stormwater regulations where infiltration is a requirement. Under the current regulation, however, there are requirements for infiltration, where feasible, within drainage facilities. Under these current stormwater regulations, there are infiltration rates which may be used that are based on soil types (Rawls Rate). We have utilized this rate based on the Norfolk County soil Study identification of soil types on the site.

2. Examining the developed flows in the 2-year storm, we find that the uncontrolled flows from drainage areas P7, P8 and P10, exceed the predevelopment flows in this small storm. In that case, no amount of additional control will reduce the post development flows significantly. We suspect that the reason is because the pre-development calculation has a single drainage area, while the post development is divided into many smaller drainage areas. An attempt to divide the pre-development condition into smaller drainage areas did not resolve the issue. Our opinion is that the post development increase in the 2-year storm is minor, and does not reflect a significant increase in flow.

3. Under the current proposed design, the basins could be considered extended detention basins as a treatment system. The outlets, as constructed and with proposed modifications include a lower 2" outlet, and a higher v-notch weir as a primary outlet. If the 2" outlet is considered a primary outlet, the following discussion applies.

The proposed outlet of Basin III, is the lowest outlet about 17" above the bottom of the basin, providing approximately 2,200 cf of storage, below the outlet. The WQV of this

drainage area is 670 cf, so this basin provides the required treatment under the Stormwater regulations. Basin II has a WQV of 1,243 which would require raising the lowest outlet to elevation 224.6 to treat the WQV. The current design is to have the outlet at the bottom, however it could be raised as noted. Basin I has a WQV of 1,572 cf and would require an outlet at about 226.1, 2' higher than the proposed lower outlet. If we consider that the 2" outlets are the low flow outlets intended to drain the basins between storms and that the v-notch weirs are the primary outlets, then each basin treats more than the required WQV (Basin I - about 8,000 cf, Basin II - about 5,000 cf and basin III - about 9,000 cf.).

4. We have measured the forebays and note the following:

Basin I forebay contains about 231 cf with a 12" high outlet dike. The required volume is 314 cf. Raising the outlet dike about 4" will provide the required 314 cf. of volume. Raising this dike is a feasible option.

Basin II forebay contains about 121 cf with a 12" high outlet dike. The required volume is 249 cf. which would require raising the dike to about 20"

Basin III forebay contains about 324 cf with a 30" high dike. The required forebay volume is 134 cf so the forebay complies with the regulations.

5. This is an unusual project approach to the Stormwater regulations. Since the development predated current stormwater regulations, The current drainage system was not designed (or approved) with the current standards in mind. Our approach to this project has been to (a) make an analysis of a "predevelopment condition" which existed prior to development. Off-site modifications in the watershed areas made after this project was built, have been accounted for in the "existing condition" calculations, and (b) the proposed condition actually models the existing drainage system (piping and basins) with proposed modifications which we have noted, to equate with the existing system. Finally, we have determined how the current condition meets (or not) the current Stormwater Standards. This is a reasonable approach since the project may not actually need to meet any of the current standards. The only feasible way to address a condition like this in the "Stormwater regulations" is to call it a redevelopment which is not required to meet all standards. In addition, the lots are fully developed around the basin areas, and all property, except possibly the roadway, has been transferred to current lot owners. Because of this, wholesale modifications to the basins are not possible.


6. Each primary outlet consists of a 4' square box outlet unit, 6 high, with a wide v-notch weir from the top down 3'. Flows from this weir drop to the bottom of the outlet structure where a 12" opening allows flows to discharge. A wide, open top v-notch weir is a non-clogging outlet which can perform as the "emergency overflow". With respect to the actual dikes around the detention basins. Much of the dike outside surfaces are rip-rap and would be stable in case of a overflow. Creating an "emergency overflow" would probably only require lowering a small section of the dike top (or using the dike low point), adding rip-rap at the top of a dike. This would be in a section where existing rip-rap sides already exist. As stated above, this work must be limited to hand work since access to the rear of the basins is very limited.

We suggest that we meet with TTR to discuss the best approach for the Town and the Applicant to address any remaining issues with the drainage system. We can then address the final issues with plans and/or calculations and present them to the Board and abutters at a public meeting.

Please do not hesitate to contact me if you have any questions or comments. We will await your suggestions.

Sincerely,

MERRIKIN ENGINEERING, LLP

A handwritten signature in black ink, appearing to read 'Richard F. Merrikin', written in a cursive style.

Richard F. Merrikin P.E.

cc: File 682-01
TTR
Owen Sullivan

August 24, 2011

To: Midway Planning Board
From: Joe Griffiths (Traveler Realty Inc.)
Re: Cedar Farms Road Bond

RECEIVED

AUG 24 2011

TOWN OF MIDWAY
PLANNING BOARD

In October 2002 as built plans for the final phase of Cedar Farm road was submitted and reviewed by VHB, the Deeds agent.

To the best of my recollection all punch list items were complete except for status of the ownership disposition of an unbuilt culdesac. On 11/6/2002 this issue was raised by Diane Bergerette to the town administrator for which I never heard his response.

I am willing to convey whatever fee interest I may have returned if that is what is required to secure release of my bond soon.

Please advise 508-243-6193

Joe Griffiths

It is the role of the Design Review Committee (DRC) to provide sound, design based recommendations to the Planning and Economic Development Board, Medway businesses, residents, municipal Boards and Committees in regard to subdivisions, site plans, and sign proposals using the Medway Master Plan and the Design Review Handbook as a guide.

GOALS/PRIORITIES

1. To attract design professionals to our team such as architects, community planners, environmental engineers, graphic designers, landscape and site designers, who are a Medway residents with a strong sense of commitment to maintaining and improving the quality of life in the Town of Medway.
 - A note has been placed on the Town website to this effect.
 -
2. The DRC has been very pleased by the acquisition of a laptop computer. It is the DRC's wish to acquire two peripheral devices for the laptop computer to further enhance our capabilities.
 - A portable hand held scanner. This device, which is slightly larger than a pen, will allow images to be acquired from applicants on the spot and brought to the laptop in real time. These products are priced around 100 dollars
 - A miniature USB projector to enable images on the computer to be shown to the group as whole. The products are priced around 200 dollars.
3. The DRC has begun the process of updating the Town seal. This process will mainly involve the creative resources of the committee during the inception. The intention is to have the seal ready for the 300th Anniversary events in 2013. With this in mind the DRC intends to have the proposed seal ready for review at the spring 2012 town meeting. As the process moves toward completion, the DRC wishes to employ the services of a professional design company for the purposes of putting finishing touches to the seal and making it print ready.
 - The DRC wishes to allow a budget up to 1500 dollars for these important services.
 - The DRC wishes to work in closely with the PEDB to produce an estimated cost structure for the rolling-out of an updated Town seal

4. The DRC has been very pleased with the availability of the Library conference room. It is an ideal and convenient location. The DRC wishes to request the use of a small two-drawer file cabinet for the storage of documents and related materials. The DRC will appeal to the Library Board that this cabinet be stored in the conference room.
 -
5. To address the situation of infractions to the bylaw, and non-conforming signs put up after Design Review.
 - Send a list of infractions periodically to the Zoning Enforcement Officer.
 -
6. In order to raise design standards within the Town of Medway, we shall establish a DRC liaison to municipal departments, Boards and Committees.
 - Speak first with Suzanne Kennedy, the Town Administrator.
 - Establish a list of contacts, and match with DRC members.
 -
7. To obtain necessary training in areas where our committee is weak in expertise such as architecture, and buffer zones, and community planning.
 - MIT Open courseware
 - Local Architects, Landscape Architects
 -
8. Outreach to high school students.
 - Student Government
 - Art Club
9. Update Design Guidelines – We would like to freshen up the Design Guidelines and include graphic illustrations. This will make it more understandable and user friendly.

Town of Medway, Massachusetts

CERTIFICATION
PURSUANT TO G. L. c. 39, SECTION 23D
OF PARTICIPATION IN A SESSION OF AN
ADJUDCATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED
A SINGLE HEARING SESSION

Note: This form can only be used for missing one single public hearing session.

This cannot be used for missing more than one hearing session.

Angel Smith-Clark (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of Medway Planning Board
2. I missed a public hearing session on the matter of Village estates
Oct. 11' 11
which was held on _____
3. I have reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) applicable):
 - a. ☒ audio recording of the missed hearing session; or
 - b. ☒ video recording of the missed hearing session; or
 - c. _____ a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 25 day of Oct., 2011.

Angel Smith-Clark
Signature of Board Member

Received as part of the record of the above matter:

Date: 10-05-2011

By: Susan E. Gifford-Chubb

Position: Planning & Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh

DRAFT – October 20, 2011

CERTIFICATE OF ACTION
VILLAGE ESTATES – A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
(Approved with Waivers and Conditions)

Name/Address of Applicant: Russell & Dorothy Santoro
372 Village Street
Medway, MA 02053

Name/Address of Property Owner: Russell & Dorothy Santoro
372 Village Street
Medway, MA 02053

Official Representative: Paul DeSimone
Colonial Engineering, Inc.
11 Awl Street
Medway, MA 02053

Engineer: Merrikin Engineering, LLP
730 Main Street
Millis, MA 02054

Land Surveyor: Colonial Engineering, Inc.
11 Awl Street
Medway, MA 02053

Plan Dated: May 19, 2011, last revised _____

Location: 272 Village Street

Assessors' Reference: Map 1C – Parcel 114

Zoning District: AR-II

I. PROJECT DESCRIPTION: The proposed *Village Estates Definitive Subdivision Plan* includes 2 residential house lots and a 219 linear foot single-access, permanent private roadway to be known as Bedelia Lane, to be developed on a 2.026 acre parcel of land located at 272 Village Street, a Medway Scenic Road. The parcel is presently owned by Russell and Dorothy Santoro of Medway, MA. The proposal includes construction of an underground stormwater drainage area to comply with Massachusetts DEP stormwater management requirements and extension of Town water and sewer. A portion of the site is in Wetlands Resource Area. The parcel includes one existing single family house which will be retained on Lot 1 and which will derive its legal frontage from Village Street and a portion of the new Bedelia Lane. The applicant intends to apply for a special permit from the Medway Zoning Board of Appeals to construct a two-family dwelling on Lot 2.

II. PROCEDURAL SUMMARY: With respect to *The Village Estates Definitive Subdivision Plan*, the Planning and Economic Development Board hereby certifies as follows:

1. On May 31, 2011, it received an application for approval of the *Village Estates Definitive Subdivision Plan*, dated May 19, 2011 prepared by Colonial Engineering, Inc. of Medway, MA. This definitive subdivision plan was preceded by submission of a preliminary subdivision plan, which the Planning and Economic Development Board reviewed on January 25, 2011.
2. On June 16, 2011, it circulated the Village Estates Definitive Subdivision Plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.
3. On June 28, 2011, it commenced a public hearing on the plan. The public hearing was duly noticed in the *Milford Daily News* on June 13 and 21, 2011. Notice was sent by certified mail on June 9, 2011 to abutters within 300 feet of the property and to parties of interest. The public hearing was continued to August 9, August 23, September 13, September 27, October 11 and to October 25, 2011 when it was closed.
4. On August 9, 2011, the Planning and Economic Development Board approved the Applicant's request to extend the deadline for the Board's action to September 30, 2011. On September 27, 2011, the Board approved the Applicant's request to extend the deadline for the Board's action to October 30, 2011. On October 25, 2011, the Board approved the Applicant's request to extend the deadline for Planning and Economic Development Board action to _____.
5. All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

III. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of the Village Estates Definitive Subdivision Plan were conducted over the course of seven Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board in December 2010.

Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the

Planning and Economic Development Board and is available for public review.

Definitive Subdivision Plan Application Materials

Form C – Definitive Subdivision Plan application Dated May 25, 2011
Form D – Designer’s Certificate – Dated May 25, 2011
Form F – Development Impact Report – Dated December 15, 2010
Street Naming Application – Dated May 24, 2011
Property Deed (Johnson for Dill Family Trust to Santoro) – Dated January 24, 2008
WPA Form 4B – Order of Resource Area Delineation by Medway Conservation Commission
for MassDEP file # 2160780 – October 2010

Definitive Subdivision Plan – Colonial Engineering, Inc.

May 19, 2011
Revised – July 25, 2011
Revised – September 19, 2011

Drainage Calculations – Merrikin Engineering, LLP

May 19, 2011
Revised – July 20, 2011

Request for Waivers from Subdivision Rules and Regulations – Colonial Engineering

July 27, 2011
September 27, 2011

Town Engineering Consultant Reviews – David Pellegri, P.E. Tetra Tech

June 23, 2011 letter
August 3, 2011 letter
September 12, 2011 report of 8/25/2011 site visit
September 22, 2011 letter
October 11, 2011 email

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates

June 23, 2011
August 1, 2011

Supplemental Information Provided By Applicant’s Consultants

Merrikin Engineering, LLP – Letter dated July 21, 2011 from Dan Merrikin in response to June 23, 2011 Tetra Tech review letter

Colonial Engineering, Inc. – Letter dated July 25, 2011 from Paul DeSimone in response to June 23, 2011 review letters from PGC Associates and Tetra Tech.

Colonial Engineering, Inc. - Revised roadway layout showing road moved 2 feet easterly – received August 15, 2011

Merrikin Engineering, LLP – Letter dated October 10, 2011 from Dan Merrikin with additional drainage analysis in response to questions raised at the September 27, 2011 public hearing

Citizen/Resident Letters - None

Citizen/Resident Testimony

Wayne Brundage, 268 Village Street (6/28/11, 8/9/2011, 8/23/2011,)

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA

David Pellegrini, P.E., Tetra Tech – Framingham, MA

Paul DeSimone, Colonial Engineering, Inc. – Medway, MA

Medway Departmental/Board Review Comments

Memo dated September 26, 2011 from Paul Trufant, Medway Fire Chief

Email communication dated October 5, 2011 from Medway Police Department Safety Officer Sergeant Jeffrey Watson

Email communication dated August 4, 2011 from Thomas Holder, Medway DPS Director

Letter dated September 26, 2011 from William Donahue, Superintendent Water & Sewer Division, Medway DPS

Letter received May 31, 2011 from Building Commissioner/Zoning Enforcement Officer John F. Emidy.

The Board is also in receipt of several confidential email communications from Town Counsel Barbara Saint Andre of Petrini & Associates.

IV. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS – The Applicant has requested waivers from the following sections of the *Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 7.6.2 b) Water Facilities Installation – *Water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use. Water facilities must conform to the Medway Water Rules and Regulations, which are under the jurisdiction of the Water and Sewer Department. Proper connections shall be made with existing public water systems. Water lines shall be at least 8-inch diameter cement-lined ductile iron, Class 52 or greater, or as currently required by the Town of Medway Water and Sewer Department and shall be furnished with adequate valves and appurtenances to the specifications of the Town of Medway Water and Sewer Department. Water pipes shall be extended and connected to form a loop type system. Easements across lots shall be used to eliminate dead ends.*

FINDINGS –

SECTION 7.7.2 p) Stormwater Management – Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots. The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of-way. The limits of a detention pond are characterized by a distinct break in the proposed grading. For a pond cut into the existing grade, the limit is defined as the top of the proposed slope where it meets the existing grade. For a pond built above the existing grade using berms, the limit is defined as the bottom of the berm slope on the exterior side of the pond where it meets the existing grade.

FINDINGS

SECTION 7.9.2 d) Alignment – Property lines at a street intersection shall be rounded or cut back to provide a property line radius of twenty-eight feet (28'), or for a curb radius of not less than forty feet (40'), whichever is more stringent or as required to provide a distance between street pavement and property lines.

FINDINGS

SECTION 7.9.7 h) ROADWAY CONSTRUCTION – Pavement for roadways in subdivisions shall be Hot Mix Asphalt Pavement. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Section 400 and Section M of the Standard Specifications except that no such construction shall be undertaken before April 15th of any year, not after November 15th of any year. Pavement on minor and secondary residential subdivision streets shall be laid to a compacted depth of four inches (4") and laid in two (2) courses. The intermediate (binder) course shall consist of Dense Binder and be compacted to two and one-half inches (2-1/2"); the surface shall consist of Top Course and shall be compacted to one and one half inches (1-1/2").

FINDINGS –

SECTION 7.10.2 CURBS AND BERMS – Hot mix asphalt Cape Cod Berm shall be provided along the full length of a permanent private way.

FINDINGS –

SECTION 7.17.1 FIRE PREVENTION AND PROTECTION MEASURES – A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.

FINDINGS –

7.21 STREET LIGHTS (entire section)

FINDINGS -

Mitigation Plan

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources. The use of compacted gravel instead of hot mix asphalt will _____.
5. ~~The applicant will contribute \$4,700 to the Town of Medway Sidewalk Fund in lieu of constructing sidewalk on Franklin Street. This amount is based on 99 linear feet of 5.5 foot wide hot~~

~~mix asphalt sidewalk with a 6.5 foot grass strip, 2 cement concrete wheelchair ramps, and 99 linear feet of hot mix asphalt berm Type A.~~

6. ~~The applicant has agreed to specify Selective Cut Zones on lots 1-3 to be shown on the plans and to be referenced in the Homeowner's Covenant.~~

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____ and seconded by _____ to approve the above noted Waiver Findings. The motion was _____ by a vote of ____ in favor and ____ opposed.

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____ and seconded by _____ to _____ the above noted Mitigation Plan. The motion was _____ by a vote of ____ in favor and ____ opposed.

Action on Waiver Request - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by - _____ and seconded by _____ to _____ the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations*. The motion was _____ by a vote of ____ in favor and ____ opposed.

V. PROJECT EVALUATION CRITERIA - Before taking action on a Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____, seconded by _____ to _____ the Project Evaluation Findings noted below. The motion passed by a vote of ____ in favor and ____ opposed.

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS - *The Planning Board finds that the submissions were complete and technically accurate.*

5.16.2 Determination that the street pattern is safe and convenient and that proper provision is made for street extension. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.

FINDINGS -

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS -

- 5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

FINDINGS –

- 5.16.5 Determination that the roads and ways leading to and from the subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel for the projected volume of traffic. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.

FINDINGS –

- 5.16.6 Conformity with all applicable requirements of the Medway Zoning By-Law including but not limited to minimum area and frontage standards.

FINDINGS –

- 5.16.7 Consistency with the purposes of the Subdivision Control Law.

FINDINGS –

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____ a motion was made by _____ and seconded by _____ to _____ the ***Village Estates Private Way Definitive Subdivision Plan***, prepared by Colonial Engineering Inc. dated _____, last revised _____, subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the following sections of the *Subdivision Rules and Regulations* dated April 25, 2005.

Insert list of waivers

The motion was _____ by a vote of ____ in favor (*list names*) and 0 opposed (*list names*).

VII. CONDITIONS – The following specific and general conditions shall apply to the Applicant, its executors, administrators, devisees, heirs, successors and assigns:

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 2 residential house lots. It is understood the applicant intends to apply for a special permit from the Medway Zoning Board of Appeals to construct a 2 family structure on Lot 2. As a permanent condition of this plan, no further subdivision of the property beyond these 2 lots will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Planning and Economic Development Board, within three (3) years of the date of endorsement of the plan.
3. It is understood that the existing curb cut for 272 Village Street will be eliminated. Access for Lots 1 and 2 will come from Bedelia Lane.
4. *Ownership of Bedelia Lane* - It is understood that Bedelia Lane shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Village Estates Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the definitive subdivision plan. The Association shall ultimately own and maintain the parcel with the private roadway to be known as Bedelia Lane including snowplowing and sanding, maintain and operate the stormwater detention/infiltration system and related infrastructure, and maintain _____.

5. The Applicant shall specifically reserve to itself ownership of the fee in Bedelia Lane and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadways and all easements to the Village Estates Homeowners Association before the Planning and Economic Development Board approves the final bond release or, if there is no bond, then approval of the as-built plan.
6. Prior to endorsement, the plans dated September 19, 2011 shall be revised to include the following references:
 - a note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision*
 -
7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.
8. ~~Selective Cutting Zone~~—Prior to endorsement, the plan shall be revised to include a drawing depicting Selective Cutting Zones on Lots 1, 2 and 3. In the Selective Cutting Zone, no disturbance shall occur other than for the installation of the approved drainage system, underground utilities, pool, shed, agricultural buildings and fencing. In addition, living and growing vegetation shall be retained and may not be removed except for the installations previously noted. Dead, damaged or harmful vegetation may be removed from the Selective Cutting Zone. This Condition should not be construed as preventing a property owner from routine maintenance and upkeep.
9. ~~Landscaping~~—Prior to endorsement, the plans shall be revised to show a landscaped area within the roadway's cul-de-sac layout east of the hammerhead roadway bend in the area around the 30" and 18" maple trees. This is in lieu of a landscaped island within a cul-de-sac. The landscape materials shall include low maintenance, 4 season, mixed variety vegetation.
10. *The Village Estates Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing The Village Estates Homeowners' Association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of Bedelia Lane and the stormwater management system.
11. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance*

Agreement Governing the Village Estates subdivision – The future owners of lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.

12. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Bedelia Lane is a private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement Governing the Village Estates Subdivision*.
13. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Bedelia Lane and all easements shown on the plan to the Village Estates Homeowner's Association, for review, comment, amendment and approval by Town Counsel.
14. *Scenic Road Work Permit* - Prior to endorsement, the Applicant shall secure a Scenic Road Work Permit from the Medway Planning and Economic Development Board. Any conditions or tree planting requirements of the Scenic Road Work Permit shall be depicted on the final definitive subdivision plan presented for endorsement.
15. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the Village Estates subdivision*, any articles of association establishing the Village Estates Homeowner's Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Planning and Economic Development Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred
16. *Sidewalk Construction* –

17. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of Village Estates Lane and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the Village Estates Homeowners Association.

General Conditions

18. *Expiration of Appeal Period* - Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
19. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property owned in Medway by the applicant.
20. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a statement savings account (*with the Town of Medway*) at an area financial institution with which the Applicant will place a cash bond. The applicant shall provide the Medway Treasurer with a signed withdrawal slip from said account which shall be retained by the Medway Treasurer.
21. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three (3) years of the date of plan endorsement.
22. *Subdivision Bond* - At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer.
23. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all "*Order of Conditions*" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the "*Order of Conditions*" shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a modification to the Definitive Plan. The Planning and

Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "*Order of Conditions*" that may be deemed appropriate by the Planning and Economic Development Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Planning and Economic Development Board endorses the plan modification.

Additionally, upon issuance of any "*Order of Conditions*" requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning and Economic Development Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

24. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Medway Planning and Economic Development Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Planning and Economic Development Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
25. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
26. *Proof of Taxes Paid* - Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.
27. *Pre-Construction Meeting*
28. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs,

as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

29. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

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**VILLAGE ESTATES DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF PLANNING AND ECONOMIC DEVELOPMENT
BOARD ACTION**

Date of Action by the Medway Planning and Economic Development Board:

AYE:

NAY:

Date Signed: _____

Attest:

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Date

Date Filed with the Town Clerk: _____

Copies To: Russ and Dorothy Santoro
Paul DeSimone, Colonial Engineering, Inc.
David D'Amico, Public Services
John Emidy, Building Commissioner
Bill Fisher, Board of Health
Thomas Holder, Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Assessor
Melanie Phillips, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone
Paul Trufant, Fire Chief
Sergeant Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegrini, Tetra Tech

VILLAGE ESTATES
10-24-2011 Draft Text for FINDINGS ON WAIVERS
(Prepared by PGC Associates)

IV. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS – The Applicant has requested waivers from the following sections of the *Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 7.6.2 b) Water Facilities Installation – *Water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use. Water facilities must conform to the Medway Water Rules and Regulations, which are under the jurisdiction of the Water and Sewer Department. Proper connections shall be made with existing public water systems. Water lines shall be at least 8-inch diameter cement-lined ductile iron, Class 52 or greater, or as currently required by the Town of Medway Water and Sewer Department and shall be furnished with adequate valves and appurtenances to the specifications of the Town of Medway Water and Sewer Department. Water pipes shall be extended and connected to form a loop type system. Easements across lots shall be used to eliminate dead ends.*

FINDINGS – The applicant requests that these requirements be waived and proposes instead that a common 2" water line or two 1 ½" water lines be installed to serve the proposed duplex house. The Board finds this acceptable since no fire hydrant will be located on the proposed new way and the Water and Sewer Division of the Department of Public Services has approved the proposed water services subject to compliance with its Water and Sewer Regulations.

SECTION 7.7.2 p) Stormwater Management – Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots. The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of-way. The limits of a detention pond are characterized by a distinct break in the proposed grading. For a pond cut into the existing grade, the limit is defined as the top of the proposed slope where it meets the existing grade. For a pond built above the existing grade using berms, the limit is defined as the bottom of the berm slope on the exterior side of the pond where it meets the existing grade.

FINDINGS – The applicant requests that the proposed detention basins be allowed to be located within the right-of-way and less than 30 feet from lot lines. The Board finds that the proposed drainage system is designed in accordance with LID standards as well as DEP Stormwater Management standards. Furthermore, the closest basin is about 45 feet from the foundation of the proposed new house and its bottom elevation is close to the bottom elevation of the foundation so it pose no danger to that foundation. The applicant also proposes landscaping to help the basins blend into the site better than a conventional detention basin.

SECTION 7.9.2 d) Alignment – *Property lines at a street intersection shall be rounded or cut back to provide a property line radius of twenty-eight feet (28'), or for a curb radius of not less than forty feet (40'), whichever is more stringent or as required to provide a distance between street pavement and property lines.*

FINDINGS – The applicant proposes a 24' curb radius on the west side of the proposed permanent private way because the property line on that side is perpendicular to the Village Street right-of-way so there is insufficient room for the required 40' curb radius. Due to the limited traffic on this permanent private way, the Board finds this design is acceptable.

SECTION 7.9.7 h) ROADWAY CONSTRUCTION – *Pavement for roadways in subdivisions shall be Hot Mix Asphalt Pavement. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Section 400 and Section M of the Standard Specifications except that no such construction shall be undertaken before April 15th of any year, not after November 15th of any year. Pavement on minor and secondary residential subdivision streets shall be laid to a compacted depth of four inches (4") and laid in two (2) courses. The intermediate (binder) course shall consist of Dense Binder and be compacted to two and one-half inches (2-1/2"); the surface shall consist of Top Course and shall be compacted to one and one half inches (1-1/2").*

FINDINGS – The applicant proposes to construct the road with gravel only, and not pave it. A paved apron is proposed at the intersection with Village Street within the Village Street right-of-way and for a distance of approximately 20 feet onto the site. The Board finds this acceptable due to the limited traffic on the permanent private way, the protection provided by the paved apron and because the drainage design is based on a paved road so it will continue to be valid in the event the owners pave the road in the future.

SECTION 7.10.2 CURBS AND BERMS – *Hot mix asphalt Cape Cod Berm shall be provided along the full length of a permanent private way.*

FINDINGS – The applicant proposes to eliminate a Cape Cod berm along the edge of the proposed roadway. Since most of the road will be gravel, there is no need for a berm along the edge so the Board finds this acceptable. However, a cape Cod berm will be required along the edges of the paved portion of the roadway.

SECTION 7.17.1 FIRE PREVENTION AND PROTECTION MEASURES – *A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.*

FINDINGS – The applicant proposes to not install a fire alarm system in the private way. The Fire Department is converting to a new system. Therefore, the Board finds this waiver to be acceptable subject to a payment in-lieu of the system into a Fire Department fund for installation of the new system in an amount to be determined by the Fire Chief.

7.21 STREET LIGHTS *(entire section)*

FINDINGS – The applicant proposes not to install street in the subdivision. Due to the limited traffic on the permanent private way, the existing street lights along Village Street and the fact that the character of the way is similar to a driveway, the Board finds this acceptable.

VILLAGE ESTATES
10-24-2011 Draft Text for
FINDINGS ON PROJECT EVALUATION CRITERIA
(Prepared by PGC Associates)

V. PROJECT EVALUATION CRITERIA – Before taking action on a Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____, seconded by _____ to _____ the Project Evaluation Findings noted below. The motion passed by a vote of ____ in favor and ____ opposed.

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – The Planning Board finds that the submissions were complete and technically accurate.

5.16.2 Determination that the street pattern is safe and convenient and that proper provision is made for street extension. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.

FINDINGS – The Board finds that the proposed street is safe and convenient. It has been reviewed by both the Fire and Police Chiefs and the Town's consulting engineer. As a permanent private way, it will handle a minimum amount of traffic.

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the site distances from the proposed road are adequate. The site will be tied into Town water and sewer, and erosion controls will be in place during construction. The Town's safety officer has reviewed the plans and has not found any unwarranted safety deficiencies.

5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

FINDINGS – The site of the subdivision is not within a Priority Habitat area and the wetlands at the rear of the site will be protected. Stormwater management has been adequately addressed and only a single-family house or duplex is proposed to be constructed. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.

