#### **Board of Selectmen**

John A. Foresto, Chair Maryjane White, Vice-Chair Richard A. D'Innocenzo, Clerk Dennis P. Crowley Glenn D. Trindade



Medway Town Hall 155 Village Street Medway, MA 02053 Phone (508) 533-3264 Fax (508) 321-4988

# TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS

September 3, 2015

Mr. Gregory P. Watson, AICP Manager of Comprehensive Permit Programs Massachusetts Housing Finance Agency One Beacon Street Boston, MA 02108-3110

Re: Supplemental Submission to Application for Project Eligibility Determination/Site Approval

Timber Crest Estates

#### Dear Mr. Watson:

The Town of Medway appreciates the additional opportunity to provide comments on the addendum to the site eligibility application for Timber Crest Estates in Medway which remains under your agency for review. The Town reviewed the documentation submitted which included a revised By-right Plan and accompanying memorandum, and a modified conceptual Comprehensive Permit Plan showing an adjusted wetlands line. To begin with, the Town would like to express that all of our initial comments provided still remain pertinent even with the supplemental documents prepared and, in our view, continues to be compelling as the agency makes a determination of the appropriateness of the site and application. In addition, with this further review, the Town would like to offer the following observations:

### 1. Adult Retirement Community Planned Unit Development (ARCPUD) By-Right Plan:

The amended by-right plan illustrates an ARCPUD showing 134 single family, detached homes which represents a change in direction from the previously presented Open Space Residential Development (OSRD) which included 99 units (a mix of homes and townhouse condominiums) and local retail space. Similar to the earlier proposal, an ARCPUD is allowed via a special permit granted by the Planning and Economic Development Board and is not considered a by-right use pursuant to the Town of Medway Zoning Bylaw. The Board, acting as the Special Permit Grant Authority, has a full range of discretion in assessing an application

and may deny the permit if the requirements, standards and criteria are not met. The only asof-right use under current zoning is a conventional subdivision.

With respect to the plan provided, it appears to comply with some of the dimensional, use and open space requirements; however, the plan neglects to achieve the intent and purpose of the bylaw, which is "...to develop a variety of housing for senior citizens and accommodate their long-term social, cultural, recreational and continuing care needs." The plan simply includes single family, detached homes. The two ARCPUD projects referenced in the memorandum prepared by Outback Engineering provides a range of housing types. Millstone Village includes single family detached homes, duplexes and triplexes. The proposed Willows project provides independent cottages and independent apartments, assisted living apartments and memory care apartments on a rental basis. Furthermore, both projects provide community facilities to promote the long-term social, cultural and recreational needs of the residents who live there. No such facilities are included in this plan.

Although much of the open space provided is wetlands, the plan does show three recreation areas but provides a lack of access for residents living in the development to be able to enjoy such amenities.

In addition, wetlands percentages on some of the proposed lots seem high and it is perceived that permitting structures with utilities and some type of yards would prove to be a challenge to meet all the performance standards of the Wetlands Protection Act and the local Bylaw and all associated regulations. Also, in the prior OSRD proposal, it appeared that there were no wetlands crossings. In this version of the by-right plan, it shows three wetlands crossings and is unknown whether the crossings would be acceptable to those boards and agencies having jurisdictional authority as well as other potential impacts. Here, we note the following:

- Limited Project Status The proposed crossings and roadways for this development seem to impact a considerable amount of wetland resources and there is no clear answer as to whether this plan would meet the standards for a limited project under 310 CMR 10.53 (3)(e). Meeting the standards for the issuing authority is clearly spelled out in MA DEP Wetlands Policy 88-2: Access Roadways. Additionally, the Commission has a 25' no alteration zone for wetland resources under the Medway General Bylaw Article XXI and its Regulations and this proposed plan has what seem to be significant impacts to the buffer zone.
- Avoid, Minimize, Mitigate Standard It is not clear that this project meets the standards for avoid, minimize and mitigate when reviewing wetlands impacts over 5,000 square feet. Exceeding the Wetlands Protection Act Regulations for impacts over 5,000 square feet requires a DEP 401 Water Quality Certification for which these standards is applied. The review of this plan show considerable amount of impacts to the wetland resources and their associated buffer zones.
- Open Space Proposed Recreation Areas are placed in sensitive buffer zone locations (possibly in the 25' no alteration zone) and one seems to fall within the 200' Riverfront Area of a perennial stream (which has not been shown on this plan or any plans) in addition to 100' buffer zone of Bordering Vegetated Wetlands.

