

**Tuesday, May 25, 2021**  
**Medway Planning and Economic Development Board**  
**155 Village Street**  
**Medway, MA 02053**

<b>Members</b>	<b>Andy Rodenhiser</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Rich Di Iulio</b>	<b>Jessica Chabot</b>
<b>Attendance</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>

Pursuant to Governor Baker’s Orders imposing strict limitations on the number of people that may gather inside in one place, attendance by members of the public will be limited due to the size of the meeting space. All persons attending this meeting are required to wear a face covering, unless prevented by a medical or disabling condition. Meeting access via ZOOM is also provided and members of the public are encouraged to use ZOOM for the opportunity for public participation; information for participating via ZOOM is included at the end of the Agenda. Members of the public may watch the meeting on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable’s Facebook page @medwaycable.

**PRESENT VIA ZOOM MEETING:**

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Amy Sutherland Recording Secretary
- Sara White, Tetra Tech
- Steve Bouley, Tetra Tech
- Gino Carlucci, PGC Associates
- Barbara Saint Andre, Director of Community and Economic Development

Chair Rodenhiser called the meeting to order at 7:04 p.m.

The Board members introduced themselves.

**PUBLIC COMMENTS:** There were no public comments.

**ZBA PETITIONS:**

The Board is in receipt of the following document: (**See Attached**)

- Application from Julian’s Oil, 305 Village Street

Attorney Steve Kenney was present representing the applicant and petition.

The Board was informed that Julian’s Inc. acquired the property around 1988, and that the property was used from 1940 to October 2012 as an oil delivery business. The business was sold to Devaney Oil in October 2012. This business was run out of the location at 305 Village Street

until February 2014. This site is located in the ARII zoning district. The site was used for parking and storage of vehicles. The Town entered into a license agreement from 2014 to 2020 when the Town vacated the property. The Town's use of the property included storage of Town vehicles.

It was explained that pursuant to Section 5.5.F, this is a request for a ZBA finding that the pre-existing nonconforming use has not lost its protected nonconforming use status. Alternatively, pursuant to Section 5.5.D, this is a request for a special permit to change or substantially extend a pre-existing non-conforming use that is not substantially more detrimental than the existing pre-existing non-conforming use on the neighborhood.

After discussion, the Board decided it will not provide any comments to the ZBA on this project.

### **Salmon/Willows ARCPUD – Request for Occupancy Permit:**

The Board is in receipt of the following documents: **(See Attached)**

- 5-25-21 SAC notes with a collection of attachments
- Salmon ARCPUD special permit decision April 5, 2016

Salmon /Willows Representative Jeff Robinson was present. The Board was provided with information regarding the status of the items at Salmon/Willows. All of the open space items relative to the main building has been completed. The trails will be completed when the cottages are constructed, and the permeable pavers have been installed for the parking area for the trails. The Board was informed that all roadways and infrastructure relative to the main building have been completed. Tetra Tech has provided a letter indicating that the applicant has met the open space and infrastructure requirements of the decision and for the main building.

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted by Roll Call to authorize the Building Department to issue the occupancy permit for the main building at Salmon/Willows.**

#### **Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

### **THE SETTLEMENT CBD MIXED USE SPECIAL PERMIT/SITE PLAN:**

The Board is in receipt of the following documents: **(See Attached)**

- Notice of public hearing continuation to May 25, 2021
- Letter from project engineer Dan Merrikin dated May 12, 2021 requesting a continuation of the hearing to July 27, 2021.

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted by Roll**



**Call to continue the public hearing to July 27, 2021 at 8:00 pm.**

**Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

**APPOINTMENT OF PEDB ASSOCIATE MEMBER:**

The Board is in receipt of the following document: **(See Attached)**

- Email dated May 19, 2021 from Tom Gay requesting appointment to the PEDB as Associate Member.

The Board was informed that the appointment of the associate PEDB member is a joint responsibility of the PEDB and the Select Board. NOTE – Mr. Gay did not run for re-election for the regular PEDB position. The appointment of Tom Gay by the Select Board is scheduled for June 7, 2021.

**On a motion made by Jessica Chabot and seconded by Matt Hayes, the Board voted by Roll Call to appoint Tom Gay as the associate member of the Planning and Economic Development Board.**

**Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

**BATTERY ENERGY STORAGE SYSTEMS RESEARCH:**

The Board is in receipt of the following document: **(See Attached)**

- Notes from SAC on ideas for next steps

The Board was informed that at the May 10, 2021 Town Meeting, the PEDB was charged with conducting a review and study of battery storage systems and to engage the services of consultants and other experts. It is the expectation that a report will be provided by October 15, 2021 with the findings and possible proposed amendments to the Medway Zoning Bylaw.

Some of the items for a consultant's services would include:

- Organize and facilitate a series of public educational briefings for the PEDB and the community.
- Engage several experts in the industry.
- Evaluate locations for possible BESS facilities.

- Interview communities who have gone through the BESS permitting process, construction, and operation.
- Conduct a series of input sessions
- Prepare report of findings and recommendations.
- Include an economic impact analysis

The Board would like Associate Member Gay to continue his research on the Battery Energy Storage and Environmental Standards.

**Resident Larry Ellsworth:**

Mr. Ellsworth communicated that he thinks the scope of services was well written. He does think that there should be something in the scope about the economic impacts to the neighbors and abutters and the proximity of a possible BESS site to those locations. There should also be a study about the financial costs for relating to the fire training and also public safety impacts.

**Resident Paul Yorkis:**

Mr. Yorkis wanted to know if the consultant will be looking at the federal guidelines as related to these facilities.

**Resident Charlie Myers:**

Mr. Myers would like the scope to address the various types of energy storage. Also it is important to look at the requirements for residential energy battery storage as well as commercial. The State is currently discussing and addressing this at the state level. There was a suggestion to break out the categories of this based on the megawatts. Also the definitions of the type of energy storage and sources should be separated. Mr. Myers communicated that he is available to help if needed.

**Resident, Michael Fahey:**

Mr. Fahey would like analysis of the nature of energy being stored. He does not think this system is only going to be green energy. The stored energy will probably be 80% fossil fuel.

The Chairman noted that the briefing held in early May (organized by Representative Jeff Roy) is in online for those who may be interested in what is happening at the state level. It was suggested to put the link to the forum on the Town's webpage.

Community and Economic Development Director Barbara Saint Andre communicated that the Town Manager has offered to assist with the economic analysis. If the Board would like to take advantage of this expertise, the Board should vote to request and authorize the Town Manager to conduct the economic analysis.

**On a motion made by Rich Di Iulio and seconded by Jessica Chabot, the Board voted by Roll Call to authorize the Town Manager to conduct an economic analysis for the Battery Energy Storage systems.**

**Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>

**Jessica Chabot      aye**  
**Bob Tucker        aye**

### **NOISE ENVIRONMENTAL STANDARDS:**

The Board is in receipt of the following document: **(See Attached)**

- Draft of Scope of Services for a noise consultant

The Board will continue to work on preparing revisions to the Zoning Bylaw's Environmental Standards and most specifically noise. The Board would like assistance from various experts to assist in crafting a Zoning Bylaw amendment language for adoption at the November 2021 town meeting.

**On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by Roll Call to approve the scope of services as presented.**

#### **Roll Call Vote:**

**Andy Rodenhiser      aye**  
**Matt Hayes              aye**  
**Rich Di Iulio           aye**  
**Jessica Chabot        aye**  
**Bob Tucker            aye**

### **MEDWAY MILL SITE PLAN:**

The Board is in receipt of the following documents: **(See Attached)**

- Public Hearing Continuation Notice to 5-25-21
- 5-10-21 submittal letter from Guerriere and Halnon with revised site plan
- 4-6-21 G & H response letter to TT 107021 review letter
- 4-6-21 G & H response letter to PGC Associates 1-6-21 review letter
- Revised site plan dated 4-21-21
- Parking lot fencing and landscaping presentation
- Stormwater alternatives analysis by Goddard Consulting
- Miscellaneous attestation letters from Town Officials and Medway Mill tenants
- Letter dated 3-21-21 from Attorney Danielle Justo of Rich May Attorneys at Law with attachments
- Email dated 3-20-21 from abutter Jannine Clifford
- PGC Review comments dated 5-20-21 on revised site plan
- Tetra Tech review comments dated 5-19-21 on the revised site plan
- Review letter dated 5-21-21 from the DRC

The Chairman opened the continued hearing for Medway Mill Site Plan. Engineer Amanda Cavalier of Guerriere and Halnon was present to represent applicant John Greene. It was explained that the following has been done since the last meeting. There have been response

comments provided to the review letter from PGC Associates dated January 6, 2021. The applicant has also responded to the comments from Tetra Tech dated January 7, 2021. There have also been color renderings of the proposed parking lot which were prepared by Kuth-Ranieri Architects.

Ms. Cavalieri noted there are letters of support for proposed project from:

- Mr. Jeffrey Watson, Sergeant/Safety Officer Medway Police Department dated April 7, 2021
- Mr. William Kingsbury, Lieutenant – Medway Police Department dated April 7, 2021.
- Mr. Mike Fasolino, Deputy Chief – Medway Fire Department dated April 7, 2021.

There were a number of revisions which have been made to the site plan. The proposed parking area will consist of 42 parking spaces with a single drive aisle. The proposed trees along the northwest side of the parking area have been relocated inside the fence line (facing the parking area). The proposed parking area has been uniformly set back 15' from the property line. There will be pervious paver sidewalk from the new parking area which has been shifted to minimize impacts to established trees with the project area. The mitigation areas within the wetland resource area buffer zones and riverfront areas have been coordinated with Conservation Commission and is still under review by the Commission. The stormwater mitigation measures have been coordinated which included an above ground basin which has been adjusted to minimize disturbance and potential impacts to the resource areas and riverfront. The existing catch basins on site will be cleaned and retrofitted with hoods and solid concrete sumps. The photometric plan has also been updated.

The Board was informed that a majority of the Design Review Committee recommendations were placed into the revised plan. Some of those were not included such as landscaping on the abutters' side of the fence. There will also not be the inclusion of a berm since it would likely create stormwater issues.

The following are revised recommendations:

- The lighting will have shields as recommended.
- The light posts will be shorter.
- The recommended fencing material would be wood.
- There will be a 4 ft fence around the detention pond.
- The displaced rocks will be relocated to the paved walkway area to the lower parking lot.

Consultant Mark Arnold from Goddard Consulting commented that for long-term screening he recommends fencing and vegetative screening with high arborvitaes.

The applicant provided a screen share of the color renderings. The elevations were also shown.

**Abutter, Janine Clifford, 42 Lincoln St.**

Ms. Clifford communicated that the renderings shown are inaccurate. She noted that there is a whole house missing. It was communicated that her house is a three story and is being represented as a two story. The renderings also show only 3 windows when her home has 12. The rendering also did not show the bay window. Ms. Clifford requests a 12 ft. privacy fence.

She has provided the applicant with a link to the options for fencing. She also spoke with a real estate appraiser about the expected depreciation of her home with the parking lot being next to it.

Consultant Arnold spoke with a tree supplier from Weston Nursery, and he was informed that arborvitae trees grow 2 ft a year. He suggested putting in a variety of trees and more significant trees with substantial screening.

**Abutter, Myrna Flynn, 44 Lincoln St:**

Ms. Flynn is concerned about the safety of this project. She does not agree that the trees will grow as fast as anticipated. She communicated that when her home was purchased, the seller did not mention this project. The height of the privacy fence is extremely important to her family since she has children.

**Abutter, John Kairit, 167 Main St:**

Mr. Kairit wanted to see a screen view from his property. Sheet 9 of 13 was reviewed. He wanted an explanation of what type of trees the Conservation Commission has decided to put here. It was explained that there are balsam firs, and also red maples. The fence in this area will also be extended.

**Abutter, John Maloney, 31 Lincoln St:**

Mr. Maloney had a concern about the location of the parking lot and also the size. He provided a suggestion to improve the unpermitted area which is now being used as parking. The Engineer communicated that this would not be possible due to the requirements within the Riverfront area.

**Abutter, Mr. Marrafinno, 39 Lincoln St:**

Mr. Marifeno communicated that he has lived at his residence for 52 years and wants to make sure the area stays safe for the kids. He agrees that the houses affected should have fencing and larger trees for buffering.

**Abutter, Janine Clifford:**

Ms. Clifford also communicated to the Board that there is a concern about her driveway and the stone wall which is holding up a portion of her driveway. Her concern is that the root system is holding up the wall. She wonders if a structural engineer is needed to look at this. The Engineer agreed that the stonewall is in disrepair and will be taken down and rebuilt.

The Board discussed the fencing, and the result of discussion is that the preference is for an 8 ft. fence and 10 ft trees. A wood looking fence is preferred following the Design Review Guidelines. The abutters agree that they do not want a white fence.

The Board is informed that Consultant Carlucci and Tetra Tech need to provide a review of the final revisions. The Board would like to have a draft decision for the June 8, 2021 meeting.

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to continue the public hearing to June 8, 2021 at 9:00 pm.**

**Roll Call Vote:**

**Andy Rodenhiser     aye**

**Matt Hayes**                **aye**  
**Rich Di Iulio**           **aye**  
**Jessica Chabot**        **aye**  
**Bob Tucker**           **aye**

Susy Affleck-Childs will begin to work on a decision for the Board to consider at the next hearing.

NOTE - Member Tucker left the meeting at 9:30 pm.

### **PUBLIC HEARING - WINGATE FARM SUBDIVISION MODIFICATION:**

The Board is in receipt of the following documents: **(See Attached)**

- Public Hearing notice dated 5-4-21
- Application to modify previously approved plan and decision
- Wingate Farm As-Built plan dated 2-22-21 by O'Driscoll Land Surveying
- Requests for waivers from 2006 Subdivision Rules and Regulations
- NSTAR electrical connection map
- Verizon conduit drawing
- SAC notes dated 5-25-21
- Tetra Tech Wingate Farm punch list dated 10-17-2017
- Applicant's response dated 11-13-18 to the above noted Tetra Tech punch list
- Tetra Tech review letter dated 3-23-18

The Chair opened the public hearing for Wingate Farm.

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to waive the reading of the public hearing notice.**

#### **Roll Call Vote:**

**Andy Rodenhiser**      **aye**  
**Matt Hayes**            **aye**  
**Rich Di Iulio**         **aye**  
**Jessica Chabot**       **aye**

The Board is in receipt of an application from Eugene and Karyl Spiller-Walsh to modify the previously approved Wingate Farm definitive subdivision plan and subdivision decision. The original subdivision design was issued 5-23-2000. The decision was modified 4-28-2005 and the modified Wingate Farm subdivision plan was endorsed 11-8-2005 and recorded in October and November 2007. The approved plan divided the property into 4 lots with a permanent private roadway known as Wingate Farm Road. There has been significant work undertaken to install the subdivision's infrastructure. The specified completion deadline has expired. The primary purpose of the current application is to establish a new deadline for project completion and to consider waivers from certain provisions of the Board's *Subdivision Rules and Regulations* which are now in effect.