- 5.16.5 Determination that the roads and ways leading to and from the subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel for the projected volume of traffic. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.

FINDINGS – The Board finds that the proposed roadway is adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic, subject to the changes required by the Town's Safety Officer. The roadway will be built according to the Board's specifications for a permanent private way, except as waived herein. The plans have been reviewed by the Fire Chief as well as the Town's Safety Officer.

- 5.16.6 Conformity with all applicable requirements of the Medway Zoning By-Law including but not limited to minimum area and frontage standards.

FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning By-Law, including minimum area and frontage requirements.

- 5.16.7 Consistency with the purposes of the Subdivision Control Law.

FINDINGS – The Board finds that the proposed subdivision is consistent with the purposes of the Subdivision Control Law because it meets the requirements for a permanent private way, except for the reasonable waivers that have been granted herein with good cause.



TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

October 19, 2011

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Next Steps for Troubled Subdivisions

Now that portions of Hunter and Ivy Lane in the Birch Hill subdivision have been accepted and conveyed to the Town, it is time to decide which of the "troubled" subdivisions we will work on next. Attached is an updated listing of the various unaccepted streets. Andy Rodenhiser and I are scheduled to meet with the BOS on November 7th to discuss this matter. I would like to go into that meeting with a recommendation from the PEDB.

I would ask that the Board discuss the following "troubled" subdivisions as you decide which one to recommend to the BOS to be the next one subdivision to focus on for street acceptance.

- Candlewood/Island Drive – Candlewood and Island
- Cedar Farms II (portion) – Cedar Farms Road
- Claybrook II – Wildebrook, First Colony and the northern portion of Summit
- Forest Road – Forest Road
- The Meadows - Cardinal and Goldenrod
- Willow Green/Green Acres - Azalea

Claybrook Homeowners Association
161 Summer Street
Medway, MA 02053

RECEIVED
OCT 21 2011

October 21, 2011

TOWN OF MEDWAY
PLANNING BOARD

Planning Board
Town of Medway
155 Village Street
Medway, MA 02053

Board of Selectmen
Town of Medway
155 Village Street
Medway, MA 02053

RE: CLAYBROOK II SUBDIVISION

Dear Sirs/Madams:

We are pleased to hear that the town has secured the \$42,190 surety bond from the Middlesex Bank related to the Claybrook II subdivision and feel it's a great step towards Wildebrook Rd, First Colony Drive and Summit Rd. being accepted by the town.

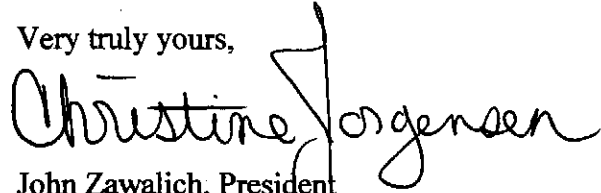
Please let us know if you have received any response from the developers to your letter dated June 2, 2010 demanding an additional \$23,677 in surety to cover the total expense estimated by Tetra Tech Rizzo (5/7/2010 report to Susan Affleck-Childs) to complete the work necessary for street acceptance.

We also have a few questions related to this issue:

- What are the specific steps that need to be covered in order for the town to grant acceptance for the three streets in our subdivision?
 - What happens if the developer refuses to pay the additional \$23,677 surety or whatever additional amount is required after a new inspection of the roads is completed?
 - Is there anything the homeowners can specifically do to support your efforts?
 - Can some of the work required on the roads and detention basin be completed and funded from the \$42,190 surety the town has retained?
 - Can the town assist in installing a street sign at First Colony Drive as soon as possible?
- We feel this is an issue of safety and would appreciate your help to get this taken care of.

Thanks for the support you've given us in this matter. This has been a long 14 year process for the homeowners and we would appreciate your help to get this resolved and have our streets accepted as soon as possible.

Very truly yours,

A handwritten signature in cursive script that reads "Christine Jorgensen". The signature is written in black ink and is positioned above the typed names.

John Zawalich, President

Karen Nowicki, Treasurer

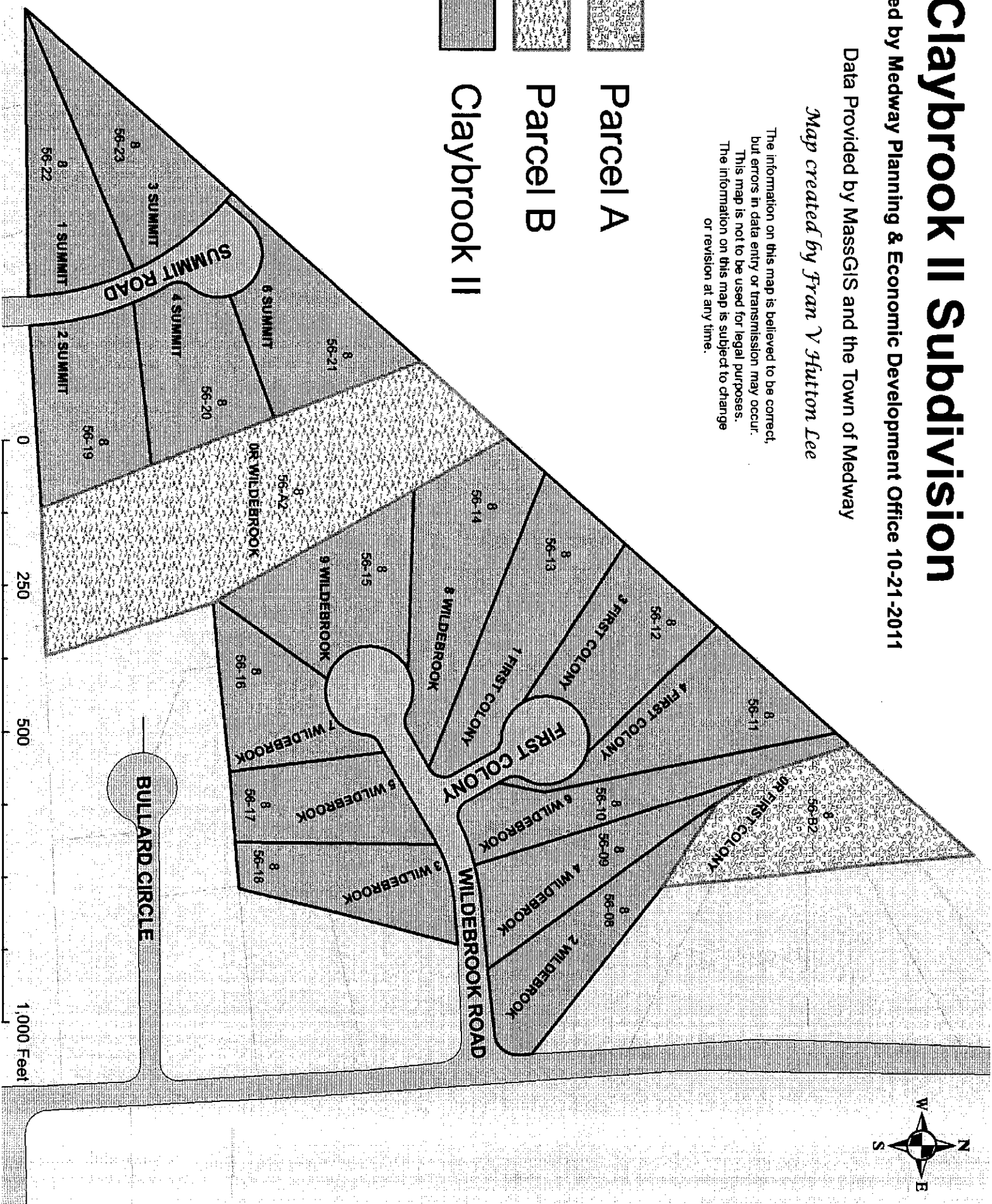

Christine Jorgensen, Secretary

/kln

cc: DPW

Data Provided by MassGIS and the Town of Medway

The information on this map is believed to be correct, but errors in data entry or transmission may occur. This map is not to be used for legal purposes. The information on this map is subject to change or revision at any time.





TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

October 19, 2011

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RE: Next Steps for Troubled Subdivisions

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I would ask that the Board discuss the following "troubled" subdivisions as you decide which one to recommend to the BOS to be the next one subdivision to focus on for street acceptance.

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- Forest Road – Forest Road
- The Meadows - Cardinal and Goldenrod
- Willow Green/Green Acres - Azalea

Discussion on Private Way Standards

	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots	PROPOSED REVISED Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
Applicability	developments of 3 lots/dwelling units	7.9.1	2 & 3 lots	4 & 5 lots	Up to how many units?	size???
Purpose of roadway	Legal frontage and access	NA	Legal frontage and access	Legal frontage and access	Access	Access
ROW width	STANDARD - 50'	7.9.4 b)				
Cul de sac - outside roadway diameter	STANDARD - at least 100'	7.9.4.c)				
Cul de sac - property line diameter	STANDARD - at least 120'	7.9.4.c)				
Paved width - 2 way road	18'	7.9.7.g)				
Paved width - 1 way road	no standard	NA				
Road composition/materials		7.9.7				
Sidewalks within the development	not required	7.13.2				
Walkways/bikeways	at PB's discretion - to connect to adjacent subdivisions	7.22				

Discussion on Private Way Standards

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots	PROPOSED REVISED Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	Proposed for Larger Private Way Condo Developments
Sidewalks on frontage of the existing way on which the property fronts	STANDARD - required to be constructed or payment in lieu of to Sidewalk Account	7.13.3				
Curbing/edge treatment	hot mix asphalt/Cape Cod berm	7.10.2				
Grass strip between curb and sidewalk	not required	7.13.2				
Handicap Accessibility	as required for ADA and AAB	as required for ADA and AAB				
Minimum intersection/corner radii	no standard	NA				
Minimum Horizontal Centerline Radii	150'	7.9.2. b)				
Maximum Centerline Grade	8%	7.9.5.b)				
Dead end length	STANDARD - 600' from the centerline of an intersecting through street	7.9.6. b)				

Discussion on Private Way Standards

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED	PROPOSED	PROPOSED for Small Private Way Condo Developments	Proposed for Larger Private Way Condo Developments
			REVISED Private Way Subdivisions 2 & 3 lots	REVISED Private Way Subdivisions 4 & 5 lots		
Dead end Turnaround	STANDARD - 24' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	7.9.6 e)				
Design Speed	25 mph	Table CD-1				
Driveways	STANDARD	7.11.1				
Street Trees	STANDARD - 3 trees per lot set back at least 6' behind the ROW line	7.19.2				
Stormwater management	STANDARD	7.7				
Street lights	STANDARD	7.21				
revised 9-7-11 sac						

NOTE - STANDARD means the regular standards of the Subdivision Rules and Regs apply and that there are no existing special private way standards for this particular feature.

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Susan Affleck-Childs

From: Tina Wright [Tina.Wright@tbrassociates.com]
Sent: Wednesday, October 19, 2011 6:27 PM
To: Susan Affleck-Childs
Subject: FW: Open Space

RECEIVED
OCT 20 2011

FYI

TOWN OF MIDWAY
PLANNING BOARD

From: Jim & Cindy Sullivan [mailto:sullijc96@comcast.net]
Sent: Wednesday, October 19, 2011 6:00 PM
To: Tina Wright; Jim & Betty; pccmarble@gmail.com; pmchallam@quinobequingis.com; mikefrancis75@verizon.net; bruceh508@yahoo.com; glennmurphy@verizon.net
Subject: Open Space

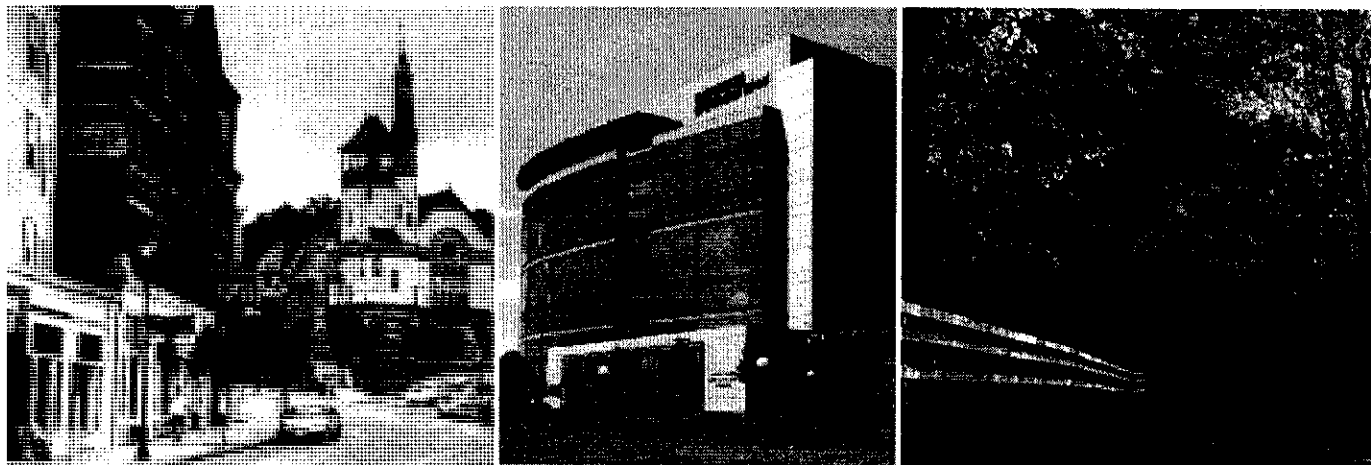
Hi,

I have to apologize for being absent for the past 5-6 months. I did not plan to be out of touch for so long but various items have crept in and unfortunately, I have to limit where I spend time. It has been a pleasure to serve with you for the past year and a half! But it has come time to resign my position on Open Space. You are a dedicated group and I know my absence causes issues with voting on issues so this is in the best interest of all.

I'm sure we'll see each other around. Good luck with the amphitheater and the trails!

Best Regards,
Jim Sullivan

See the vision for economic prosperity, open space preservation, and improved transportation



in the 495/MetroWest region

Wednesday, November 9

Union Hall

Second floor at Union Station, Worcester
(parking available at Union Station
Parking Garage, 225 Franklin St.)
Open House 6–7 p.m.
Public Meeting 7–9 p.m.



Tuesday, November 15

Nevins Hall

Framingham Town Hall
150 Concord St., Framingham
Open House 6–7 p.m.
Public Meeting 7–9 p.m.

Join us for evening presentations about a regional vision for economic prosperity, preservation of open space, and improved transportation in the 495/MetroWest region. The **495/MetroWest Development Compact** kicked off in the spring in 2011. Through meetings with each city and town and regional forums, input was gathered on priorities for preservation and development. That input is the foundation for a regional vision intended to guide the investment of limited public sector resources in the future.

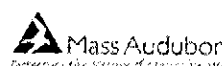
At either presentation, learn more about the vision for the 495/MetroWest region; see maps and other information to help us plan for the future; and hear perspectives from a panel of experts in conservation, transportation, local government, and private sector development.

RSVP to info@495partnership.org

For parking information and other event details visit www.495partnership.org/compactmeetings



Executive Office
of Housing and
Economic Development



The **495/MetroWest Development Compact** is an initiative of the Patrick-Murray Administration through the Executive Office of Housing and Economic Development and the above agencies and organizations to create a shared framework for state, regional, and local strategies for priority development and land preservation as well as transportation and other infrastructure investments in the 37 municipalities within the study area.

**November 8, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Consultant
Dave Pellegrini, Tetra Tech Rizzo

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments.

Susy Affleck-Childs informed the Board that there may be neighbors from the Franklin Creek subdivision at the meeting.

Residents from Franklin Creek:

Paul Sampson, 2 Franklin Street:

Mr. Sampson is concerned about the recent paving. There was no inspector on site when the paving was completed. It seems like there should be a warranty for 5 to 10 years.

NOTE – O'Brien Paving has provided a 3 year warranty.

Dave Pellegrini indicated that the basic warranty for paving is one year. This is typical. The binder needs to settle for a year.

Woodstructure Construction has submitted revised as-built plans. This was received October 31, 2011.

The formal establishment of the Homeowner's Association has been filed.

The observations noted that some of the samples did not meet standards.

There is currently \$40,000 in the bond account.

The developer was not invited to the meeting.

The residents would like the road to be repaved.

Member Tucker communicates that a three year warrantee is reasonable.

Member Gay noted that maybe the Board needs to think outside of the box. Some of the money could be given to the property owners for the Homeowners Association.

Dave Pellegri indicated that the samples were not terrible. There was a range.

It has been brought up that tack may not have been used.

Member Tucker would like this issue brought back to Dave Pellegri in relation to the tack.

Dave Pellegri will follow-up and provide feedback to the Board.

The Board will start the next meeting on November 22, 2011 at 6:30 pm to discuss the recommendation from Dave Pellegri.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted by Roll Call vote to go into executive session for the purpose of discussing pending litigation pertaining to the Charles River Village Open Space Residential Development Special Permit and will return to open session after adjourning the executive session.

Roll Call Vote:

Bob Tucker	aye
Tom Gay	aye
Karyl Spiller-Walsh	aye
Chan Rogers	aye
Andy Rodenhiser	aye

The Board entered into executive session at 7:25 p.m.

The Board returned to open session at 8:10 pm.

Village Estates:

The Board is in receipt of revisions from Village Estates which were submitted to the Board and Tetra Tech late this afternoon. The latest revision includes two swales on each side. This will be rip rap for run off control. This will also have three or four inch stone. This is six inches deep.

Dave Pellegri had suggested the swale idea as there is a natural berm. This will be for stabilization for the edges of the road. Dave has not yet seen or reviewed the revisions as he was out of the office.

There is a note from the Fire Chief's office in terms of payment in lieu of installing a fire alarm. This is for \$1,000.

Dave Pellegri will review the newest set of plans.

Paul DeSimone would like to be on the agenda for the November 29, 2011 meeting. This will be an extra meeting.

The Board briefly reviewed the revised draft Certificate of Action for the Village Estates subdivision. **(See Attached.)** It includes revisions discussed at the last meeting.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to continue the public hearing until November 29, 2011 at 7:15 pm

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to extend the deadline for the Certificate of Action for Village Estates until December 30, 2011.

There was a Mullin Rule Certification filled out by member Andy Rodenhiser for the October 11, 2011 meeting. He has viewed the audio and minutes. The certification has been signed. **(See Attached).**

71 Main Street/Norm Greene Auto Site Plan Pre-Application:

The Board is in receipt of an email dated November 1, 2011 from William Hutchinson. **(See Attached)**

The representative at the meeting was Mr. William Hutchinson.

The email also referenced drawings for the proposed expansion at 71 Main Street. The plans indicate that two new service bays are to be constructed. The two existing service bays are to be converted to a convenience store. **(See Attached).**

The plan shows the elevations. The intent of the site plan is to square off the building.

The Chairman wanted to know how the traffic will flow.

The applicant indicated that the traffic flow will stay the same.

Another question was asked about the parking.

There is enough parking to the left side. The applicant will take photos to show the parking.

The Board recommends showing the parking and how the property will be used for the convenience store. Also explain how the plan will address the flow for the customers using the store.

The Board would like to see a new site plan with an updated date.

The right of way is noted on the plan. There needs to be more information about the right-of-ways.

Karyl Spiller-Walsh noted that the Design Review Committee had met previously with an architect for the owner and had provided some comments for revisions which have not yet been incorporated into the existing plan as presented to the Board tonight.

If the signs will be new, make sure that the sign bylaw is followed.

The applicant does not want to change anything relating to the curb cuts.

Susy wanted to get Dave Pellegrini's opinion about the drainage due to the additional area.

The Board notes that the entire site is already impervious as it is paved.

The Board would like to know where the water will be going.

It was suggested that a letter be provided from an engineer that there will not be an increase in the runoff.

The plans will need to be clearer about what is occurring on site.

Scenic Road Work Permit Modification – Applegate Farm/Ellis Street:

The Board is in receipt of a memo and drawing from GLM Engineering Consultants dated October 31, 2011. (See Attached). Rob Truax was present along with property owner Brian Griffin.

Andy Rodenhiser stepped down and recused himself from the meeting at 8:43 pm as GLM Engineering is the consulting engineer for his subdivision development. He left the room.

Vice-Chairman Tucker ran the meeting.

Lots 4-6 have been sold. The new owner is proposing to construct a home on Lot 5. There are no immediate plans to construct homes on the other two lots. The previously approved driveway opening is located on Lot 6. This was approved as a common access for all three lots. The owner is proposing to construct a house on Lot 5 with a driveway as shown on the proposed house location plan. The last plan was approved in 2006. The Griffins purchased all lots (Lots 4, 5, 6). The applicant wants to take the driveway opening and move it to access Lot 5.

A new scenic road work permit application would have to be filed in the future if access is sought across the stone wall on lots 4 and 6.

The Board would like the engineer to check the requirement for the distance between a curb cut and a cross street.

Rob Truax noted that large oak tree will not be taken down. The gate will be left as is.

The corners of the driveway will be wrapped in the removed stone.

The Board does not have any issues.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the revised street opening for Scenic Road Work Permit Modification for Applegate Farm/Ellis Street. (Andy Rodenhiser was not part of the vote)

The Chairman came back to the meeting at 8:54 pm.

Lawrence Waste, 40 Alder Street Site – Site Plan Pre-application Meeting

The Board is in receipt of a memo and a drawing from Guerriere & Halnon entitled Project Description Lot 41, Alder Street Lawrence Waste Services received November 1, 2011. (See **Attached**)

The owners were present for a pre-application meeting to get the opinion from the Board members on how to proceed. Robert Poxon from Guerriere and Halnon was also present.

The applicant is proposing to construct a 7,400 s.f. building for the operation of a waste removal business. The building will be divided into 2,400 square foot office area and a 5,000 square foot garage. The site has 13.2 acres. 35% of the site will be developed.

There is good drainage and soil. There will be detention underground in chambers with discharge into fore bays.

This site will be serviced by sewer, water and gas.

The Board would like further clarification of the impact. The site location was created from an extension to the Trotter Drive development.

Member Spiller-Walsh was wondering about the landscape. Verizon has added islands and she suggested leaving existing trees as islands.

There may be needed a Special Permit from the Zoning Board of Appeals as the site is located in a groundwater protection district.

The applicant indicated that the trucks are contracted out. They will not keep trucks on site.

There was discussion about the fact that there will be no pressure washing on site.

It was recommended that the garage may need floor drains.

The applicant communicated that this could be done and will include a separator.

The water protected area was shown on the plan. It is to the right of the site. The water protected area runs through the middle of the site.

The groundwater may need to be reviewed by Dave Pellegri.

It was suggested that the applicant meet with the Design Review Committee. This could happen before the site application is officially filed.

Consultant Carlucci indicated that the parking seems to be more than is actually needed.

Susy Affleck-Childs offered to coordinate a meeting with other town boards/departments.

Williamsburg Way:

The Board is receipt of an email dated October 20, 2011 from Gerald Swanson of 67 West Street expressing concern about the bright street lights at Williamsburg Condominium.

The Board is in receipt of an email communication dated October 28, 2011 from Dave Pellegri from Tetra Tech Rizzo in relation to the light issue. **(See Attached)**. Dave Pellegri conducted a visit at Williamsburg Way on October 27, 2011. The memo is noted. **(See Attached)**

The light levels primarily matched those noted on the approved development plan for Williamsburg. Dave Pellegri communicated that the only solution is putting a shield on the light.

The Board has no issue with adding a shield.

The Board will send a letter to the subdivision developers.

Speroni Acres:

The Board is in receipt of the Board's letter which was sent to the residents of Speroni Acres dated October 31, 2011 inviting them to a briefing on 11/22/2011. **(See Attached)**

Dave Pellegri provided an update about Speroni Acres. He has been in touch with Merrikin Engineering which has not received approval from the client to participate in the meeting.

The Board agreed that if Dave has not met with Merrikin Engineering by next Wednesday (11/16), the residents' meeting for 11/22 will need to be cancelled.

Dave wanted to know from Susy if there have been any complaints about the drainage over the years.

Susy communicated that there have been no complaints about drainage.

The easement issues will need to be addressed.

The Board will proceed based on feedback from Dave about his meeting with Merrikin.

Thayer House Funding Proposal:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to support the Thayer House Funding Proposal for action at the Town Meeting. (Member Rogers abstained)

Endorse Adaptive Use Overlay District Plans for 146 Main Street/Steinoff:

The Board signed the plans for the Adaptive Use Overlay District project for 146 Main Street.

Budget:

The Board is in receipt of a PED budget report dated November 4, 2011. **(See Attached)**. Susy asked members to contact her directly if there were any questions.

Consultant Report:

Gino Carlucci communicated that there will be a SWAP meeting in Franklin on November 16, 2011. The topics will be affordable housing and the Commuter Rail Study to add a permanent Foxborough schedule to the Franklin MBTA line. The study is still in draft form.

Emergency Transfer:

The Board has in their packet a copy of the proposed emergency transfer in the amount of \$21,000. This is for continued title research for the Oak Grove area. This was approved by the BOS on 11/7 and will be submitted next to the FinCom. Susy expects that will be on December 14, 2011. **(See Attached.)**

Minutes:

October 25, 2011:

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from October 25, 2011.

Private Way Standards:

This will be discussed at the next meeting.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting.

The meeting was adjourned at 10:08 p.m.

Future Meetings:

The next meetings scheduled are: Tuesday, November 22, 2011. Town Meeting is November 14th.

Minutes of November 8, 2011 Meeting
Medway Planning & Economic Development Board
Approved – November 22, 2011

Respectfully Submitted,



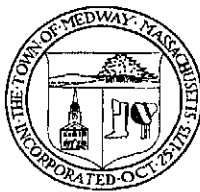
Amy Sutherland

Meeting Recording Secretary



Susan E. Affleck-Childs

Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh

REVISED DRAFT – November 4, 2011

CERTIFICATE OF ACTION
VILLAGE ESTATES – A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
(Approved with Waivers and Conditions)

Name/Address of Applicant: Russell & Dorothy Santoro
372 Village Street
Medway, MA 02053

Name/Address of Property Owner: Russell & Dorothy Santoro
372 Village Street
Medway, MA 02053

Official Representative: Paul DeSimone
Colonial Engineering, Inc.
11 Awl Street
Medway, MA 02053

Engineer: Merkin Engineering, LLP
730 Main Street
Millis, MA 02054

Land Surveyor: Colonial Engineering, Inc.
11 Awl Street
Medway, MA 02053

Plan Dated: May 19, 2011, last revised October 21, 2011

Location: 272 Village Street

Assessors' Reference: Map IC – Parcel 114

Zoning District: AR-II

Definitive Subdivision Plan Application Materials

Form C – Definitive Subdivision Plan application Dated May 25, 2011
Form D – Designer's Certificate – Dated May 25, 2011
Form F – Development Impact Report – Dated December 15, 2010
Street Naming Application – Dated May 24, 2011
Property Deed (Johnson for Dill Family Trust to Santoro) – Dated January 24, 2008
WPA Form 4B – Order of Resource Area Delineation by Medway Conservation Commission
for MassDEP file # 2160780 – October 2010

Definitive Subdivision Plan – Colonial Engineering, Inc.

May 19, 2011
Revised – July 25, 2011
Revised – September 19, 2011
Revised - October 21, 2011

Drainage Calculations – Merrikin Engineering, LLP

May 19, 2011
Revised – July 20, 2011

Request for Waivers from Subdivision Rules and Regulations – Colonial Engineering

July 27, 2011
September 27, 2011

Town Engineering Consultant Reviews – David Pennino, P.E. Tetra Tech

June 23, 2011 letter
August 3, 2011 letter
September 12, 2011 report 8/25/2011 site visit
September 22, 2011 letter
October 11, 2011 email

Town Planning Consultant Review Letters – Cino Carlucci, AICP, PGC Associates

June 23, 2011 letter
August 1, 2011 letter

Supplemental Information Provided By Applicant's Consultants

Merrikin Engineering, LLP – Letter dated July 21, 2011 from Dan Merrikin in response to June 23, 2011 Tetra Tech review letter

Colonial Engineering, Inc. – Letter dated July 25, 2011 from Paul DeSimone in response to June 23, 2011 review letters from PGC Associates and Tetra Tech.

Colonial Engineering, Inc. - Revised roadway layout showing road moved 2 feet easterly -- received August 15, 2011

Merrikin Engineering, LLP – Letter dated October 10, 2011 from Dan Merrikin with additional drainage analysis in response to questions raised at the September 27, 2011 public hearing

Citizen/Resident Letters - None

SECTION 7.7.2 p) Stormwater Management – Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots. The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of-way. The limits of a detention pond are characterized by a distinct break in the proposed grading. For a pond cut into the existing grade, the limit is defined as the top of the proposed slope where it meets the existing grade. For a pond built above the existing grade using berms, the limit is defined as the bottom of the berm slope on the exterior side of the pond where it meets the existing grade.