• 100' Vernal Pool No Alteration – Within the Medway General Bylaws, Article XXI, Section 6, the Conservation Commission has a 100' no alteration for any Vernal Pool and this plan shows significant impacts to this buffer zone and ultimately the Vernal Pool inhabitants which are terrestrial species.

These factors should be considered when weighing the probability of whether a special permit would be granted with the plan as presented.

#### 2. Added comments on Comprehensive Permit Plan (with a revision date of July 16, 2015):

Attributable to adjusted wetlands, this plan was slightly modified with respect to the layout of the units on the condominium side of the development and now some of the buildings were changed from duplexes to triplexes. Here again, we would like to draw your attention to the Town's comment letter dated June 10, 2015 which outlined our concerns relative to environmental, fire protection and life safety, public health and safety, overall site design, municipal planning and infrastructure.

In addition, the Conservation Commission issued an Order of Resource Area Delineation (ORAD) on August 18, 2015 for Bordering Vegetated Wetlands that were flagged and placed on the FINAL plan titled, "Phase II Wetlands Plan of Land in Medway, MA" by Colonial Engineering, dated final revision August 3, 2015. The following information should be noted and reviewed:

- The ORAD issued did not include Vernal Pools, Intermittent Streams or Perennial Streams as these resources have not been reviewed by the Conservation Commission and have not been approved. In fact, under the ORAD, the Commission voted to note those resources as inaccurate on the Commission's finding in the ORAD. This document has been recorded on the title. Please refer to the enclosed ORAD and plan sheets.
- The Commission has not reviewed all wetlands that may impact this proposed project, such as wetlands on private properties adjacent to the proposed project and other wetlands that are on site but have not been located on the plan titled, "Phase II Wetlands Plan of Land in Medway, MA" by Colonial Engineering, dated final revision August 3, 2015.

On this plan, it indicates that Fern Path is a public way of which it is not a publicly accepted street, please refer to comments previously submitted on this subject.

Furthermore, the Medway School Committee and Medway Public Schools provided the following concerns they have regarding the proposed development. The School District estimated that a project of this size may result in 225 or more additional school-aged children in Medway. This is a substantial number of students who may increase total enrollment by nearly 10%. As the School District considers the possible implications of an enrollment increase of this magnitude, there are three broad areas of concern, including: student safety and bus transportation, physical space in our school facilities, and fiscal concerns to which a summary of each is provided below.

Student Safety and Bus Transportation: The Medway School Committee has adopted a Student Transportation Policy (#24). This policy states in part, "Bus routes and designated stops will be designed for main roads (class #1 streets). Exceptions may be made by the Transportation Committee for a special needs bus, areas where a bus must turn around and areas where students would otherwise be required to walk more than one (1) mile to a designated stop." The understanding is that the streets within this development will be narrower than typical streets. It is also their understanding that the students who reside within the development would not be walking more than one mile to a bus stop located at the entry points of the development. Since the development roads would not be designated as "main roads" and unless an exception is made. school buses would not travel into the development. This presents safety concerns with students waiting at the entrance roads to the development to take the bus because of the configuration of the main roads abutting the development's roadways. Given the potential number of students in the development, the School District is concerned that there is an inadequate amount of space to provide a safe location for a bus stop.

If an exception to the policy is made by the Medway School Committee, then the concern is related to the ability for school buses to safely pass down these streets. On-street parking, inclement weather and the accumulation of snow on the sides of roads become possible impediments to buses travelling safely through the development. In addition, in those areas of the development that include cul-de-sacs, they would want assurance that the cul-de-sacs would have a sufficient turning radius to accommodate a full size bus. A situation could not occur where a bus would need to back-up to turn around to exit the development. This would create a significant safety risk to students.

The School District is also concerned about student safety as they travel from their homes to the bus stops, whether designated inside or outside of the development. It is their understanding that the submitted plans call for sidewalks on one side of the street. Depending on their location, the design may result in students crossing the street and waiting for the arrival of the bus in an area that does not provide a safe and adequate space for a bus stop.