The applicant's representative is Dan O'Driscoll who was present. It was explained that the work completed was almost all the roadway installation and lot preparation as approved, and that it occurred within the approval period. This included the detention pond installation, installation of water pipes, hydrants, drainage, roadway base, lot preparation and grading. There are remaining items as included on Tetra Tech punch list from 10/2017 and revised 12/17. The applicant addressed those items in a response from 2018. It was explained that after 2008 there was a financial crash and there were family health circumstances which halted the completion of the project.

Consultant Bouley provided a review of the project from his 2017 punch list.

- The trees have been planted throughout the basin area. All landscaping as shown on the approved plan has not been planted.
- There needs to be installation of proposed swale along the sides of the proposed roadway.
- Existing drainage system requires cleaning prior to any release.
- The electric/telephone/cable has not been installed. This has been added to the bond estimate.
- The applicant has not installed the proposed street sign and stop sign (at Wingate Farm Road and Holliston Street).
- There is nothing channelizing the flow to the catch basins.
- The swale needs to be clearly defined.

The applicant's representative, Dan O'Driscoll, provided a screen share. The drainage was explained and the swales were shown on both sides of the street.

Owner Spiller-Walsh noted that there was a sight distance issue study previously done by Green International Affiliates (traffic engineers). There was no issue at that time and Sergeant Watson had reviewed the situation. It was suggested to look at the minutes from prior discussions when the Board discussed this issue. The applicant wants the Board to waive the sight distance provisions of the current subdivision rules and regulations.

The Board discussed that this project has been a work in progress for almost 20 years. There was a suggestion to allow the Board time to review all the documentation. They would like the sight distance issue to be addressed along with the signage proposed on Holliston Street. There was a recommendation to continue the hearing to June 22, 2021, at 7:00 pm.

**On a motion made by Jessica Chabot and seconded by Rich Di Iulio, the Board voted by Roll Call to continue the hearing for Wingate Farm to June 22, 2021 at 7:00 pm.**

**Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>

**PLAN REVIEW ESTIMATE - GOOD FEELS MARIJUANA PERMIT  
MODIFICATION (23 Jayar Road):**

The Board is in receipt of the following document: **(See Attached)**

- Plan review fee estimate of \$1700 from HMMH dated May 18, 2021

The Board was made aware that the special permit modification pertains to the applicant needing to install an outdoor back-up generator and chiller with sound barrier. This needs a modification because the original decision specified that there would not be an outdoor generator. The consultant services are for a noise review. The public hearing with the PEDB will begin June 8, 2021.

### **PEDB MEETING MINUTES:**

#### **May 11, 2021:**

**On a motion made by Rich Di Iulio and seconded by Jessica Chabot, the Board voted by Roll Call to approve the PEDB meeting minutes of May 11, 2021 with the noted revision.**

#### **Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>

### **PUBLIC HEARING 316 VILLAGE STREET – MULTI-FAMILY SPECIAL PERMIT:**

The Board is in receipt of the following documents: **(See Attached)**

- Public Hearing Notice
- Special Permit Application
- Project Narrative prepared by the applicant
- 2019 plot plan
- Photo collection
- Proposed floor plan
- Review comments from Susy-Affleck-Childs
- Abutter comment email from Adam Rosa, 312 Village Street
- Abutter comment email from Jane Norris, 314 Village Street

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to open and waive the reading of the public hearing.**

#### **Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>



Applicant James Maloney was present. The applicant proposes to convert the existing residential building at 316 Village Street into three-dwelling units. The property is located in the Village Commercial zoning district and the Multi-Family Overlay District. The .76-acre property is currently owned by Brian and Elizabeth Curran and Stephan and Bonny Gray. The applicant plans to make minor interior alterations to convert the main house into two dwelling units. The existing apartment above the attached garage, previously approved as an accessory family dwelling unit, will function without the accessory family dwelling unit designation. Access will be from a single curb cut from Village Street.

**Abutter Jane Norris 314 Village Street:**

Ms. Norris has lived in town for 27 years and wants the neighborhood to remain quiet without the addition of three other families. She is also concerned about parking. She does not think the special permit should be issued.

The applicant explained that the purpose of the Town of Medway Multi Family Overlay district is to further the goals of the Medway Master Plan and the Medway Housing Production Plan to encourage the provision of a diversity of housing types. This will allow for the conversion of the main house into two dwelling units. The reuse of 316 Village Street meets all the goals of the Medway Housing Production Plan. It preserves the large house that dates back to the 1800s. There will be no change to the size and shape of the existing buildings. There is adequate parking.

**Abutter Adam Rosa, 312 Village Street:**

Mr. Rosa is opposed to the proposal. He is concerned about the decreasing value of this home. He also does not want to have an increase in the number of neighbors. He has not had a good experience with the residents of this property in the past.

Board members expressed support for this application. They would like the applicant to provide a parking plan along with providing clarity if there needs to be handicap spots.

**On a motion made by Matt Hayes and seconded by Jessica Chabot, the Board voted by Roll Call to continue the hearing to June 8, 2021 at 7:00 pm.**

**Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>

NOTE – Susy Affleck-Childs will prepare a draft decision for the Board’s consideration

**CONSTRUCTION REPORTS:**

The Board is in receipt of the following documents: **(See Attached)**

- William Wallace Village Report #10 (5-12-21)
- Salmon/Willows Report #67 (5-18-21)

- Salmon/Willows Report #68 (5-20-21)

Tetra Tech engineer Sara White provided the following reports:

**William Wallace Village:**

The drainage infrastructure has been installed throughout the site. The pipes are properly parged within the manholes with hydraulic cement. The samples within the footprint were consistent with the provided test pit data.

**Salmon/Willows:**

The vertical granite curb was installed at the entrance of Willow Pond Circle. The silt sacks installed in catch basins throughout the site are in good condition.

**Choate Trail Subdivision - 42 Highland:**

The subsurface infiltration chambers have been installed. All are in good condition.

The Board was informed that Consultant Steve Bouley will be back full-time next week.

A letter was received from Millstone developer Steve Venincasa requesting a bond release.

**LOT RELEASE – 31 Broad Acres Farm Road**

The Board is in receipt of the following documents: **(See Attached)**

- Collection of email communications between Susy Affleck-Childs and paralegal Elizabeth Bessette re: a lot release for 31 Broad Acres Farm Road
- Release of Covenant for 31 Broad Acres Farm Road.

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to approve the lot release for 31 Broad Acres.**

**Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>

**PHYTOPIA, Inc. 6 Industrial Park Road – Plan Review Estimate**

The Board is in receipt of the following document: **(See Attached)**

- Plan review estimate from Tetra Tech in the amount of \$6,222

The Board was made aware that this pertains to an application for marijuana special permits, site plan, groundwater protection district special permit and reduced parking special permit. The Conservation Commission will handle an Order of Conditions and a Land Disturbance Permit for stormwater. The Board's public hearing will start June 8, 2021.

**On a motion made by Matt Hayes and seconded by Jessica Chabot, the Board voted by**

**Roll Call to approve the plan review fee estimate for Phytopia at 6 Industrial Park Road.**

**Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>

The Board is in receipt of the following: **(See Attached)**

- Plan review fee estimate of \$6,222 from Tetra Tech dated 5-14-21.

**ELECT OFFICERS AND APPOINT COMMITTEE REPRESENTATIVES:**

The Board was in receipt of the following document: **(See Attached)**

- Memo from Susy Affleck-Childs dated May 2, 2021 listing officers and boards/committees.

This will be tabled until the next meeting.

**FUTURE MEETING:**

- Tuesday, June 8, 2021

**ADJOURN:**

**On a motion made by Jessica Chabot and seconded by Matt Hayes, the Board voted by Roll Call vote to adjourn the meeting.**

**Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>

The meeting was adjourned at 10:32 pm.

Prepared by,  
Amy Sutherland  
Recording Secretary

Reviewed and edited by,  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



**May 25, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**ZBA Petitions**

- Application from Julian's Oil, 305 Village Street



# TOWN OF MEDWAY

## ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

### GENERAL APPLICATION FORM

Case Number: \_\_\_\_\_

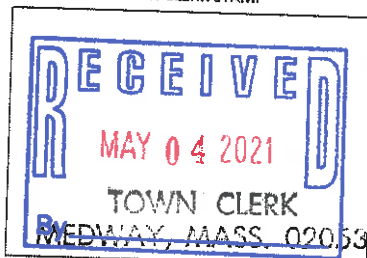
Phone: 508-321-4915 | zoning@townofmedway.org  
www.townofmedway.org/zoning-board-appeal

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

#### TO BE COMPLETED BY THE APPLICANT

<b>Applicant/Petitioner(s):</b> Julians Inc.	<b>Application Request(s):</b>
<b>Property Owner(s):</b> Julians Inc.	Appeal <input type="checkbox"/>
<b>Site Address(es):</b> 305 Village Street, Medway, MA 02053	Special Permit <input checked="" type="checkbox"/>
	Variance <input type="checkbox"/>
	Determination/Finding <input checked="" type="checkbox"/>
	Extension (provide previous case #) <input type="checkbox"/>
	Modification (provide previous case #) <input type="checkbox"/>
<b>Parcel ID(s):</b>	Withdrawal <input type="checkbox"/>
58-111 & 58-112	Comprehensive Permit <input type="checkbox"/>
<b>Zoning District(s):</b> AR II	
<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b> Book 6618, Page 681	

TOWN CLERK STAMP



#### TO BE COMPLETED BY STAFF:

Check No.: 261447

Date of Complete Submittal: 5/4/21

Comments:



**TOWN OF MEDWAY**  
**ZONING BOARD OF APPEALS**

155 Village Street  
Medway MA 02053

**GENERAL APPLICATION FORM**

Case Number: \_\_\_\_\_

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.**

**TO BE COMPLETED BY THE APPLICANT**

Applicant/Petitioner(s):	Application Request(s):
Julians Inc.	
Property Owner(s):	
Julians Inc.	Appeal <input type="checkbox"/>
	Special Permit <input checked="" type="checkbox"/>
Site Address(es):	Variance <input type="checkbox"/>
305 Village Street, Medway, MA 02053	Determination/Finding <input checked="" type="checkbox"/>
	Extension (provide previous case #) <input type="checkbox"/>
	Modification (provide previous case #) <input type="checkbox"/>
Parcel ID(s):	Withdrawal <input type="checkbox"/>
58-111 & 58-112	Comprehensive Permit <input type="checkbox"/>
Zoning District(s):	
AR II	
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title:	
Book 6618, Page 681	

TOWN CLERK STAMP

**TO BE COMPLETED BY STAFF:**

Check No.:

Date of Complete Submittal:

Comments:

**GENERAL APPLICATION FORM**

Case Number: \_\_\_\_\_

**APPLICANT/PETITIONER INFORMATION**

The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.

<b>Applicant/Petitioner(s):</b> Julians Inc.	<b>Phone:</b>
	<b>Email:</b>
<b>Address:</b> 305 Village Street, Medway, MA 02053	
<b>Attorney/Engineer/Representative(s):</b> Stephen J. Kenney	<b>Phone:</b> 508-533-6711
Stephen J. Kenney	<b>Email:</b> sjk@kenney-law.com
<b>Address:</b> 181 Village Street, Medway, MA 02053	
<b>Owner(s):</b> Julians Inc.	<b>Phone:</b>
	<b>Email:</b>
<b>Mailing Address:</b> 305 Village Street, Medway, MA 02053	

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

None

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

None

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Signature of Applicant/Petitioner or Representative

Date

Signature Property Owner (if different than Applicant/Petitioner)

Date

# GENERAL APPLICATION FORM

Case Number: \_\_\_\_\_

## APPLICATION INFORMATION

YES NO

<b>Applicable Section(s) of the Zoning Bylaw:</b> Sections 5.5.D. and 5.5.F	Requesting Waivers?	<input type="radio"/> YES <input checked="" type="radio"/> NO
	Does the proposed use conform to the current Zoning Bylaw?	<input type="radio"/> YES <input checked="" type="radio"/> NO
<b>Present Use of Property:</b> Office and Vehicle Storage	Has the applicant applied for and/or been refused a building permit?	<input type="radio"/> YES <input checked="" type="radio"/> NO
	Is the property or are the buildings/ structures pre-existing nonconforming?	<input checked="" type="radio"/> YES <input type="radio"/> NO
<b>Proposed Use of Property:</b> Office and Vehicle Storage	Is the proposal subject to approval by the BOH or BOS?	<input type="radio"/> YES <input checked="" type="radio"/> NO
	Is the proposal subject to approval by the Conservation Commission?	<input type="radio"/> YES <input checked="" type="radio"/> NO
<b>Date Lot was created:</b> 1940	Is the property located in the Floodplain District?	<input type="radio"/> YES <input checked="" type="radio"/> NO
<b>Date Building was erected:</b> 1940	Is the property located in the Groundwater Protection District?	<input type="radio"/> YES <input checked="" type="radio"/> NO
<b>Does the property meet the intent of the Design Review Guidelines?</b> N/A	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="radio"/> YES <input checked="" type="radio"/> NO

### Describe Application Request:

Pursuant to Section 5.5.F, a finding as to the pre-existing non-conforming use not abandoned, not used for more than 2 years, so that it has not lost its protected non-conforming status, or, in the alternative, pursuant to Section 5.5.D., a Special Permit to change or substantially extend a pre-existing non-conforming use following a determination that the change or extension shall not be substantially more detrimental than the existing pre-existing non-conforming use to the neighborhood.



**GENERAL APPLICATION FORM**

Case Number: \_\_\_\_\_

**FILL IN THE APPLICABLE DATA BELOW**


Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Office & Vehicle Storage	Office & Vehicle Storage
B. Dwelling Units	N/A	N/A	N/A
C. Lot Size	22,500 S.F.	1.689 Acres	1.689 Acres
D. Lot Frontage	150'	163' +/-	163 +/-
E. Front Setback	35'	> 35'	> 35'
F. Side Setback	15'	>15'	> 15'
G. Side Setback	15'	>15'	>15'
H. Rear Setback	15'	>15'	>15'
I. Lot Coverage	30%	< 30%	< 30%
J. Height	35'	< 35'	< 35'
K. Parking Spaces	N/A	N/A	N/A
L. Other			

**FOR TOWN HALL USE ONLY**

To be filled out by the Building Commissioner:

5/5/21

Date Reviewed


  
 Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
and 10 paper copies to the Community & Economic Development Department.