FINDINGS - The applicant requests that the proposed detention basins be allowed to be located within the right-of-way and less than 30 feet from lot lines. The Board finds that the proposed drainage system is designed in accordance with LID standards as well as DEP Stormwater Management standards. Furthermore, the closest basin is about 45 feet from the foundation of the proposed new house and its bottom elevation is close to the bottom elevation of the foundation so it pose no danger to that foundation. As mitigation, the applicant proposes landscaping to help the basins blend into the site better than a conventional detention basin. Also, as noted in Condition #10 below, in order to ensure that the stormwater management system continues to operate effectively and in a manner to prevent runoff to abutting property, there will be a deed restriction on Lot 1 to require that the grades of the lot as shown on the plans not be altered in the future.

SECTION 7.9.2 d) Alignment – Property lines at street intersection shall be rounded or cut back to provide a property line radius of twenty-eight feet (28') or for a curb radius of not less than forty feet (40'), whichever is more stringent or as required to provide a distance between street pavement and property lines.

FINDINGS - The applicant proposes a 24' curb radius on the west side of the proposed permanent private way because the property line on that side is perpendicular to the Village Street right-of-way so there is insufficient room for the required 40' curb radius. Due to the limited traffic on this permanent private way, the Board finds this design acceptable.

SECTION 7.9.7 h) ROADWAY CONSTRUCTION – Pavement for roadways in subdivisions shall be Hot Mix Asphalt Pavement. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Section 400 and Section M of the Standard Specifications except that no such construction shall be undertaken before April 15th of any year, not after November 15th of any year. Pavement on minor and secondary residential subdivision streets shall be laid to a compacted depth of four inches (4") and laid in two (2) courses. The intermediate (binder) course shall consist of Dense Binder and be compacted to two and one-half inches (2-1/2"); the surface shall consist of Top Course and shall be compacted to one and one half inches (1-1/2").

FINDINGS – The applicant proposes to construct the road with gravel only, and not pave it. A paved apron is proposed at the intersection with Village Street within the Village Street right-of-way and for a distance of approximately 20 feet onto the site. The Board finds this acceptable, subject to replacing gravel with dense-graded crushed stone (See condition #6 below), due to the limited traffic on the permanent private way, the protection provided by the paved apron and because the drainage design is based on a paved road so it will continue to be valid in the event the owners pave the road in the future.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____ and seconded by _____ to approve the above noted Waiver Findings. The motion was _____ by a vote of ___ in favor and ___ opposed.

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____ and seconded by _____ to _____ the above noted Mitigation Plan. The motion was _____ by a vote of ___ in favor and ___ opposed.

Action on Waiver Request - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by - _____ and seconded by _____ to _____ the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations*. The motion was _____ by a vote of ___ in favor and ___ opposed.

V. PROJECT EVALUATION CRITERIA - Before taking action on a Discretionary Subdivision Plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____, seconded by _____ to _____ the Project Evaluation Findings noted below. The motion passed by a vote of ___ in favor and ___ opposed.

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS - The Planning and Economic Development Board finds that the submissions were complete and technically accurate.

5.16.2 Determination that the street pattern is safe and convenient and that proper provision is made for street expansion. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.

FINDINGS - The Board finds that the proposed street is safe and convenient. It has been reviewed by both the Fire Chief and the Police Safety Officer and the Town's consulting engineer. As a permanent private way, it will handle a minimum amount of traffic.

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS - The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the sight distances from the proposed road onto Village Street are adequate. The site will be tied into Town water and sewer, and erosion controls will be in place during construction. The Town's Safety Officer has reviewed the plans and has not found any unwarranted safety deficiencies.

5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the

VII. CONDITIONS – The following specific and general conditions shall apply to the Applicant, its executors, administrators, devisees, heirs, successors and assigns:

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 2 residential house lots. It is understood the applicant intends to apply for a special permit from the Medway Zoning Board of Appeals to construct a 2 family structure on Lot 2. As a permanent condition of this plan, no further subdivision of the property beyond these 2 lots will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Planning and Economic Development Board, within three (3) years of the date of endorsement of the plan.
3. It is understood that the existing curb cuts for 272 Village Street will be eliminated. Access for Lots 1 and 2 will come only from Bedelia Lane.
4. *Ownership of Bedelia Lane* - It is understood that Bedelia Lane shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Village Estates Homeowners Association, to be composed of the owners of Lots 1 and 2 as shown on the definitive subdivision plan. The Association shall ultimately own and maintain the parcel with the private roadway to be known as Bedelia Lane, including snowplowing and sanding, and maintain and operate the stormwater detention/infiltration system and related infrastructure.
5. The Applicant shall specifically reserve to itself ownership of the fee in Bedelia Lane and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadways and all easements to the Village Estates Homeowners Association before the Planning and Economic Development Board approves the final bond release or, if there is no bond, then approval of the as-built plan.
6. Prior to endorsement, the plan dated October 21, 2011 shall be revised to include the following references:
 - A note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision*
 - Location and specification for post lights for each house lot. The light shall not spill onto adjacent properties in accordance with the lighting provisions of the Medway Zoning Bylaw.
 - A note indicating that Bedelia Lane shall be constructed of dense-graded crushed stone, conforming to MassDOT specifications, to a depth of at least 4”.
7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's

conditions or tree planting requirements of the Scenic Road Work Permit shall be depicted on the final definitive subdivision plan presented for endorsement.

13. *Document/Plan Recording* – Within thirty (30) days of recording the endorsed definitive subdivision plan, the *Subdivision Covenant*, the *Declaration of Protective Covenants and Restrictions* and *Private Roadway agreement Governing the Village Estates subdivision*, any articles of association establishing the Village Estates Homeowner's Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Planning and Economic Development Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.
14. *Sidewalk Construction* –
15. *Maintenance Responsibility During Construction* – The Applicant shall provide snow plowing, sanding and full maintenance of Village Estates Lane and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the Village Estates Homeowners Association.

General Conditions

18. *Expiration of Appeal Period* – Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
19. *Payment of Balance of Fees/Taxes* – Prior to endorsement, the Applicant shall pay the balance of any outstanding professional services by any outside consultants retained by the Planning and Economic Development Board and all other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property owned in Medway at the application.
20. *Establishment of Bond Account* – Prior to endorsement, the Applicant shall establish a statement savings account (with the Town of Medway) at an area financial institution with which the Applicant will place a cash bond. The applicant shall provide the Medway Treasurer with a signed withdrawal slip from said account which shall be retained by the Medway Treasurer.
21. *Subdivision Covenant* – Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within

Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

26. *Pre-Construction Meeting* – At least seven days prior to the start of any construction on the site, a pre-construction meeting shall take place with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Services, the developer and his contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPP) as filed with the Mass Department of Environmental Protection (DEP) shall be provided to the Town.
27. *Proof of Taxes Paid* – Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.
28. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
29. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Act requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

###

Town of Medway, Massachusetts

CERTIFICATION
PURSUANT TO G. L. c. 39, SECTION 23D
OF PARTICIPATION IN A SESSION OF AN
ADJUDCATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED
A SINGLE HEARING SESSION

Note: This form can only be used for missing one single public hearing session.
This cannot be used for missing more than one hearing session.

I, ANDY RODENHISER, hereby certify under the pains and penalties of perjury as follows:

1. I am a member of the Medway Planning and Economic Development Board
2. I missed a public hearing session on the matter of the Village Estates Definitive Subdivision Plan which was held on October 11, 2011.
3. I have reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) applicable):
 - a. ✓ audio recording of the missed hearing session; or
 - b. ✓ video recording of the missed hearing session; or
 - c. _____ a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 8 day of November, 2011.



Signature of Board Member

Received as part of the record of the above matter:

Date: 11-8-2011
By: Susan E. Gifford
Position: Planning & Economic Development
Coordinator

Susan Affleck-Childs

From: bill hutchinson [hutchinson2@comcast.net]
Sent: Tuesday, November 01, 2011 4:01 PM
To: Susan Affleck-Childs
Cc: Joe Greene; Arcadio Gonzalez; Bill Hutchinson
Subject: 71 Main Street Expansion
Attachments: 71 Main Street Medway Greene Ele_.pdf; 71 Main Street Medway Greene Flo_.pdf; siteplan71mainst.pdf

Suzy

Attached are our drawings for the proposed expansion at 71 Main Street.

The plans indicate that two new service bays are to be constructed.

Two existing service bays are to be converted to a convenience store.

We look forward to meeting with the Board on Tuesday, November 8, 2011 at 8:00 PM.

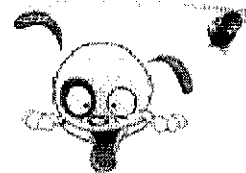
Thank you.

RECEIVED
NOV 01 2011

TOWN OF MEDWAY
PLANNING BOARD

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[Click Here!](#)



GLM ENGINEERING CONSULTANTS, INC.

19 EXCHANGE STREET, HOLLISTON, MASSACHUSETTS 01746 - (508)429-1100 - FAX (508)429-7160

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

October 31, 2011

Medway Planning Board
Town Hall
Medway, MA 02053

RECEIVED
OCT 01 2011

TOWN OF MEDWAY
PLANNING BOARD

Re: Scenic Road Work Permit
Dated: June 8, 2006
Applicant: Unique Homes, Inc.
Location: East Side of Ellis Street

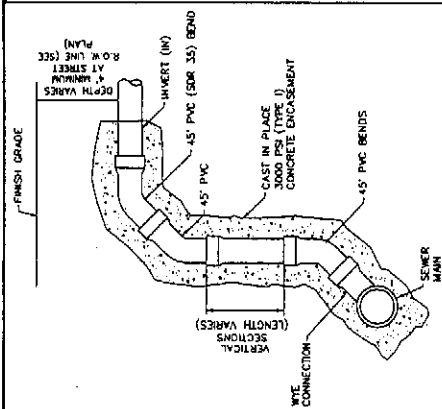
Dear Board Members,

We are requesting an amendment to the Scenic Road Work Permit referenced above. The applicant of record, Unique Homes, Inc., sold Lots 4-6 to BKG Realty, LLC. At this time the new owner is proposing to construct a home on Lot 5. The approved driveway opening is located on Lot 6 and was approved as a common access for all three lots. The owner is proposing to construct a house on Lot 5 with a driveway as shown on the proposed house location plan. At this time, there are no immediate plans to construct homes on the other two lots.

Enclosed is a copy of the "Proposed House Location Plan" for Lot 5 Ellis Street for your review. If you have any further questions, please do not hesitate to contact our office.

Yours truly,
GLM Engineering Consultants, Inc.

Robert S. Truax
Project Manager/Design Eng.



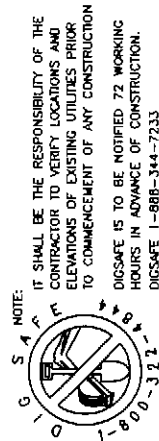
SEWER SERVICE CHIMNEY DETAIL
NOT TO SCALE

DEPTH	SOIL	REMARKS	DATE
0' - 1'	SANDY	247.0	
1' - 2'	SANDY LOAM	247.0	
2' - 3'	SANDY LOAM	247.0	
3' - 4'	SANDY LOAM	247.0	
4' - 5'	SANDY LOAM	247.0	
5' - 6'	SANDY LOAM	247.0	
6' - 7'	SANDY LOAM	247.0	
7' - 8'	SANDY LOAM	247.0	
8' - 9'	SANDY LOAM	247.0	
9' - 10'	SANDY LOAM	247.0	

THE MAXIMUM SEASONAL HIGH GROUNDWATER ELEVATION IS 218.0
WATER TABLE BASED ON 10" DEPTH OF TEST PIT
DATA. ALL NO GROUNDWATER WAS
ENCOUNTERED DURING TESTING AND
THEREFORE ASSUMED BELOW 10".

DATE _____

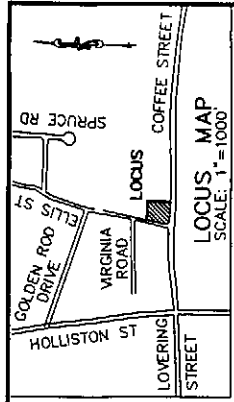
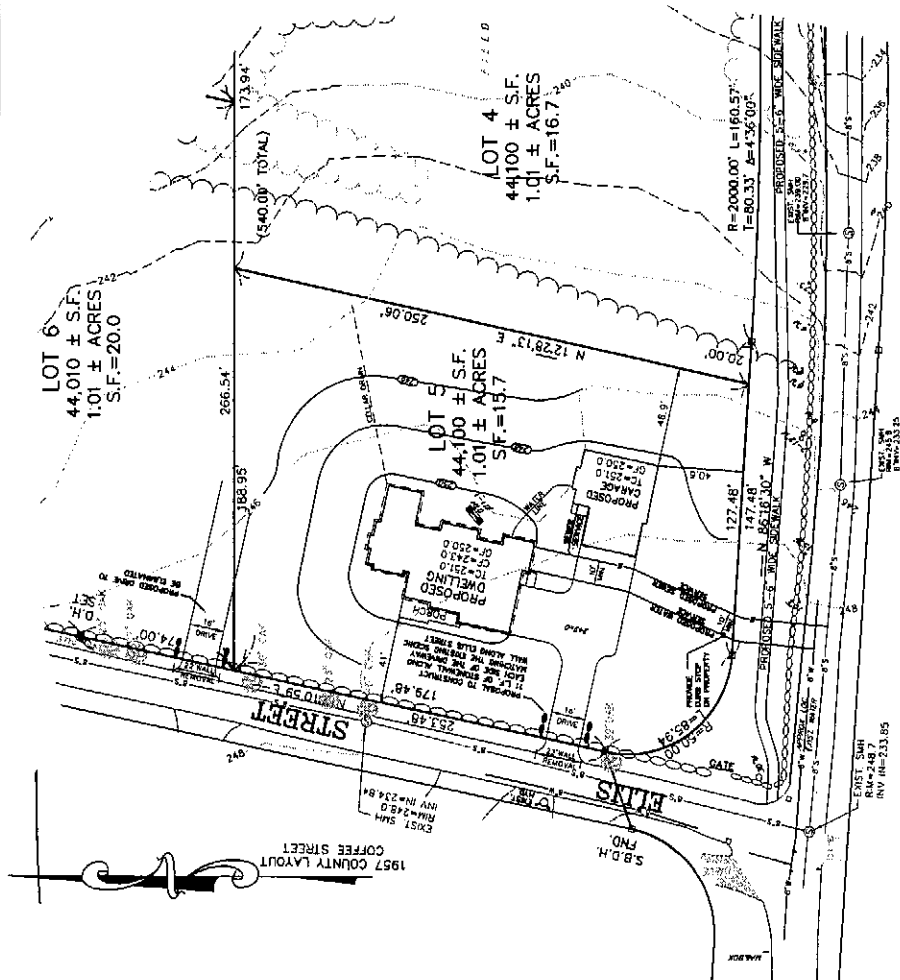
ZONING CLASSIFICATION:
AGRICULTURAL AND RESIDENTIAL DISTRICT I (AR1)
AREA: 44,000 S.F. FRONTAGE: 180'
REQUIRED LOTLINE SETBACKS:
FRONT: 35'
SIDE: 15'
REAR: 15'



GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft

- NOTES:**
- ALL WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL REQUIRE A ROAD OPENING PERMIT FROM THE TOWN OF MEDWAY DEPARTMENT OF PUBLIC WORKS.
 - ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THE TOWN OF MEDWAY HIGHWAY DEPT. AND THE WATER & SEWER DEPT.
 - BUILDING SEWER TO BE 6" SCH 40 PVC.
 - ALL PIPES JOINTS TO BE WATER-TIGHT.
 - BUILDING SEWER TO BE Laid ON COMPACTED FIRM BASE.
 - ALL COMPONENTS SHALL BE MARKED WITH WARNING MARKING TAPE PRIOR TO BACK FILLING.
 - BACKFILL MUST BE SUFFICIENTLY COMPACTED TO PREVENT SETTLEMENT.
 - SOIL PLACED AS BACKFILL OVER THE SEWER SERVICE MUST BE CLEAN AND FREE OF STONES > 4".
 - FINAL COVER OVER THE SYSTEM SHALL BE STABILIZED (LOANED & SEEDING)
 - PRIOR TO CONSTRUCTION CONTRACTOR TO VERIFY LOCATION OF UNDERGROUND UTILITIES.
 - SCOURER TRANSDUCER DRAIN (4") TO BE INSTALLED & OUTLETTED TO DRAINAGE AS SHOWN.



PROPOSED HOUSE LOCATION PLAN

LOT 5 ELLIS STREET
MEDWAY, MASSACHUSETTS

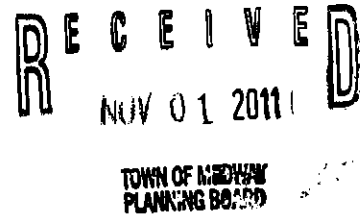
PREPARED FOR:
BKG REALTY, LLC

JOB No. 11130-LOT 5.dwg
DATE: OCTOBER 26, 2011
SCALE: 1" = 40'
PLAN No.: 19,827

PROJECT DESCRIPTION

Lot 41, Alder Street

Lawrence Waste Services



The site is a predominantly wooded 13.2 acre parcel of land located along the easterly side of Alder Street. Stall Brook flows through the southeast corner of the site and the property does contain bordering vegetated wetlands.

The applicant, Lawrence Waste Services, is proposing to construct a 7,400 s.f. building for the operation of a waste removal business. The building will be divided into a 2,400 s.f. office area and a 5,000 s.f. garage. Paved areas for customer and employee parking, and truck and container storage will also be constructed. The proposed development will disturb approximately 35% of the property with 65% undisturbed.

Runoff from the proposed development will be collected in a catch basin to drain manhole system. Peak flows and recharge will be attenuated by subsurface detention/recharge structures, with overflows discharging to the wetlands.

Susan Affleck-Childs

From: Gerald Swanson [swansonj2@hotmail.com]
Sent: Thursday, October 20, 2011 5:38 PM
To: Susan Affleck-Childs
Subject: Williamsburg Street Lighting

October 20, 2011

Planning & Economic Development Coordinator
Medway, MA

Dear Ms. Affleck-Childs:

I am writing to see if you will consider changing the wattage on the street lighting on Williamsburg Way. We talked to Mr. Papadopoulos and he said the wattage was set by the Planning Board. We find the the lights extremely bright as they shine in our home at night. We find it very disruptive having our whole house light up by these street lights. We understand the need for street lighting but it appears that a lower wattage could accomplish the same results. Plus the lower wattage would be beneficial in saving energy.

Thank you for your consideration.

Sincerely,

Gerald R. Swanson
67 West Street
Medway, MA 02053
508-446-1315

Susan Affleck-Childs

From: Pellegrini, David [david.pellegrini@tetrattech.com]
Sent: Friday, October 28, 2011 1:54 PM
To: Susan Affleck-Childs
Subject: Field Report-2011-10-28.doc
Attachments: SHT 16 - LIGHTING PLAN.PDF; Field Report-2011-10-28.doc

Susy,

Attached is the report for Williamsburg along with a plan showing the readings found in the field. As noted in the report, since everything is in compliance with the plans and regs we can't direct the applicant to change anything. However we would recommend approaching the owner/applicant to see if any other remedies would be appropriate. The only two options I see would be to reduce the wattage of the bulb or install some type of shield. Reducing the wattage would need to be decided by the applicant because it may defeat the purpose of having the light in the first place. I don't know what wattage is in their now and how much lower you can go. Also, I'm not exactly sure what the intent of the lighting is. Typically, it's to provide a safety feature for pedestrians and vehicles, so by lowering the wattage what does that do to the light levels? Also, I know the manufacturer produces a "House side shield" however I'm not sure if that's applicable for this fixture and if it would look decent. Someone really needs to talk to the lighting manufacturer or designer directly and get their opinions/input. However, since the project is currently in compliance we might want the applicant to research this as opposed to me. If I spend money researching this when the applicant is not obligated to do it, I have a feeling they will complain. Also, even if I find solutions, it will be the applicants' decision whether to implement or not.

Let me know what you think.

Thanks,

Dave

Tetra Tech Rizzo
 One Grant Street
 Framingham, MA 01701

Project	Date	Report No.
Williamsburg Way OSRD	10-28-2011	34
Location	Project No.	Sheet 1 of
West Street, Medway, MA	127-21583-10002	1
Contractor	Weather	Temperature
Canesi Bros. Inc.	A.M. P.M. SNOW	A.M. 30 P.M.

FIELD OBSERVATIONS

On Thursday, October 27, 2010 Dave Pellegrini from Tetra Tech visited the project site at the request of the Medway Planning and Economic Development Board to review a lighting complaint filed by the resident at 67 West Street. We visited the project site with the intention of measuring light levels at the exit to the Williamsburg project, and compare them to the levels provided on the Lighting Plan (dated 10/15/09 and revised 11/30/09) included in the approved plan set.

1. The existing light levels obtained in the field are provided on the attached sketch. The light levels primarily match those provided on the approved plans referenced above. The light levels at the property line register 0.0, thus meeting town requirements. There is a street light on West Street at this location that provides additional lighting at the intersection with West Street.
2. Reducing the wattage of the bulb in the fixture may be an option, however that would result in reduced light levels at the light pole location and may defeat the intent of the light.
3. The manufacturer of the light produces a "House Side Shield" which may be an option, however this should be discussed with the applicant. Not being familiar with this specific product we cannot verify whether this product is appropriate for this specific light type, or whether it would be appropriate aesthetically.

CONTRACTOR'S FORCE AND EQUIPMENT

WORK DONE BY OTHERS

Sup't		Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman		Backhoe	1	Asphalt Reclaimer			
Laborers		Loader	1	Vib. Roller			
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.		Bobcat		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tree Remover			
Surveyors		Conc. Mixer		Chipper			
		Conc. Truck		Screener			
		Pickup Truck		Drill Rig			
		Dump Truck 6 Whl		Boom Lift			
		Dump Truck 10 Whl		Water Tank			
		Dump Truck 14 Whl		Lull			
		Dump Truck 18 Whl		Gradall			

OFFICIAL VISITORS TO JOB

Police Details: n/a

RESIDENT REPRESENTATIVE FORCE

Time on site: 1:30 P.M.-2:45 P.M.

Name

Name

CONTRACTOR'S Hours of Work:

Resident Representative Steven Bouley

Project Williamsburg Way OSRD	Date 10-28-2010	Report No. 34
Location West Street, Medway, MA	Project No. 127-21583-10002	Sheet 2 of 2
Contractor Canesi Bros. Inc.	Weather A.M. P.M. SNOW	Temperature A.M. 32 P.M.

FIELD OBSERVATIONS CONTINUED

4. Schedule

- A. TTR will continue to inspect the site when notified of work being conducted.

3. New Action Items

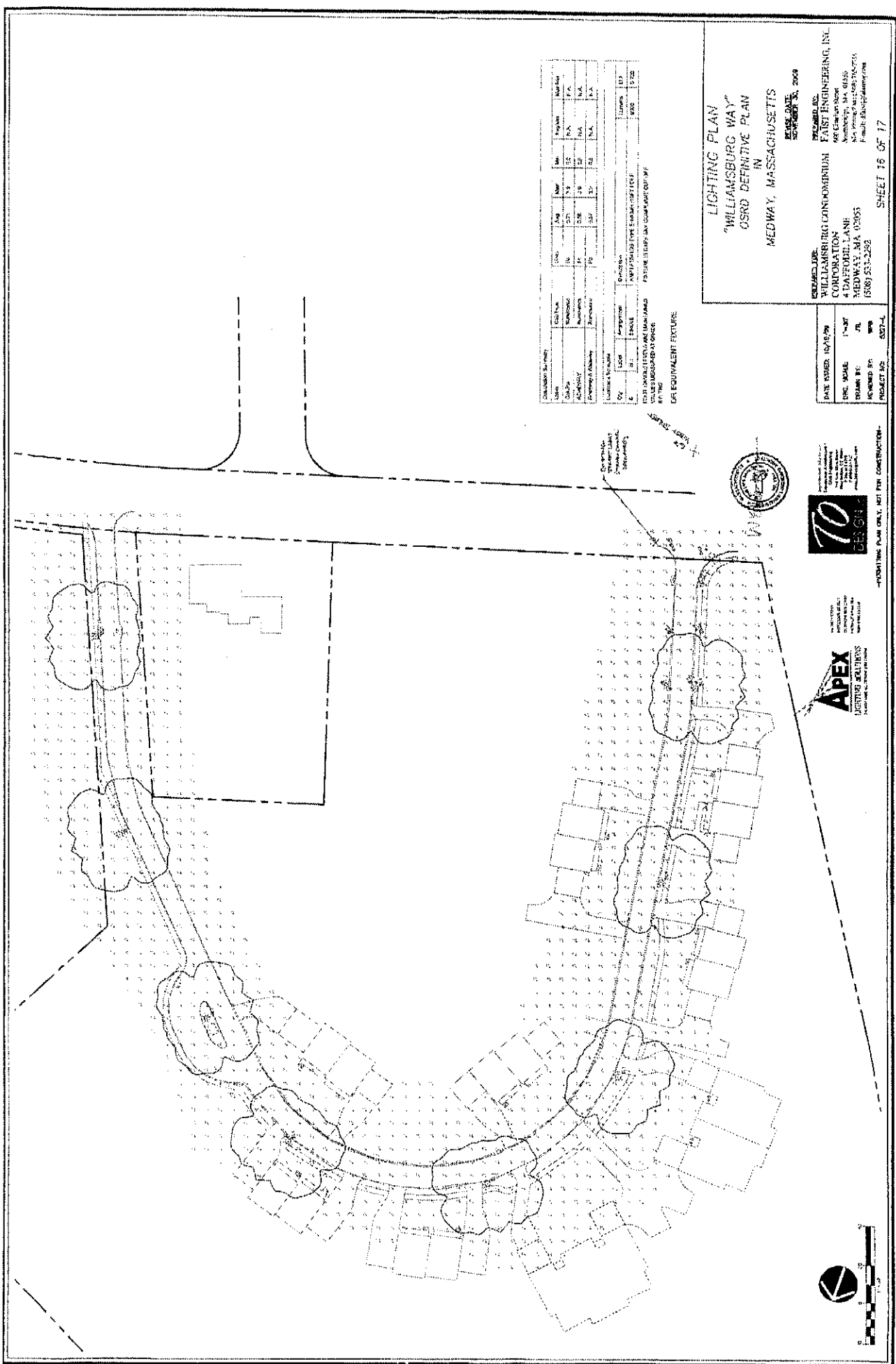
- A. Since the lighting on the project is in compliance with the approved plans, TTR recommends that the PEDB approach the applicant and request suggestions for addressing the neighbor's lighting concern.

4. Previous Open Action Items

- A. The surface grades adjacent to Drainage Basin #1 need to be modified slightly to a grade of 214.5.
- B. The approved plans call for bituminous curb to be installed from STA 0+00 to approximate STA 4+00. Cape Cod berm has been installed on the western side of the roadway from STA 0+00 to STA 4+00. The installation of the berm does not change the designed intent of using either curb/berm to convey storm water to the catch basins. The installation of the berm may be more aesthetically pleasing than changing the edge treatment from bituminous curb to berm. However, it is at the discretion of the board to allow the change.
- C. Some of the trees planted on-site appear to be dead or dying. A determination should be made in the growing season to determine the condition of the trees.

5. Materials Delivered to Site Since Last Inspection:

- A. N/A



LIGHTING PLAN
 "WILLIAMSBURG WAY"
 OSRD DEFINITIVE PLAN
 IN
 MEDWAY, MASSACHUSETTS

REVISION DATE
 NOVEMBER 30, 2009
 PREPARED BY
 EAST ENGINEERING, INC.
 400 CLARK STREET
 NORTH ANDOVER, MA 01854
 TEL: 978.689.1100
 FAX: 978.689.1101
 WWW.EASTENGINEERING.COM

WILLIAMSBURG CONDOMINIUM
 CORPORATION
 4 DARTMOUTH LANE
 MEDWAY, MA 01955
 (508) 553-2282

SHEET 16 OF 17

CHANGES TO PLAN	DATE	BY	REASON
1	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
2	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
3	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
4	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
5	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
6	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
7	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
8	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
9	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
10	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
11	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
12	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
13	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
14	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
15	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
16	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
17	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
18	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
19	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE
20	11/30/09	JS	REVISED LUMENS PER FOOT CANDLE

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OR EQUIVALENT FIXTURE
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DATE ISSUED: 11/30/09	BY: JS
CHKD: WML	IN: JS
DESIGN: WML	APP: JS
REVISION: 1	DATE: 11/30/09
PROJECT NO: 0527-1	



-FORWARD TO: PLANNING DEPT., NOT FOR CONSTRUCTION-



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.,
Karyl Spiller Walsh

October 31, 2011

Dear Speroni Acres neighbor,

I am writing to you because you are a property owner and/or resident of Little Tree or Rustic Road in the Speroni Acres subdivision or an adjacent property. As you know, these streets and the stormwater drainage system have not been accepted by the Town of Medway. The maintenance of the roads and stormwater drainage system continues to be the responsibility of Owen Sullivan, the subdivision developer.