• Physical Space: The School District is fortunate to have space available in both the middle school and high school that would allow us to effectively accommodate additional classrooms. However, they are limited in their ability to "open" additional classrooms at McGovern Elementary School and Burke/Memorial Elementary School without impacting current programming. At both McGovern and Burke/Memorial Elementary Schools, it is believed that they could open up to two additional classrooms without negatively impacting educational programming. Assuming that the district maintains the current average class size levels, which has been a focused goal of both the school committee and school leadership, the need to open additional classrooms beyond the two would begin to negatively impact school programming. The results of these additional classrooms would be to remove allied arts programs (e.g., art, music) from dedicated spaces and require

teachers to travel to students to conduct classes. This scenario would limit learning experiences and, potentially, learning time with students.

A significant increase in student enrollment and the need to open more than four classrooms in a school would jeopardize the current school configuration. Currently, McGovern School serves as our PreK-1 school and Burke/Memorial School serves grade 2-4 students. The cluster of grades at each building was identified as the most educationally supporting structure to support students and their learning. With the very limited space at McGovern School, a significant enrollment increase, and the need to open up four or more classrooms would result in the need to reconfigure grade levels and move grades to other schools. This would move the district away from what has been identified as the educationally ideal grade clustering. In addition, the need to open additional classrooms would result in the need to reclaim space that is used by supporting organizations. This would limit the availability of parallel services (e.g. before and after school care) as well as result in a reduction of revenue to the district.

• Fiscal Concerns: A rapid and significant increase in student enrollment will present a challenge to the School District. Medway Public Schools has been fortunate to provide a very high quality educational program for our students. This has accomplished on a very limited budget with minimal annual increases to the budget from town appropriations. When the project is completed, it is estimated that there will be an additional 225 students. This potential increase in enrollment would result in an increase in costs of \$2.8 million, based upon current per pupil expenditures. Based on 225 students, the increase in Chapter 70 funding, along with a share of the new tax revenues from this project, would result in an estimated \$1 million shortfall in funding.

Thank you for the opportunity to provide these supplemental comments as you continue with your careful review of the proposed development here in the Town of Medway. With our original comments and the further observations and issues contained herein, the Town of Medway remains steadfast in having its concerns addressed as this project proceeds. Should you have any questions or require any additional information on any of our comments, please do not hesitate to contact us.

ery truly yours,

Michael E. Boynton Town Administrator

Cc: Michael J. Busby, 40B Project Coordinator, MassHousing



## WPA Form 4B - Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Prov	ided	by Ma	assE	EP:
	216	3-084	1	
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MassDEP File Number

eDEP Transaction Number Medway City/Town

	A	General Information	1	
Important: When filling out forms on the computer,	Fr	om: Medway  1. Conservation Commission	n	
use only the tab key to move your	2.	This Issuance is for (check or	ne):	
cursor - do not use the return key.		a. 🛛 Order of Resource A	rea Delineation	
tab			esource Area Delineation	
	3.	Applicant:		
return		Mounir	Tayara	
		a. First Name	b. Last Name	
Note:		Novus Homes LLC c. Organization		
Before		400 Foxborough Blvd. Unit 83	306	
completing this form consult		d. Mailing Address		
your local		Foxborugh	MA	02035
Conservation Commission		e. City/Town	f. State	g. Zip Code
regarding any municipal bylaw	4.	Property Owner (if different fr		
or ordinance.		Henry, Dorothy, Loretto & Ne		Grilli
		a. First Name 1911/24 Wickett > 38	746 Clinton Are Dade ah	FL 33525
	Ī	c. Organization bothy Pavlik > 14	3 Hollishm St, Medway, N	1A 02053
	(	d. Mailing Address Oletto + Neide Gre	1111-758 Robins Rd Wal	pole, MA 02081
		e. City/Town + TIMBLE CRE	STILL 400 Foxpoint of Blvd	Unit 9. Zip Code
	5.	Project Location:	Foeboenigh, M.	A 07.035°
		Fern Path, Woodland Street,	Fairway Lane Medway	02053
019,15-01	١,	a. Street Address	08-016 14:05 (Mayo)	c. Zip Code
111		d. Assessors Map/Plat Number	e. Parcei/Lot Number	
		Latitude and Longitude	d ms	d m s
		(in degrees, minutes, seconds		g. Longitude
	6.	Dates: Janaury 8, 2015  a. Date ANRAD filed		August 18, 2015 c. Date of Issuance
	7.		te if applicable) of Final Plans and Other	Documents: CEPLOTIC
			dway, MA" by Colonial Engineering	8/3/15
		a. Title		b. Date DUT

c. Title

d. Date



# WPA Form 4B - Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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## B. Order of Delineation