**DETERMINATION/FINDING FORM  
Under Zoning Bylaw Section 5.5**



**TOWN OF MEDWAY**

**ZONING BOARD OF APPEALS**

155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

TOWN CLERK STAMP

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**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. ATTACH ADDITIONAL SHEETS IF NEEDED; SUBMIT ANY SUPPORTING DOCUMENTATION A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.**

**TO BE COMPLETED BY THE APPLICANT**

Application for (check all that apply):

☐ Reconstruction, extension, structural change or alteration of nonconforming one or two-family dwelling under

Section 5.5.C

☐ Alteration, enlargement, or reconstruction of other nonconforming structure under Section 5.5.E

☒ Change or substantial extension of nonconforming use under Section 5.5.D

**Please complete these questions for applications under Section 5.5.C and/or 5.5.E (Structural changes):**

**Identify the particular respect or respects in which the existing structure(s) do not conform to the requirements of the Zoning Bylaw:**

**Describe the proposed alterations or additions to the existing structure(s):**

**Explain how the proposed alteration(s) or addition(s) will not substantially more detrimental to the neighborhood:**

DETERMINATION/FINDING FORM  
Under Zoning Bylaw Section 5.5

Please complete this section for applications under Section 5.5.D (Use changes):

Identify the existing use(s) of the property:  
Office and Storage Vehicle

For how long has this use(s) existed on the property:  
1940

Describe the proposed use(s):  
Office and Storage Vehicle

Explain how the proposed use(s) will not be substantially more detrimental to the neighborhood than the existing non-conforming use:  
Same use proposed, thus not substantially more detrimental than the use of the last 80 years.

  
Signature of Applicant/Petitioner or Representative

  
Date

Memo As to Non-Abandonment and Continued Use Pursuant to Section 5.5.F.  
Regarding 305 Village Street, Medway, MA02053  
Julians Inc.

Julians Inc. used the property for approximately 1940-October of 2012 as an oil delivery business location. Julians Inc. sold the business to Devaney Oil in October of 2012. Devaney ran the business out of the location at 305 Village Street, Medway, MA until February of 2014. The Zoning District that is located is ARII. The use to Devaney Oil was using the property for parking and storage of vehicles inside and out. The Town of Medway entered into a license agreement, a copy of which is attached, and in essence rented the property from Julians Inc from February 2014-November 2020, when the Town vacated the property. The Town's use of the property was for storage and repair of Town vehicles. The lot and structure are in conformity with the Town of Medway Zoning By-Laws ARII District. The use is a pre-existing non-conforming use.

## LICENSE AGREEMENT

This is a LICENSE AGREEMENT by and between Julian Inc.(Julian) and THE TOWN OF MEDWAY, (the Town) DEPARTMENT OF PUBLIC SERVICES, made this day of 2014.

Now therefore this agreement witnesses, that for good and valuable consideration of the mutual covenants and agreements contained herein, the receipt and adequacy of which is hereby acknowledged, Julian and the Town hereto covenant and agree as follows:

1. The Town will rent from Julian and Julian will rent to the Town the Premises municipally known as 305 Village St., Medway, MA upon the terms and conditions of this Agreement. Upon paying the rent and observing the other obligations of Town hereunder, Town may peaceably occupy the Premises during the term of this Agreement, without disturbance by Julian or persons claiming through or under the Corporation.
2. The Town will commence rental of the Premises on the 1<sup>st</sup> day of February, 2014, and will terminate, in any event, not later than twelve months after commencement, and may be renewed for two additional twelve month periods with the mutual consent of both parties. The obligations of the Town hereunder shall be subject to appropriation on a fiscal year basis. In the absence of appropriation, this agreement shall be terminated immediately without liability of the Town for damages, lost profits, penalties, or other charges arising from early termination.
3. The Town will pay to Julian on the first (1st) day of each and every month the sum of fifteen hundred (\$1500.00) Dollars for the rental of the Premises. The Town will supply to Julian on the first (1st) day of each and every month, a check in the amount of the Rent to be delivered to Julian
4. In the event the Town's check for the Rent is returned due to insufficient funds, Julian shall charge the Town the sum of thirty (\$30.00) Dollars in addition to the monthly Rent due and owing.
5. This Agreement may be terminated by either party by written notice delivered to the other party by certified mail or in hand at any time provided, however, that in the event of any breach by the Town of this Agreement, Julian will be entitled to pursue any and all remedies provided by the laws of the applicable jurisdiction. Upon termination of this Agreement by either party, the Town shall deliver all keys to the Premises directly to Julian. In addition, the Town shall have the right to terminate this Agreement if funds are

not appropriated or otherwise made available to support the continuation of this Agreement.

6. The Town is not permitted to paint or otherwise alter the Premises without the prior written consent of Julian.

7. The Town will at all times keep and maintain the Premises in a clean condition and a good state of repair free and clear of debris.

8. The Town shall prior to commencing the use of the Premises, obtain and maintain content insurance on the Town's personal items and effects and shall furnish to Julian a copy of such insurance coverage. Julian shall, at its own expense, obtain and maintain general liability and motor vehicle liability insurance policies protecting the Town in connection with this Agreement, and shall have the Town as an additional insured on the policies. General liability coverage shall be in the amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury liability and property damage liability.

9. The Town shall promptly pay and any all utility bills, including but not limited to, bills for electricity, and oil, as they become due.

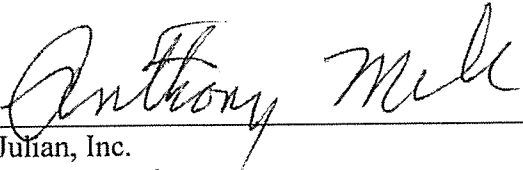
10. Julian agrees that the Town shall have access at all times to the Premises, and shall supply the Town with a key to gain access to the yard, as well as a key to gain access to the Premises. The Trust agrees that it shall repair or replace any damaged or defective locks on the Premises following receipt of a notice from the Town that locks are in need of repair. The Town shall not at any time, change, replace or alter the existing locks on the Premises without the prior written consent of the Trust. In the event Julian grants permission to the Town to change, replace or alter the existing locks on the Premises, the Town shall provide to Julian a key for such new locks within two (2) days of the Town changing, replacing or altering same. In the event Julian changes, replaces or repairs the locks on the Premises, Julian shall provide to the Town a key for such new locks immediately.

11. To the extent permitted by law, the Town hereby agrees to indemnify and save Julian harmless from and against all liability, loss and damage which may arise as a result of any nuisance made or suffered on the Premises by the Town.

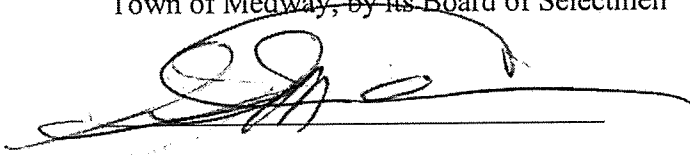
12. The Town is responsible for any hazardous waste spillage and/or disposal caused by the Town under this Agreement.

13. The Town, upon acceptance of this agreement, shall pay to Julian first month's rent plus amount equal to one month rent as a security deposit.

This agreement is accepted and approved by both parties on this 21<sup>st</sup> day of Jan . 2014.

  
\_\_\_\_\_  
Julian, Inc.  
Anthony Mele

Town of Medway, by its Board of Selectmen

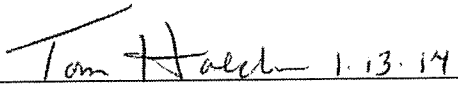
  
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\_\_\_\_\_

\_\_\_\_\_

  
\_\_\_\_\_  
Town of Medway Department of Public Services (Town)  
Thomas Holder

Approved as to form:



~~Barbara J. Saint-André, Town Counsel~~  
Chris Brown

Approved as to availability of funds

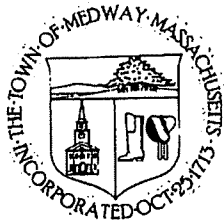


11/15/14

Carol Pratt, Town Accountant

01192022 5270  
64604312 5270  
66004582 5270  
678004402 5270





TOWN OF MEDWAY  
DEPARTMENT OF PUBLIC SERVICES  
MEDWAY, MASSACHUSETTS

*Entrusted To  
Manage The  
Public  
Infrastructure*

THOMAS M. HOLDER  
DIRECTOR

DAVID D'AMICO  
DEPUTY DIRECTOR

The Town of Medway Department of Public Services seeks to lease garage space in Medway Massachusetts.

The following criteria describe the space required:

1. Approximately 1400 square feet of open floor space (no columns) for the storage of up to four (4) DPW type vehicles/equipment.
2. Structure shall be permanent with cement floor able to handle vehicle and equipment weights typical of DPW use.
3. Minimum of one (1) overhead access door(s) shall be no less than 12 ft high by 12 ft wide.
4. Space will have heat, lights and 110 volt power outlets.
5. Ability to store vehicles and equipment so that they can be readily maneuvered with minimum of "shuffling".
6. Ability of DPW staff to have independent 24-7-365 secured access.
7. Property to accommodate DPW functions including but not limited to:
  - a. Employee parking
  - b. Vehicle/Equipment maneuvering outside garage space
  - c. Tolerant of backup alarms
8. Property to be within Medway town limits with convenient access.
9. Appropriate structure liability insurance shall be carried by property owner.
10. Space available within one month of proposal opening date.
11. Bathroom preferred

The Town anticipates entering into a one-year Lease Agreement with the option to renew and with typical terms and conditions.

Proposals shall identify the asking monthly charge as well any expected additional fees or charges. If a proposal is submitted whereby the monthly charge does not include utility and other ancillary fees or charges, the proposal shall identify/itemize these expected additional monthly charges to be paid by the Town.

The most advantageous offer from a responsive and responsible proposer, taking into consideration all evaluation criteria and price, will be selected.

Sealed proposals are due at the DPS office located at Town Hall no later than 11:00 AM on Thursday December 12, 2013 and shall be labeled:

Town of Medway  
Department of Public Services  
155 Village Street  
Medway, MA 02053  
ATTN: Thomas Holder  
GARAGE SPACE LEASE PROPOSAL

HIGHWAY - WATER - SEWER - FLEET - PARKS - FACILITIES - SOLID WASTE

TOWN OFFICES | 155 VILLAGE STREET | MEDWAY, MASSACHUSETTS 02053 | TEL 508-533-3275



**TOWN OF MEDWAY**  
**ZONING BOARD OF APPEALS**

155 Village Street  
Medway MA 02053

**GENERAL SPECIAL PERMIT FORM**

**Case Number:** \_\_\_\_\_

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.**

**TO BE COMPLETED BY THE APPLICANT**

*Please provide evidence regarding how the Special Permit Decision Criteria, outlined below, is met. Please write "N/A" if you believe any of the Criteria is Not Applicable. Provide attachments if necessary.*

1. The proposed site is an appropriate location for the proposed use:

See Attached

2. Adequate and appropriate facilities will be provided for the operation of the proposed use:

See Attached

3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment:

See Attached

4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area:

See Attached

5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site, or operational attributes of the proposed use:

See Attached

6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district:

See Attached

Case Number: \_\_\_\_\_

7. The proposed use is in harmony with the general purposed and intent of this Zoning Bylaw:

See Attached

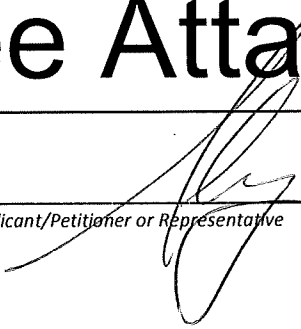
8. The proposed use is consistent with the goals of the Medway Master Plan:

See Attached

9. The proposed use will not be detrimental to the public good:

See Attached

Signature of Applicant/Petitioner or Representative



Date

4/22/21

1. The proposed site is an appropriate location for the proposed use as the proposed use is the same use that the property has been used for the past 80 years.
2. Adequate and appropriate facilities will be provided for the operation of the proposed use as the present structure of the building will remain unchanged to the exterior and all the facilities that have been used for the past 80 years will continue to be used with upgrades if necessary.
3. The proposed use as developed will not create a hazard to abutters, vehicles or pedestrians or the environment. Once again, the proposed use will remain the use that it has been for the past 80 years.
4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area as the proposed use will remain the same and there will be no additional undue traffic congestion or conflicts in the area.
5. The proposed use will remain the same as has been used, i.e. that of an office and vehicle storage facility.
6. The surrounding neighborhood will not be adversely affected in any way as the proposed use will remain the same.
7. The proposed use will be the same and is a pre-existing non-conforming use that dates back to 1940.
8. N/A
9. The proposed use will not be detrimental to the public good as the use will not change and has been used in the proposed use for the past 80 years.



**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Salmon/Willows ARCPUD – Request for  
Occupancy Permit for Main Building**

- 5-25-21 SAC notes with a collection of attachments.
- Salmon ARCPUD special permit decision April 5, 2016 (for reference purposes)

Jeff Robinson will attend the meeting to answer any questions you have about the status of work completion.

## Occupancy Authorization for the main Salmon/Willows building

### SAC Notes – May 25, 2021

#### ARCPUD Decision

1. Decision – Specific Condition 6. Open Space. Item e. The applicant's improvements in the Open Space area including the trails, canoe launch, gazebo, and parking area (6 spaces) accessible from Village Street via Willow Pond Circle shall be completed before the Certificate of Occupancy is issued for the main building.
  - See attached email dated 5-24-21 from Tetra Tech engineer, Sarah White
  - See attached email dated 5-25-21 from Conservation Agent Bridget Graziano
  - See attached photo of construction of parking area for walking trails
2. Decision – Specific Condition 11. Fire Notification System - Applicant shall make a voluntary contribution in the amount of \$59,600 to be used to purchase radio master box system receivers to occur prior to issuance of the first occupancy permit.
  - See attached email dated 4-16-21 from Jeff Robinson re: payment made in May 2018
3. Decision – Specific Condition 22. Exterior Lighting, b. – Applicant shall notify the Board upon completion of the site lighting installation and prior to the first occupancy. The Board shall review the site illumination to determine whether light spill-over onto adjacent properties is occurring. During this review, the Board reserves the right to require adjustment of the number and/or intensity of the exterior light fixtures if needed and to require installation of suitable shielding.
  - See attached letter dated 5-24-21 from Mercier Electric Company

#### Other Items for Review/Status

1. Completion Deadline (Covenant Requirement 5.B.) – The owner shall complete construction of the roadways and all related infrastructure including the stormwater management system and install all utilities as shown on the Plan of Record, to the satisfaction of the Board, within three years from the date of endorsement (12-12-2017) of the ARCPUD Plan of Record or such further time as permitted by the Board.
  - On May 11, 2021, the PEDB extended the deadline for completion to December 12, 2023. See attached.
2. Decision – Specific Condition #13 – Landscape Buffer Area. Within 2 years after the installation of landscaping in the buffer area along the eastern boundary of the site, the Board or its agents shall review and determine if the landscape plantings provide suitable buffering for the adjacent neighbors. At the Board's initiation, the Board may act to reasonably amend the special permit to require the applicant to install further landscaping in this area to the Board's satisfaction.
  - Landscaping was installed in the fall of 2020. 2 year check in is scheduled for October 2022.
3. Decision – Specific Condition #14 – Energy and Resource Conservation. Applicant shall use well water for irrigation, rain-gauge controlled irrigation systems and low-flow household fixtures; also all unit appliances shall be Energy Star rated; at least 4 electric vehicle charging stations shall be installed in the indoor parking area.
  - See attached letter dated 5-11-21 from BlueStreak Consulting
4. Decision – Specific Condition #16 – Open Space Signage. Applicant shall install signage guiding the public to the open space area and trails upon consultation with the Open Space Committee. Signage design shall be compatible with the Open Space Committee's standard open space signage.
  - See attached email dated 5-24-21 from Jeff Robinson re: status on ordering of the signs

5. Roadway status and plan.
  - *See attached map showing roadway paving status.*
6. Overall status of functioning of stormwater system?
  - *See attached letter dated 5-24-21 from Coneco Engineering re: stormwater system construction*
7. Status on taxes paid.
  - *See attached certification dated from 5-24-21 from Treasurer/Collector's office*



May 24, 2021

Ms. Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator  
Medway Town Hall  
155 Village Street  
Medway, MA 02053

**Re: Salmon Health and Retirement Community  
Main Building Occupancy Permit  
259, 261, 261R and 263 Village Street  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

On May 21, 2021 Tetra Tech (TT) performed a site inspection for the above-mentioned Project at the request of the Town of Medway Planning and Economic Development Board (PEDB). The purpose of the site inspection was to review the following items in the Adult Retirement Community Planned Unit Development (ARCPUD) Special Permit Decision and the Covenant that are required to be completed prior to the issuance of an Occupancy Permit.