**You are invited to attend the November 22 2011 meeting of the
Medway Planning and Economic Development Board
7:15 pm at Medway Town Hall, 155 Village Street.**

There are several topics we want to address with you:

1. **Repairs needed to the subdivision's drainage system.** The Town's consulting engineer, Dave Pellegrini of Tetra Tech Engineering and Owen Sullivan's engineer, Rick Merrikin of Merrikin Engineering, will provide a status report on the subdivision drainage system and what repair work is needed to ensure that the system functions properly. The actual as-built location of some elements of the drainage system and the needed repairs will likely necessitate some adjustments to the location of drainage easements on selected subdivision lots.
2. **Establishment of a neighborhood association** to be responsible for the on-going maintenance, repair and replacement of the force main sewer line and grinder pumps as these are not going to be transferred to the Town. As there are property owners outside of Speroni Acres who are tied into the system or may wish to connect to it in the future, the association should be comprised of all parties which will use this utility.
3. **Discussion on the street acceptance process for Little Tree and Rustic Roads.** It appears that when the house lots were first conveyed, the developer did not retain ownership of the land comprising the roadway right-of-way for Little Tree and Rustic Roads. Consequently, Mr. Sullivan may not be in a position to provide clear title to

(over)

Telephone: 508-533-3291

Fax: 508-533-3287

email: medwayplanningboard@townofmedway.org

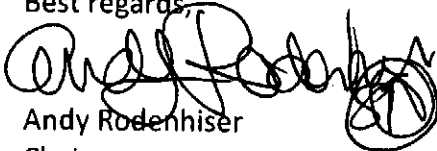
Speroni Acres neighbors
October 31, 2011

convey these roads to the Town. Instead, we believe the property owners along Rustic and Little Tree Roads may also own to the centerline of the roadway in front of their property. If so, it is the residents who would need to convey their respective portion of the road to the Town. However, in most cases, property owners may not actually be able to convey clear title for the roadway land to the Town as most residential properties are subject to mortgages. When there is a mortgage on a property, the company that holds the mortgage must assent to any conveyance that may affect the mortgagees' interest in the land. Obtaining consent from all of the abutters and all the mortgagees to convey the road to the Town can be a very challenging and time-consuming process, particularly if the mortgagees are national corporations. Accordingly, some other form of land conveyance for the roadways such as a friendly eminent domain process may become the best option for this subdivision.

We want you to be fully informed about the issues with this subdivision as we work toward street acceptance. We encourage you to attend the November 22nd meeting. Please contact the Planning & Economic Development office if you have any questions.

Thanks for your continued cooperation.

Best regards,


Andy Rodenhiser
Chairman

FOR 2012 04

JOURNAL DETAIL 2012 1 TO 2012 4

	ORIGINAL APPROP	TRANSFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
0001 GENERAL FUND							
01175001 PLAN BOARD SALARIES							
5110 FULL TIME SALARIES							
01175001 5110 PLAN BD FULL TIME SAL	59,301	.00	59,301.00	18,246.40	.00	41,054.60	30.8%
2012/01/000018 07/07/2011 PRJ	.00 REF 070711			WARRANT=1153P	RUN=1	TOWN PAY	
2012/01/000127 07/21/2011 PRJ	2,280.80 REF 0312P			WARRANT=0312P	RUN=1	TOWN PAY	
2012/01/000348 07/01/2011 BUC	59,301.00 REF			ORIGINAL BUDGET 2012			
2012/02/000006 08/04/2011 PRJ	2,280.80 REF			WARRANT=125P	RUN=1	TOWN PAY	
2012/02/000128 08/18/2011 PRJ	2,280.80 REF			WARRANT=127P	RUN=1	TOWN PAY	
2012/02/000322 09/01/2011 PRJ	2,280.80 REF			WARRANT=129P	RUN=1	TOWN PAY	
2012/03/000264 09/15/2011 PRJ	2,280.80 REF			WARRANT=1211P	RUN=1	TOWN PAY	
2012/03/000533 09/29/2011 PRJ	2,280.80 REF			WARRANT=1213P	RUN=1	TOWN PAY	
2012/04/000053 10/13/2011 PRJ	2,280.80 REF			WARRANT=1215P	RUN=1	TOWN PAY	
2012/04/000362 10/27/2011 PRJ	2,280.80 REF			WARRANT=1217P	RUN=1	TOWN PAY	
TOTAL FULL TIME SALARIES	59,301	.00	59,301.00	18,246.40	.00	41,054.60	30.8%
5111 PART TIME SALARIES							
01175001 5111 PLAN BD PART TIME SAL	21,000	.00	21,000.00	6,451.20	.00	14,548.80	30.7%
2012/01/000018 07/07/2011 PRJ	.00 REF 070711			WARRANT=1153P	RUN=1	TOWN PAY	
2012/01/000031 06/23/2011 PRJ	-92.11 REF 1151V			WARRANT=1151V	RUN=V	VOID PAY	
2012/01/000127 07/21/2011 PRJ	898.51 REF 0312P			WARRANT=0312P	RUN=1	TOWN PAY	
2012/01/000348 07/01/2011 BUC	21,000.00 REF			ORIGINAL BUDGET 2012			
2012/02/000006 08/04/2011 PRJ	806.40 REF			WARRANT=125P	RUN=1	TOWN PAY	
2012/02/000128 08/18/2011 PRJ	806.40 REF			WARRANT=127P	RUN=1	TOWN PAY	
2012/02/000322 09/01/2011 PRJ	806.40 REF			WARRANT=129P	RUN=1	TOWN PAY	
2012/03/000264 09/15/2011 PRJ	806.40 REF			WARRANT=1211P	RUN=1	TOWN PAY	
2012/03/000533 09/29/2011 PRJ	806.40 REF			WARRANT=1213P	RUN=1	TOWN PAY	
2012/04/000053 10/13/2011 PRJ	806.40 REF			WARRANT=1215P	RUN=1	TOWN PAY	
2012/04/000362 10/27/2011 PRJ	806.40 REF			WARRANT=1217P	RUN=1	TOWN PAY	

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fhuttonlee

LIVE DATABASE
YEAR-TO-DATE BUDGET REPORT

PG 2
glytdbud

FOR 2012 04

JOURNAL DETAIL 2012 1 TO 2012 4

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
TOTAL PART TIME SALARIES	21,000	.00	21,000.00	6,451.20	.00	14,548.80	30.7%
5150 FRINGE LONGEVITY							
01175001 5150 PLAN BD FRINGE LONGEV	250	.00	250.00	.00	.00	250.00	.0%
2012/01/000348 07/01/2011 BUC	250.00 REF			ORIGINAL BUDGET 2012			
TOTAL FRINGE LONGEVITY	250	.00	250.00	.00	.00	250.00	.0%
TOTAL PLAN BOARD SALARIES	80,551	.00	80,551.00	24,697.60	.00	55,853.40	30.7%
01175002 PLAN BOARD EXPENSES							
5305 CONSULTING SERVICES							
01175002 5305 PLAN BD CONSULTING SE	3,006	.00	3,006.00	1,105.00	.00	1,901.00	36.8%*
2012/01/000348 07/01/2011 BUC	3,006.00 REF			ORIGINAL BUDGET 2012			
2012/03/000377 09/22/2011 API	1,105.00 VND	001535 VCH	PGC ASSOCIATES INC				95090
TOTAL CONSULTING SERVICES	3,006	.00	3,006.00	1,105.00	.00	1,901.00	36.8%
5306 ADVERTISING							
01175002 5306 PLAN BD ADVERTISING	1,000	.00	1,000.00	.00	.00	1,000.00	.0%
2012/01/000348 07/01/2011 BUC	1,000.00 REF			ORIGINAL BUDGET 2012			
TOTAL ADVERTISING	1,000	.00	1,000.00	.00	.00	1,000.00	.0%
5342 COPYING BINDING PRINTING							
01175002 5342 PLAN BD COPYING BINDI	315	.00	315.00	.00	.00	315.00	.0%
2012/01/000348 07/01/2011 BUC	315.00 REF			ORIGINAL BUDGET 2012			

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LIVE DATABASE
YEAR-TO-DATE BUDGET REPORT

PG 3
glytdbud

FOR 2012 04

JOURNAL DETAIL 2012 1 TO 2012 4

	ORIGINAL APPROP	TRANSFERS/ ADJUSTMS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
TOTAL COPYING BINDING PRINTING	315	.00	315.00	.00	.00	315.00	.0%
5383 CONTRACTED SERVICES							
01175002 5383 PLAN BD CONTRACTED SE	10,180	.00	10,180.00	.00	.00	10,180.00	.0%
2012/01/000348 07/01/2011 BUC	10,180.00 REF			ORIGINAL BUDGET 2012			
TOTAL CONTRACTED SERVICES	10,180	.00	10,180.00	.00	.00	10,180.00	.0%
5384 MAPPING							
01175002 5384 PLAN BD MAPPING	788	.00	788.00	.00	.00	788.00	.0%
2012/01/000348 07/01/2011 BUC	788.00 REF			ORIGINAL BUDGET 2012			
TOTAL MAPPING	788	.00	788.00	.00	.00	788.00	.0%
5420 OFFICE SUPPLIES							
01175002 5420 PLAN BD OFFICE SUPPLI	600	.00	600.00	117.67	.00	482.33	19.6%
2012/01/000348 07/01/2011 BUC	600.00 REF			ORIGINAL BUDGET 2012			
2012/02/000188 08/25/2011 API	15.00 VND	002046 VCH		W. B. MASON CO. INC		94623	
2012/03/000051 09/08/2011 API	52.50 VND	003364 VCH		IN STOCK DESIGN		94828	
2012/04/000004 10/06/2011 API	50.17 VND	003364 VCH		IN STOCK DESIGN		95283	
TOTAL OFFICE SUPPLIES	600	.00	600.00	117.67	.00	482.33	19.6%
5521 BOOKS							
01175002 5521 PLAN BD BOOKS	210	.00	210.00	150.15	.00	59.85	71.5%*
2012/01/000348 07/01/2011 BUC	210.00 REF			ORIGINAL BUDGET 2012			
2012/02/000070 08/11/2011 API	150.15 VND	000128 VCH		ASPEN PUBLISHERS INC		94236	

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LIVE DATABASE
YEAR-TO-DATE BUDGET REPORT

PG 4
glytdbud

FOR 2012 04

JOURNAL DETAIL 2012 1 TO 2012 4

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
TOTAL BOOKS	210	.00	210.00	150.15	.00	59.85	71.5%
5710 INSTATE TRAVEL MILEMEALHOTEL							
01175002 5710 PLAN BD INSTATE TRAVE	135	.00	135.00	.00	.00	135.00	.0%
2012/01/000348 07/01/2011 BUC	135.00 REF			ORIGINAL BUDGET 2012			
TOTAL INSTATE TRAVEL MILEMEALH	135	.00	135.00	.00	.00	135.00	.0%
5730 DUES SUBSCRIPTIONS MEETINGS							
01175002 5730 PLAN BD DUES SUBSCR M	500	.00	500.00	165.00	.00	335.00	33.0%
2012/01/000348 07/01/2011 BUC	500.00 REF			ORIGINAL BUDGET 2012			
2012/03/000377 09/22/2011 API	55.00 VND	006154 VCH	CHAMPLAIN PLANNING				95019
2012/03/000377 09/22/2011 API	75.00 VND	006155 VCH	MASSACHUSETTS ASSOC				95065
2012/04/000004 10/06/2011 API	35.00 VND	005330 VCH	MASSACHUSETTS ECONOM				95302
TOTAL DUES SUBSCRIPTIONS MEETI	500	.00	500.00	165.00	.00	335.00	33.0%
5851 OFFICE EQUIPMENT							
01175002 5851 PLAN BD OFFICE EQUIPM	500	.00	500.00	100.00	.00	400.00	20.0%
2012/01/000348 07/01/2011 BUC	500.00 REF			ORIGINAL BUDGET 2012			
2012/04/000004 10/06/2011 API	100.00 VND	006066 VCH	MAINE TECHNICAL SOUR				95300
TOTAL OFFICE EQUIPMENT	500	.00	500.00	100.00	.00	400.00	20.0%
TOTAL PLAN BOARD EXPENSES	17,234	.00	17,234.00	1,637.82	.00	15,596.18	9.5%
TOTAL GENERAL FUND	97,785	.00	97,785.00	26,335.42	.00	71,449.58	26.9%
TOTAL EXPENSES	97,785	.00	97,785.00	26,335.42	.00	71,449.58	
GRAND TOTAL	97,785	.00	97,785.00	26,335.42	.00	71,449.58	26.9%

** END OF REPORT - Generated by Fran Hutton Lee **

REPORT OPTIONS

Field #	Total	Page Break
Sequence 1	Y	N
Sequence 2	Y	N
Sequence 3	Y	N
Sequence 4	N	N

Report title:
YEAR-TO-DATE BUDGET REPORT

Includes accounts exceeding 0% of budget.
Print totals only: N
Print Full or Short description: F
Print full GL account: N
Format type: 2
Double space: N
Suppress zero bal accts: Y
Include requisition amount: Y
Print Revenues-Version headings: N
Print revenue as credit: Y
Print revenue budgets as zero: N
Include Fund Balance: N
Print Journal detail: Y
From Yr/Per: 2012/ 1
To Yr/Per: 2012/ 4
Include budget entries: Y
Incl encumb/liq entries: N
Sort by JE # or PO #: J
Detail format option: 1
Include additional JE comments: Y
Sort/Total Budget Rollup: N
Print MY's in one year view: N
Amounts/totals exceed 999 million dollars: N

Year/Period: 2012/ 4
Print MTD Version: N
Incl inception to soy: N
Roll projects to object: N
Carry forward code: 1

TOWN OF MEDWAY - FINANCE COMMITTEE

EMERGENCY TRANSFER REQUEST

Department: Planning/Eco Dev

Amount

Account. No. 02141015300

Requested:

\$ 21,000

Date: November 2, 2011

Salary: _____ Expenses: _____

\$

Bills on Hand:

TO BE USED FOR: Continued Oak Grove Work – See attached Scope of Work.

Since the Reserve fund, under the responsibility of the Finance Committee, is intended for **EMERGENCY USE ONLY**; and the burden is on the Finance Committee to carry out the will of the Town Meeting, answers to the following questions are necessary for the Finance Committee to take action on each request.

1. **What makes the nature of this request an emergency and why was this request not made at the last town meeting?** Most important, it is imperative that every land parcel in Medway be included on the tax rolls. The initial funding provided for the Oak Grove title research work has addressed close to 50% of the 1000+ Oak Grove mini parcels. Supplemental funding is needed to complete the work. Furthermore, the completion of the Planning and Economic Development Board's Oak Grove Development Feasibility Study has been put on hold until the Oak Grove title research work is concluded. It is critically important that Feasibility Study proposals are based on accurate property ownership so that potentially developable areas can be properly identified.
2. **Why cannot this request be held until the next town meeting?** Due to MassDevelopment's funding of the Oak Grove Feasibility Study, there is some urgency to conclude the title work during this fiscal year. Waiting until the next Town Meeting in May 2012 to consider supplemental funding in FY 13 may jeopardize the MassDevelopment funding. It would also considerably delay completion of the study and consequently also delay implementation efforts. In keeping with the Town's desire to have accurate assessments, we need to continue the title work so that all Oak Grove parcels are properly taxed.
3. **Please note any other information which may be helpful.** With its fractured ownership and unusually sized parcels, the Oak Grove/bottle cap lots have been a problematic land area for the Medway Assessor's since the area was first subdivided in 1926. Clarifying ownership of these 1000+ mini parcels has been attempted several times over the past 30 years by the Assessors and other groups but has not ever reached definitive conclusion. The continuation of this title research project to completion would resolve long-standing valuation and property tax revenue problems. Due to the success of the Oak Grove title work undertaken to date, it would be in the Town's best interest to complete the project as soon as possible. Continued title research will be more readily accomplished now due to the extensive information garnered from the recently completed work.

Balance remaining in control account at present: \$ 1,400.00

Est. Total Expenditure \$ 15,000.00

Submitted by: _____
(Department Head)

Approved by the Board of Selectmen:

_____	_____	_____
_____	_____	

Finance Committee:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Finance Committee action date: _____

Amount approved:

\$

(Please submit form to FinCom secretary. Finance Committee meetings are held on the second Wednesday of the month)

Oak Grove - Continued Scope of Work

1. Continue the title examination, report and abstract work for the Oak Grove/bottle cap lots area. NOTE - The \$15,000 approved by FINCOM in May 2011 has pretty much been expended. Title research and reports have been completed by Marsh, Moriarty, O'Neill and Golder for approximately 50% of the Oak Grove parcels. That information has been used to update the Assessor's records and the FY12 tax bills to be issued in January 2012 will reflect that data. \$15,000 estimate for continued work.
2. Land survey to specifically ascertain the actual boundaries and land area of the Oak Grove site. \$4,800 estimate from Tetra Tech, the Town's Consulting Engineer. *(See attached.)*
3. Based on the land survey work, the Oak Grove portion of the Medway Assessor's Map will be updated to be consistent with the title research information. \$1,200 quote from DesLauriers & Associates, the Assessor's office mapping vendor. *(See attached.)*

**November 22, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE: Andy Rodenhiser

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Consultant
Dave Pellegri, Tetra Tech Rizzo

The Vice Chairman opened the meeting at 7:00 pm.

The Vice Chairman asked for any citizen comments. There were none.

Franklin Creek:

The Board is in receipt of a letter from Tetra Tech dated November 11, 2011. **(See Attached)**
The memo references their review of the revised "Road As Built" Plan dated November 1, 2011.
The plan was prepared by Land Planning.

The Board is also in receipt of an inspection memo dated November 14, 2011 from Tetra Tech Rizzo. **(See Attached)** The memo references that Steven Bouley from Tetra Tech performed an inspection of the current conditions of the subdivision. The paved section of Franklin Street which was recently paved was not striped. A photo was included. The second comment was in relation to the word "STOP" at the stop line which was not painted.

Residents of this street who were present at the meeting did not feel that the word STOP was needed. Dave Pellegri of Tetra Tech will check the subdivision regulations and will get clarity about the issue and will report back to the Board. He believes this was shown on the definitive plan.

Dave Pellegri informed the Board that the whole drainage system did not need to be flushed. When the system gets to 6 inches it needs to be cleaned. This is needed to comply with drainage system operations and maintenance plan. This will be done in the future by the Homeowner's Association.

The Board next reviewed the project closeout checklist. **(See Attached)**. The first five items have been addressed. This included proof that Franklin Creek has established a Homeowner's Association. This was recorded and amended on May 12, 2010 in book 27663, page 29. The

definitive plan was also recorded on May 9, 2007 in plan book 567, pages 42-44. The declaration of protective covenants and private roadway maintenance agreement was recorded on May 9, 2007

There will need to be a water/sewer easement in the roadway granted to the Town. Susy noted this will need to be done by the Homeowners Association since the developer has already deeded the road to the neighbors.

There will also need to be evidence that Franklin Creek neighbors have been informed of their responsibilities to maintain the road and drainage system and have been given the stormwater operations and maintenance plan.

Susy reported that there is \$38,090 left in the bond.

There are also signoffs which will be needed from the various Boards prior to release of bond.

The Town is waiting for evidence that the sewer and water hook-ups for Lots 1 -3 were approved by DPS.

The Conservation Commission is waiting to hear back from Tetra Tech relative to the sediment in the catch basins. Dave did inform all that the drainage system was found to contain minimal amounts of sediment in the catch basins. It was also noted that the orange construction fence, silt fence and construction cones remain at the site and will need to be removed.

The main issue is the paving which was done without any inspections. The paving has been given a warrantee for three years by the contractor. Dave was not able to get in contact with the paver. He has not heard back. Dave spoke to others about the absence of the tack coat. It could be a problem, but no one knows what will happen definitely. There are many variables to consider. The cost to mill and grind would be around \$12,000 (Mass DOT pricing). The repaving cost would be about \$11,000. (MASS DOT pricing). The total rough numbers would be \$23,000. However, the cost for this work to be done privately would be less.

It was suggested that the core samples which were taken should be retested to see if the tack was in there.

The developer, Marko Vajentic, was present at the meeting. He communicated that he was not present when the paving was done. He is not sure and cannot guarantee if the road was tacked in its entirety. The road was swept prior to paving. The surface was clean. The paving date was in August, 2011.

The question in front of the Board is to decide if the paving needs to be retested to see if the tack was in place

Susy noted that the Board can also see how the road looks in the spring, that any problems will manifest themselves by then.

Member Tucker noted that the paving thickness appears to be within reason.

The Board could hold bond money back to see how the road survives the winter.

Member Rogers suggested that the bond remain in place for a year due to the questionable quality of work.

The Board would like Dave Pellegrini to do some more research and summarize the findings with a recommendation to the Board.

Member Spiller-Walsh noted that the stop sign and word “Stop” painted on the road seem excessive for such a small subdivision.

Dave will check into this and report back to the Board.

Susy indicated that the Police Safety officer probably specified that both the sign and word should be installed.

Franklin Creek will be placed on the agenda for December 13, 2011 at 7:15 pm.

A resident asked if the road could be accepted in the future.

Member Rogers noted that it could be accepted in the future.

Susy Affleck-Childs noted that when it was approved it was intended to be a permanent private way.

Jason Roberts reported that he was on site the day the road was paved. He noted that there was no tack at all. He will meet with Dave to go over what he saw on site. He has some photos.

Discussion on Private Way Standards:

The Board reviewed the ideas for the Private Way Standards dated November 3, 2011. (See **Attached.**) The information came from the ideas suggested from the Board members at a previous meeting.

The Board discussed and recognized that there needs to be delineation between private roads for small single family home subdivisions and condo developments. There needs to input from DPW in relation to the cul-de-sac roadway diameter for subdivisions with 2&3 lots. It was suggested that an apron be added with gravel driveways.

It was suggested that the Board get input from the Fire Chief in regards to the vertical clearance.

The Board would like to add language about the road composition/materials including the need for an apron with gravel along with including something about the depth from the intersecting right of way.

The language about the street trees needs to be reworked to include maybe 2 trees per 50 feet.

This document will be revised and updated based on the various suggestions noted.

Comprehensive Land Use Reform Act (CLURPA):

The Metropolitan Area Planning Council is building a network of supporters to pass zoning reform legislation for Massachusetts. The bill is known as “Comprehensive Land Use Reform and Partnership Act”. The legislation act seeks to update zoning laws to facilitate prompt permitting. (See Attached 1 page summary document.)

On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted unanimously to support the legislation for CLURPA by signing and sending a letter of support.

495 MetroWest Development Regional Study:

Consultant Gino Carlucci attended a meeting for the 495 Metro West Development Compact Regional Plan on November 15th in Framingham. This meeting provided an overview of the local and regional priority areas in the 495/MetroWest Area. Medway’s Oak Grove/495 Business Park area was not included as a Regional Priority Development Area (PDA). This was a disappointment that the Oak Grove Area was not identified. Susy reports that she will be preparing comments to forward to MAPC.

SWAP Meeting:

Consultant Gino Carlucci informed the Board that he attended a SWAP meeting last week which discussed a study which was done by a private company to look at possible picking up a Franklin MBTA line from Foxboro which would reduce the commuting time by ten minutes. There is also discussion about connecting to Hopedale. This would be a great benefit to the region.

Community Housing Coordinator:

Susy reported the Town has hired a community housing coordinator. This position will not be shared with any other town. There are 19 hours allocated for this position. Doug Havens was selected for the position.

Other Reports

Susy reported that a MetroWest Tourism District has been established. Senator Karen Spilka was instrumental in proposing and securing its creation.

Minutes:

November 8, 2011:

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from November 8, 2011 as amended.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 9:30 pm.

Future Meetings:

The next meetings scheduled are: Tuesday, December 13, 2011 and January 10 & 24, 2012.

The Board decided to NOT meet on December 27th.

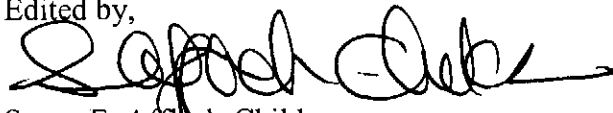
The meeting was adjourned at 9:30 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TETRA TECH

November 11, 2011

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

**Re: Franklin Creek
As-Built Plan Review
Medway, Massachusetts**

Dear Mr. Rodenhiser:

Tetra Tech (TT) reviewed the "Road Asbuilt" Plan dated November 1, 2011, prepared by Land Planning, Inc. The Plans were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations. The following is a list of comments generated during the review of the design documents.

1. The lettering height does not meet one-eighth inch (1/8") and the plan is not stamped by a Professional Land Surveyor registered in the Commonwealth of Massachusetts. (Sec. 6.7.3)
2. The applicant shall verify reference to the approved subdivision (Sec. 6.7.4.c)
3. The applicant shall provide a Locus Map (Sec. 6.7.4.d)
4. The applicant shall provide a signature of the Professional Land Surveyor registered in the Commonwealth of Massachusetts. (6.7.4.l)
5. The applicant shall provide actual grading on the site at a 2-foot contour intervals. (Sec. 6.7.4.m)
6. The applicant shall provide actual dimensions and critical elevations of all orifices, weirs, pipe inverts or other devices associated with stormwater control at detention ponds, infiltration systems, or any other stormwater management facility intended to detain or infiltrate stormwater flows. (Sec. 6.7.4.n)

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001



TETRA TECH

7. The applicant shall provide a copy of the final As-Built Plan in digital AUTOCAD format acceptable to the Board of Assessors. The plan shall be referenced to Massachusetts State Plan. (Sec. 6.7.8)
8. Water Service for house #6 is not shown.
9. Sewer Services are not shown.
10. The benchmark elevation provided at hydrant at entrance is not legible.
11. Waterline shall be shown on profile.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Sr. Project Manager

PA2158308001\DOCS\2011-11-11 FRANKLIN CREEK REVIEW LETTER.DOC

Revised



MEMORANDUM

To: Susan Affleck-Childs – Medway Planning and Economic Development Board
Coordinator

Fr: Steven Bouley–Tetra Tech

Re: **Franklin Creek
Subdivision Review
Medway, MA**

Dt: 11/14/11

At the request of the Medway Planning and Economic Development Board, Tetra Tech performed an inspection of the Franklin Creek Subdivision against the approved Definitive Subdivision Plan for Franklin Creek dated July 22, 2005 revised January 15, 2006 and the Certificate of Action dated January 17, 2006 in order to generate a punch list for incomplete construction items and current issues that should be repaired or resolved.

On Monday, November 14, 2011, Steven Bouley from Tetra Tech performed an inspection of the current condition of the subdivision. There are several items to note that should be repaired or maintained before the Town finds the subdivision acceptable as per the approved plans. These items are as follows:

Roadway (Public-Franklin Street)

1. The paved section of Franklin Street which was recently paved is not striped. See Photo #1.

Roadway (Private-Franklin Creek Lane)

1. The word "STOP" and a stop line are not painted at the stop sign location at the intersection of Franklin Creek Lane and Franklin Street. The stop line and the word "STOP" should be painted. See Photo #2.

Drainage

1. The water quality unit at approximate STA 0+55 does not contain enough cover and is protruding from the ground. It also appears that the casting is not secured to the structure. See Photo #3.



TETRA TECH

2. The drainage system was found to contain minimal amounts of sediment (2"-4"±) in the catch basins. The water quality units and outlets appeared to be clean and may contain trace amounts of sediment. A drainage system cleaning is not required at this time.