1. The 0	Conservation Commission has determined the following (check whichever is applicable):
a. 🗵	Accurate: The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):
	Bordering Vegetated Wetlands
	2.  Other resource area(s), specifically:
	a. "Wetlands Plan of Land in Medway, MA" by Colonial Engineering, dated revised August 3, 2015
	·
b. 🔲	<b>Modified</b> : The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):
	Bordering Vegetated Wetlands
	2. Other resource area(s), specifically:
1.5	а.
	Inaccurate: The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):
1	.   Bordering Vegetated Wetlands
2	Other resource area(s), specifically:
	Vernal Pools, intermittent stream and perennial streams
3.	☐ The boundaries were determined to be inaccurate because:
po sit	1. There are a significant number of possible vernal pools on the site as well as one ertified Vernal Pool and five Potential Vernal Pools. The location and limits of vernal pools ere not submitted for verification as part the ANRAD and the location and limits of vernal pools are not confirmed through this ORAD. 2. There is a mapped perennial stream on the te. The location and flow status of the stream, as it pertains to Riverfront Area location, was possible vernal pools are not confirmed through this ORAD.



# WPA Form 4B - Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: 216-0841

eDEP Transaction Number Medway City/Town

MassDEP File Number

#### C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <a href="http://www.mass.gov/dep/about/region/findyour.htm">http://www.mass.gov/dep/about/region/findyour.htm</a>).

#### D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination,

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



## WPA Form 4B - Order of Delinea

Massachusetts Wetlands Protection A

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	Medway
Act M.G.L. c. 131, §40	City/Town
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Provided by MassDEP:

216-0841 MassDEP File Number

E. Signatures Date of Issuance Please indicate the number of members who will sign this form. 1. Number of Signers Pavalin Signature of Conservation Commission Member This Order is valid for three years from the date of issuance. If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on unless extended in writing by the issuing authority. This Order is issued to the applicant and the property owner (if different) as follows:

areas in tourse to allo applicant and th	o property owner (it different) as follows.
2.  By hand delivery on	3. By certified mail, return receipt requested on
a. Date	a. Date



# Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WPA Form 4B - Order of Resource Area

# Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: 216-0841

MassDEP File Number

eDEP Transaction Number

Medway

City/Town

wpaform4b.doc • rev, 12/23/09



#### Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands Request for Departmental Action Fee Transmittal Form Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

#### A. Request Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





2.

3.

B.

1.

Name		
Mailing Address		
City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	
Project Location		
Mailing Address		
City/Town	State	Zip Code
Applicant (as shown on Notice of Intent (Form 3), Abbreviate (Form 4A); or Request for Determination of Applicability (Form 4A)	ed Notice of Resourm 1)):	
Name		
Mailing Address		
City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	
DEP File Number:		
nstructions		
When the Departmental action request is for (check one):		
Superseding Order of Conditions		
Superseding Determination of Applicability		
Superseding Order of Resource Area Delineation		

Send this form and check or money order for \$100.00 (single family house projects) or \$200 (all other projects), payable to the *Commonwealth of Massachusetts* to:

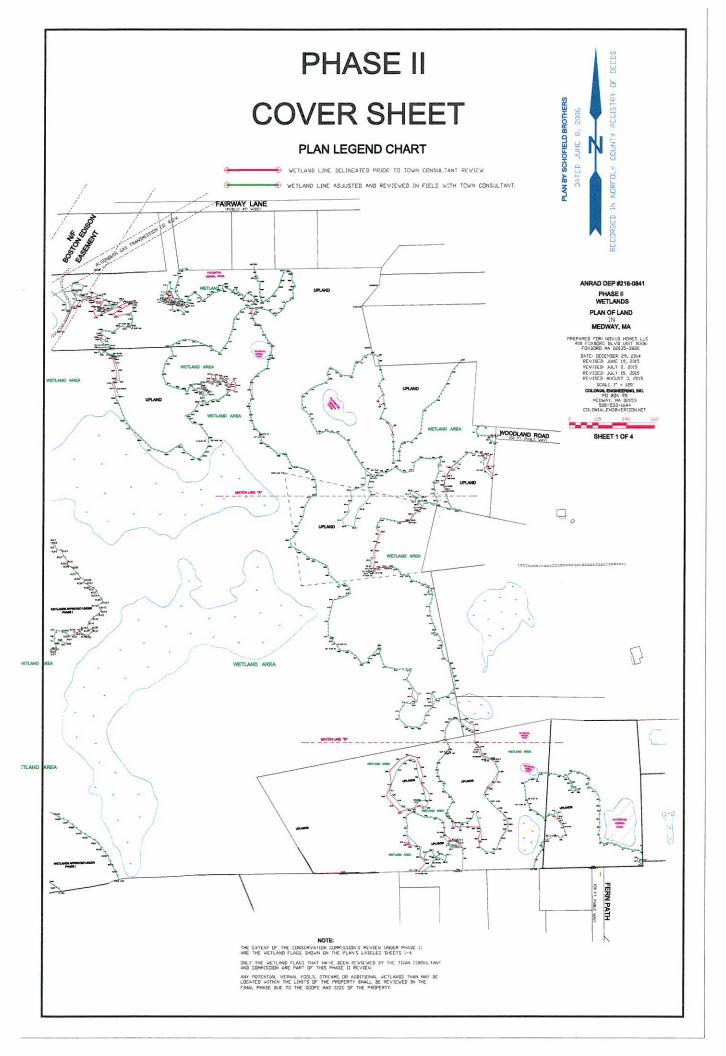
Department of Environmental Protection Box 4062 Boston, MA 02211

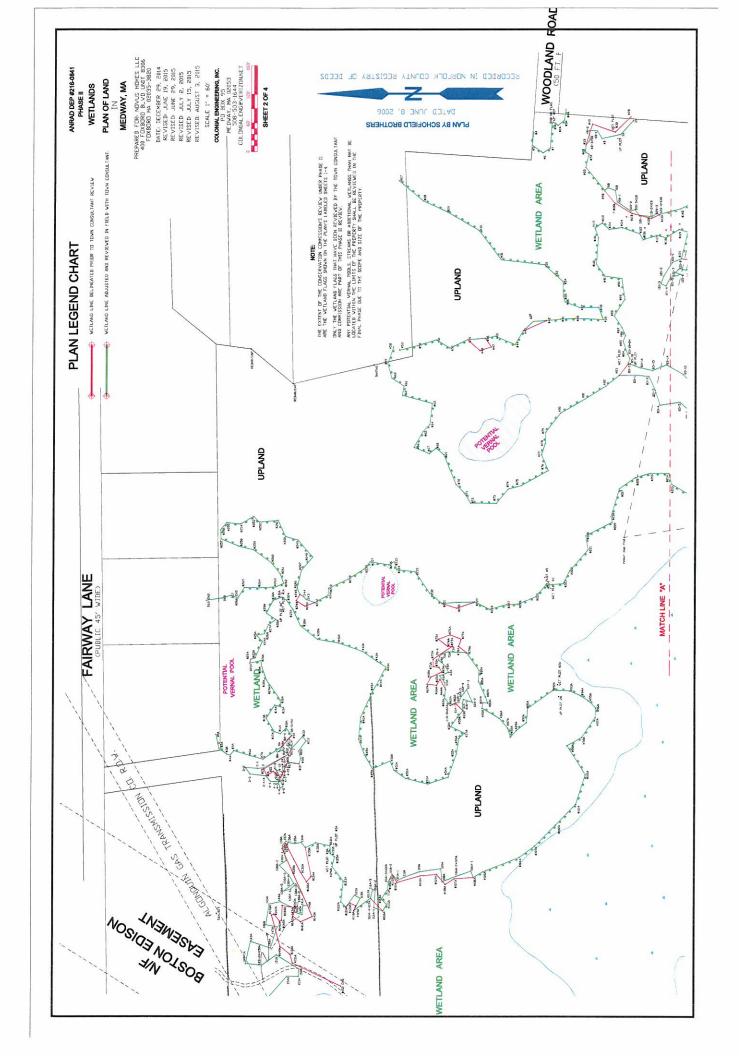


#### Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands Request for Departmental Action Fee Transmittal Form Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## B. Instructions (cont.)

- On a separate sheet attached to this form, state clearly and concisely the objections to the
  Determination or Order which is being appealed. To the extent that the Determination or Order is
  based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations,
  the Department has no appellate jurisdiction.
- Send a copy of this form and a copy of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <a href="http://www.mass.gov/dep/about/region/findyour.htm">http://www.mass.gov/dep/about/region/findyour.htm</a>).
- A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.





" LOULAND ROAD