**Decision – Specific Condition 6. Open Space. Item e**

*The applicant's improvements in the Open Space area including the trails, canoe launch, gazebo, and parking area (6 spaces) accessible from Village Street via Willow Pond Circle shall be completed before the Certificate of Occupancy is issued for the main building.*

All open space items relative to the main building has been completed. The only outstanding open space items consist of the following:

- The trails located behind the cottages on Walnut Grove.
- The trails located behind cottages 20-30 on Willow Pond Circle.
- The permeable pavers at parking area have not been installed however all the prep work is completed.

It is our understanding the trails will be completed when the cottages are constructed, and the permeable pavers will be installed the week of May 24<sup>th</sup>.

**Covenant Requirement 5.B**

*The owner shall complete construction of the roadways and all related infrastructure including the stormwater management system and install all utilities as shown on the Plan of Record, to the satisfaction of the Board, within three years from the date of endorsement (12-12-2017) of the ARCPUD Plan of Record or such further time as permitted by the Board.*

All roadways and infrastructure relative to the main building has been completed. The only outstanding infrastructure items pertain to the cottages and the medical office building and consist of the following items:

- The infiltration trenches that will handle the roof runoff for the cottages.
- Gas services for the cottages and the medical office building.
- Top course paving for Waterside Run, Lilac Path, Walnut Grove and a section the section of Willow Pond Circle from approximately STA 3+00 to STA 12+00.

It is our understanding that the outstanding infrastructure items will be completed when the cottages and the medical office building are constructed.



Based on our May 21, 2021 site inspection the Applicant has meet the open space and infrastructure requirements of the Decision and the for the main building. If you have any questions or comments, please feel free to contact me by email at [sara.white@tetrattech.com](mailto:sara.white@tetrattech.com) or by phone at (401) 578-8657.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Sara J. White".

Sara J. White, P.E.  
Project Manager

P:\21583\143-21583-15011 (WILLOWS ARCPUD REVIEW)\DOCS\SALMON-PEDB BUILDING OCCUPANCYREV(2021-05-24).DOCX

## Susan Affleck-Childs

---

**From:** Bridget Graziano  
**Sent:** Tuesday, May 25, 2021 10:49 AM  
**To:** Susan Affleck-Childs  
**Subject:** RE: Salmon - occupancy  
**Attachments:** SKMBT\_65418013102000.pdf; Salmon ARCPUD Open Space Registry Plan (Conservation Restriction).pdf; Town Hall Plotter04072021.pdf

Hi Susy,

Our office has been working with Jeff Robinson, the open space committee, and the local boys scouts to blaze the trails. So far I have worked in the trails from the north portion of the parcel south to the Charles River where it stops at the sewer man hole. I have also review the western T trail, east to the canoe launch and the headed north to the wetland restoration area. There were locations which required addition work due to multiflora rose and having to use machinery to remove it safely, these locations were completed a little more than a week ago and I have not been out to review. These locations area along the Charles, from the CRPD sewer manhole east to the canoe launch.

The local boy scout troops completed the work on most of the trails except areas which required the use of machinery. I am attaching all my maps, of the trails and the signage(kisoks) locations agreed upon.

Hope this helps!  
Bridget

---

**From:** Susan Affleck-Childs  
**Sent:** Monday, May 24, 2021 8:59 AM  
**To:** Bridget Graziano <bgraziano@townofmedway.org>  
**Subject:** Salmon - occupancy  
**Importance:** High

Hi,

Could you send me a separate email indicating that the improvements in the Salmon open space area including the trails (as revised), canoe launch, gazebo, and parking area (6 spaces) have been installed to your satisfaction and also to confirm that the conservation restriction documentation is in order – approved, registered, etc.

This afternoon if possible! Thanks.

*Susy*

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator  
Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

EXECUTIVE OFFICE OF ENERGY and ENVIRONMENTAL AFFAIRS  
DIVISION OF CONSERVATION SERVICES  
100 Cambridge St. , 9<sup>th</sup> fl.  
Boston, MA 02114-2150  
(617) 626-1011

For agency use only  
DATE: \_\_\_\_\_  
MUNICIPALITY (list all): \_\_\_\_\_  
NUMERIC ASSIGNMENT(S): \_\_\_\_/\_\_\_\_

CONSERVATION RESTRICTION APPLICATION FORM

Pursuant to the provisions of M.G.L .ch. 184. §32. the Executive Secretary of Energy and Environmental Affairs is hereby requested to approve a perpetual conservation restriction as described below:

A. **GENERAL INFORMATION (please indicate contact person for CR review)**

1. GRANTOR(S) (must list all owners)

Medway Land Venture, LLC  
(Name(s))

2051 Greenhouse Road, Suite 300 Houston, TX 77084  
(Address)

(508) 898-3416 ext. 3773 Jeffrey S. Robinson  
(Telephone & fax No.) (Contact Person)

2. GRANTEE(S): Town of Medway acting through its Conservation Commission  
(Name(s))

155 Village Street, Medway, MA 02053  
(Address)

(508) 533-3292 Bridget Graziano  
(Telephone & fax No.) (Contact Person)

3. ARE THERE ONE OR MORE MORTGAGES ON THE PROPERTY? ☐ Yes ☒ No  
(Assent of mortgagee(s) is required and must be recorded with the restriction.)

4. IS THE RESTRICTION IN MORE THAN ONE MUNICIPALITY? ☐ Yes ☒ No

5. TYPE OF RESTRICTION:

a. Conservation Only: ☒

b. Joint Restriction: ☐

Type: \_\_\_\_\_  
(agricultural, historical, watershed)

- 6 STATE OR FEDERAL FUNDS INVOLVED ☐ Yes ☒ No

☐ CPA (attach attested copy of town meeting vote(s) as an exhibit)

☐ Grant (type) (attach as an exhibit)

☐ Other (attach)

☒ Is there a deadline for completing restriction (reason)? March 12, 2018 based on permit condition.

**NOTE:** (A full package must be submitted for CR review, even if all or some of the materials were submitted as part of the grant process, as the grant programs are separate)

7. PUBLIC OFFICIALS: State Representative Jeffrey Roy,

State Senator(s) Karen Spilka Other involved Official(s) \_\_\_\_\_

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NOTES:

If the grantee is a non-profit charitable corporation or trust, DCS may require proof that it is a qualified charitable organization in accordance with M.G.L. c.180 §4(a) or (l) and the I.R.S. Code Section 501(c) (3) that qualifies as a M.G.L. c.184 §32 holder, and reserves the right to review the organization's by-laws and list of officers.

Regardless of whether the grantee is a qualified private non-profit organization or a city or town or commission, authority, or other instrumentality thereof, the local conservation commission must define the reasons for preserving the property and certify that the restriction is in the public interest (please refer to page 6).

A conservation restriction is a voluntary limitation on the use of land designed to preserve it from adverse future change. But it should be distinguished at the outset from an agricultural preservation restriction which is approved by the Commissioner of Food and Agriculture for the Commonwealth, 251 Causeway Street, Boston, MA 02114-2150, and from an historical preservation restriction, which is approved by the Massachusetts Historical Commission 80 Boylston Street, Rm. 310, Boston, MA 02116, and from a state watershed preservation restriction which is approved by the Commissioner of the Department of Conservation and Recreation, 251 Causeway St., Boston, MA 02114-2150.

It is possible for a restriction to fit into more than one category, requiring more than one approval. If this is a joint restriction, has the approval process been started with the joint holder, including the Commissioners of Food and Agriculture, DCR, the Massachusetts Historical Commission, etc.? ☐ Yes ☐ No

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8. GRANTOR'S INTENT

- a. Charitable contribution: ☐ Yes ☒ No  
Do you intend to claim an IRS income tax deduction? ☒ Yes ☐ No
- b. Granted or required as part of municipal or state permitting process? ☒ Yes ☐ No
1. Is this restriction required by a M.G.L. C.40A §9 special permit? ☒ Yes ☐ No  
(Please attach a copy of the permit(s) as an exhibit)
2. Required by M.G.L. C.131, §40 Wetlands Order of Conditions? ☒ Yes ☐ No  
(Please attach a copy of the Order of Conditions)
3. Other? ☐ Yes ☒ No (please explain)

Per Town of Medway Planning and Economic Development Board for a ARCPUD Adult Retirement Community Planned Unit Development

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- c.. Other: Please explain (for example, sale of a C.R. to a public agency):
- 

- d. Is this a perpetual restriction? ☒ Yes ☐ No If less than permanent, for how many years: \_\_\_\_\_  
(It is the policy of DCS not to approve less than permanent restrictions except in exceptional circumstances. Please discuss the restriction with DCS before submitting a non-permanent CR)
- 

**B. PUBLIC BENEFIT**

1. Is the restriction for the preservation of land areas for outdoor recreation by, or the education of, the general public (will there be public access)? ☒ Yes ☐ No
2. Is the restriction for the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystems? ☒ Yes ☐ No
3. Is the restriction for the preservation of open space (including farmland and forest land) where such preservation is:
- a. pursuant to a clearly delineated federal, state, local governmental policy, and will yield a significant public benefit? ☒ Yes ☐ No



1. Total acres: 56.9 Acres covered by restriction: 37.4 Total unrestricted areas 19.5
2. Cover: acres in A. Upland Forest 26.3 (13.2) B. Open (field, pasture, etc.) 10.8 (4.4)  
C. Vegetated Wetland 13.0 (13.0) D. Water 6.8 (6.8) E. Other \_\_\_\_\_
3. Topography: acres in A. Flat 56.9 B. Hilly \_\_\_\_\_  
C. Rolling \_\_\_\_\_ D. Mountains \_\_\_\_\_
4. Water front: feet on A. Ocean \_\_\_\_\_ B. River 3,200 +/- \_\_\_\_\_

C. Stream\_\_\_\_\_

D. Lake\_\_\_\_\_

Please identify waterbody: Charles River

## 6. General information:

Are there any improvements existing on the property, or to be permitted after execution of the C.R.? ☒ Yes ☐ No If yes, please describe in detail:

The Property is being developed as an Adult Retirement Community Planned Residential development, consisting of one four story main building, 56 cottages, a two story medical office building, a pavilion, and associated parking, drainage and utilities. The Conservation Restriction will apply to approximately 37.4 acres of the Property of the Property. This area includes upland wooded areas, bordering vegetated wetland and vernal pools. The area subject to the Conservation Restriction will largely be maintained in its natural state, but with some clearing to allow for elements including a network of walking paths, a canoe launch, and a parking area for the canoe launch. Two areas within the Conservation Restriction area will be used for compensatory flood plain storage and wetland mitigation and replication pursuant to the proposed development.

## 7. Is the property currently under any of the preferential real estate tax assessment programs?

☐ Yes ☒ No If yes, which one: c.61 ☐ c.61A ☐ c. 61B ☐

## NOTE:

If the restriction lies in more than one community, separate Site Data forms, Selectmen and Conservation Commission approvals must be completed for that portion of the restriction within each community

## 8. If the property is under agricultural use, is the soil considered prime or of statewide agricultural significance?

☐ Yes ☒ No (If yes, USDA Soil Conservation Service data must be provided)

9. Is the property adjacent to any public or quasi-public land or buildings? ☐ Yes ☒ No

Describe briefly:

## 10. Does the property lie within an historic district, include an archaeological or rare species site, fall within a Department of Conservation and Recreation designated scenic landscape, river, or within an Executive Office of Energy and Environmental Affairs designated Area of Critical Environmental Concern, a Zone II of a public water supply etc.? Please explain:

The property does not lie within any of the above referenced areas.

11. Will public access be allowed? ☒ Yes ☐ No If yes, explain any limitations, type, etc.:

Public access is allowed over the entire restricted portion of the property.

Prepared by: Jeffrey S. Robinson

Address: c/o Continuing Care Management, LLC

1 Lyman Street, Westborough, MA 01581

**ATTACHMENTS:**

- |    |   |   |  |
|----|---|---|--|
| a. | Draft Conservation Restriction (required)   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| b. | USGS Topographic map with conservation restriction outlined and identified thereon (required)         | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| c. | Survey, plotmap, or sketch plan (required)  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| d. | Natural resource inventory, (if available)  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| e. | Wetlands Order of Conditions C.131.§40, (if applicable)   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| f. | Zoning, C. 40A, §9 Special Permit, etc. (if applicable)   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| g. | I.R.S. letter ruling, (if applicable & not previously provided)                                       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| h. | Charitable status documentation,(if applicable & not previously provided)                             | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| i. | Assent of mortgagee(s) (if applicable)  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| j. | USDA Soil Data, (if applicable)   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| k. | Other (please specify) (court orders, settlement agreements, votes, grant agreement, contracts, etc.) | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

**NOTES:**

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The applicant is highly advised to follow the Model Conservation Restriction and submit a draft of the conservation restriction for a determination as to whether it is acceptable for approval by the Secretary. All required attachments must be submitted for review.

The final conservation restriction must be prepared in a form suitable for recording and be approved and signed by the grantor, grantee, and municipal official(s), have all final Exhibits attached, and a subordination, if applicable, to be recorded prior to the conservation restriction.

Please check your local Registry of Deeds for their requirements, particularly as to first page spacing.