Miscellaneous

1. Orange construction fence, silt fence and construction cones remain at the site. These items should be removed upon receiving a Certificate of Compliance from the Town of Medway Conservation Commission. See Photo #4.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,

Steven Bouley
Civil Engineer



TETRA TECH

Photo #1



Photo #2





TETRA TECH

Photo #3



Photo #4



Medway Planning & Economic Development Board

Project Closeout Checklist

SUBDIVISION NAME: Franklin Creek

DEVELOPER: Wood Structure Construction - Marko Vajentic

ATTORNEY: Paul Kenney

STREETS: Franklin Creek Lane (permanent private way)

_____ Proof that Franklin Creek Definitive Subdivision Plan was recorded
(*Plan Book 567, Pages 42 - 44, May 9, 2007*)

_____ Proof that the Franklin Creek Homeowners Association has been established
(*Book 24785, Page 557, May 9, 2007; amended May 12, 2010 in Book 27663, Page 29*)

_____ Proof that Declaration of Protective Covenants and Private Roadway Maintenance Agreement has been recorded (*Book 24785, Page 554, May 9, 2007*)

_____ Proof that the road parcel has been conveyed to the Franklin Creek Homeowners Association (*Book 29280, Page 41, October 31, 2011*)

_____ Proof that the utility easement on Lot 1 has been conveyed to the Franklin Creek Homeowners Association (*Book 27663, Page 27, May 12, 2010*)

_____ Proof that a water/sewer easement in the roadway has been conveyed to the Town of Medway

_____ Evidence that Franklin Creek neighbors have been informed of their responsibility to maintain the road and drainage system and have been given the Stormwater Operations and Maintenance Plan

List of Easements:

_____ Utility Easement on Lot 1

_____ Water/Sewer easement in the roadway

Medway Departmental/Board Reviews

_____ Sign off from Tetra Tech re: field inspection/punch list

_____ Sign off from Tetra Tech re: final as-built plans

_____ Franklin Street roadway paving work @ Franklin Creek Lane approved by DPS

_____ Sewer and water hookups for Lots 1 -3 approved by DPS

_____ Sign off/Order of Compliance from Conservation Commission re: Order of Conditions for DEP File # _____.

_____ Sign-Off/Receipt from Treasurer/Collector to verify taxes are current

_____ Sign-off from SAC re: status of subdivision's Construction Account

_____ Other Sign-Offs _____

As-Built Plan Information _____

Recording Information for Deeds & Easements

Date PEDB Approves its *Certificate of Subdivision Completion and Final Release of Subdivision Performance Guarantee* _____

11-17-2011

IDEAS FOR PRIVATE WAY STANDARDS

compiled 11-3-2011

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions		PROPOSED REVISED Private Way Subdivisions		PROPOSED for Small Private Way Condo Developments		PROPOSED for Larger Private Way Condo Developments	
			2 & 3 lots	4 & 5 lots	up to 10 units	more than 10 units				
Applicability	developments of 3 lots/dwelling units	7.9.1	2 & 3 lots	4 & 5 lots	up to 10 units	more than 10 units				
Purpose of roadway	Legal frontage and access	NA	Legal frontage and access	Legal frontage and access	Access	Access				
ROW width	STANDARD - 50'	7.9.4 b)	30'; 40'	40'	40'	50'				
Cul de sac - outside paved/surfaced roadway diameter	STANDARD - at least 100'	7.9.4.c)	60'	80'	80'	100'				
Cul de sac - property line/ROW diameter	STANDARD - at least 120'	7.9.4.c)	80'	100'	100'	120'				
Paved (surfaced) width - 2 way road	18'	7.9.7. g)	14"	14'; 16'	16'	18'				
Paved (surfaced) width - 1 way road	no standard	NA	NA	NA	14'	14'				

IDEAS FOR PRIVATE WAY STANDARDS

compiled 11-3-2011

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots		PROPOSED REVISED Private Way Subdivisions 4 & 5 lots		PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
			14' (per fire chief??)	14' (per fire chief??)	14' (per fire chief??)	14' (per fire chief??)	14' (per fire chief??)	14' (per fire chief??)
Vertical Clearance	no standard	no standard						
Road composition/materials		7.9.7	natural - pavement not required... if paved then hot mix asphalt/Cape Cod berm; gravel or asphalt; T-base; 10" gravel base with top surface of gravel or bituminous	hot mix asphalt/Cape Cod berm; gravel or asphalt; T-base; 10" gravel base with top surface of gravel or bituminous	hot mix asphalt/Cape Cod berm	hot mix asphalt/Cape Cod berm		
Sidewalks within the development	not required	7.13.2	not required	not required	not required	not required	not required; sidewalks or meandering walkways to retain	
Walkways/bikeways	at PB's discretion - to connect to adjacent subdivisions	7.22	at PB's discretion - to connect to adjacent subdivisions	at PB's discretion - to connect to adjacent subdivisions	at PB's discretion - to connect to adjacent subdivisions	at PB's discretion - to connect to adjacent subdivisions	at PB's discretion - to connect to adjacent subdivisions	
Sidewalks on frontage of the existing way on which the property fronts	STANDARD - required to be constructed or payment in lieu of to Sidewalk Account	7.13.3	not required	not required	not required	STANDARD - required to be constructed or payment in lieu of to Sidewalk Account	STANDARD - required to be constructed or payment in lieu of to Sidewalk Account	

IDEAS FOR PRIVATE WAY STANDARDS

compiled 11-3-2011

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots		PROPOSED REVISED Private Way Subdivisions 4 & 5 lots		PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
			natural - pavement not required... if paved then hot mix asphalt/Cape Cod berm	not required; hot mix asphalt/Cape Cod berm	not required; hot mix asphalt/Cape Cod berm	hot mix asphalt/Cape Cod berm	hot mix asphalt/ Cape Cod berm	
Curbing/edge treatment	hot mix asphalt/Cape Cod berm	7.10.2						
Grass strip between curb and sidewalk	not required	7.13.2	not required	not required	not required	not required	not required	not required
Handicap Accessibility	as required for ADA and AAB	as required for ADA and AAB	as required for ADA and AAB	as required for ADA and AAB	as required for ADA and AAB	as required for ADA and AAB	as required for ADA and AAB	as required for ADA and AAB
Minimum intersection/corner radii	no standard	NA? <i>apply 7.9.2.d)</i>	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)
Minimum Horizontal Centerline Radii	150'	7.9.2. b)	150'	150'	150'	150'	150'	150'
Maximum Centerline Grade	0.08	7.9.5.b)	0.08	0.08	0.08	0.08	0.08	0.08

IDEAS FOR PRIVATE WAY STANDARDS

compiled 11-3-2011

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots		PROPOSED REVISED Private Way Subdivisions 4 & 5 lots		PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
			400'; STANDARD - 600' from the centerline of an intersecting through street	600'; STANDARD - 600' from the centerline of an intersecting through street	600'; STANDARD - 600' from the centerline of an intersecting through street	20' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	STANDARD - 600' from the centerline of an intersecting through street	STANDARD - 600' from the centerline of an intersecting through street
Dead end length	STANDARD - 600' from the centerline of an intersecting through street	7.9.6. b)						
Dead end Turnaround	STANDARD - 24' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	7.9.6 e)	not required; center landscaped island for cul de sac not required; 20' hammerhead or T shaped turnaround	not required; 20' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	not required; 20' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	20' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	STANDARD - 24' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	STANDARD - 24' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround
Design Speed	25 mph	Table CD-1	dna; 25 mph	25 mph	25 mph		25 mph	25 mph
Driveways	STANDARD	7.11.1	STANDARD	STANDARD	STANDARD		STANDARD	STANDARD
Street Trees	STANDARD - 3 trees per lot set back at least 6' behind the ROW line	7.19.2	dna; landscape required in ROW	STANDARD - 3 trees per lot set back at least 6' behind the ROW line; landscape required in ROW	STANDARD - 3 trees per lot set back at least 6' behind the ROW line; landscape required in ROW	STANDARD - 3 trees per lot set back at least 6' behind the ROW line;	STANDARD - 3 trees per lot set back at least 6' behind the ROW line;	STANDARD - 3 trees per lot set back at least 6' behind the ROW line

IDEAS FOR PRIVATE WAY STANDARDS

compiled 11-3-2011

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISD Private Way Subdivisions		PROPOSED REVISD Private Way Subdivisions	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
			2 & 3 lots	allow drainage to exist within road parcel	4 & 5 lots	allow drainage to exist in road parcel	
Stormwater management	STANDARD	7.7	STANDARD; allow drainage to exist within road parcel	STANDARD; allow drainage to exist in road parcel	STANDARD	STANDARD	
Street lights	STANDARD	7.21	not required; post lights at end of driveways	not required; post lights at end of driveways; STANDARD	STANDARD	STANDARD	
REVISED 11-3-2011							
NOTE - STANDARD means the existing regular standards of the Subdivision Rules and Regs apply and that there are no existing special private way standards for this particular feature.							
dna = does not apply							
Discussion Issues:							
Evaluating a site and the adjacent vacant area for potential of the smaller private way roadway to have to serve as access to additional units in the future							
Allow for roadway surface to not have to be centered within the ROW so that key site features can be retained							
Allow for periodic pullovers along roadway shoulders in lieu of widely paved roads							

Susan Affleck-Childs

From: Hove, Eric [EHove@mapc.org]
Sent: Tuesday, November 15, 2011 11:12 AM
To: Suzanne Kennedy
Cc: Susan Affleck-Childs; chanrogers@verizon.net
Subject: zoning reform
Attachments: CLURPA support letter updates.docx; CLURPA Municipal Benefits One Pager FINAL.pdf

Dear Ms. Kennedy,

I am working on the zoning reform campaign and spoke this morning with Susan Affleck-Childs about the Town of Medway's interest in the legislation. She suggested that I contact you to discuss the campaign.

MAPC is building a network of supporters to pass zoning reform legislation for Massachusetts. The bill is known as the "Comprehensive Land Use Reform and Partnership Act" (CLURPA – S. 1019). Earlier this fall we sent a support letter (attached) to the Joint Committee on Municipalities and Regional Government, asking them to consider and pass CLURPA this year. To date, over 70 organizations and individuals signed this letter and we are looking to add more signers. It's increasingly important for the legislators to hear from local officials. If you are amenable, there are two things that would help move this legislation forward:

- 1) Sign the letter of support; and
- 2) Contact the state legislative delegation from Medway to ask for their support for CLURPA.

I'd be happy to discuss the legislation with you or provide anything else that would be helpful. Please let me know if there's anyone else in Medway who I should reach out to on this. Also attached is a one-pager on how CLURPA will help municipalities. Thanks for any assistance you can provide.

Sincerely,

Eric

Eric J. Hove
Senior Regional Planner
Metropolitan Area Planning Council
60 Temple Place, 6th Floor
Boston, MA 02111
(617) 451-2770 ext 2071
ehove@mapc.org

www.mapc.org



MASSACHUSETTS SMART GROWTH ALLIANCE

MACDC

clf
conservation law foundation

Massachusetts Public Health Association
MPHA

APCC
Association to
Preserve Cape Cod

ELI

CHAPA
Citizens' Housing and
Planning Association, Inc.

MAPC
METROPOLITAN AREA PLANNING COUNCIL

BSA

Catalyst for Regional Progress
PVPC



Mass Audubon



American Planning Association
Massachusetts Chapter
Making Great Communities Happen

HILLTOWN
Community Development Corporation

MACP
Massachusetts Association
of Consulting Planners

MAPD

CRWA

October 11, 2011

Speaker of the House Robert DeLeo

State House Room 356
Boston, MA 02133

Dear Mr. Speaker,

As advocates for smart growth, sound planning, public health and sustainable development, we ask for your assistance in advancing S. 1019, the Comprehensive Land Use Reform and Partnership Act (CLURPA). This important legislation seeks to update antiquated planning and zoning laws to facilitate prompt and predictable permitting for jobs and housing, strong community planning, and natural resource and public health protection. We would like to see CLURPA advanced out of the Joint Committee on Municipalities and Regional Government this session.

On May 18th, the Committee heard overwhelmingly positive testimony regarding the need for zoning reform to be one of the issues the Legislature addresses this session to help make government more efficient and responsive. Having taken the summer to study the issue, the time has come for the Committee to take action by advancing this critical matter to the next stage in the legislative process.

Our organizations support CLURPA as the framework for zoning reform. We respectfully request that you show your support for CLURPA to the Municipalities and Regional Government Committee Chairs and communicate the importance of this balanced and reasonable proposal. Additional information regarding S. 1019 accompanies this request.

Thank you for your consideration.

Sincerely,

Douglas Albertson, Town Planner, Town of Belchertown
Diego Angarita, Food Systems and Youth Director, Nuestras Raíces (Holyoke)
Roland Bartl, AICP, Director, Planning Department, Town of Acton
Henry A Barton, Pioneer Valley Planning Commission Executive Committee Member
Valerie Bassett, Executive Director, Massachusetts Public Health Association
Stuart Beckley, City Planner, City of Easthampton
Bedford Planning Board
Andrew Bisignani, Town Manager, City of Saugus
Timothy W. Brennan, Executive Director, Pioneer Valley Planning Commission
Sue Brown, LA, Principal, Brown Walker Planners, Inc.
David Bryant, Director of Government Relations, the Trustees of Reservations
Ken Buckland, President, Massachusetts Association of Consultant Planners
Thomas Callahan, Executive Director, Massachusetts Affordable Housing Alliance
Richard Canale, Planning Board Chairman, Town of Lexington
Gino Carlucci, AICP, Planning Consultant
Tina P. Cassidy, Planning and Development Director, City of Beverly
Liz Sheehan Castro, Project Manager, Worcester Food & Active Living Policy Council
Dave Christopolis, Executive Director, Hilltown Community Development Corporation
Michelle Ciccolo, Director of Community Development, Town of Hudson
Jessica Collins, Director, Special Initiatives, Partners for a Healthier Community/Live Well Springfield
Ian Cooke, Executive Director, Neponset River Watershed Association
Dennis DiZoglio, Executive Director, Merrimack Valley Planning Commission
Marc Draisen, Executive Director, Metropolitan Area Planning Council
Lynn Duncan, AICP, Director, Department of Planning and Community Development, City of Salem
Larry L. Dunkin, AICP, Town Planner, Town of Milford
Susan Falkoff, Councilor-at-Large, Town of Watertown
Wayne M. Feiden, FAICP, Director of Planning and Development, City of Northampton
D. Anthony Fields, Planning Director, Town of Burlington
Hector Figarella, Project Director, Holyoke Food and Fitness Policy Council
Anthony Flint, Author
Mary Giannetti, Director of Nutrition and Wellness, Fun n' FITchburg/Montachusett Opportunity Council
Nancy Goodman, Vice President for Policy, Environmental League of Massachusetts
Aaron Gornstein, Executive Director, Citizens' Housing and Planning Association
John W. Grande, Planning Board Director, Town of Framingham
Richard Harris, Town Planner, Town of South Hadley
Melissa A. Hoffer, Esq., Vice President, Director, Healthy Communities & Environmental Justice Program, Conservation Law Foundation
Angus Jennings, AICP, Director of Land Use Management, Town of Westford
Meghan C. Jop, AICP, Planning Director, Town of Wellesley (identification purposes only)
Nat Karns, Executive Director, Berkshire Regional Planning Commission
Don Keeran, Assistant Director, Association to Preserve Cape Cod
Joe Kriesberg, President and CEO, Massachusetts Assoc. of Community Development Corps.
Jeff Lacy, Planning Board, Town of Shutesbury
Elaine Lazarous, Director of Land Use, Planning, and Permitting, Town of Hopkinton (identification purposes only)
Danny LeBlanc, Executive Director, Somerville Community Corporation

Joan LeBlanc, Saugus River Watershed Council
Linda Leduc, Town Planner, Town of Palmer
Andre Leroux, Executive Director, Massachusetts Smart Growth Alliance
Jeff Levine, AICP, Director, Planning and Community Development, Town of Brookline
Reverend Bill Loesch, BOLD Teens/Codman Square Health Council
Dr. Russell Lopez, Northeastern University
Peter Lowitt, FAICP, Director, Devens Enterprise Commission
Steve Magoon, Director, Community Development and Planning, Town of Watertown
Kathleen Marcin, Lowell Downtown Neighborhood Association
Ron McAdow, Executive Director, Sudbury Valley Trustees
Maryann McCall-Taylor, Planning Director, Town of Lexington
Kathy McGrath, Coordinator, Mass Land Trust Coalition
Heather McMann, Executive Director, Groundwork Lawrence
Steve Miller, LivableStreets Alliance
Deirdra Murphy, Healthy Weight Task Force, Greater Lowell Health Alliance
John Nunnari, Executive Director, American Institute of Architects – Massachusetts
James O'Connell, Chair, Zoning Reform Working Group
Linda Orel, Executive Director, Massachusetts Association of Conservation Commissions
Sarah Parmenter, Community Health Specialist, Southeast Center for Healthy Communities
Allyson Perron, Senior Government Relations Director, American Heart/Stroke Association
Russell Preston, President, Congress for a New Urbanism, New England Chapter
Dr. Anna Rosenquist, MD, American Academy of Pediatrics, Massachusetts Chapter
William Roth, President, the Massachusetts Association of Planning Directors
Joel Russell, Principal, Joel Russell Associates
Jennifer Ryan, Legislative Director, Mass Audubon
Steven J. Sadwick, AICP, President, the American Planning Association—Mass. Chapter
Cheryl Sbarra, Senior Staff Attorney, Massachusetts Association of Health Boards
Mayor William Scanlon, City of Beverly
Stephen C. Smith, Executive Director, Southeastern Regional Planning and Economic Development District
Jennifer Van Campen, Executive Director, Watertown Community Housing
Andrew V. Vorce, AICP, Director of Planning, Nantucket Planning and Economic Development Commission
Elizabeth Ware, Town Planner, Town of Winchester
David Weed and Nancy Bonnel, Voices for a Healthy Southcoast
Margaret Wigglesworth, Executive Director, Boston Society of Architects
Ralph R. Willmer, FAICP, Senior Planner/Project Manager, VHB (identification purposes only)
Stephen Winslow, Bike to the Sea, Inc.
Robert L. Zimmerman, Jr., Executive Director, Charles River Watershed Association
Michael D. Zehner, AICP, Assistant Planning Director, Town of Wellesley (identification purposes only)

FACT SHEET: COMPREHENSIVE LAND USE REFORM AND PARTNERSHIP ACT (CLURPA)

S. 1019 filed by Senator Eldridge and Representative Stephen Kulik

Why We Need To Reform Zoning

Massachusetts land use laws are antiquated and our local permitting process is unpredictable and contentious. This has led to poor outcomes such as expensive housing, long commutes, and loss of farmland and forests. High transportation and housing costs choke economic competitiveness and residents' ability to prosper. To maintain and promote the Commonwealth's jobs, historic qualities, natural resources, affordable housing and workforce talent, both the state and its municipalities need to be strategic about what we build, where we build it, and how quickly these decisions are made.

CLURPA takes a two-tiered approach to land use and zoning in the Commonwealth – all communities will benefit from statewide reforms, while those communities that choose to “opt in” by changing some local regulations to meet economic development, housing, and natural resource protection goals will receive additional incentives. CLURPA provides cities and towns the tools they need to shape their futures.

Key Benefits of CLURPA for Municipalities include:

- Powers of Cities and Towns: explicitly confirms statutory authority relative to the use of impact fees, inclusionary zoning, form-based zoning, transfer of development rights, cluster development, and natural resource protection zoning;
- Approval Not Required Plans (ANR): increases local control by providing the option to adopt regulations for “minor subdivisions” in place of ANR provisions. ANR developments are almost unregulated, producing sprawling development patterns. This option will shift the costs of roadway upgrades, drainage improvements, and utilities to those benefitting from the development;
- Parks and Playgrounds: allows Planning Boards the option to require the setaside of up to 5% of a subdivision as a park or playground for the new neighborhood;
- Development Impact Fees: while standard practice across the United States, impact fees are generally unavailable to Massachusetts communities. This would establish a clear and predictable process for assessing fees to cover eligible impacts such as traffic, stormwater, and water supply;
- Vested Rights (“grandfathering”): reduces current excessive grandfathering protections that lock up land for years and serve as a barrier to updating local zoning regulations;
- Inclusionary Zoning: provides explicit statutory language allowing municipalities to require the creation of affordable housing in market-rate development projects, which can then count towards the 10% local requirement under Chapter 40B;
- Variances: increases local control and provides more flexibility to property owners by expanding the usefulness of the variance to address a wider array of zoning situations. The current variance statute is written so narrowly that, if applied correctly, it is almost unusable to local authorities and landowners;
- Opt-In Provisions: grants additional tools and relief to communities that choose to “opt-in” by making a number of zoning changes to be consistent with the state’s Sustainable Development Principles. These benefits include: broader use of impact fees, natural resource protection zoning at very low densities, shorter vesting periods, the ability to regulate the rate of development, and priority for state infrastructure funding;
- Funding for Planning: authorizes \$11,000,000 for municipal master and partnership planning.

CONTACT: For more information, please contact Eric Hove at MAPC at (617) 451-2770 x2071, or ehove@mapc.org.

**November 29, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Consultant
Dave Pellegrini, Tetra Tech Rizzo

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were none.

495 MetroWest Development Regional Compact

Susy reported that the Town Administrator has sent a letter to the Metropolitan Area Planning Council indicating concern and disappointment that several Medway sites were not designated as Regional Priority Development Areas and asking for reconsideration. **(See Attached.)**

Meeting Minutes

November 22, 2011

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from the November 22, 2011 meeting.

Franklin Creek Subdivision

Dave Pellegrini from Tetra Tech provided an update regarding Franklin Creek. **(See Attached construction report dated November 14, 2011).** There was further clarity on the locations where the paving samples were taken from. There was a question about the core samples. These showed 50% separated and 50% together. Dave would like to speak directly with the paving contractor to ask the variety of questions.

Dave communicated that he has gathered most of the information which will be needed for further discussion at the next meeting.

The Board did acknowledge that the paving company has offered a three year warrantee and the Board feels that is more than sufficient.

The Board next discussed the word “STOP” being painted on the pavement at the end of the street. Dave noted that there is no indication that the word STOP needs to be painted.

The Board would like a written recommendation regarding the need or no need for the word “stop” painted at the end of the street.

Village Estates Definitive Subdivision 272 Village Street – Public Hearing Continuation

The Board is in receipt of the revised Certificate of Action dated November 23, 2011. (See **Attached.**)

The Board reviewed pages one through five and are comfortable with the wording.

The Board would like to eliminate Section 7.10.2 Curbs and Berms.

The Board next referenced page 9 condition 6. The Board would like the words subject to a *declaration of protective covenants and restrictions and private roadway agreement governing the village estates subdivision* referenced on every sheet.

The Board also wants the plans to show the location of the post lights for each house.

The Board is comfortable with the remainder of the document.

The Board was made aware that member Rogers will not be able to vote on the decision as there was no recording of the one meeting he missed.

Action of Findings

**On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the action on findings.
(No vote Chan Rogers)**

Action of Mitigation Plan

**On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the action on mitigation plan.
(No vote Chan Rogers)**

Project Evaluation Criteria

**On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the project evaluation criteria.
(No vote Chan Rogers)**

Decision

On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the decision for Village Estates Definitive Subdivision Plan for 272 Village Street.

(No vote Chan Rogers)

Close Hearing

On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to close the public hearing for Village Estates.

(No vote Chan Rogers)

Zoning Map Update

Susy and Fran are working internally on the Zoning Map update. A senior volunteer is checking the old town meeting warrants and reports to give the exact language of the text. The reports go back to 1951.

Susy would like to get a professional “WORD” person to work the zoning bylaw text and develop a consistent format for the document.

25 Summer Street Subdivision – Informal

Dan O’Driscoll, from O’Driscoll Land Surveying was present to discuss 25 Summer Street.

Mr. O’Driscoll communicated that the wetland line has changed. The new delineation has been marked. The definitive subdivision plan approved by the Board now needs to be modified and the road will need to be moved to the northern edge of the parcel. The house locations will need to be moved due to the new lot lines. It has been recommended that two separate driveways would be cleaner. The houses will be moved closer to the street. This needs a new layout for the road and lot. The house footprints are the same.

Member Tucker is concerned that by pushing the road ROW bulb to the property line, what is going to happen with the setback requirements to the abutting property. He recollected the same discussion with the 272 Village Street subdivision. The setbacks will need to be reviewed.

Mr. O’Driscoll was informed that there is a meeting coming up with the Speroni Acres neighbors relative to this area. The property owner had been planning to tie into the Speroni Acres sewer system. There will be discussion about the need for ongoing maintenance of the force main sewer system and discussion about who owns what, and where what the homeowners are responsible for.

The Board indicated that they would like to see updated stormwater calculations and designs with the new submittal. Dan O’Driscoll reported that Dave Faist, the project engineer, had communicated that the drainage system will be smaller.

There are other issues to be resolved prior to coming to the Board with the plan modification. The Board informed Mr. O’Driscoll that they will need to see more documentation that Owen Sullivan has the authority to allow these 2 lots to tie into the sewer system. The meeting with the neighbors is set for January 24, 2011.

Adjourn

On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 8:15 pm.

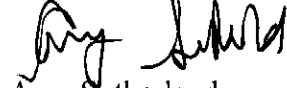
Future Meetings

The next meetings scheduled are: Tuesday, December 13, 2011 and January 10 & 24, 2012.

The Board decided to NOT meet on Tuesday, December 27, 2011.

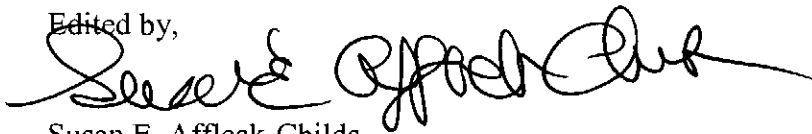
The meeting was adjourned at 8:15 PM.

Respectfully Submitted,

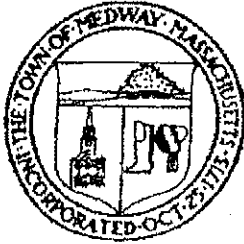


Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



Suzanne K. Kennedy
Town Administrator

Town of Medway
OFFICE OF THE TOWN ADMINISTRATOR

155 Village Street, Medway MA 02053

Tel: (508) 533-3264

Fax: (508) 533-3281

November 28, 2011

Steve Winter, Senior Project Director
Metropolitan Area Planning Council
60 Temple Place
Boston, MA 02111

Dear Mr. Winter:

Thank you for providing an opportunity to comment on the draft 495 MetroWest Development Compact report as distributed at the November 15, 2011 presentation in Framingham.

I am writing to express our concern and disappointment that Medway sites 177-3 and 177-7 were not designated as Regional Priority Development Areas. Site 177-3 is the 47 acre Oak Grove/Bottle Cap Lots area of which the Town of Medway owns 1/3 of the property. The Oak Grove area was the one of two subject sites addressed in the 495 Partnership's Density By Design study conducted in 2007 in conjunction with the University of Massachusetts. Site 177-7 is the privately owned Medway 495 Business Park. Neighboring each other, the two sites are located adjacent to I-495 in the far western portion of Medway, just south of Route 109, a major east/west route between Milford and Boston.

We have reviewed the Compact's six fundamental guiding principles and have been provided the worksheet of the GIS data points used by the Review Team to evaluate the above noted subject areas in Medway. We have some concerns, questions, and some further information to share with you.

How were the GIS data points used to evaluate the various locally identified priority development sites? The worksheet supplied to us indicates whether a site intersects with or is located near any of the various criteria, but it is not clear what that means. Is it positive or negative with any given factor? For example, if an area intersects with residential land use or an historic district, is that a good or bad thing? What type of scoring system was used? Was each criterion weighed equally? How was it applied to the various criteria? I note that 23 of the review criteria are environmentally oriented. Although we understand that this is because there was a wealth of environmental data available to assist in site review, this seems excessively weighted toward that particular aspect of a site's development potential.

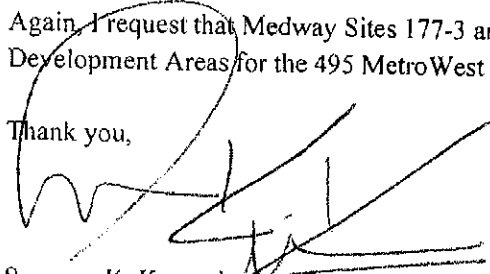
I ask that Medway Sites 177-3 and 177-7 be reconsidered for designation as a regional Priority Development Area for the following reasons:

- Of Medway's 4 industrially zoned districts, this area is located within ¼ mile of Interstate 495, Exit 19. It would be misguided to not maximize the development potential of an existing but underutilized industrial park that is adjacent to and easily accessed from I-495. Cybex International, Medway's largest employer, is located in this business park.

- After a ten year process, public sewers were recently extended to the 495 Business Park, with funding provided in part by the Commonwealth of Massachusetts through a MORE Jobs Grant. This has opened up previously undevelopable, industrially zoned property which is now available for development. The 495 Business Park is now serviced by public water, public sewer, and natural gas.
- A portion of the Oak Grove area is already recognized by the Commonwealth as a designated 43D Priority Development Site.
- An Oak Grove Redevelopment Feasibility Study is presently in process with funding support provided by MassDevelopment. Being prepared by the BSC Group and Ninigret Partners, the preliminary mixed-use smart growth concept plan for Oak Grove includes 31 buildable acres with 75 units of workforce housing and 436,000 sq. ft. of space for industrial, office, R&D, service retail, and a 150 bed hotel with conference facilities. Upon completion of the feasibility study, the Medway Planning and Economic Development Board will move toward proposing a mixed use, 40-R type zoning district for this area.