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## MUNICIPAL CERTIFICATION


(We) the undersigned Conservation Commission of Medway, Massachusetts (the certifier/holder) hereby certify that the proposed conservation restriction is in the public interest in that it (describe public benefit):

This particular property itself is not specifically identified within the 2015 Master Plan or the 2010 Open Space and Recreation Plan (it will be mentioned in 2018 OSRP). However, these two plans DO specifically identify that the Town of Medway should work to obtain lands or easements in order to provide public access to the Charles River for Recreational purposes such as walking and boating. A document was developed called, "The Charles River Meadowlands Plan for Bellingham, Franklin and Medway", by the Charles River Meadowlands Initiative, dated January 10, 2017, in this document it specifically states a goal to achieve 5 public points along the Charles River for public enjoyment in Medway, and this CR assists in accomplishing that goal. The 2010 Medway Open Space and Recreation Plan notes goals (specifically Goal 2) notes establishment of greenbelts along the Charles River which the CR achieves. Additionally, Goal 1 discusses identifying locations for protecting natural resources and wildlife corridors, the CR will hit the mark for, when protecting 2 certified Vernal Pools, Bordering Land Subject to Flooding, Bordering Vegetated Wetlands, and portions of the Riverfront.

Date: \_\_\_\_\_

1/25/18

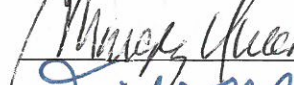
Signed: \_\_\_\_\_


 KEN MCKAY

 BRIAN SHAW

 DAVID A. TRUVELONI

 DAYNA GILL

 MARGERY FREEMAN

 DAVID J. BLACKWELL

 SCOTT SALVUCCI

### NOTES:

This certification by the conservation commission may be submitted separately from the application and filed with the submission of the executed conservation restriction, it being recognized that the applicant may want to submit the application with a draft copy of the conservation restriction for review prior to actual submission of the executed document.

Conservation restriction lands which overlap municipal boundaries must be approved and certified by the appropriate officials of both municipalities.

The commissioners' certification should state why the property is significant and why the conservation restriction is important.



APPENDIX C

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
DIVISION OF CONSERVATION SERVICES  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
(617) 626-1011

DATE: \_\_\_\_\_

MUNICIPALITY: \_\_\_\_\_

NUMERIC ASSIGNMENT : \_\_\_\_\_

CONSERVATION RESTRICTION FIELD INSPECTION

1. MUNICIPALITY: \_\_\_\_\_ LOCATION (street,road,etc): \_\_\_\_\_

2. GRANTOR: \_\_\_\_\_ GRANTEE: \_\_\_\_\_

3. NEW SITE: \_\_\_\_\_ ADDITION TO SITE: \_\_\_\_\_ TOTAL ACRES: \_\_\_\_\_ TERM: \_\_\_\_\_

4. ARE BUILDINGS INCLUDED? ☐ YES ☐ NO

If yes, estimate value, condition, and existing or proposed use. (include photographs and negatives)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. PRESENT AND PAST USE OF SUBJECT PROPERTY AND ADJACENT LANDS:

(please include USGS topographical maps showing subject and adjacent public lands, if any)

\_\_\_\_\_  
\_\_\_\_\_

6. BRIEF DESCRIPTION OF PROPERTY INCLUDING NATURAL RESOURCES AND ANY UNIQUE FEATURES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

a. Are prohibited activities sufficient to protect the resource values? ☐ Yes ☐ No

b. Are retained uses compatible with the preservation or protection of the natural resources?

☐ Yes ☐ No (if answers to 6a or 6b are no, please explain in 8 below)

7. ARE PUBLIC ACTIVITIES PERMITTED? ☐ Yes ☐ No

If yes, please explain NATURE and SCOPE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

8. COMMENTS AND

RECOMMENDATIONS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INSPECTOR \_\_\_\_\_

DATE: \_\_\_\_\_

ACCOMPANIED BY: \_\_\_\_\_

## APPENDIX D

### PLANS, POLICIES, PROGRAMS, AND LANDS HELPFUL IN DEMONSTRATING STATE AND LOCAL PUBLIC BENEFIT

1. Municipal Open Space and Recreation Plans
2. Regional Open Space Plans (Regional Planning Authorities)
3. Statewide Comprehensive Outdoor Recreation Plan
  - \* State Trail System
  - \* Scenic Rivers Program
  - \* Unique Geological Inventory
  - \* Bay Circuit Program
4. Massachusetts Natural Heritage Inventory of Rare and Endangered Botanical and Zoological Species Habitat and National Endangered Species Act
5. Areas of Critical Environmental Concern - designated areas
6. Coastal Zone Management Plan - Significant Resource Areas
  - \* Barrier Beaches
  - \* Primary Dunes
  - \* Sandy Beaches
  - \* Saltwater Marshes
  - \* Shellfish Beds
  - \* Salt Ponds
  - \* Estuaries
  - \* Coastal Embayments
  - \* Anadromous Fish Runs
  - \* Erosion Areas
  - \* Designated Ports
  - \* Accretion Areas
  - \* View Points
  - \* Historic Sites (also on Massachusetts Historical Commission inventory)
  - \* Recreational Beaches
  - \* Boat Ramps, Marinas
7. Massachusetts Historical Commission
  - \* Massachusetts Historical Sites
  - \* National Historic Register Sites (P.L. 89-665), eligible for inclusion
  - \* Known Cultural and Archeological Sites
8. Scenic roads, Chapter 40, §15C
9. Scenic Mountains, Chapter 131, §39A
10. Historic Districts
11. Flood Disaster Protection Act of 1973, land within flood lines. See also P.L. 566 Small Watershed Projects.
12. USDA Soil Conservation Service (SCS) - various inventories of potential reservoir sites
13. Massachusetts Water Resources Commission - inventory of regionally important wetlands, (identified in Massachusetts Water Supply Statement May 2, 1978, 353 pp.)
14. National Natural Landmarks (i.e. Gay Head Cliffs, Lynnfield Marsh)
15. Town well-fields (existing and proven reserves and reservoirs)
16. Agricultural land - SCS identified prime, Massachusetts unique
17. Wetlands Restrictions Program

- \* Chapter 131, §40
- \* Chapter 130, §105
- \* Restricted areas and areas to be restricted

18. Executive Orders
  - \* #181 Barrier Beaches
  - \* #193 Agricultural lands
19. Department of Environmental Protection Great Pond Inventory
20. Department of Environmental Management Scenic Landscape Inventory, 1982
21. Department of Environmental Protection Water Quality Plans or Programs, various
22. Buffers to water bodies, other protected lands, ACECs, critical habitat, parks, etc.
23. Greenways, trails, and wildlife corridor connections
24. Public access for passive recreation

## APPENDIX E

### Recommendations to Increase the Reliability of Grantees as Conservation Restriction Managers<sup>1</sup>

1. Conservation Restriction programs should have written criteria for what constitutes a satisfactory restriction.
2. Background data assembled should be adequate to support proper monitoring and legal enforcement action.
3. Organizations and agencies holding conservation restrictions should make every reasonable effort to ensure that they will have a reliable source of funds for monitoring and enforcement actions, including court cases.
4. Properties protected by conservation restrictions should be checked at least annually.
5. Careful records should be kept of inspections and of all contacts with landowners.
6. Monitoring programs should be designed and managed so that violations will be detected early before elimination of the violation becomes a practical impossibility.
7. Organizations and agencies holding conservation restrictions should keep track of changes in ownership of restriction - protected properties.
8. Organizations and agencies holding conservation restrictions should frequently remind landowners about the terms of conservation restrictions, especially after a property changes hands.
9. Organizations and agencies holding conservation restrictions should establish careful procedures for reviewing possible amendments to ensure that any permitted amendment does not impair the conservation values of the restriction.
10. In the case of donated conservation restrictions for which tax deductions have been taken, donees should seek competent appraisal advise to satisfy themselves that a permitted amendment will not add value to the property.
11. Organizations and agencies holding restrictions should maintain careful written records of all discussions and correspondence relating to an amendment in case of questions later.
12. Termination should be viewed as an absolute last resort and only done after exhaustive consideration has demonstrated overriding public need for the termination.
13. In any situation where the primary grantee's long term commitment and/or financial resources for monitoring and enforcement are open to reasonable question, the landowner and primary grantee should make every reasonable effort to find a suitable back-up grantee.

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<sup>1</sup> Land Trust Ex



(Appendix F)  
**Executive Office of Energy and Environmental Affairs / Division of Conservation Services**  
**GIS Data Entry Form**

Local Acquisitions for Natural Diversity (LAND) (formerly Selp-Help), Parkland Acquisitions and Renovations for Communities (PARC) (formerly Urban Self-Help), SURF, Land & Water Conservation Fund Projects and Conservation Restrictions

1. Contact Person: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(telephone) \_\_\_\_\_
2. Project Type (select one):  
☐ LAND  
☐ PARC  
☐ SURF  
☐ Land & Water Conservation Fund  
☐ Other \_\_\_\_\_
3. Municipality(ies): \_\_\_\_\_ Project Number \_\_\_\_\_
4. a. Fee Owner: \_\_\_\_\_  
(Holder of the Deed)  
b. Manager (if different from Owner): \_\_\_\_\_
5. \*Conservation Restriction held by: \_\_\_\_\_  
\*Complete only if land is encumbered by a Chapter 184 section 31-33 Conservation Restriction.  
Check the box corresponding to how the restriction was obtained:  
☐ Gifted ☐ Purchased ☐ Exacted by Regulation or given as part of permit process  
Number of reserved lots within the restriction, if any: \_\_\_\_\_
6. Assessor's Information  
(map) \_\_\_\_\_ (Block) \_\_\_\_\_ (lot) \_\_\_\_\_
7. Registry Information  
(name) \_\_\_\_\_  
(book) \_\_\_\_\_ (page) \_\_\_\_\_ (plan) \_\_\_\_\_ (page) \_\_\_\_\_
8. Acreage: \_\_\_\_\_
9. Primary Use: (select one)  
☐ Conservation  
☐ Recreation  
☐ Both Conservation and Recreation  
☐ Water Supply Protection  
☐ Agriculture  
☐ Historic/Cultural  
☐ Other (please explain) \_\_\_\_\_
- Public Access:  
☐ Public  
☐ Public, limited (explain) \_\_\_\_\_  
☐ Public, seasonal  
☐ None  
☐ Other (please explain) \_\_\_\_\_

The applicant must provide to the Executive Office of Energy & Environmental Affairs materials that will allow MassGIS to accurately represent the site in the state's open space data layer. These materials include:

1. A USGS topological map or copy (including the name & date of the quad) with the site accurately drawn on it.
2. A copy of the site plan and/or a survey plan if available (required for exacted conservation restrictions).
3. A printout of the digital representation of the site on a USGS topological map background and a note indicating that the digital representation of the site has been emailed to Dominique.pahlavan@state.ma.us in appropriate format (Massachusetts State Plane Meters NAD1983 Datum) with a subject line of: <town> <Project Type> <Project#> (e.g. Boston CR #12).

MassGIS will attempt to add the site to the open space data layer using these materials but may request additional material from the grantee if the materials provided are not at an appropriate scale or are not sufficiently clear to support conversion to digital data that conform to MassGIS data standards. Topographical maps can be purchased at book stores or printed from <http://www.mass.gov/mgis/mapping.htm>. Please call Dominique Pahlavan at MassGIS, 617.626.1184, with any questions or for assistance with this form.





LEGEND

PROPERTY LINE

CONSERVATION RESTRICTION

WETLAND LINE

CONSERVATION RESTRICTION AREA

EXEMPT ACTIVITIES

FLOOD PLAIN COMPENSATORY STORAGE

WETLAND REPLICATION

WALKING TRAILS + MAINTENANCE

CANOE LAUNCH, ACCESS, + PARKING

STORMWATER FACILITIES + MAINTENANCE

LIGHTING, LANDSCAPING, FENCING, ROADWAY GRADING

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN, AND THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

TIMOTHY S. BODAH, P.L.S.

OPEN SPACE TABLE			
TOTAL SITE AREA: 2,477,973 S.F. (56.9 AC.)			
OPEN SPACE CALCULATIONS			
OPEN SPACE PERCENTAGE	REQUIRED	PROVIDED	USEABLE
	40%	66%	48%
OPEN SPACE AREA (S.F.)	991,189	1,630,889	1,199,593
OPEN SPACE AREA (AC.)	22.8	37.4	27.5



FOR REGISTRY USE ONLY

PROJECT

SALMON HEALTH AND RETIREMENT COMMUNITY

259, 261, 261R AND 263 VILLAGE STREET

MEDWAY, MASSACHUSETTS 02053

PREPARED FOR:

CONTINUING CARE MANAGEMENT, LLC

1 LYMAN STREET

WESTBOROUGH, MASSACHUSETTS 01581

PLAN SET:

EXHIBIT A

ENGINEER

CONECO

Engineers & Scientists

4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324

PHONE 508-697-3191 OR 800-548-3355 FAX 508-697-5996

WEBSITE: www.coneco.com

DATE

02/10/2017

DESIGNED: JEN

CHECKED: TLD

DRAFTED: TPS

IN CHARGE: SMO

SCALE:

1" = 100'

PROJECT NO.

8548.0

SHEET NO.

OSR1

REVISIONS

NO.	DATE	DESCRIPTION	DR/CK
1	07/20/17	ADDED TO MAIN SHEET SET	BCR/SMO

KEY SHEET



FOR REGISTRY USE ONLY

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89° 42' 10" E	16.11'
L2	S 00° 14' 19" W	17.78'
L3	S 49° 58' 48" W	103.24'
L4	S 40° 01' 12" E	24.00'
L5	S 40° 01' 12" E	13.00'
L6	N 49° 58' 48" E	54.00'
L7	N 40° 01' 12" W	13.00'
L8	S 10° 28' 17" E	95.48'
L9	S 80° 00' 00" W	4.56'
L10	N 09° 58' 43" W	22.50'
L11	N 37° 33' 51" E	5.42'
L12	N 07° 26' 09" W	8.76'
L13	N 52° 26' 09" W	8.76'
L14	S 82° 33' 51" W	8.76'
L15	S 37° 33' 51" W	8.76'
L16	S 07° 26' 09" E	8.76'
L17	S 52° 26' 09" E	6.12'
L18	S 80° 00' 00" W	22.61'
L19	S 10° 00' 00" W	48.00'
L20	S 08° 00' 00" E	48.00'
L21	S 08° 00' 00" E	37.80'
L22	S 15° 00' 00" E	37.80'
L212	S 50° 00' 00" W	48.00'
L213	S 40° 00' 00" E	48.00'
L214	S 50° 00' 00" W	34.73'
L215	S 50° 00' 00" W	48.00'
L216	S 48° 26' 47" W	0.65'
L217	N 41° 33' 13" W	48.01'
L218	N 02° 34' 00" W	16.11'
L219	N 06° 09' 59" W	0.50'
L220	N 83° 50' 01" E	24.46'
L221	N 68° 45' 06" E	34.75'
L222	S 21° 14' 54" E	1.00'
L223	S 21° 14' 54" E	22.00'
L224	N 68° 45' 06" E	34.00'
L225	N 21° 14' 54" W	96.00'
L226	S 68° 45' 06" W	34.00'
L227	S 21° 14' 54" E	22.52'
L228	S 21° 14' 54" E	1.00'
L229	S 68° 45' 06" W	5.25'
L230	S 33° 37' 34" W	25.42'
L231	S 83° 50' 01" W	15.39'
L232	N 06° 09' 59" W	0.50'
L233	N 03° 32' 56" W	132.66'
L234	S 89° 11' 08" E	3.57'
L235	S 01° 04' 35" W	15.50'
L236	S 88° 55' 25" E	118.00'
L237	N 01° 04' 35" E	15.50'
L238	S 88° 55' 25" E	29.50'
L239	N 01° 44' 27" E	24.97'
L240	N 88° 13' 22" W	2.79'
L241	N 01° 04' 35" E	8.00'
L242	S 88° 55' 25" E	8.84'
L243	N 01° 04' 35" E	45.67'
L244	N 88° 55' 25" W	8.98'
L245	N 88° 55' 25" W	21.17'
L246	N 88° 55' 25" W	108.53'
L247	S 01° 16' 55" W	84.69'
L248	N 01° 34' 46" E	79.08'
L249	N 00° 14' 18" E	16.92'

CURVE TABLE			
CURVE	RADIUS	ARC	CHORD
C1	24.50'	18.71°	S 21° 38' 00" E 18.26'
C2	116.50'	18.69°	S 04° 50' 06" W 18.67'
C3	533.50'	82.86°	S 04° 58' 57" W 82.77'
C4	5.00'	7.85°	S 85° 01' 12" E 7.07'
C5	5.00'	7.85°	N 04° 58' 48" E 7.07'
C6	15.00'	18.02°	N 84° 24' 09" E 16.96'
C7	15.00'	8.35°	N 24° 05' 47" W 8.24'
C8	15.00'	21.96°	N 51° 56' 10" W 20.05'
C9	15.00'	13.91°	S 53° 26' 16" W 13.52'
C10	15.00'	23.56°	S 35° 00' 00" W 21.21'
C11	15.00'	11.38°	S 31° 43' 42" W 11.11'
C12	15.00'	9.59°	S 10° 19' 23" W 9.43'
C13	15.00'	11.21°	S 25° 25' 01" E 10.95'
C14	15.00'	23.56°	S 53° 00' 00" E 21.21'
C15	15.00'	2.36°	S 49° 23' 00" E 2.36°
C16	15.00'	1.90°	S 25° 29' 53" W 1.90°
C17	15.00'	23.56°	S 30° 21' 21" W 21.21'
C203	15.00'	23.56°	S 05° 00' 00" W 21.21'
C204	15.00'	13.91°	S 13° 28' 06" E 13.42'
C205	15.00'	16.28°	S 81° 05' 27" W 15.49'
C206	15.00'	23.56°	S 05° 00' 00" W 21.21'
C207	15.00'	13.91°	S 13° 28' 06" E 13.42'
C208	71.50'	61.02°	N 66° 14' 43" W 59.19'
C209	188.50'	289.94°	N 46° 37' 50" W 262.19'
C210	2.50'	3.77°	N 40° 38' 00" E 3.42'
C211	50.00'	13.16°	N 76° 17' 33" E 13.12'
C212	19.36°	8.31°	S 35° 17' 05" E 8.25'
C213	15.00'	23.56°	S 66° 14' 54" E 21.21'
C214	15.00'	13.91°	N 42° 11' 11" E 13.42'
C215	15.00'	23.56°	N 23° 45' 06" E 21.21'
C216	15.00'	23.56°	S 66° 14' 54" E 21.21'
C217	15.00'	13.91°	N 84° 41' 00" W 13.42'
C218	15.00'	23.56°	S 23° 45' 06" W 21.21'
C219	15.00'	7.83°	S 06° 17' 07" E 7.75'
C220	15.00'	9.20°	S 51° 11' 20" W 9.05'
C221	15.00'	13.14°	S 58° 43' 48" W 12.73'
C222	2.50'	4.17°	N 48° 21' 27" W 3.71'
C223	9.50'	14.63°	N 43° 34' 59" E 13.23'
C224	2.50'	3.93°	S 43° 55' 25" E 3.54'
C225	2.50'	3.93°	N 46° 04' 35" E 3.54'
C226	2.50'	3.93°	N 43° 55' 25" W 3.54'
C227	15.00'	23.56°	N 46° 04' 35" E 21.21'
C228	15.00'	23.56°	N 43° 55' 25" W 21.21'
C229	15.00'	18.11°	N 54° 20' 14" W 17.03'
C230	15.00'	18.11°	S 56° 29' 25" W 17.03'
C231	1.54°	4.74°	N 88° 25' 14" W 3.08'
C232	471.50'	12.35°	N 01° 56' 35" E 12.35'
C233	172.50'	4.04°	N 00° 54' 43" E 4.02'
C234	29.50'	4.04°	N 19° 08' 49" E 19.12'

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN, AND THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

TIMOTHY S. BODAH, P.L.S.

SHEET 1  
SHEET 3



CHARLES RIVER

VILLAGE STREET 1922 COUNTY LAYOUT  
50' WIDE

LEGEND

---

PROPERTY LINE

---

CONSERVATION RESTRICTION

---

WETLAND LINE

---

CONSERVATION RESTRICTION AREA

EXEMPT ACTIVITIES

FLOOD PLAIN COMPENSATORY STORAGE

WETLAND REPLICATION

WALKING TRAILS + MAINTENANCE

CANOE LAUNCH, ACCESS, + PARKING

STORMWATER FACILITIES + MAINTENANCE

LIGHTING, LANDSCAPING, FENCING, ROADWAY GRADING

SHEET 1  
SHEET 2

REVISIONS

NO.	DATE	DESCRIPTION	DR/CK	BCR/SNO
1	07/20/17	ADDED TO MAIN SHEET SET		

PROJECT

SALMON HEALTH AND RETIREMENT COMMUNITY  
259, 261, 261R AND 263 VILLAGE STREET  
WESTBOROUGH, MASSACHUSETTS 02053

PREPARED FOR

CONTINUING CARE MANAGEMENT, LLC  
1 LYMAN STREET  
WESTBOROUGH, MASSACHUSETTS 01581

DRAWING

OPEN SPACE  
SHEET 2 OF 7

PLAN SET

EXHIBIT A

CONECO

Engineers & Scientists

4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324  
PHONE 508-697-3191 OR 800-548-3355 FAX 508-697-5996  
WEBSITE: www.coneco.com

DATE

02/10/2017

DESIGNED: JEN

CHECKED: TLD

DRAFTED: TPS

IN CHARGE: SMO

SCALE:

1"=40'

PROJECT NO.

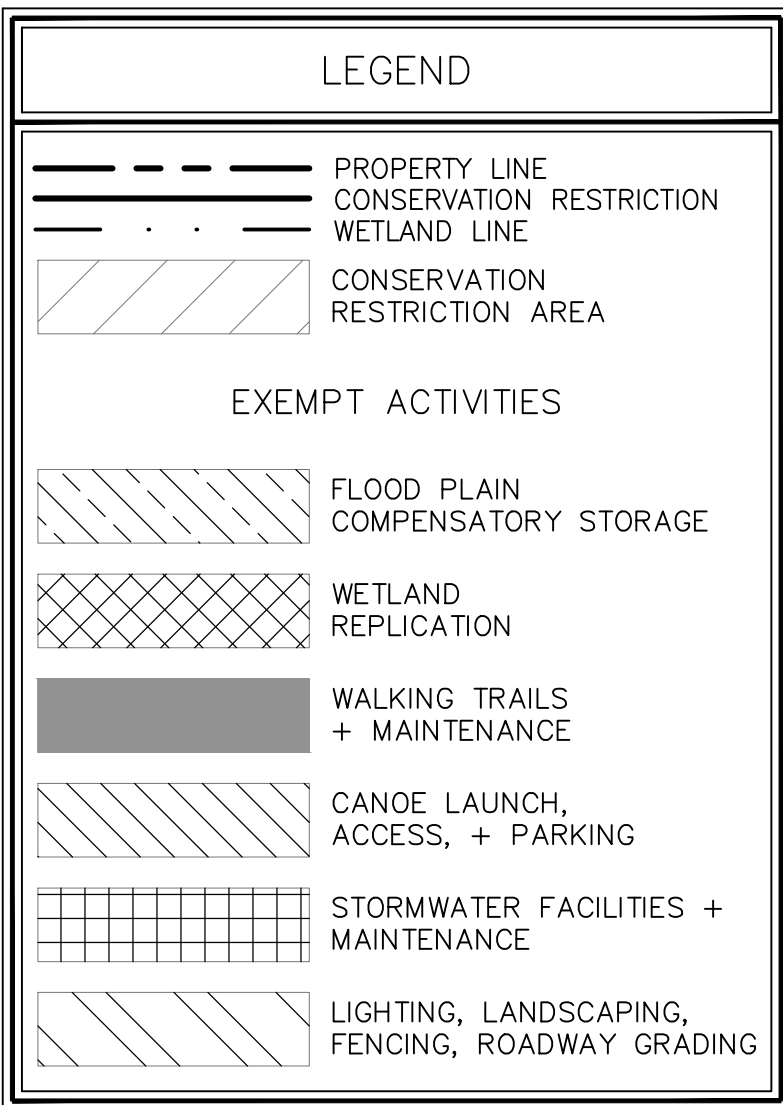
8548.0

SHEET NO.

OSR2



CURVE	CURVE TABLE			
	RADIUS	ARC	CHORD	CHORD LENGTH
C123	15.00'	7.83"	N 14° 57' 48" W	7.75'
C124	15.00'	23.56"	N 45° 00' 00" W	21.21'
C125	15.00'	23.56"	S 45° 00' 00" W	21.21'
C126	15.00'	7.83"	S 14° 57' 48" E	7.75'
C127	15.00'	7.83"	N 45° 48' 48" W	7.75'
C128	4.50'	7.30"	N 33° 31' 45" W	6.53'
C129	138.50'	71.30"	N 10° 42' 28" E	70.60'
C130	235.50'	130.33"	S 15° 35' 31" E	137.32'
C131	24.50'	7.83"	N 07° 50' 48" E	7.75'
C132	9.50'	26.78"	S 82° 15' 34" E	18.75'
C133	24.50'	6.01"	S 45° 33' 34" E	5.99'
C134	208.50'	115.44"	S 14° 34' 56" W	113.97'
C135	15.00'	7.83"	N 17° 02' 12" E	7.75'
C136	15.00'	23.56"	N 13° 00' 00" W	21.21'
C137	15.00'	13.91"	N 84° 33' 54" W	13.42'
C138	15.00'	23.56"	S 77° 21' 21" W	21.21'
C139	15.00'	10.29"	N 12° 21' 21" W	10.09'
C140	15.00'	9.35"	N 13° 00' 00" W	9.15'
C141	15.00'	23.56"	S 23° 29' 56" E	21.21'
C142	15.00'	23.56"	S 58° 33" W	21.21'
C143	15.00'	19.63"	S 49° 23' 43" W	18.26'
C144	15.00'	23.56"	S 33° 00' 00" W	21.21'
C145	15.00'	9.96"	S 38° 09' 51" E	6.90'
C146	15.00'	10.62"	S 23° 16' 51" W	10.40'
C201	15.05'	24.57"	N 06° 50' 51" E	21.93'
C202	15.05'	23.56"	N 05° 00' 00" W	21.21'



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TIMOTHY S. BODAH, P.L.S.

[illegible]

CONTINUING CARE MANAGEMENT, LLC  
1 LYMAN STREET  
WESTBOROUGH, MASSACHUSETTS 01581

OPEN SPACE  
SHEET 3 OF 7

PREPARED FOR:

SALMON HEALTH AND RETIREMENT  
COMMUNITY  
259, 261, 261R AND 263 VILLAGE STREET  
MEDWAY, MASSACHUSETTS 02053

PLAN SET:

EXHIBIT A



DATE		02/10/2017	
DESIGNED:	JEN	CHECKED:	TLD
DRAFTED:	TPS	IN CHARGE:	SMO
SCALE:		1"=40'	
PROJECT NO.		8548.0	
SHEET NO.			