Again, I request that Medway Sites 177-3 and 177-7 be reconsidered and designated as regional Priority Development Areas for the 495 MetroWest Development Compact Regional Plan.

Thank you,


Suzanne K. Kennedy
Town Administrator

C: Jessica Strunkin, 495 Partnership
Barry Keppard, Regional Planner, MAPC
Mark Racicot, Land Use Division Manager, MAPC
Cynthia Wall, MAPC/SWAP Liaison
Victoria Maguire, Massachusetts Permit Regulatory Office
Cranston Rogers, Medway MAPC Representative
Paul Yorkis, Medway SWAP Representative



To: Susan Affleck-Childs – Medway Planning and Economic Development Board
Coordinator

Fr: Steven Bouley–Tetra Tech

Re: **Franklin Creek
Subdivision Review
Medway, MA**

Dt: 11/14/11

At the request of the Medway Planning and Economic Development Board, Tetra Tech performed an inspection of the Franklin Creek Subdivision against the approved Definitive Subdivision Plan for Franklin Creek dated July 22, 2005 revised January 15, 2006 and the Certificate of Action dated January 17, 2006 in order to generate a punch list for incomplete construction items and current issues that should be repaired or resolved.

On Monday, November 14, 2011, Steven Bouley from Tetra Tech performed an inspection of the current condition of the subdivision. There are several items to note that should be repaired or maintained before the Town finds the subdivision acceptable as per the approved plans. These items are as follows:

Roadway (Public-Franklin Street)

1. The paved section of Franklin Street which was recently paved is not striped. See Photo #1.

Roadway (Private-Franklin Creek Lane)

1. The word "STOP" and a stop line are not painted at the stop sign location at the intersection of Franklin Creek Lane and Franklin Street. The stop line and the word "STOP" should be painted. See Photo #2.

Drainage

1. The water quality unit at approximate STA 0+55 does not contain enough cover and is protruding from the ground. It also appears that the casting is not secured to the structure. See Photo #3.



TETRA TECH

2. The drainage system was found to contain minimal amounts of sediment (2"-4"±) in the catch basins. The water quality units and outlets appeared to be clean and may contain trace amounts of sediment. A drainage system cleaning is not required at this time.

Miscellaneous

1. Orange construction fence, silt fence and construction cones remain at the site. These items should be removed upon receiving a Certificate of Compliance from the Town of Medway Conservation Commission. See Photo #4.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,

Steven Bouley
Civil Engineer

Photo #1

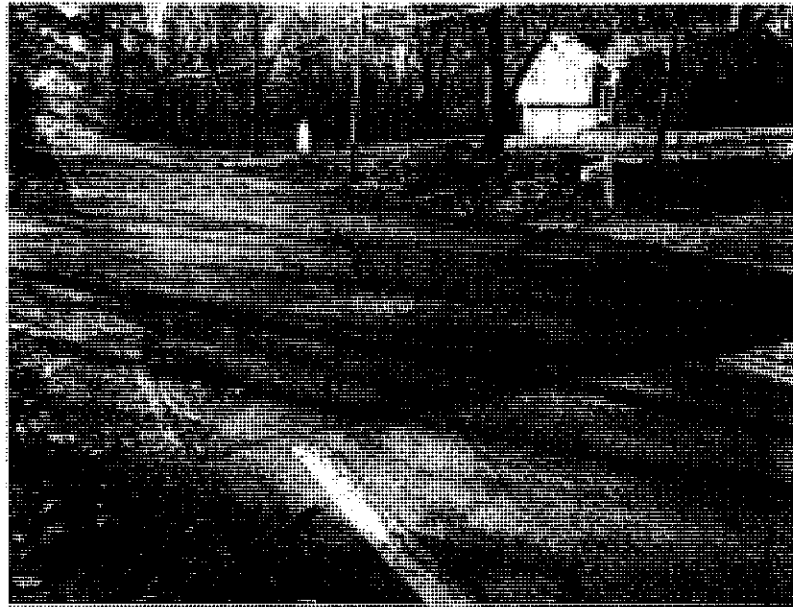


Photo #2





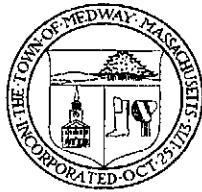
TETRA TECH

Photo #3



Photo #4





TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh

REVISED DRAFT – November 23, 2011

CERTIFICATE OF ACTION
VILLAGE ESTATES – A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
(Approved with Waivers and Conditions)

Name/Address of Applicant: Russell & Dorothy Santoro
372 Village Street
Medway, MA 02053

Name/Address of Property Owner: Russell & Dorothy Santoro
372 Village Street
Medway, MA 02053

Official Representative: Paul DeSimone
Colonial Engineering, Inc.
11 Awl Street
Medway, MA 02053

Engineer: Mountain Engineering, LLP
730 Main Street
Millis, MA 02054

Land Surveyor: Colonial Engineering, Inc.
11 Awl Street
Medway, MA 02053

Plan Dated: May 19, 2011, last revised ~~October 21, 2011~~ November 16, 2011

Location: 272 Village Street

Assessors' Reference: Map 1C – Parcel 114

Zoning District: AR-II

I. PROJECT DESCRIPTION: The proposed *Village Estates Definitive Subdivision Plan* includes 2 residential house lots and an approximately 219 linear foot single-access, permanent private roadway to be known as Bedelia Lane, to be developed on a 2.026 acre parcel of land located at 272 Village Street, a Medway Scenic Road. The parcel is presently owned by Russell and Dorothy Santoro of Medway, MA. The proposal includes construction of an underground stormwater drainage area to comply with Massachusetts DEP stormwater management requirements and extension of Town water and sewer. A portion of the site is in Wetlands Resource Area. The parcel includes one existing single family house which will be retained on Lot 1 and which will derive its legal frontage from Village Street and a portion of the new Bedelia Lane. The applicant intends to apply for a special permit from the Medway Zoning Board of Appeals to construct a two-family dwelling on Lot 2.

II. PROCEDURAL SUMMARY: With respect to *The Village Estates Definitive Subdivision Plan*, the Planning and Economic Development Board hereby certifies as follows:

1. On May 31, 2011, it received an application for approval of the *Village Estates Definitive Subdivision Plan*, dated May 19, 2011 prepared by Colonial Engineering, Inc. of Medway, MA. This definitive subdivision plan was preceded by submission of a preliminary subdivision plan, which the Planning and Economic Development Board reviewed on January 25, 2011.
2. On June 16, 2011, it circulated the Village Estates Definitive Subdivision Plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.
3. On June 28, 2011, it commenced a public hearing on the plan. The public hearing was duly noticed in the *Milford Daily News* on June 13 and 21, 2011. Notice was sent by certified sent mail on June 9, 2011 to abutters within 300 feet of the property and to parties of interest. The public hearing was continued to August 9, August 23, September 13, September 27, October 11, October 25, November 8 and November 29, 2011 when it was closed.
4. On August 9, 2011, the Planning and Economic Development Board approved the Applicant's request to extend the deadline for the Board's action to September 30, 2011. On September 27, 2011, the Board approved the Applicant's request to extend the deadline for the Board's action to October 30, 2011. On October 25, 2011, the Board approved the Applicant's request to extend the deadline for Planning and Economic Development Board action to November 30, 2011. On November 8, 2011, the Board approved the Applicant's request to extend the deadline for Planning and Economic Development Board action to December 30, 2011.
5. All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

III. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of the Village Estates Definitive Subdivision Plan were conducted over the course of seven Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board in December 2010.

Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Planning and Economic Development Board and is available for public review.

Definitive Subdivision Plan Application Materials

Form C – Definitive Subdivision Plan application Dated May 25, 2011
Form D – Designer's Certificate – Dated May 25, 2011
Form F – Development Impact Report – Dated December 15, 2010
Street Naming Application – Dated May 24, 2011
Property Deed (Johnson for Dill Family Trust to Santoro) – Dated January 24, 2008
WPA Form 4B – Order of Resource Area Delineation by Medway Conservation Commission
for MassDEP file # 2160780 – October 2010

Definitive Subdivision Plan – Colonial Engineering, Inc.

May 19, 2011
Revised - July 25, 2011
Revised - September 19, 2011
Revised - October 21, 2011
Revised - November 16, 2011

Drainage Calculations – Merrikin Engineering, LLP

May 19, 2011
Revised – July 20, 2011

Request for Waivers from Subdivision Rules and Regulations – Colonial Engineering

July 27, 2011
September 27, 2011

Town Engineering Consultant Reviews – David Pellegri, Esq., Tetra Tech

June 23, 2011 letter
August 3, 2011 letter
September 12, 2011 report and 9/25/2011 site visit
September 22, 2011 letter
October 11, 2011 email

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates

June 23, 2011
August 1, 2011

Supplemental Information Provided By Applicant's Consultants

Merrikin Engineering, LLP – Letter dated July 21, 2011 from Dan Merrikin in response to June 23, 2011 Tetra Tech review letter

Colonial Engineering, Inc. – Letter dated July 25, 2011 from Paul DeSimone in response to June 23, 2011 review letters from PGC Associates and Tetra Tech.

Colonial Engineering, Inc. - Revised roadway layout showing road moved 2 feet easterly – received August 15, 2011

Merrikin Engineering, LLP – Letter dated October 10, 2011 from Dan Merrikin with additional drainage analysis in response to questions raised at the September 27, 2011 public hearing

Citizen/Resident Letters - None

Citizen/Resident Testimony

Wayne Brundage, 268 Village Street (6/28/11, 8/9/2011, 8/23/2011, 9/13/2011, 9/27/2011, 10/11/2011, 10/25/2011 and 11/8/2011).

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA

David Pellegri, P.E., Tetra Tech – Framingham, MA

Paul DeSimone, Colonial Engineering, Inc. – Medway, MA

Medway Departmental/Board Review Comments

Memo dated September 26, 2011 from Paul Trufant, Medway Fire Chief, subsequent memo dated November 2, 2011.

Email communication dated October 5, 2011 from Medway Police Department Safety Officer Sergeant Jeffrey Watson

Email communication dated August 4, 2011 from Thomas Holder, Medway Police Director

Letter dated September 26, 2011 from William Donaghy, Superintendent Water & Sewer Division, Medway DPS

Letter received May 31, 2011 from Building Commissioner Planning Enforcement Officer John F. Emidy.

The Board is also in receipt of several confidential communications from Town Counsel Barbara Saint Andre of Petrini & Associates.

IV. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS

– The Applicant has requested waivers from the following sections of the *Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 10.2 b) Water Facility Installation – *Water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use. Water facilities must conform to the Medway Water Rules and Regulations, which are under the jurisdiction of the Water and Sewer Department. Proper connections shall be made with existing public water systems. Water lines shall be at least 8-inch diameter cement-lined ductile iron, Class 52 or greater, or as currently required by the Town of Medway Water and Sewer Department and shall be furnished with adequate valves and appurtenances to the specifications of the Town of Medway Water and Sewer Department. Water pipes shall be extended and connected to form a loop type system. Easements across lots shall be used to eliminate dead ends.*

FINDINGS – The applicant requests that these requirements be waived and proposes instead that a common 2" water line or two 1 ½" water lines be installed to serve the proposed duplex house. The Board finds this acceptable since no fire hydrant will be located on the proposed new way and the Water and Sewer Division of the Department of Public Services has approved the proposed water services subject to compliance with its Water and Sewer Regulations.

SECTION 7.7.2 p) Stormwater Management – Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots. The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of-way. The limits of a detention pond are characterized by a distinct break in the proposed grading. For a pond cut into the existing grade, the limit is defined as the top of the proposed slope where it meets the existing grade. For a pond built above the existing grade using berms, the limit is defined as the bottom of the berm slope on the exterior side of the pond where it meets the existing grade.

FINDINGS - The applicant requests that the proposed detention basins be allowed to be located within the right-of-way and less than 30 feet from lot lines. The Board finds that the proposed drainage system is designed in accordance with LID standards as well as DE's Stormwater Management standards. Furthermore, the closest basin is about 45 feet from the foundation of the proposed new house and its bottom elevation is close to the bottom elevation of the foundation so it pose no danger to that foundation. As mitigation, the applicant proposes landscaping to help the basin blend into the site better than a conventional detention basin. Also, as noted in Condition #10 below, in order to ensure that the stormwater management system continues to operate effectively and in a manner to prevent runoff to abutting property, there will be a deed restriction on Lot 1 to require that the final grades of the lot as shown on the plans not be altered in the future.

SECTION 7.9.2 d) Alignment – Property lines at a street intersection shall be rounded or cut back to provide a property line radius of twenty-eight feet (28') or a curb radius of not less than forty feet (40'), whichever is more stringent or as required to provide a distance between street pavement and property lines.

FINDINGS - The applicant proposes a 24' curb radius on the west side of the proposed permanent private way because the property line on that side is perpendicular to the Village Street right-of-way so there is insufficient room for the required 28' curb radius. Due to the limited traffic on this permanent private way, the Board finds this design is acceptable.

SECTION 7.7 h) ROADWAY CONSTRUCTION – Pavement for roadways in subdivisions shall be Hot Mix Asphalt Pavement. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Section 400 and Section M of the Standard Specifications except that no such construction shall be undertaken before April 15th of any year, not after November 15th of any year. Pavement on minor and secondary residential subdivision streets shall be laid to a compacted depth of four inches (4") and laid in two (2) courses. The intermediate (binder) course shall consist of Dense Binder and be compacted to two and one-half inches (2-1/2"); the surface shall consist of Top Course and shall be compacted to one and one half inches (1-1/2").

FINDINGS – The applicant proposes to construct the road with gravel only, and not pave it. A paved apron is proposed at the intersection with Village Street within the Village Street right-of-way and for a distance of approximately 20 feet onto the site. The Board finds this acceptable, subject to replacing gravel with dense-graded crushed stone (See condition #6 below), due to the limited traffic on the permanent private way, the protection provided by the paved apron and because the drainage design is based on a paved road so it will continue to be valid in the event the owners pave the road in the future.

SECTION 7.10.2 CURBS AND BERMS – Hot mix asphalt Cape Cod Berm shall be provided along the full length of a permanent private way.

FINDINGS – The applicant proposes to eliminate a Cape Cod berm along the edge of the proposed roadway. Since most of the road will be gravel, there is no need for a berm along the edge so the Board finds this acceptable. However, a Cape Cod berm will be required along the edges of the paved portion of the roadway and an edge treatment on the portion that consists of dense graded crushed stone shall be installed to ensure proper functioning of the drainage system. **NOTE – Paul DeSimone was to check on drainage design and whether some type of edging is necessary and/or possible).**

SECTION 7.17.1 FIRE PREVENTION AND PROTECTION MEASURES – A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.

FINDINGS – The applicant proposes to not install a fire alarm system in the private way. The Fire Department is converting to a new system. Therefore, the Board finds this waiver to be acceptable subject to a payment in-lieu of the system into a Fire Department fund for installation of the new system in the amount of \$1,000 as determined by the Fire Chief.

7.21 STREET LIGHTS (entire section)

FINDINGS – The applicant proposes not to install street lights in the subdivision. However, there will be a requirement as specified in Condition #9 that each lot will have a post light. Due to the limited traffic on the permanent private way, the existing street lights along Village Street and the fact that the character of the way is similar to a driveway, the Board finds this acceptable.

Mitigation Plan

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources. The use of compacted dense graded crushed stone instead of hot mix asphalt will improve permeability.
4. The developer will install post lights for each house lot instead of full overhead street lights.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____ and seconded by _____ to approve the above noted Waiver Findings. The motion was _____ by a vote of ___ in favor and ___ opposed.

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____ and seconded by _____ to _____ the above noted Mitigation Plan. The motion was _____ by a vote of ___ in favor and ___ opposed.

Action on Waiver Request - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____ and seconded by _____ to _____ the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations*. The motion was _____ by a vote of ___ in favor and ___ opposed.

V. PROJECT EVALUATION CRITERIA - Before taking action on a Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____ seconded by _____ to _____ the Project Evaluation Findings noted below. The motion passed by a vote of ___ in favor and ___ opposed.

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS - The Planning and Economic Development Board finds that the submissions were complete and technically accurate.

5.16.2 Determination that the street pattern is safe and convenient and that proper provision is made for street extension. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.

FINDINGS - The Board finds that the proposed street is safe and convenient. It has been reviewed by both the Fire Chief and the Police Safety Officer and the Town's consulting engineer. As a permanent private way, it will handle a minimum amount of traffic.

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS - The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the sight distances from the proposed road onto Village Street are adequate. The site will be tied into Town water and sewer, and erosion controls will be in place during construction. The Town's Safety Officer has reviewed the plans and has not found any unwarranted safety deficiencies.

- 5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

FINDINGS – The site of the subdivision is not within a Priority Habitat Area and the wetlands at the rear of the site will be protected. Stormwater management has been adequately addressed and only a single-family house or duplex is proposed to be constructed. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.

- 5.16.5 Determination that the roads and ways leading to and from the subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel for the projected volume of traffic. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.

FINDINGS – The plans have been reviewed by the Fire Chief as well as the Town's Safety Officer. The Board finds that the proposed roadway is adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic, subject to the changes required by the Town's Safety Officer. The roadway will be built according to the Board's specifications for a permanent private way, except as waived herein.

- 5.16.6 Conformity with all applicable requirements of the Medway Zoning By-Law including but not limited to minimum area and frontage standards.

FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning By-Law, including minimum area and frontage requirements.

- 5.16.7 Consistency with the purposes of the Subdivision Control Law.

FINDINGS – The Board finds that the proposed subdivision is consistent with the purposes of the Subdivision Control Law because it meets the requirements for a permanent private way, except for the reasonable waivers that have been granted herein with good cause.

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____ a motion was made by _____ and seconded by _____ to _____ the **Stage Estates Private Way Definitive Subdivision Plan**, prepared by Colonial Engineering Inc. dated May 19, 2011, last revised November 16, 2011 subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the following sections of the *Subdivision Rules and Regulations* dated April 25, 2005.

SECTION 7.6.2 b) Water Facilities Installation
SECTION 7.7.2 p) Stormwater Management
SECTION 7.9.2 d) Alignment
SECTION 7.9.7 h) Roadway Construction
SECTION 7.10.2 Curbs and Berms
SECTION 7.17.1 Fire Prevention and Protection Measures

The motion was _____ by a vote of ___ in favor (*list names*) and 0 opposed (*list names*).

VII. CONDITIONS – The following specific and general conditions shall apply to the Applicant, its executors, administrators, devisees, heirs, successors and assigns:

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 2 residential house lots. It is understood the applicant intends to apply for a special permit from the Medway Zoning Board of Appeals to construct a 2 family structure on Lot 2. As a permanent condition of this plan, no further subdivision of the property beyond these lots will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Planning and Economic Development Board, within three (3) years of the date of endorsement of the plan.
3. It is understood that the existing curb cuts for 272 Village Street will be eliminated. Access for Lots 1 and 2 will come only from Bedelia Lane.
4. *Ownership of Bedelia Lane* - It is understood that Bedelia Lane shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Village Estates Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the definitive subdivision plan. The Association shall ultimately own and maintain the parcel with the private roadway known as Bedelia Lane including snowplowing and sanding, and maintain and operate the stormwater detention/infiltration system and related infrastructure.
5. The Applicant shall specifically reserve to itself ownership of the fee in Bedelia Lane and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall conveyance in the roadways and drainage easements to the Village Estates Homeowners Association before the Planning and Economic Development Board approves the final bond release or, if there is no bond, then approval of the as-built plan. The Applicant shall convey a utility easement to the Town of Medway for sewer and water purposes.
6. Prior to endorsement, the plans dated November 16, 2011 shall be revised to include the following references:
 - a note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision*
 - Location and specification for post lights for each house lot. The light shall not spill onto adjacent properties in accordance with the lighting provisions of the Medway Zoning Bylaw.
 - A note indicating that Bedelia Lane shall be constructed of dense-graded crushed stone, conforming to MassDOT specifications, to a depth of at least 4”.

7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.
8. *The Village Estates Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing The Village Estates Homeowners' Association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of Bedelia Lane and the stormwater management system.
9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Village Estates subdivision* - The future owners of Lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Village Estates Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Village Estates Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Village Estates Subdivision* shall include language regarding the installation of light posts for each lot, the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.
10. *Lot Deeds* - Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary designations, specific usages and purpose. Each deed shall clearly state that Bedelia Lane is a private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement Governing the Village Estates Subdivision*.

The deed for Lot #1 shall include a restriction in perpetuity to maintain the final grades shown on the plans in order to ensure that the stormwater system continues to operate effectively and to prevent runoff onto abutting properties.

11. *Road Deed & Easements* - Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Bedelia Lane and all easements shown on the plan to the Village Estates Homeowner's Association, for review, comment, amendment and approval by Town Counsel.

12. *Scenic Road Work Permit* – Prior to endorsement, the Applicant shall work with the Planning and Economic Development office to determine if a Scenic Road Work Permit is needed. Any conditions or tree planting requirements of the Scenic Road Work Permit shall be depicted on the final definitive subdivision plan presented for endorsement.
13. *Document/Plan Recording* – Within thirty (30) days of recording the endorsed definitive subdivision plan, the *Subdivision Covenant*, the *Declaration of Protective Covenants and Restrictions* and *Private Roadway agreement Governing the Village Estates subdivision*, any articles of association establishing the Village Estates Homeowner's Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Planning and Economic Development Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.
14. *Sidewalk Construction* – The Applicant shall replace selected sections of sidewalk on Village Street as specified on the Definitive Subdivision Plan.
15. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of Bedelia Lane and all related stormwater management infrastructure throughout the entire construction process until the roadway determined to be complete by the Board and is subsequently conveyed to the Village Estates Homeowners Association.

General Conditions

18. *Expiration of Appeal Period* – Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's Office.
19. *Payment of Balance of Taxes* – Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property owners in Medway by the applicant.
20. *Establishment of Bond Account* – Prior to endorsement, the Applicant shall establish a statement savings account (*with the Town of Medway*) at an area financial institution with which the Applicant will place a cash bond. The applicant shall provide the Medway Treasurer with a signed withdrawal slip from said account which shall be retained by the Medway Treasurer.
21. *Subdivision Covenant* – Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services

shall be installed to the satisfaction of the Planning and Economic Development Board within three (3) years of the date of plan endorsement. The Subdivision Covenant shall apply to all house lots shown on the plan.

22. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for house lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer.
23. *Order of Conditions* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all "Order of Conditions" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under any "Order of Conditions" shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a modification to the Definitive Plan. The Planning and Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "Order of Conditions" that may be deemed appropriate by the Planning and Economic Development Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Planning and Economic Development Board endorses the plan modification.

Additionally, upon issuance of any "Order of Conditions" requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning and Economic Development Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

24. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Medway Planning and Economic Development Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Planning and Economic Development Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
25. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" paper format. The Applicant shall also provide the approved

plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

26. *Pre-Construction Meeting* – At least seven days prior to the start of any construction on the site, a pre-construction meeting shall take place with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Services, the developer and his contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPP) as filed with the Mass Department of Environmental Protection (DEP) shall be provided to the Town.
27. *Proof of Taxes Paid* – Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.
28. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
29. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) stormwater management policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

###

**VILLAGE ESTATES DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF PLANNING AND ECONOMIC DEVELOPMENT
BOARD ACTION**

Date of Action by the Medway Planning and Economic Development Board:

AYE:

NAY:

Date Signed:

Attest:

Susan E. Amick-Corliss
Planning and Economic Development Coordinator

Date

Date Filed with the Town Clerk:

Copies To: Russ and Dorothy Santoro
Paul DeStasio, Colonial Engineering, Inc.
Rick Merrikin, Merrikin Engineering
David D'Amico, Public Services
John Emidy, Building Commissioner
Bill Fisher, Board of Health
Thomas Holder, Public Services
Suzanne Kennedy, Town Administrator
Will Naso, Assessor
Melanie Phillips, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Paul Trufant, Fire Chief
Sergeant Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegrini, Tetra Tech

**December 13, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Consultant
Dave Pellegrini, Tetra Tech Rizzo

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were none.

REPORT FROM PLANNING CONSULTANT GINO CARLUCCI:

Consultant Carlucci informed the Board that the next SWAP meeting will take place on Thursday, December 15, 2011. This meeting will be held in Millis. The focus of the meeting will be on the parking study.

DISCUSSION - PRIVATE WAY STANDARDS:

The Board will be discussing the Private Way Standards at the January 10, 2011 meeting. It was suggested that Tom Holder be invited to this meeting. The Board suggested that we gather information from other towns about what they do with private way standards.

Susy reported that Tom Holder is advocating that the Town not be responsible for sewer and water service on private ways. There needs to be a discussion about where does the Town draw the line with the connections for water for dwellings on private ways . . . at the property line or at the connection point??

ENERGY COMMITTEE:

Andy Rodenhiser informed the Board that the Planning Board needs to appoint a member to serve on the Energy Committee.

Susy will seek clarification from the TA's office whether the PB is to appoint someone to the Energy Committee or if the PB has to appoint a PB member to serve.

FRANKLIN CREEK SUBDIVISION:

The Board is in receipt of a letter from Tetra Tech dated December 9, 2011. The letter provides a summary of the two outstanding issues. **(See Attached)**. The two remaining issues for Franklin Creek are:

1. Bituminous Concrete Top Course
2. Stop Line Painting

Bituminous Concrete Top Course:

Tetra Tech Rizzo recommends that the Board hold the bond amount for the bituminous concrete top coat only, through March 31, 2012. The reasoning for this recommendation is to provide an opportunity to verify the absence of pavement failures which typically occur during the winter months.

O'Brien Paving Inc. has also agreed to guarantee the roadway for a period of three (3) years. The warrantee document was provided; it is dated August 18, 2011. **(See Attached)**

The Board would like the language of the warrantee to indicate the "roadway", not the "driveway."

The Board is comfortable going with the recommendation from Tetra Tech.

It was suggested to hold the bond amount of \$10,980.00. The balance should be provided back to the developer.

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to refund the remaining balance and retain with the amendment the three year agreement with the date of completion included along with amending the language relative to the reference driveway changing it to roadway.

Stop Line Painting:

Tetra Tech Rizzo read through the Town's regulations as well as the approved plans and found nothing that requires the painted letters on the roadway. The word "STOP" has been installed at several other subdivisions.

Member Rogers noted that the international standard is a regular STOP sign and a line on street, but not the word "stop".

The word "stop" was not shown on the plan.

The Board would like this discussed with the Town of Medway Safety Officer (Jeff Watson). This will be communicated back to the board with recommendation.

The Board reviewed the Franklin Creek project closeout checklist. **(See Attached.)**

MEETING MINUTES:

November 29, 2011:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from November 29, 2011.

CONSTRUCTION ESTIMATE VILLAGE ESTATES:

An estimate was provided by Tetra Tech. It is dated December 9, 2011. (See Attached.)

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the construction account estimate for Village Estates Subdivision in the amount of \$7,400.00.

SPERONI ACRES NEIGHBORHOOD MEETING

The Board is in receipt of a copy of the letter dated November 16, 2011 from Andy Rodenhiser to the Speroni Acres neighbors. (See Attached)

This letter is a follow-up to the neighbors letting them know that there will be a meeting on January 24, 2012 at 7:15 pm. The purpose of the meeting will be to update the Speroni Acres neighbors on various aspects of the subdivision. The meeting will also be informational to place all affected parties on common ground. The Board wants to make it clear that they are not requiring the establishment of a homeowners association to address the force main sewer, but that is one of the options for the residents.

The Board also discussed that it is the Town's responsibility to make sure the appropriate easements are in place to allow the Town to maintain the subdivision's stormwater facilities in the future.

The Board will create an outline of issues to present at the meeting with the residents. There will be a discussion about the potential problems, and potential resolutions.

It was suggested that Mr. Sullivan be encouraged to attend, or his representative.

WILLIAMSBURG CONDOMINIUM

The Board is in receipt of a letter dated December 12, 2011 from Andy Rodenhiser to the developers of the Williamsburg Condominium. (See Attached)

This letter is regarding the brightness of the streetlights on Williamsburg Way. Tetra Tech Rizzo has determined that the light level at the Williamsburg property line across from 67 West Street does not exceed the Town's requirements. Tetra Tech Rizzo presented two options for a resolution. One is to make a modest reduction in the wattage of the bulb fixtures closest to West Street. Another option would be to install house shields.

The Board will follow-up with Mr. Yorkis to see which option they are pursuing.

NEW TOWN WEB PLATFORM - VIRTUAL TOWN HALL:

Susy Affleck-Childs provided a visual overhead projection of the Town of Medway's current website. The Board then reviewed the Town of Franklin which using the Virtual Town Hall platform. Susy would like input about what type of links and information the board members would like to have on the site.

POSSIBLE AMENDMENTS TO OSRD BYLAW

The Board is in receipt of a draft proposed amendments for the Open Space Residential Development dated November 3, 2011. **(See Attached)** Susy Affleck-Childs explained that the deletions are shown in ~~strike throughs~~ and the additions are in **bold**.