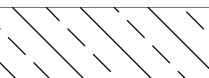




# OSR3





CURVE TABLE				
CURVE	RADIUS	ARC	CHORD	CHORD LENGTH
C18	15.00'	11.21°	S 06° 26' 00" W	10.95'
C19	17.50'	40.42°	S 67° 49' 43" W	32.02'
C20	127.50'	28.91°	S 08° 09' 21" W	28.85'
C21	22.50'	8.00°	S 04° 28' 10" W	7.96'
C22	22.50'	9.06°	S 04° 28' 10" W	9.02'
C23	22.50'	8.96°	S 03° 14' 20" W	9.90'
C24	130.50'	26.75°	S 02° 18' 07" E	26.70'
C25	17.50'	37.87°	S 57° 20' 11" E	30.90'
C26	58.50'	1.28°	N 61° 17' 58" E	1.28'
C27	17.50'	19.07°	N 30° 41' 57" E	18.14'
C28	55.50'	46.87°	N 23° 40' 06" E	45.45'
C29	22.50'	14.28°	N 29° 40' 36" E	14.09'
C30	127.50'	48.36°	N 22° 21' 19" E	48.07'
C31	25.50'	11.49°	N 46° 07' 40" E	11.39'
C32	16.50'	5.29°	N 49° 51' 15" E	5.27'
C33	124.50'	6.81°	N 42° 14' 29" E	6.81'
C34	16.50'	17.75°	N 12° 59' 13" E	16.91'
C35	16.50'	15.64°	N 12° 59' 13" E	16.91'
C36	15.00'	23.52°	N 29° 55' 28" E	21.19'
C37	15.00'	11.21°	N 06° 25' 00" E	10.95'
C38	106.00'	43.37°	N 63° 16' 44" E	43.07'
C39	216.50'	154.96°	N 10° 11' 26" E	151.63'
C40	43.50'	37.31°	N 66° 01' 26" E	36.18'
C41	15.00'	8.86°	N 16° 15' 55" E	8.73'
C42	15.00'	23.56°	N 07° 00' 00" E	21.21'
C43	15.00'	13.91°	N 21° 06' 00" E	13.42'
C44	15.00'	23.56°	N 12° 03' 00" E	21.21'
C45	15.00'	10.36°	N 61° 46' 45" W	10.15'
C46	15.00'	23.56°	S 87° 00' 00" E	21.21'
C47	15.00'	13.91°	N 74° 33' 54" E	13.42'
C48	15.00'	13.91°	N 07° 26' 06" E	13.42'
C49	15.00'	23.56°	S 11° 00' 00" E	21.21'
C50	15.00'	11.21°	N 77° 25' 00" E	10.95'
C51	15.00'	16.28°	N 85° 05' 27" W	15.49'
C52	15.00'	23.56°	S 27° 00' 00" W	21.21'
C53	15.00'	16.28°	S 51° 05' 27" W	15.49'
C55	71.50'	49.21°	S 45° 52' 20" W	48.24'
C56	145.50'	156.41°	S 56° 57' 04" W	148.98'
C57	161.50'	11.37°	S 85° 43' 43" W	11.37'
C58	166.50'	82.27°	S 69° 33' 24" W	81.43'
C60	15.00'	13.91°	N 20° 26' 06" E	13.42'
C61	15.00'	23.56°	N 02° 00' 00" E	21.21'
C62	15.00'	11.03°	N 61° 51' 34" W	9.70'
C63	15.00'	10.88°	N 55° 46' 20" W	10.64'
C64	15.00'	16.28°	N 66° 05' 27" W	15.49'
C65	15.00'	23.56°	N 80° 00' 00" W	21.21'
C66	15.00'	13.55°	S 09° 07' 22" E	13.09'
C67	15.63'	13.55°	S 16° 50' 40" E	12.84'
C68	5.00'	6.90°	N 86° 01' 19" W	6.37'
C69	20.91'	20.06°	S 82° 18' 31" W	19.30'
C70	15.00'	22.45°	S 11° 07' 44" W	20.41'
C71	15.00'	23.56°	S 09° 00' 00" W	21.21'
C72	15.00'	23.56°	S 81° 00' 00" E	21.21'
C73	15.00'	7.83°	N 39° 02' 12" E	7.75'
C74	15.00'	7.83°	N 68° 57' 48" E	7.75'
C75	4.99'	7.81°	N 08° 43' 41" W	7.04'
C76	5.00'	7.81°	S 48° 58' 56" E	7.04'
C77	15.00'	7.85°	S 07° 54' 55" E	7.76'
C78	15.00'	23.56°	S 07° 55' 45" E	21.21'
C79	15.00'	13.91°	S 63° 39' 09" E	13.42'
C80	15.00'	23.56°	S 82° 05' 15" E	21.21'
C81	15.00'	16.28°	N 21° 49' 55" E	15.49'
C82	15.00'	23.56°	N 07° 54' 45" E	21.21'
C83	15.00'	13.91°	N 31° 01' 21" W	13.42'
C84	24.50'	32.64°	S 05° 23' 48" E	30.28'
C85	161.50'	100.26°	S 14° 59' 36" W	98.65'
C86	75.30'	87.66°	S 29° 34' 36" W	82.79'
C204	15.00'	13.91°	S 13° 26' 06" E	13.42'
C205	15.00'	16.28°	S 81° 05' 27" W	15.49'
C206	15.00'	23.56°	S 05° 00' 00" W	21.21'
C207	15.00'	13.91°	S 13° 26' 06" E	13.42'
C208	71.50'	61.02°	N 66° 14' 43" W	59.19'
C209	188.50'	289.94°	N 46° 37' 50" W	262.19'

LINE TABLE		
LINE	BEARING	DISTANCE
L22	S 15° 00' 00" E	37.80'
L23	S 15° 00' 00" E	13.43'
L24	S 01° 39' 35" W	4.43'
L25	S 14° 31' 35" W	7.44'
L26	S 13° 00' 00" E	1.10'
L27	S 08° 10' 25" E	11.45'
L28	S 03° 34' 12" W	37.59'
L29	S 04° 38' 10" W	52.95'
L30	N 17° 50' 07" W	3.75'
L31	N 15° 00' 00" E	25.83'
L32	N 15° 00' 00" W	8.00'
L33	N 15° 00' 00" W	2.00'
L34	N 75° 00' 00" E	12.83'
L35	S 41° 33' 11" E	14.78'
L36	S 48° 00' 00" W	8.12'
L37	N 42° 00' 00" W	22.00'
L38	S 48° 00' 00" W	34.00'
L39	S 42° 00' 00" E	48.00'
L40	S 42° 00' 00" E	38.45'
L41	N 48° 00' 00" E	2.30'
L42	S 34° 00' 00" W	4.91'
L43	S 56° 00' 00" E	48.00'
L44	S 56° 00' 00" E	41.80'
L45	S 57° 27' 11" E	10.99'
L46	S 20° 00' 00" E	100.00'
L51	S 26° 09' 11" W	36.93'
L52	N 06° 00' 00" W	9.00'
L53	N 06° 00' 00" W	37.93'
L54	N 42° 49' 43" W	96.00'
L55	N 35° 00' 00" W	48.00'
L56	N 35° 00' 00" W	42.05'
L57	N 35° 00' 00" W	5.73'
L58	S 55° 00' 00" W	2.79'
L59	N 35° 00' 00" W	14.90'
L60	S 55° 00' 00" W	38.50'
L61	S 35° 00' 00" E	18.12'
L62	S 35° 00' 00" E	16.80'
L63	S 55° 00' 00" W	5.72'
L64	N 36° 31' 54" W	6.13'
L65	S 54° 17' 29" W	22.00'
L66	S 54° 38' 38" E	61.96'
L67	S 35° 00' 00" W	48.00'
L68	S 54° 00' 00" W	37.04'
L69	S 36° 00' 00" E	12.00'
L70	N 54° 00' 00" E	4.00'
L71	N 54° 00' 00" E	3.03'
L72	N 54° 00' 00" E	5.10'
L73	S 56° 00' 00" E	6.00'
L74	S 53° 24' 44" W	31.98'
L75	N 67° 45' 44" W	9.65'
L76	S 53° 27' 23" W	27.67'
L77	S 36° 32' 37" E	38.50'
L78	N 53° 27' 23" E	27.67'
L79	N 05° 19' 31" W	9.65'
L80	N 53° 27' 23" E	22.87'
L81	S 37° 05' 15" E	12.78'
L82	S 52° 54' 45" W	1.00'
L83	S 52° 56' 02" W	22.50'
L84	S 37° 05' 15" E	34.00'
L85	N 52° 54' 45" E	48.00'
L86	S 52° 54' 45" W	34.73'
L87	S 45° 00' 00" W	22.60'
L88	S 43° 34' 03" E	26.51'
L213	S 40° 00' 00" E	48.00'
L214	S 50° 00' 00" W	34.73'
L215	S 50° 00' 00" W	48.00'
L216	S 48° 26' 47" W	0.65'
L217	N 41° 33' 13" W	48.01'


LEGEND	
	PROPERTY LINE
	CONSERVATION RESTRICTION
	WETLAND LINE
	CONSERVATION RESTRICTION AREA
EXEMPT ACTIVITIES	
	FLOOD PLAIN COMPENSATORY STORAGE
	WETLAND REPLICATION
	WALKING TRAILS + MAINTENANCE
	CANOE LAUNCH, ACCESS, + PARKING
	STORMWATER FACILITIES + MAINTENANCE
	LIGHTING, LANDSCAPING, FENCING, ROADWAY GRADING

TOWN OF FRANKLIN

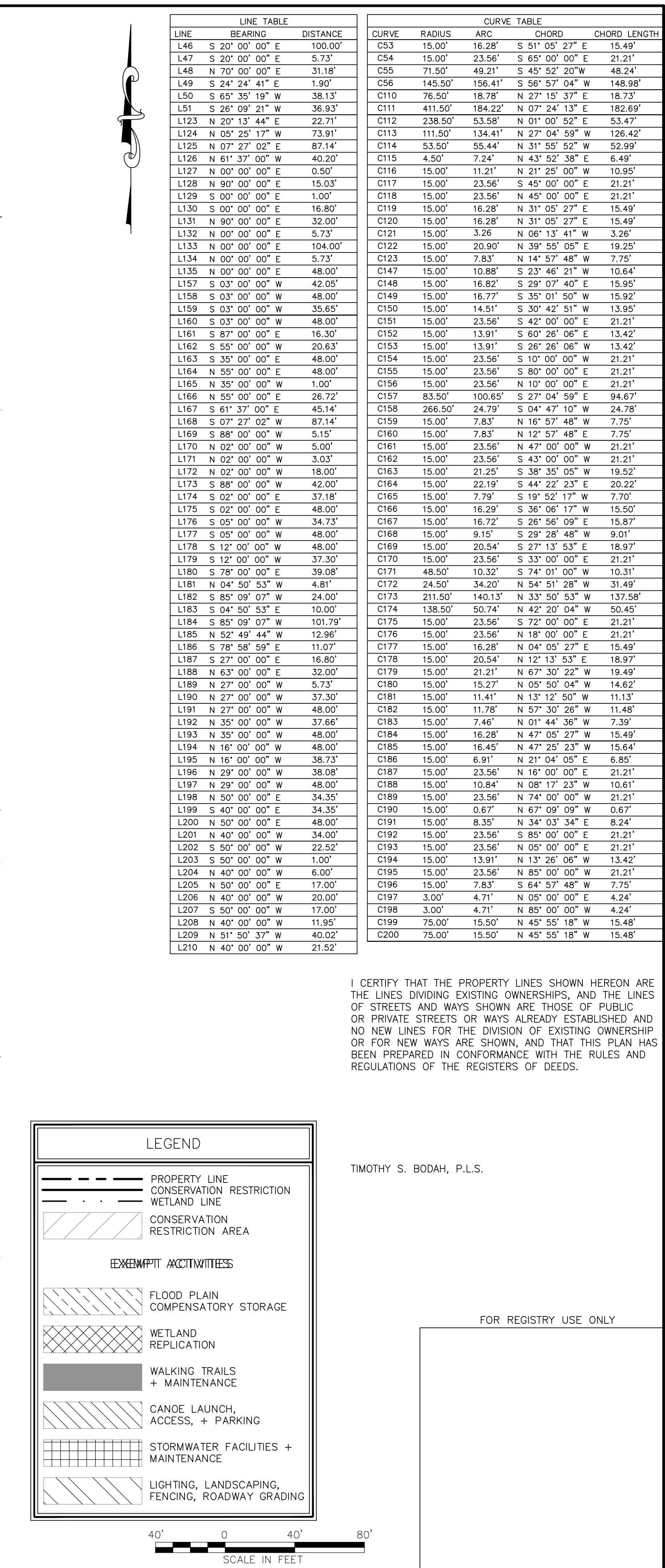
TIMOTHY S. BODAH, P.L.S.

SHEET 3  
SHEET 5



 <p><b>CONECO</b> Engineers &amp; Scientists 4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324 PHONE 508-697-3191 OR 800-548-3355 FAX 508-697-5996 WEBSITE: www.coneco.com</p>						PROJECT:						PREPARED FOR:							
						SALMON HEALTH AND RETIREMENT COMMUNITY 259, 261, 261R AND 263 VILLAGE STREET MEDWAY, MASSACHUSETTS 02053						CONTINUING CARE MANAGEMENT, LLC 1 LYMAN STREET WESTBOROUGH, MASSACHUSETTS 01581							
PLAN SET:						EXHIBIT A						DRAWING:							
												OPEN SPACE SHEET 4 OF 7							
DATE						02/10/2017						REVISIONS							
DESIGNED: JEN						CHECKED: TLD						NO.		DATE		DESCRIPTION		DR/CK	
DRAFTED: TPS						IN CHARGE: SMO						1		07/20/17		ADDED TO MAIN SHEET SET		BCR/SMO	
SCALE:						1" = 40'													
PROJECT NO.						8548.0													
SHEET NO.																			
<b>OSR4</b>																			





I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN, AND THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

FOR REGISTRY USE ONLY



**CONECO**  
*Engineers & Scientists*

4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324  
PHONE 508-697-3191 OR 800-548-3355; FAX 508-697-5986  
WEBSITE: [www.coneco.com](http://www.coneco.com)

DATE		02/10/2017	
DESIGNED: JEN		CHECKED: TLD	
DRAFTED: TPS		IN CHARGE: SMO	
SCALE:		1" = 40'	
PROJECT NO.		8548.0	
SHEET NO.			
<b>OSR5</b>			



SHEET 3  
SHEET 5



LEGEND

PROPERTY LINE

CONSERVATION RESTRICTION

WETLAND LINE

CONSERVATION RESTRICTION AREA

EXEMPT ACTIVITIES

FLOOD PLAIN COMPENSATORY STORAGE

WETLAND REPLICATION

WALKING TRAILS + MAINTENANCE

CANOE LAUNCH, ACCESS, + PARKING

STORMWATER FACILITIES + MAINTENANCE

LIGHTING, LANDSCAPING, FENCING, ROADWAY GRADING

LINE TABLE			
LINE	BEARING	DISTANCE	
L89	S 04° 22' 15" E	99.00'	
L90	N 85° 37' 45" E	7.00'	
L91	S 04° 22' 15" E	13.50'	
L92	N 85° 37' 45" E	111.01'	
L93	S 04° 10' 55" E	61.52'	
L94	N 85° 49' 40" E	221.25'	

CURVE TABLE				
CURVE	RADIUS	ARC	CHORD	CHORD LENGTH
CB6	75.30'	87.66'	S 29° 34' 36" W	82.79'
CB7	40.00'	47.03'	S 29° 18' 39" W	44.37'
CB8	111.50'	175.14'	S 49° 22' 15" E	157.68'
CB9	4.50'	7.07'	S 49° 22' 15" E	6.36'

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN, AND THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

TIMOTHY S. BODAH, P.L.S.