Consultant Carlucci suggested that important site features be included as part of section 1. d).

The Board discussed that the pre-application shall consist of already existing and readily available information.

At the pre-application review, section 2). Includes that the applicant shall propose and identify potential development areas and open space areas including potential trails, trail connections, parking areas, etc.

Member Spiller-Walsh has provided to the Board a copy of the Open Space and Landscape Preservation Development for Hopkinton. She likes that the intent of this article is NOT to "make developable or to permit an increase in the number of building lots that would otherwise be possible on a conventional plan but rather to encourage the preservation of important site features".

Member Spiller-Walsh communicated that the importance of the intent of the OSRD is that each site is sensitive and different and should be treated as such. She also wants the integrity of the units to be smaller. She suggested the Board revisit the broader issue of its scope of authority with special permits.

Member Tucker does not agree with the bonus units for affordable housing. There are too many options. This does not allow for thinking outside of the box.

Susy Affleck Childs and Member Gay will continue to work on this. It was suggested that if any of the other members have comments and suggestions that these must be written down or sent in an email. Susy would like these recommendations to her prior to Christmas.

Susy indicated she would also work on some changes to the Affordable Housing Bylaw to revise the number of units which trigger the affordable housing requirements. Presently, it is 3 units.

FY2013 BUDGET CALENDAR:

The Board was provided with a FY 2013 Budget Calendar. **(See Attached).**

Member Tucker asked that Susy check any contracts that may expire to determine if there are any impacts on the budget.

The Board also noted that the warrant for the annual town meeting opens in four weeks

ADJOURN:

On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 10:00 pm.


FUTURE MEETINGS:

The next meetings scheduled are: Tuesday, January 10 & 24, 2012.

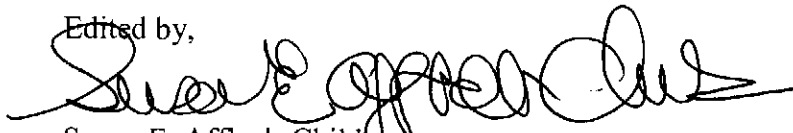
NOTE – Joint meeting with the BOS and the EDC on January 18th.

The meeting was adjourned at 10:00 PM.

Respectfully Submitted,


Amy Sutherland
Meeting Recording Secretary

Edited by,


Susan E. Affleck-Childs
Planning and Economic Development Coordinator



RECEIVED
DEC 12 2011

TOWN OF MEDWAY
PLANNING BOARD

December 9, 2011

Medway Planning and Economic Development Board
Franklin Creek Lane
Medway, MA 02053

Re: Franklin Creek Roadway Status Update

Dear Board:

Please find below a final summary of two outstanding issues discussed at the most recent hearings for the above referenced project.

Bituminous Concrete Top Course-As you know, the top course of bituminous concrete pavement was recently installed along Franklin Creek Lane. Per Section 6.5.4(d) of the Town of Medway Planning and Economic Development (PEDB) Board Rules and Regulations "Each application of hot mix asphalt on the street and sidewalk and placement of curbing must be approved by the Department of Public Services (DPS) and the Town's Consulting Engineer." Neither Tetra Tech (TT) nor the DPS were informed of the top course paving operations; therefore an asphalt inspection was not conducted on the roadway per the regulation above.

Tetra Tech's primary objective during paving inspections is to verify that the depth of pavement placed meets the requirements of the approved plans and the town regulations. Since we did not witness the installation TT attempted to verify the thickness through other methods such as acquiring the paving slips to identify the quantities of pavement delivered to the site, and reviewing photographs of the installation provided by the paving contractor. Additionally, a quantity was calculated representing the amount of top course that should have been placed based on depths provided in the plans. This quantity varied from that provided on the paving slips. Due to this discrepancy and the inconclusive evidence provided, it was determined that additional tests were required to verify pavement depths.

With approval from the PEDB, TT directed the contractor to conduct cores within the roadway to provide sample depths. Six cores were taken along the roadway at strategic locations. The following thicknesses were measured for the depth of the top course: 1.50", 1.75", 2.00", 1.00", 1.50", and 1.25". Slight variations in paving thicknesses is

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

typical and since the measurements average the 1.50" depth required by the plans, TT did not require additional cores in order to limit disturbance to the newly paved roadway.

The paver, O'Brien Paving Inc. was contacted regarding the services that were provided during paving operations of Franklin Creek Lane. Mr. O'Brien stated that prior to placing the top course of pavement, the binder course required repair and the roadway required widening. The binder was repaired approximately 30 ft. to the east and west of the catch basins located at approximate STA 0+60 for the entire width of the roadway, see Photo #1. Binder repair was also conducted at the turnaround area from approximate STA 3+50 to approximate STA 2+00, see Photo #2. The roadway also required widening by approximately 3 ft. to the north. Mr. O'Brien prepared the area with gravel and added approximately 3 ft. of binder for the length of the roadway, see Photo #3.

Mr. O'Brien also stated that after binder repair, the roadway was thoroughly power swept and tacked. Mr. O'Brien stated that he utilized 5-7 gallon buckets of tack which was applied to all seams and to existing binder which had not been repaired. The areas of newly repaired binder as mentioned above were not tacked.

During the PEDB hearings for this project, opinions were also heard from a former contractor connected to this project that tack was not used on the roadway and that the paved depths were insufficient. This contradicted some of the information provided and stated by Mr. O'Brien.

O'Brien Paving Inc. has agreed to guarantee the roadway for a period of three (3) years. Attached is their warranty which will be passed on to the homeowner's association. Although the tests conducted offer no reason to believe out of the ordinary structural issues will be encountered in the future, since we can't guarantee the depth of pavement placed on the roadway we recommend that it not be accepted as a public way any time in the future.

Additionally, based on the information noted above, TT recommends that the board hold the remaining bond amount for bituminous concrete top course only, through March 31, 2012. This will provide an opportunity to verify the absence of pavement failures typically occurring during the winter months where freezing/thawing cycles can damage a pavement section if there are issues with the paving.

Stop Line Painting

At the most recent hearing for this project a PEDB board member raised the question of the necessity of painting the word "STOP" at the end of the roadway before the painted stop line. We have read through the town regulations as well as the approved plans and


conditions for this project and find nothing that requires the painted letters. The stop line is included on the approved drawings and therefore is required to be installed per plan. We noted at the hearing that the word "STOP" has been installed at several other subdivisions recently developed in town.

The next step for us was to identify any traffic regulations or standards that either require, or recommend the installation of the word "STOP" to accompany the stop line itself. We found that there are no such requirements and recommendations; however the latest edition of the Manual of Uniform Traffic Controls and Devices (MUTCD) (See Attached) specifically states that "Word, symbol, and arrow markings including those contained in the Standard Highway Signs and Markings book, may be used as determined by engineering judgment to supplement signs and/or provide additional emphasis for regulatory, warning, or guidance messages." The document then goes on to list words/symbols that may be used and the word "STOP" is included in that list. In summary, the word "STOP" is typically recommended based on good engineering judgment in areas that require emphasis such as railroad crossings, schools, or difficult intersections.

Based on this information we feel that the word "STOP" is not required for this subdivision. The PEDB may want to establish criteria for future projects as to when the word "STOP" is required. In lieu of that criteria, it will remain the responsibility of the design and review engineer to determine the applicability.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,



David R. Pellegri, P.E.
Senior Project Manager

Photo #1



Photo #2



Photo #3



Option:

- 03 Blue lines may supplement white parking space markings of each parking space designated for use only by persons with disabilities.

Support:

- 04 Additional parking space markings for the purpose of designating spaces for use only by persons with disabilities are discussed in Section 3B.20 and illustrated in Figure 3B-22. The design and layout of accessible parking spaces for persons with disabilities is provided in the "Americans with Disabilities Act Accessibility Guidelines (ADAAG)" (see Section 1A.11).

Section 3B.20 Pavement Word, Symbol, and Arrow Markings

Support:

- 01 Word, symbol, and arrow markings on the pavement are used for the purpose of guiding, warning, or regulating traffic. These pavement markings can be helpful to road users in some locations by supplementing signs and providing additional emphasis for important regulatory, warning, or guidance messages, because the markings do not require diversion of the road user's attention from the roadway surface. Symbol messages are preferable to word messages. Examples of standard word and arrow pavement markings are shown in Figures 3B-23 and 3B-24.

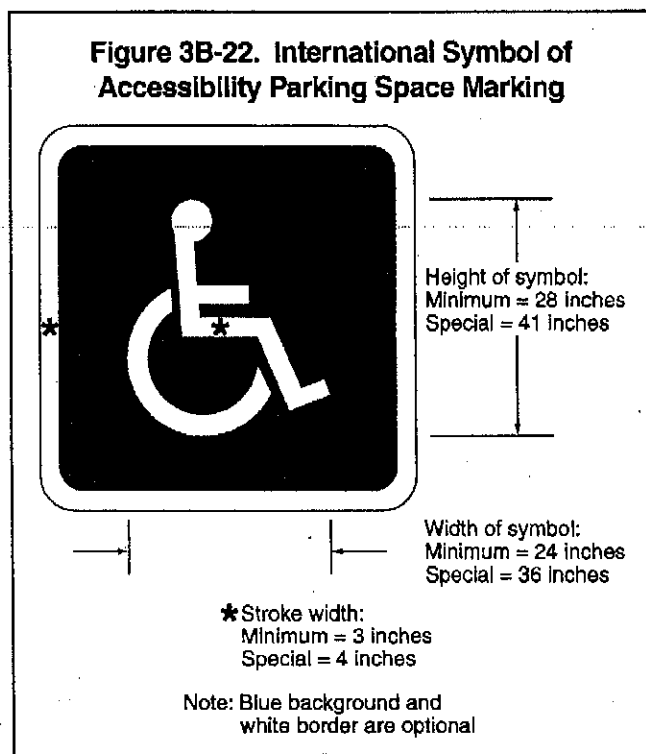
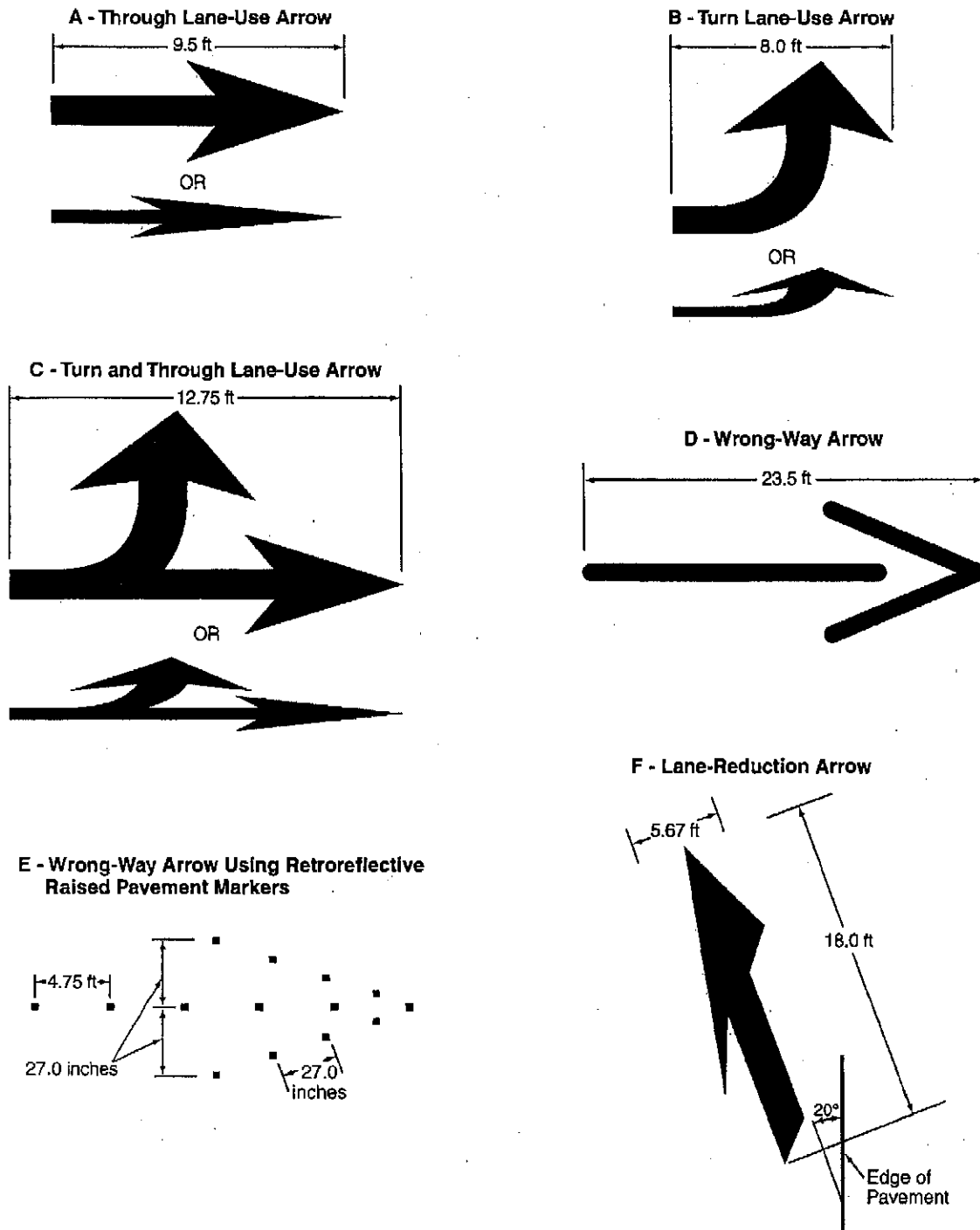


Figure 3B-23. Example of Elongated Letters for Word Pavement Markings



Figure 3B-24. Examples of Standard Arrows for Pavement Markings



Notes:

1. Typical sizes for normal installation; sizes may be reduced approximately one-third for low-speed urban conditions; larger sizes may be needed for freeways, above average speeds, and other critical locations.
2. The narrow elongated arrow designs shown in Drawings A, B, and C are optional.
3. For proper proportion, see the Pavement Markings chapter of the "Standard Highway Signs and Markings" book (see Section 1A.11).

Option:

- 02 Word, symbol, and arrow markings, including those contained in the "Standard Highway Signs and Markings" book (see Section 1A.11), may be used as determined by engineering judgment to supplement signs and/or to provide additional emphasis for regulatory, warning, or guidance messages. Among the word, symbol, and arrow markings that may be used are the following:

A. Regulatory:

1. STOP
2. YIELD
3. RIGHT (LEFT) TURN ONLY
4. 25 MPH
5. Lane-use and wrong-way arrows
6. Diamond symbol for HOV lanes
7. Other preferential lane word markings

B. Warning:

1. STOP AHEAD
2. YIELD AHEAD
3. YIELD AHEAD triangle symbol
4. SCHOOL XING
5. SIGNAL AHEAD
6. PED XING
7. SCHOOL
8. R X R
9. BUMP
10. HUMP
11. Lane-reduction arrows

C. Guide:

1. Route numbers (route shield pavement marking symbols and/or words such as I-81, US 40, STATE 135, or ROUTE 10)
2. Cardinal directions (NORTH, SOUTH, EAST, or WEST)
3. TO
4. Destination names or abbreviations thereof

Standard:

- 03 Word, symbol, and arrow markings shall be white, except as otherwise provided in this Section.
- 04 Pavement marking letters, numerals, symbols, and arrows shall be installed in accordance with the design details in the Pavement Markings chapter of the "Standard Highway Signs and Markings" book (see Section 1A.11).

Guidance:

- 05 Letters and numerals should be 6 feet or more in height.
- 06 Word and symbol markings should not exceed three lines of information.
- 07 If a pavement marking word message consists of more than one line of information, it should read in the direction of travel. The first word of the message should be nearest to the road user.
- 08 Except for the two opposing arrows of a two-way left-turn lane marking (see Figure 3B-7), the longitudinal space between word or symbol message markings, including arrow markings, should be at least four times the height of the characters for low-speed roads, but not more than ten times the height of the characters under any conditions.
- 09 The number of different word and symbol markings used should be minimized to provide effective guidance and avoid misunderstanding.
- 10 Except for the SCHOOL word marking (see Section 7C.03), pavement word, symbol, and arrow markings should be no more than one lane in width.
- 11 Pavement word, symbol, and arrow markings should be proportionally scaled to fit within the width of the facility upon which they are applied.

Option:

- 12 On narrow, low-speed shared-use paths, the pavement words, symbols, and arrows may be smaller than suggested, but to the relative scale.

- 13 Pavement markings simulating Interstate, U.S., State, and other official highway route shield signs (see Figure 2D-3) with appropriate route numbers, but elongated for proper proportioning when viewed as a marking, may be used to guide road users to their destinations (see Figure 3B-25).

Standard:

- 14 Except at the ends of aisles in parking lots, the word STOP shall not be used on the pavement unless accompanied by a stop line (see Section 3B.16) and STOP sign (see Section 2B.05). At the ends of aisles in parking lots, the word STOP shall not be used on the pavement unless accompanied by a stop line.

- 15 The word STOP shall not be placed on the pavement in advance of a stop line, unless every vehicle is required to stop at all times.

Option:

- 16 A yield-ahead triangle symbol (see Figure 3B-26) or YIELD AHEAD word pavement marking may be used on approaches to intersections where the approaching traffic will encounter a YIELD sign at the intersection.

Standard:

- 17 The yield-ahead triangle symbol or YIELD AHEAD word pavement marking shall not be used unless a YIELD sign (see Section 2B.08) is in place at the intersection. The yield-ahead symbol marking shall be as shown in Figure 3B-26.

Guidance:

- 18 The International Symbol of Accessibility parking space marking (see Figure 3B-22) should be placed in each parking space designated for use by persons with disabilities.

Option:

- 19 A blue background with white border may supplement the wheelchair symbol as shown in Figure 3B-22.

Support:

- 20 Lane-use arrow markings (see Figure 3B-24) are used to indicate the mandatory or permissible movements in certain lanes (see Figure 3B-27) and in two-way left-turn lanes (see Figure 3B-7).

Guidance:

- 21 Lane-use arrow markings (see Figure 3B-24) should be used in lanes designated for the exclusive use of a turning movement, including turn bays, except where engineering judgment determines that physical conditions or other markings (such as a dotted extension of the lane line through the taper into the turn bay) clearly discourage unintentional use of a turn bay by through vehicles. Lane-use arrow markings should also be used in lanes from which movements are allowed that are contrary to the normal rules of the road (see Drawing B of Figure 3B-13). When used in turn lanes, at least two arrows should be used, one at or near the upstream end of the full-width turn lane and one an appropriate distance upstream from the stop line or intersection (see Drawing A of Figure 3B-11).

Figure 3B-25. Examples of Elongated Route Shields for Pavement Markings

A - Interstate Shield
on dark or
light pavement



B - U.S. Route Shield
on dark pavement



C - U.S. Route Shield
on light pavement



D - State Route Shield
on dark pavement



E - State Route Shield
on light pavement



Notes:

1. See the "Standard Highway Signs and Markings" book for other sizes and details
2. Colors and elongated shapes simulating State route shield signs may be used for route shield pavement markings where appropriate



TETRA TECH RIZZO

Bond Value Estimate
Franklin Creek
Private Way Subdivision
Medway, Massachusetts
June 1, 2011

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE	Percent Complete	Value Complete	Value Remaining
Gravel Borrow	403	CY	\$25.00	\$10,075	100	\$10,075	\$0
Grubbing	18	AC	\$15,000.00	\$27,000	100	\$27,000	\$0
**Loam Borrow	311	CY	\$40.00	\$12,440	66	\$8,210	\$4,230
**Seeding	1866	SY	\$1.50	\$2,799	66	\$1,847	\$952
Binder Course	202	Ton	\$78.00	\$15,756	100	\$15,756	\$0
Binder Repair	10	Ton	\$86.00	\$860	0	\$0	\$860
Top Course	122	Ton	\$90.00	\$10,980	0	\$0	\$10,980
Concrete Berm	811	LF	\$5.50	\$4,461	0	\$0	\$4,461
Concrete Bounds	8	EA	\$200.00	\$1,600	0	\$0	\$1,600
12" RCP Drain	79	LF	\$50.00	\$3,950	100	\$3,950	\$0
12" PVC Drain	22	LF	\$60.00	\$1,320	100	\$1,320	\$0
5' Dia Precast Catch Basin	4	EA	\$2,850.00	\$11,400	100	\$11,400	\$0
4' Dia. Precast Manhole (Sewer)	3	EA	\$3,000.00	\$9,000	100	\$9,000	\$0
8" PVC Sewer	342.4	LF	\$55.00	\$18,832	100	\$18,832	\$0
Water Quality Structure	2	EA	\$7,600.00	\$15,200	100	\$15,200	\$0
Infiltration System	1	LS	\$15,000.00	\$15,000	100	\$15,000	\$0
Oil/Grease Separators (CB Hoods)	3	EA	\$300.00	\$900	0	\$0	\$900
Hay Bale & Silt Fence	365	LF	\$4.00	\$1,460	75	\$1,095	\$365
As Built	425	LF	\$5.00	\$2,125	0	\$0	\$2,125
Stone Retaining Wall	288	SF	\$20.00	\$5,760	100	\$5,760	\$0
Street Signs	1	EA	\$75.00	\$75	100	\$75	\$0
Pavement Marking	1	LS	\$300.00	\$300	0	\$0	\$300
Hydrant	1	EA	\$3,000.00	\$3,000	100	\$3,000	\$0
3/4" Service Tap	3	EA	\$150.00	\$450	100	\$450	\$0
3/4" Water Services/Curb Stop	3	EA	\$275.00	\$825	100	\$825	\$0
6" DI CL Water	395	LF	\$40.00	\$15,800	100	\$15,800	\$0
6" DI Gate Valve	1	EA	\$1,000.00	\$1,000	100	\$1,000	\$0
6" Tapping Sleeve & Gate Valve	1	EA	\$3,400.00	\$3,400	100	\$3,400	\$0
Underground Utilities (Elec., Cable & Tel.)	375	LF	\$40.00	\$15,000	100	\$15,000	\$0
RipRap	5.5	SY	\$77.00	\$424	100	\$424	\$0
2yr Road Maintenance	425	LF/YR	\$2.00	\$1,700	100	\$1,700	\$0
2yr Snow Plowing	425	LF/YR	\$2.50	\$2,125	100	\$2,125	\$0
2yr Drainage Maintenance	425	LF/YR	\$2.00	\$1,700	0	\$0	\$1,700
Legal Fees	1	LS	\$2,000.00	\$2,000	0	\$0	\$2,000
Total				\$218,716		\$188,244	\$30,472

Contingency (25%)

\$7,618

Recommended Bond Value

\$38,090

FRANKLIN CREEK LANE
MEDWAY MA 02053

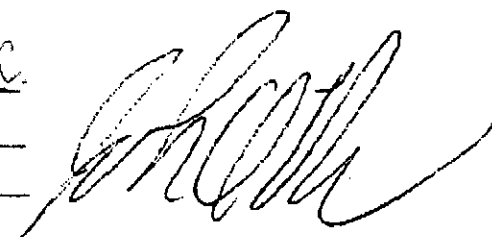
LIMITED WARRANTY

Project Location: 3

Note: This Limited Warranty specifically excludes consequential and incidental damages. There is a limitation of 3 years from the date of Substantial Completion of the Project in the duration of implied warranties.

1. **Person(s)/Entity(s) Covered.** This Limited Warranty is given by the Contractor to the Owner(s) of the Property and is transferable to, or enforceable by, any succeeding transferee or purchaser of the Property. Such transferee can be a person or business entity.
2. **Commencement and Duration of Coverages.** Each coverage under this Limited Warranty shall commence on the date of completion of the project and shall continue for a period of five years thereafter.
3. **General Coverages.** Excluding the matters and components covered by any manufacturers' or suppliers' warranties the coverage of this Limited Warranty are as follows:
 - a. **Cracking-** cracking that appears on the pavement caused by, but not limited to, faulty compaction of underlayment, soil, or deficiency of materials, and/or procedures used during installation.
 - b. **Sinking-** significant damage caused by complete or partial sinking of the driveway. Sinking may be caused by, but is not limited to, faulty compaction of underlayment, soil, or deficiency of materials, and/or procedures used during installation.
 - c. **Frost heaves-** heaving caused by, but not limited to, normal freeze/thaw cycles and climate caused damage.
 - d. **Flaking-** excessive flaking of all or part of the driveway's top surface caused by, but not limited to, poor quality or deficiency of materials, and/or procedures used during installation. This should also extend to areas designated for parking.
 - e. **Water Runoff-** defective or improper grading of the pavement causing puddles, pooling or in any way detrimental water runoff towards the structure's foundation, basement or accessory structures.
4. **Manufacturers' Warranties.** The Contractor hereby assigns transfers and passes through to the Owner each and every warranty, if any, made or furnished to the Contractor by the manufacturer and/or supplier of each of the materials installed at the Property and included in the scope of work. Copies of all such manufacturers' or suppliers' warranties are available to the Owner(s) upon request.
5. **Exclusions from Coverage.** The Contractor expressly disclaims responsibility for any of the following items, each of which is expressly excluded from this Limited warranty, to wit:
 - a. Loss or injury due to the elements, including conditions resulting from condensation on, or expansion or contraction of materials; and
 - b. Consequential or incidental damages.

O'BRIEN PAVING, INC.
WALPOLE, MA 02081
1-508-734-5360


8-18-11

Medway Planning & Economic Development Board

Project Closeout Checklist

SUBDIVISION NAME: Franklin Creek

DEVELOPER: Wood Structure Construction - Marko Vajentic

ATTORNEY: Paul Kenney

STREETS: Franklin Creek Lane (permanent private way)

_____ Proof that Franklin Creek Definitive Subdivision Plan was recorded
(*Plan Book 567, Pages 42 - 44, May 9, 2007*)

_____ Proof that the Franklin Creek Homeowners Association has been established
(*Book 24785, Page 557, May 9, 2007; amended May 12, 2010 in Book 27663, Page 29*)

_____ Proof that Declaration of Protective Covenants and Private Roadway Maintenance Agreement has been recorded (*Book 24785, Page 554, May 9, 2007*)

_____ Proof that the road parcel has been conveyed to the Franklin Creek Homeowners Association (*Book 29280, Page 41, October 31, 2011*)

_____ Proof that the utility easement on Lot 1 has been conveyed to the Franklin Creek Homeowners Association (*Book 27663, Page 27, May 12, 2010*)

_____ Proof that a water/sewer easement in the roadway has been conveyed to the Town of Medway

_____ Evidence that Franklin Creek neighbors have been informed of their responsibility to maintain the road and drainage system and have been given the Stormwater Operations and Maintenance Plan

List of Easements:

_____ Utility Easement on Lot 1

_____ Water/Sewer easement in the roadway

Medway Departmental/Board Reviews

_____ Sign off from Tetra Tech re: field inspection/punch list

_____ Sign off from Tetra Tech re: final as-built plans

_____ Franklin Street roadway paving work @ Franklin Creek Lane approved by DPS

_____ Sewer and water hookups for Lots 1 -3 approved by DPS

_____ Sign off/Order of Compliance from Conservation Commission re: Order of Conditions for DEP File # _____.

_____ Sign-Off/Receipt from Treasurer/Collector to verify taxes are current

_____ Sign-off from SAC re: status of subdivision's Construction Account

_____ Other Sign-Offs _____

As-Built Plan Information _____

Recording Information for Deeds & Easements

Date PEDB Approves its *Certificate of Subdivision Completion and Final Release of Subdivision Performance Guarantee* _____

11-17-2011



TETRATECH

December 9, 2011

RECEIVED
DEC 12 2011

TOWN OF MEDWAY
PLANNING BOARD

Mr. Andy Rodenhiser, Chairman
Planning and Economic Development Board
Town Hall
155 Village Street
Medway, Massachusetts

**Re: Construction Administration Services
Village Estates Subdivision
Summer Street, Medway, Massachusetts**

Dear Mr. Rodenhiser:

We are pleased to submit this Proposal to The Town of Medway (the Client) for professional engineering services associated with the proposed Village Estates Subdivision (the Project) in Medway, Massachusetts. The objective of our services is to provide limited construction administration services on behalf of the Town of Medway.

Scope of Services

We will undertake the following task:

Task 1 Preconstruction Meeting

- Prepare preconstruction agenda and attend meeting with the applicant, contractor, and appropriate Town of Medway officials;

Task 2 Inspectional Services

- Inspect construction activities for conformance with the approved plans and good engineering and construction practices. Inspections will be dictated by work schedule, however the attached spreadsheet represents the proposed allocation of our time based on our current understandings;
- Act as a technical liaison between the Owner/Contractor and the Town;
- Provide inspection reports for each site visit to the Client and the designated project Point of Contact;
- Provide monthly invoices to the Client.



TETRA TECH

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with the Project Fee Schedule. The Construction Inspection Budget is attached, and breaks down the hours anticipated to be spent during the inspections. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. Changes to the project scope or schedule beyond that assumed by the engineer could require additional inspections if deemed necessary by the Planning Board. Additionally, the contractor's inefficiency, quality of work, or lack of communication may require additional inspections and compensation by the Owner.

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to complete the work in a timely manner. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

General Terms and Conditions

This Proposal shall be in accordance to the Terms and Conditions signed for the general services agreement between the Town of Medway and Tetra Tech. Should it meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project.

Very truly yours,

David R. Pellegrini, P.E.
Senior Project Manager

Sean P. Reardon, P.E.
Vice President



TETRATECH

Date Approved by Medway Planning and Economic Development Board _____

Certified by:

Susan E. Affleck-Childs

Date

Medway Planning and Economic Development Coordinator

Attachments

M:\SITE\DAVIDP\MEDWAY-VILLAGE ESTATES-CLERK OF THE WORK-2011-12-09.DOC

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	1	2	\$72.00	\$144.00
2	Clear & Grub (Included in Item 1)			\$72.00	\$0.00
3	Subgrade/Staking	1	2	\$72.00	\$144.00
4	Drainage System	3	3	\$72.00	\$648.00
5	Detention Pond (Included in Item 4)			\$72.00	\$0.00
6	Roadway Gravel	1	4	\$72.00	\$288.00
7	Water System	2	3	\$72.00	\$432.00
8	Sewer System	2	3	\$72.00	\$432.00
9	Roadway Binder (N/A)			\$72.00	\$0.00
10	Curb/Berm/Edge Treatment	1	4	\$72.00	\$288.00
11	Private Utilities (N/A)			\$72.00	\$0.00
12	Sidewalk Base/Gravel (N/A)			\$72.00	\$0.00
13	Sidewalk Binder (N/A)			\$72.00	\$0.00
14	Sidewalk Reconstruction	1	4	\$72.00	\$288.00
15	Roadway Top (4" Processed Crushed Stone)	1	6	\$72.00	\$432.00
16	Roadway Top (Apron)	1	4	\$72.00	\$288.00
17	Sidewalk Top (N/A)			\$72.00	\$0.00
18	Frames and Covers/Grates	1	4	\$72.00	\$288.00
19	Adjust Frames & Covers/Grates (N/A)			\$72.00	\$0.00
20	SMH Inverts (Included in Item 17)			\$72.00	\$0.00
21	Bounds	1	2	\$72.00	\$144.00
22	Landscape/Plantings	1	4	\$72.00	\$288.00
23	Roadway Sub-Drain (N/A)			\$72.00	\$0.00
24	Guard Rail/Fencing (N/A)			\$72.00	\$0.00
25	Periodic Inspections (See Note 1)	2	3	\$100.00	\$600.00
26	Bond Estimates	2	2	\$100.00	\$400.00
27	As-Built Plans	2	4	\$100.00	\$800.00
28	Meetings	2	2	\$120.00	\$480.00
29	Admin	2	2	\$50.00	\$200.00
30	Project Closeout (See Note 3)	1	1	\$600.00	\$600.00
	Subtotal				\$7,184.00
	Expenses			3.5%	\$251.44
	TOTAL				\$7,435.44

Notes:

- 1 Periodic Inspection includes a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.
- 2 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.
- 3 Closeout price is a lump sum value assessed to the project for extra items not listed above. This value has been placed in the breakdown due to past experience on other subdivision reviews.



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.,
Karyl Spiller Walsh

November 16, 2011

Dear Speroni Acres neighbor,

I am writing to follow-up with you regarding the November 22, 2011 meeting of the Planning and Economic Development Board to which we had invited the Speroni Acres neighbors and abutters. We are in receipt of the November 8th letter and the subsequent email communication dated November 11th from Marjory Klotz on behalf of the Speroni Acres neighbors in which you asked that the meeting be postponed.

I would like to try to address a number of concerns which you have raised.

1. **DATE** - As requested, the Board has rescheduled the meeting. The new date is Tuesday, January 24, 2012 at 7:15 p.m. and will be held in Sanford Hall at Medway Town Hall, 15 Village Street.
2. **PURPOSE of the MEETING** - The purpose of inviting you to meet with the Board is to try to update the Speroni Acres neighbors on where things stand with various aspects of the subdivision and to inform you of what steps are ahead as the possibility of street acceptance is evaluated. This gathering is meant as a briefing to share information with you. It is not an official public hearing nor will the Board take any formal votes regarding your property. It is intended for informational purposes only in order to place all the affected parties on common ground.
3. **HOME OWNERS ASSOCIATION** – As you know, the Town is not responsible for the force main sewer in the subdivision. However, as we anticipate the possibility of the Town accepting Little Tree and Rustic Roads as public ways in the future, we will need some evidence that there is a mechanism in place for the Speroni Acres owners and abutters to address future potential problems in the subdivision's force main sewer line, such as breaks and blockages. We believe it is also in your and the neighborhood's best interest to have such a mechanism in place. We want to be clear that the Board is not requiring the establishment of a home owners association to address the force main sewer; that is simply one option which merits consideration.

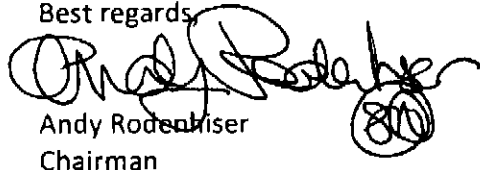
508-533-3291
planningboard@townofmedway.org

4. The November 8th letter stated that the neighbors are innocent bystanders in a dispute between the developer and the Board. Please understand that the Board's concerns about this subdivision stem from our responsibility to you, as residents of Medway, to hold the developer accountable for the functioning of the subdivision's infrastructure. We must also make sure that the appropriate easements are in place to allow the Town to maintain the stormwater facilities in the future if/when the Town accepts the streets.

We are happy to speak with you in advance of the January 24th meeting. Please don't hesitate to contact the Planning & Economic Development office if you have any questions. However, because we have limited staff resources, we would appreciate it if the Speroni Acres owners would select a primary neighborhood contact person who can communicate with the office as questions arise and information is sought.

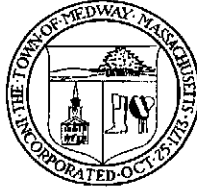
Thank you for your continued cooperation.

Best regards,



Andy Rodenriser
Chairman

cc: Owen Sullivan, Metro Equipment
Lou Caccavaro, Duggan & Caccavaro



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

December 12, 2011

Mr. George Papadopoulos & Mr. Paul Yorkis
Williamsburg Development Corporation
c/o Patriot Real Estate
159 Main Street
Medway, MA 02053

Dear George and Paul,

The Planning and Economic Development Board was contacted recently by Gerald Swanson of 67 West Street with some concerns about the brightness of the streetlights on Williamsburg Way. Mr. Swanson's home is on the west side of West Street directly across from outgoing traffic from Williamsburg. We understand that Mr. Swanson had spoken with George about this matter and that George had indicated to him that the Board set the wattage level for the street lights.

The Board discussed Mr. Swanson's concerns and asked Tetra Tech to check the light levels for the Williamsburg Way street lights closest to 67 West Street. Based on the testing done of the light levels at the Williamsburg Way exit area, Tetra Tech determined that the light levels at the Williamsburg property line across from 67 West Street do not exceed the Town's requirements. The problem is not that light spills from the Williamsburg street lights onto the Swanson property. Instead, the problem is that the Swansons are able to view the brightness of selected street lights from their home as the light shines through the trees, particularly at this time of year.

The Board asks your cooperation by considering two options to address this problem. One solution would be to make a modest reduction in the wattage of the bulb in the fixtures closest to West Street. Another option would be to install house side shields that are available from the manufacturer. In the spirit of being good neighbors, we ask that you consider the above two options and take some steps to reduce the brightness of the Williamsburg Way street light fixtures that are impacting Mr. Swanson and his family.

Best regards,


Andy Rodenhiser, Chairman

cc: Gerald Swanson

PROPOSED AMENDMENTS TO OSRD BYLAW

(Deletions are shown in ~~striketrough~~ type and additions are in bold. Notes are in bold brackets [xxx])

T. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

1. Purpose and Intent - The primary purposes for OSRD are:

- a) To allow for greater flexibility and creativity in the design of residential development;
- b) To protect community water supplies;
- c) To minimize the total amount of disturbance on the site;
- d) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and/or historical and archeological resources.
- e) To discourage sprawl and encourage a more efficient form of development that consumes less open land and conforms more closely to existing topography and natural features than a conventional **grid** subdivision;
- f) To further the goals and policies of the Medway Master and/or Open Space Plans;
- g) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner.
- h) To preserve and enhance the community character;
- i) To preserve and protect **farmland** ~~agriculturally significant land~~;
- j) To protect the value of real property;
- k) To allow for housing types that will diversify the community's housing stock including the provision of affordable housing for persons of low and moderate incomes.

(Item k) added May 14, 2007)

2. Eligibility

- a) **Zoning Classification** - Only those tracts located in the AR-I and AR-II Districts shall be eligible for consideration as an OSRD.
- b) **Contiguous Parcels** - To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. For the purposes of this section, parcels that are directly opposite each other across an existing street, and each have a minimum of 25 feet of frontage on the same 25-foot section of roadway, may be considered as if contiguous. Provided, however, that parcels or sets of parcels on opposite sides of a street must each have practical development potential as evidenced by either meeting the dimensional requirements of the residential zoning district in which it lies, or, in the opinion of the Planning Board, has sufficient access and area to be subdivided in accordance with the Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions.
(Revised June 15, 2009)
- c) **Land Division** - To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to M.G.L. c. 41, s. 81P, provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided.
- d) **Tract Size** - An OSRD shall be on a site that is a minimum of ~~8~~ **10** acres in area. The Planning and Economic Development Board may approve an OSRD on a tract of land that is less than ~~8~~ **10** acres if such property directly abuts the Charles River, Chicken Brook or Hopping Brook and that portion of the property that abuts any of these waterways is included in the open space.
(Item d) added June 15, 2009)

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3. ***Special Permit Required General Requirements***

- a) The Planning Board may authorize an OSRD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the provisions outlined below.
- b) The Planning Board shall adopt *OSRD Rules and Regulations* which shall more fully define the application requirements including the size, form, number and contents of the *Site Context and Analysis Plan*, *Concept Plan*, and *Yield Plan*, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.
- c) Upon approval by the Planning Board, an OSRD may include a Local Convenience Retail use of no more than 7,500 square feet of gross building area. *(Item c) added 6-2-08)*
- d) Upon approval by the Planning Board, an OSRD may include a Community Center or Building erected solely for the use of the residents of the OSRD and their guests for educational, recreational and social purposes. *(Item d) added 6-2-08)*

4. ***Pre-Application Phase***

- a) ***Pre-Application Review*** -The purpose of the pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development. The applicant is required to **submit a pre-application and to schedule a pre-application review at a regular business meeting of the Planning and Economic Development Board.** The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to review the **pre-application** and attend the informal pre-application review.

The pre-application shall consist of already existing and readily available information and shall include, but not be limited to:

- 1) **Aerial and ground photos of the site**
- 2) **Map(s) illustrating features of the site and nearby surrounding areas including water resources (such as aquifers, streams and riparian areas, DEP Zone II's, wetlands, floodplains and certified and potential vernal pools), BioMap areas, Priority Habitats and Estimated Habitats of Rare and Endangered Species, other protected open space and any other features that the applicant believes may be significant**
- 3) **Identification and documentation (which may consist of photographs) of any stone walls, historic structures, significant trees, important landscapes, scenic views or other natural resources of the site**
- 4) **Calculation of the density of existing residential dwellings within 2500 feet of the site perimeter**

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At the pre-application review, the applicant shall:

- 1) outline the proposed OSRD including presentation of a preliminary Site context and Analysis Plan prepared with input from a Registered Landscape Architect)
- 2) **propose and identify potential development areas and open space areas including potential trails, trail connections, parking areas, etc.**
- 3) seek preliminary feedback from the Planning and Economic Development Board and/or its agents **and other Town boards/committees**
- 4) ~~review potential open space, trails and trail connections~~
- 5) present a preliminary concept for handling stormwater runoff
- 6) discuss potential mitigation measures pursuant to paragraph 13. B) herein
- 7) and set a timetable for submittal of a formal application.

At the applicant's request and expense, the Planning and Economic Development Board may engage technical experts to review the applicant's informal plans and facilitate submittal of a formal application for an OSRD special permit.

- b) *Site Visit* – As part of a request for a pre-application review, the applicant shall grant permission to Planning and Economic Development Board and Open Space Committee members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

Paragraph 4. Replaced in its entirety – June 13, 2011)

5. ***Four-Step Design Process*** - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and considered in determining the layout of proposed streets, house lots and/or dwelling units and open space.

- a) *Identify Conservation & Potential Development Areas*

- 1) Identify and delineate *Conservation Areas*: This includes:
 - a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)
 - b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views)
- 2) Identify and delineate ~~Potentially Developable~~ **Potential Development Area(s)**. To the maximum extent feasible, the ~~Potentially-Developable Potential Development Area(s)~~ shall consist of land outside identified *Primary and Secondary Conservation Areas*.

The specific features of the parcel that are proposed to be preserved shall be identified. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potential Development Area be preserved.

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- b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the *Potentially Developable Area(s)* and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.
- c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.
- d) *Draw in Lot Lines*

A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.

(Paragraph 5 was replaced in its entirety – June 13, 2011.)

6. OSRD Application

- a) Contents – An application for an OSRD Special Permit shall include:
 - 1) *Site Context and Analysis Plan* – The *Site Context and Analysis Plan* shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.
 - 2) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The *Concept Plan* shall show the Proposed Development Area (s) and the proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development.
 - 3) *Yield Plan* - See Paragraph 7 herein.
 - 4) *Design Plan* - The *Design Plan* shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping identifying typical features such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.

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- 5) ***Mitigation Plan*** – Proposed mitigation measures in compliance with Sub-Section 13 (b) shall be included as part of the application.
- 6) Narrative Statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interest of the Town to grant the OSRD Special permit rather than approve a conventional subdivision plan.
- 7) ***Open Space Plan*** – The Open Space Plan shall show planned improvements e.g. trails, trail structures, parking areas, and playgrounds. Associated with the Open Space Plan shall be a proposed management plan for the on-going maintenance, care and upkeep of the open space.
- 8) ***Density Analysis*** -
- 9) ***Other Information*** – The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control law or any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

(Paragraph 6 replaced in its entirety – June 13, 2011)

- b) **Application Review Process** – Upon receipt of an application for an OSRD Special Permit, the Planning and Economic Development Board shall, within fourteen (14) days of the filing of the completed application, distribute copies of the application, accompanying plans, and other documentation, to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of Public Services, Police Chief, Fire Chief, Design Review committee, and the Town's consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning and Economic Development Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning and Economic Development Board is held prior to the expiration of the 35-day period, the Planning and Economic Development Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period. The Decision/Findings of the Planning and Economic Development Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

7. *Maximum Number of Dwelling Units/Yield Plan*

- a) The maximum possible number of OSRD dwelling units shall be derived after preparation of a *Yield Plan*. The *Yield Plan* shall indicate the tract's total area (TA) and its wetland and riverfront area (WA). WA shall include those portions of the tract that are classified as wetland and/or are located within the 200' riparian zone of a perennial stream as determined by the Medway Conservation Commission. *(Revised June 15, 2009)*

The following formula shall be used to determine the maximum possible number of OSRD dwelling units that may be permitted. The resulting amount shall be rounded down to the nearest whole number.

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$$\text{Maximum \# of OSRD Dwelling Units} = \frac{\text{TA} - (0.5 \times \text{WA}) - (0.1 \times \text{TA})}{\text{Zoning District Minimum Lot Area}}$$

- b) The maximum number of OSRD dwelling units may not necessarily be the number of units the Planning Board approves in the OSRD Special Permit. **In no case shall the number of dwelling units (including any bonus units that may result from Section X Affordable Housing) result in a density for the entire site that exceeds the highest density of the same number of existing contiguous dwelling units (exclusive of roadway right-of-way and lot area beyond 25%? above the minimum required area for that district) within 2500 feet of the site perimeter.** *[This might work in developed areas, but if the site is in an area without nearby development it probably does not work. Perhaps there could be an exclusion if there is no existing development within 500 feet or 1000 feet of the developed area or perhaps we could use the zoning district density for undeveloped areas]*

8. ***Adjustment of Dimensional Requirements*** - The Planning and Economic Development Board may authorize modification of lot size, shape, and other bulk requirements for lots within an OSRD, subject to the following limitations:

- a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
- b) Lot frontage shall not be less than fifty feet (50').
- c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.
- d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.
- e) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	Average Separation Distance (feet)
Single family detached dwelling units with 2500 ft ² or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Single family detached dwelling units with more than 2500 ft ² of habitable space	30
Four or five attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft ² of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-

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de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages up to 2 bays and 1 story sheds of a size not requiring a building permit shall not be considered in calculating the distances between buildings.

- f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the dwelling unit or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

(Paragraph 8 replaced in its entirety – June 13, 2011)

- 9. **Open Space Requirements** - A minimum of fifty percent (50%) of the tract shown on the development plan for **parcels of 25 acres or less** shall be open space. **For parcels of more than 25 acres, a minimum of sixty percent (60%) of the tract shown on the development plan shall be open space.** For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (e) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

- a) In the minimum required open space area (equal to 50% or 60% of the total area of the proposed OSRD parcel), the percentage of land that is a *resource area* (as defined and regulated by the Medway General Wetlands Protection Bylaw (ARTICLE XXII)) shall not exceed the percentage of the total tract that is a *resource area*; provided, however, that in any proposed open space beyond the minimum required, the applicant may include a greater percentage of *resource area*.
(Revised May 14, 2007 & June 15, 2009)

- b) The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas. **In either case, the open space shall be integrated into the development and/or abutting areas in a manner that maximizes its visibility and function to residents and the general public.**

- c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. **For developments in which 60% of the tract is open space,** the Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (*i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities*). **For developments with less than 60% of open space, use of the space shall be limited to pedestrian trails, picnic areas or other passive uses. Open space along the water may be used for water-based recreation purposes such as canoe launches, fishing piers, etc.** The open space shall be accessible to the public, unless the Planning Board waives this requirement because it deems that it is in the best interests of the Town to do so. The

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Planning Board may require a minimum number of off-street parking spaces to facilitate such public access.
(Revised June 15, 2009)

- d) While protecting resources and leaving land in its natural state is a primary goal, the Planning Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.
- e) The following shall not qualify toward the required minimum open space area:
- 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
 - 2) Sub-surface drainage, septic and leaching systems per Title 5
 - 3) Seventy-five percent (75%) of the land area subject to any type of utility easement
 - 4) Land within thirty feet (30') of any dwelling unit
 - 5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
 - 6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
 - 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
 - 8) Buffer areas in the Development Area as required in Subsection 10 (i)
- (Revised June 13, 2011)
- f) Ownership of the Open Space - The open space shall, at the Planning Board's discretion, be conveyed to:
- 1) The Town or its Conservation Commission, upon its agreement;
 - 2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;
 - 3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed of trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.
- g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

(Item 9. g) revised June 13, 2011)

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10. ***General Design Standards*** – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:
- a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.
 - b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.
 - c) **Dwelling units and associated accessory buildings, parking, drainage facilities, landscaping, lighting, etc. shall be located to maximize views of the open space for residents of the development, abutting properties and passersby to the fullest extent practicable.**
 - c) The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.
 - d) All open space (*landscaped and usable*) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
 - e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
 - f) **Mix of Housing Types** - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.
 - g) **Common/Shared Driveways** - Common or shared driveways may be allowed at the discretion of the Planning Board.
 - h) Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space. *(Added May 14, 2007)*
 - i) A minimum fifteen foot (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements. *(Revised June 13, 2011)*

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- j) Parking – A minimum of three (3) off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan. *(Revised June 13, 2011)*
 - k) Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer. *(Added June 15, 2009)*
 - l) Pedestrian circulation measures shall be provided to facilitate movement within the Development Area as well as between it and the Open Space and the abutting existing neighborhood(s). *(Added June 13, 2011)*
 - m) Trails shall be provided to facilitate public access to the Open Space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel. *(Added June 13 2011)*
 - n) **Dead- end streets may be permitted in an OSRD but shall not exceed 1,000 feet in length unless a supplemental emergency access/egress is provided.**
11. **Decision of the Planning Board** - The Planning Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:
- a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;
 - b) Whether the OSRD promotes **the permanent preservation and where possible, enhancement** of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, **significant natural features and scenic views**, and historical and archeological resources;
 - c) Whether the OSRD promotes less sprawl and a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;
 - d) Whether the OSRD reduces the total amount of disturbance on the site;
 - e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;
 - f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and
 - g) Whether the *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.

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- h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning Board's *Design Review Guidelines*.
- i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.
- j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.
- k) Whether the impact of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated.
- l) Whether the OSRD protects and enhances community character
(Items 11 (h) – 11 (l) added May 14, 2007)
- m) **Whether the development will provide for and maintain convenient and safe emergency access to all buildings, structures and open space facilities.**
- o) **Whether the development will not cause unreasonable traffic congestion or unsafe conditions within and outside the development.**

An OSRD Special Permit decision shall include the approved *Concept Plan*. The OSRD Special Permit Decision shall specifically state that the OSRD Definitive Plan shall substantially comply with the approved *Concept Plan*. The applicant shall record the OSRD Special Permit Decision/*Concept Plan* at the Norfolk County Registry of Deeds.
(Added June 2, 2008)

12. ***OSRD Definitive Plan***

- a) Subsequent to recording the OSRD Special Permit Decision and *Concept Plan* at the Registry of Deeds, the applicant shall prepare and submit an OSRD Definitive Plan to the Planning Board. The OSRD Definitive Plan shall include all plan changes as may be required by the conditions of the OSRD Special Permit.
- b) The Inspector of Buildings shall not issue a building permit for any building or structure authorized by an OSRD Special Permit unless the Planning Board has approved or conditionally approved and endorsed an OSRD Definitive Plan, filed such with the Town Clerk and provided such to the Inspector of Buildings,
- c) An OSRD Definitive Plan shall comply with the application contents, review process, and Design & Construction Standards of the *Subdivision Rules and Regulations* for a definitive subdivision plan, except that another traffic study and development impact report are not required. The Planning Board may agree to waive/vary those standards upon written request of the applicant, provided that the Planning Board finds that it is in the best interests of the Town to do so.
- d) In cases where a definitive subdivision plan is not technically necessary (e.g. a multi-family condominium project), the Planning Board will consider site design features that are normally the subject of Site Plan Approval (SECTION V. USE REGULATIONS, Sub-Section C of the Medway Zoning Bylaw) such as parking, lighting, landscaping, site amenities, etc. The Development Standards of the Planning Board's *Site Plan Rules and Regulations* shall be adhered to. The OSRD Definitive Plan shall be prepared to comply with those standards. The Planning

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Board may agree to waive/vary those standards, upon written request from the applicant, provided that the Planning Board finds that it is in the best interests of the Town to do so.

- e) The OSRD Definitive Plan shall substantially comply with the approved OSRD *Concept Plan*. An OSRD Definitive Plan will be considered not to substantially comply with the approved *Concept Plan* if the Planning Board determines that any of the following conditions exist:
 - 1) An increase in the number of building lots;
 - 2) A decrease in the open space acreage of more than 5%;
 - 3) A significant change in the lot layout;
 - 4) A change in the general development pattern which, in the opinion of the Planning Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*;
 - 5) A change to the stormwater management facilities which, in the opinion of the Planning Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*; and/or,
 - 6) Changes in the wastewater management systems, which, in the opinion of the Planning Board, adversely affect natural landscape features or other features identified for preservation in the approved *Concept Plan*.
 - f) If the Planning Board determines that the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan*, the Board may disapprove the OSRD *Definitive Plan* for failure to comply with the conditions of the OSRD Special Permit.
 - g) The Planning Board may conditionally approve an OSRD Definitive Plan that does not substantially comply with the approved *Concept Plan*. However, such conditional approval must identify where the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan* and shall require that the applicant file an application to modify the OSRD Special Permit within a specified time period in order to amend the approved *Concept Plan* by incorporating the significant changes identified by the Planning Board. The public hearing on the application to amend the OSRD Special Permit and *Concept Plan* shall be limited to the significant changes identified by the Planning Board in their conditional approval of the OSRD Definitive Plan.

(Paragraph 12 added 6-2-08)
 - h) The OSRD Definitive Plan shall be recorded at the Norfolk County Registry of Deeds.

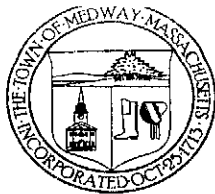
(Item h) added June 15, 2009)
- 13) ***OSRD Special Permit Provisions*** - Depending on the nature of the particular OSRD, the Planning Board may, as a condition of any Special Permit for an OSRD, establish conditions, limitations and safeguards; require construction observation/inspection, bonding or other performance guarantees, plan compliance measures and the submittal of as-built plans; and establish reasonable mitigation measures which the Board believes are in the Town's best interests.

(Corrected June 15, 2009)
- a) ***Conditions, Limitations and Safeguards*** - The Planning Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:

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- 1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.
 - 2) Controls on the location and type of access to the site;
 - 3) Controls on the number, type and time that service and delivery vehicles access the site;
 - 4) Provision for preservation of scenic views;
 - 5) Limitations on the hours of operation for any Local Convenience Retail Use or Community Center/Building included in the OSRD;
 - 6) Conditions to minimize off-site impacts and environmental quality during construction;
 - 7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
 - 8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.
- b) ***Mitigation Measures*** – The Planning Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:
- 1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Planning Board, for the relevant type of structure(s) and use (s).
 - 2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements. (Added 11-10-08)

(Sub-Section T. was replaced in its entirety June 6, 2005)



**TOWN OF MEDWAY
OFFICE OF THE TOWN ADMINISTRATOR
155 MAIN STREET
MEDWAY, MASSACHUSETTS 02053**

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**TOWN OF MEDWAY
PLANNING BOARD**

Suzanne Kennedy, Town Administrator
E-mail skennedy@townofmedway.org

Telephone (508) 533-3264
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FY2013 BUDGET CALENDAR

Charter Ref.	Date	Activity
5-2-6	July 11	Town Administrator Issues Capital Improvement Plan (CIP) Instructions
5-2-6	August 15	CIP Submitted to Town Administrator
	August 15-31	Town Administrator/Finance Director Review and Refine CIP
	September 12	Proposed CIP and Capital Budget Submitted to Capital Improvement Planning Committee (CIPC)
	Sept 12 – Dec 31	CIPC Reviews, Ranks and Prepares Five-Year Project Schedule
7-2-1	September 19	Board of Selectmen (BOS) Issues Budget Calendar
7-2-3/7-4-1	September 19	Town Administrator/Town Accountant Issue Five (5) Year Revenue and Expense Budget
7-2-4	October 17	Board of Selectmen (BOS) Issues Policy Statement for 2013 Budget
	December 6	Town Administrator Issues Budget Instructions to Department Heads and Committee Chairs
	January 6	Operating Budgets Submitted to Town Administrator
	January 9-13	Finance Director/Town Accountant Review Department Budgets
	January 16	Annual Town Meeting (ATM) Warrant Opens
	January 16-20	Town Administrator/Finance Director Review Department Budgets
7-2-5	January 17	CIPC Presents Capital Budget to BOS
	February 6	School Department Budget Submitted to Town Administrator and BOS
7-2-6	February 13	Town Administrator Submits Proposed Comprehensive Operating and Capital Budgets to BOS
	Feb 13 – Mar 12	BOS Reviews Operating and Capital Budgets
	February 15	ATM Warrant Closes
	February 16-17	ATM Warrant Compiled
	February 21-24	Legal Review and Approval of Warrant
	February 21	Town Administrator Submits ATM Warrant to BOS
	March 5	BOS Reviews and Approves Warrant
	March 12	BOS Adopts and Transmits Proposed Operating and Capital Budgets to FinCom
	Mar 13 – Apr 13	FinCom Reviews Operating and Capital Budgets
7-2-9	March 21	BOS Adopts and Recommends Warrant to FinCom
	April 3*	FinCom Submits Public Hearing Notice to Milford Daily News
2-5-2/7-2-10	April 13*	FinCom Holds Public Hearing
	April 13	FinCom Recommends Final Budget and Warrant
	April 17-20	Warrant Submitted to Publisher
	April 23	Warrant Mailed to Residents, Posted on Web
	May 14	Annual Town Meeting

Date	Activity
April 25, 2011	Constable Posts Warrant

*Date Recommended based on Charter