FOR REGISTRY USE ONLY

TOWN OF FRANKLIN

CHARLES RIVER  
3,200±'

SHEET 5  
SHEET 6

REVISIONS

NO.	DATE	DESCRIPTION	DR/CK
1	07/20/17	ADDED TO MAIN SHEET SET	BCR/SMO

PREPARED FOR:

CONTINUING CARE MANAGEMENT, LLC  
1 LYMAN STREET  
WESTBOROUGH, MASSACHUSETTS 01581

PROJECT:

SALMON HEALTH AND RETIREMENT COMMUNITY  
259, 261, 261R AND 263 VILLAGE STREET  
MEDWAY, MASSACHUSETTS 02053

PLANNING SET:

EXHIBIT A

OPEN SPACE

SHEET 6 OF 7

ENGINEER'S & SCIENTISTS

4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324  
PHONE 508-697-3191 OR 800-548-3355 FAX 508-697-5996  
WEBSITE: www.coneco.com

DATE

02/10/2017

DESIGNED: JEN

CHECKED: TLD

DRAFTED: TPS

IN CHARGE: SMO

SCALE:

1"=40'

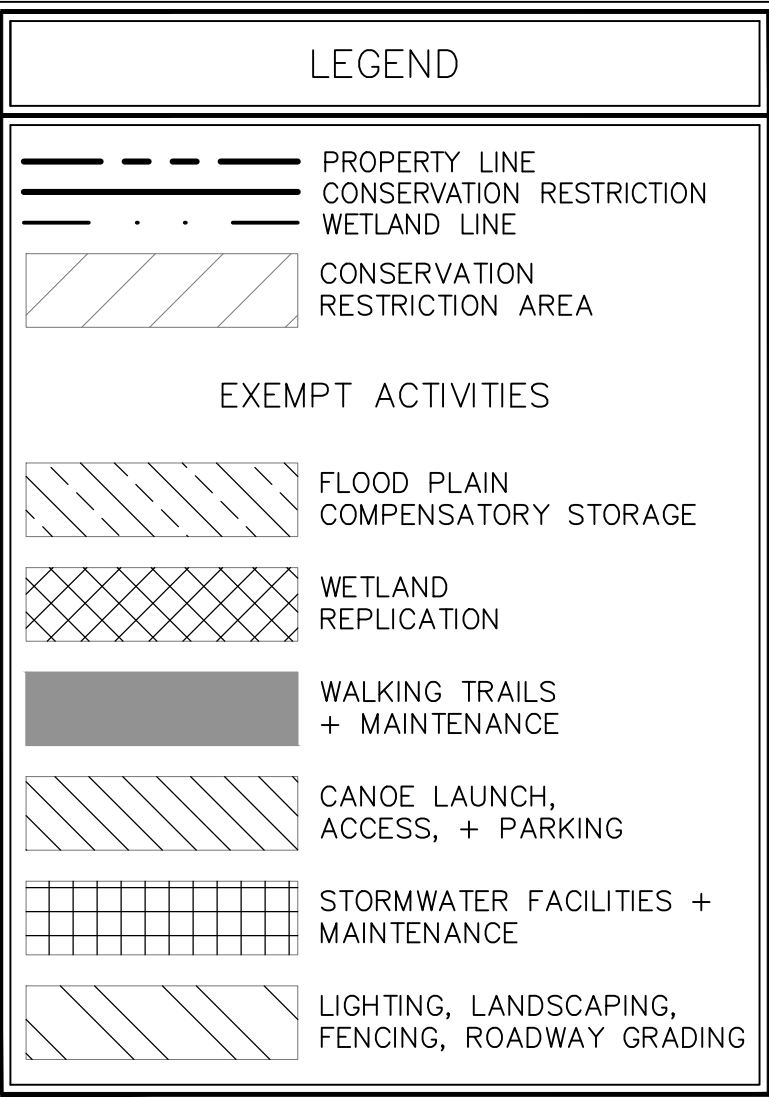
PROJECT NO.

8548.0

SHEET NO.

OSR6





LINE	LINE TABLE		DISTANCE
	BEARING		
L94	N 85° 49' 40"	E	221.25'
L95	N 04° 11' 00"	W	62.29'
L96	N 85° 37' 45"	E	139.74'
L97	N 04° 22' 15"	W	13.50'
L98	N 85° 37' 45"	E	11.00'
L99	N 13° 47' 50"	E	59.63'
L100	S 87° 18' 53"	E	59.00'
L101	N 85° 09' 07"	E	11.57'
L102	S 13° 13' 07"	E	35.33'
L103	S 00° 40' 16"	E	20.89'
L104	S 41° 17' 40"	W	40.11'
L105	S 17° 58' 16"	W	85.86'
L106	S 72° 07' 44"	E	11.45'
L107	S 00° 40' 16"	E	11.02'
L108	N 89° 19' 44"	E	9.80'
L109	N 89° 19' 44"	E	9.00'
L110	S 00° 40' 16"	E	9.00'
L111	S 00° 40' 16"	E	9.00'
L112	N 80° 35' 28"	W	17.63'
L113	N 45° 04' 16"	W	45.25'
L114	S 15° 12' 06"	E	29.37'
L115	S 49° 07' 53"	E	17.91'
L116	S 61° 37' 13"	E	52.66'
L117	N 31° 57' 05"	E	26.97'
L118	N 05° 48' 37"	E	11.70'
L119	S 89° 19' 44"	E	66.52'
L120	S 00° 40' 16"	E	7.00'
L121	N 00° 40' 16"	W	90.39'
L122	N 34° 13' 07"	W	14.87'
L123	N 20° 33' 44"	E	22.71'
L179	S 12° 00' 00"	W	37.30'
L180	S 78° 00' 00"	E	39.08'
L181	N 04° 50' 53"	W	4.81'
L182	S 85° 09' 07"	W	24.00'
L183	S 04° 50' 53"	E	10.00'
L184	S 85° 09' 07"	W	101.79'

CURVE TABLE				
CURVE	RADIUS	ARC	CHORD	CHORD LENGTH
C90	4.50'	7.07"	N 40° 37' 45" E	6.36'
C91	101.50'	127.25'	N 49° 42' 47" E	119.08'
C92	211.50'	41.02'	N 08° 14' 29" E	40.95'
C93	19.50'	28.07'	N 43° 55' 07" E	25.71'
C94	81.50'	4.95'	N 83° 24' 37" E	4.95'
C95	64.42'	37.72"	S 17° 26' 42" E	37.18'
C96	15.00'	23.56"	S 45° 40' 16" E	21.21'
C97	15.00'	11.21"	S 69° 15' 16" E	10.95'
C98	15.00'	11.21"	S 22° 05' 16" E	10.95'
C99	15.00'	16.83"	S 44° 49' 16" E	15.96'
C100	14.13'	45.13"	N 86° 53' 35" W	28.25'
C101	16.15'	10.00"	S 47° 47' 23" W	9.85'
C102	246.93'	37.93"	S 03° 29' 06" W	37.90'
C103	78.03'	25.67"	S 46° 50' 09" E	25.56'
C104	33.34'	42.14"	N 75° 40' 06" E	39.21'
C105	25.50'	11.63"	N 18° 52' 51" E	11.53'
C106	115.50'	19.37"	N 42° 25' 50" W	17.16'
C107	15.00'	14.53"	N 28° 24' 42" W	13.96'
C108	112.50'	65.87"	N 17° 26' 44" W	64.93'
C109	24.50'	29.30"	N 00° 02' 11" E	27.58'
C110	76.50'	18.78"	N 27° 15' 37" E	18.73'
C110	15.00'	23.56"	S 33° 00' 00" E	21.21'
C171	48.50'	10.32"	S 74° 01' 00" W	10.31'
C172	24.50'	34.20"	N 54° 51' 28" W	31.49'
C173	211.50'	34.20"	S 50° 55' 53" W	137.58'

CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN, AND THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

TIMOTHY S. BODAH, P.L.S.


[illegible]

CONTINUING CARE MANAGEMENT, LLC  
1 LYMAN STREET  
WESTBOROUGH, MASSACHUSETTS 01581

OPEN SPACE  
SHEET 7 OF 7

PROJECT: SALMON HEALTH AND RETIREMENT  
COMMUNITY  
259, 261, 261R AND 263 VILLAGE STREET  
MEDWAY, MASSACHUSETTS 02053

EXHIBIT A



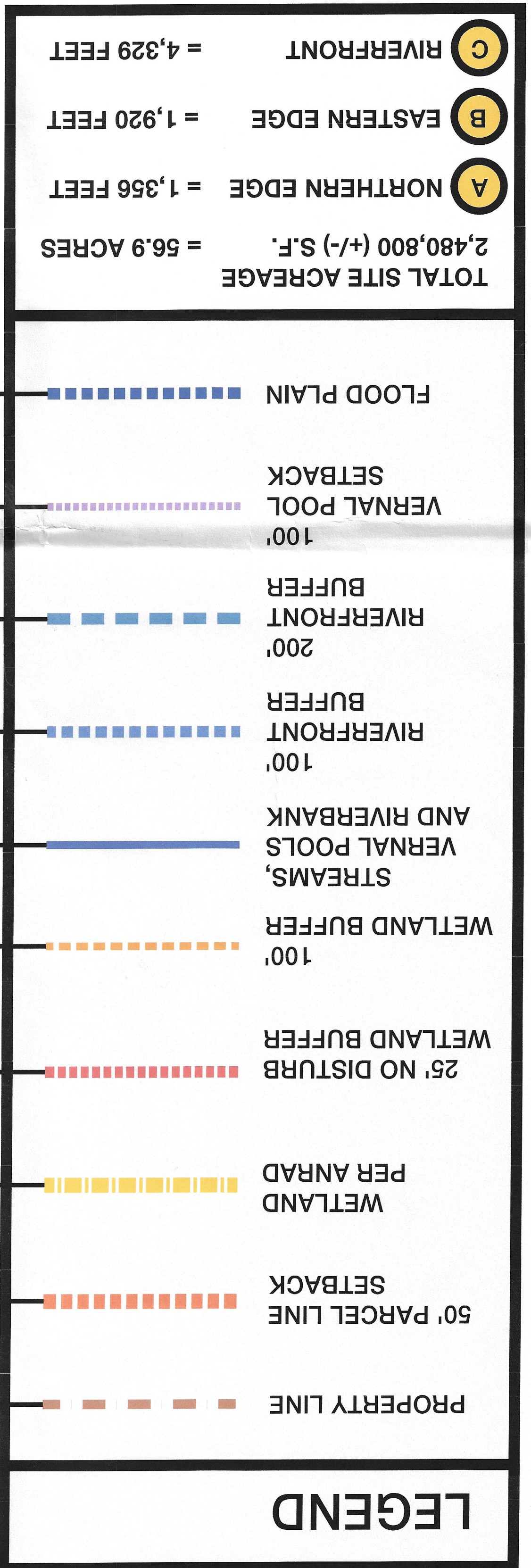
**CONECO**  
*Engineers & Scientists*

4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324  
PHONE 508-697-5300 FAX 508-697-5596  
WEB SITE: [www.coneco.com](http://www.coneco.com)

DATE		02/10/2017	
DESIGNED: JEN	CHECKED: TLD		
DRAFTED: TPS	IN CHARGE: SMO		
SCALE:		1"=40'	
PROJECT NO.		8548.0	
SHEET NO.			

OSR7











## Salmon/Willows – Parking Area for Walking Trails



Photo taken 5-24-21 of the 6 space parking area for the walking trails near the gazebo. The area has been laid out, foundation of stone laid and graded and pavers on site. The pavers are to be installed this week.

## Susan Affleck-Childs

---

**From:** Jeff Robinson <jrobinson@salmonhealth.com>  
**Sent:** Friday, April 16, 2021 1:09 PM  
**To:** Susan Affleck-Childs  
**Subject:** FW: The Willows

Decision, specific condition 11, this check was mailed and received by Chief Lynch May, 2018.

Jeff

Jeffrey S. Robinson  
Managing Partner  
Continuing Care Management, LLC  
One Lyman Street  
Westborough, MA 01581  
508 898-3416  
Cell 508 254-2745  
Fax 508 366-1930  
jrobinson@salmonhealth.com

---

Our Newest Community: Medway

Willows Independent Living



## Whitney Place Assisted Living & Memory Care

Opening July 2021!

Virtual  
Tour

-----Original Message-----

From: Jeff Lynch <ChiefLynch@townofmedway.org>  
Sent: Tuesday, May 15, 2018 10:07 AM  
To: Jeff Robinson <jrobinson@salmonhealth.com>  
Cc: Michael Boynton <mboynton@townofmedway.org>  
Subject: Re: The Willows

Thank you!!

Sent from my iPhone

> On May 15, 2018, at 9:34 AM, Jeff Robinson <jrobinson@salmonhealth.com> wrote:  
>  
> This check being mailed today to the Chief.  
>  
> Jeff  
>  
>

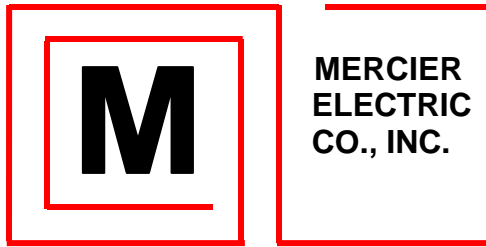
> Jeffrey S. Robinson, Managing Partner  
> Continuing Care Management LLC  
> 1 Lyman Street  
> Westborough, MA 01581  
> 508 898-3416, ext 3773  
> Cell 508 254-2745  
> Fax 508 366-1930  
> [www.salmonhealthandretirement.com](http://www.salmonhealthandretirement.com)  
> SALMON Health and Retirement is proud to offer The Willows Premier Retirement Communities, Whitney Place Assisted Living Residences, SALMON Adult Day Health, Beaumont Rehabilitation and Skilled Nursing Centers, SALMON Centers for Early Education and home care through SALMON VNA, Private Care Options and Hospice. The Salmon family's well-respected senior living and healthcare choices are the culmination of over 60 years of tradition and innovation. Visit [www.SalmonHealth.com](http://www.SalmonHealth.com)<<http://www.salmonhealth.com/>>.

>

> CONFIDENTIALITY NOTICE

> The information contained in this e-mail including the contents of any documents transmitted with this e-mail is privileged and confidential information intended only for the use of the individual or entity to whom it is addressed. This electronic message and any attachments may also contain information that is protected by federal and state law, including the HIPAA Privacy Rule. If the reader of this message is not the intended recipient, you are hereby notified that any viewing, dissemination, disclosure, distribution, copying or use of this e-mail message is strictly prohibited. If you have received and/or are viewing this e-mail in error, please immediately notify the sender by reply e-mail, and delete this e-mail from your system.

> <DOC051518.pdf>



Office 139 Southbridge St., Auburn,  
Mailing P.O. Box 357, Auburn, MA 01501  
508-792-9200  
FAX: 508-792-0988



**DESIGN & CONTRACTING**

Mr. Jeff Robinson  
The Willows  
Medway, MA

Jeff,

As indicated on our 5-20-21 photometrics plan, my lighting manufacturer has confirmed the site photometrics indicated on the plans.

If you have any questions, please feel free to call me.

Thank you,

Thomas Mandella  
Vice President





Plan View  
Scale - 1" = 68ft

NOTES:

- REFLECTANCES ASSUMED:  
SURFACE : 50
- MOUNTING HEIGHTS: 15'-0" ABOVE GRADE
- TASK HEIGHT: AT GRADE
- CALCULATION POINT SPACING: 15'X15' OC
- EXTERIOR CALCULATION

DISCLAIMER:

-THESE DRAWINGS ARE FOR CONCEPTUAL PURPOSES ONLY  
AND ARE NOT INTENDED FOR CONSTRUCTION. VALUES  
REPRESENTED ARE AN APPROXIMATION GENERATED  
FROM MANUFACTURERS PHOTOMETRIC IN-HOUSE OR  
INDEPENDANT LAB TEST WITH DATA SUPPLIED BY LAMP  
MANUFACTURERS.

SCHEDULE

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
	LP1	75	Antique Street Lamps	RC15L P20 30K GCF R4 XXXX	Resonance 1.5 LED Post Top, LED Package 20, 3000K, Glass Clear Flat, Type 4 distribution	LED	1	Absolute	0.9	58
	LP1b	5	Antique Street Lamps	RC15L P20 30K GCF R4 HSS XXXX	Resonance 1.5 LED Post Top, LED Package 20, 3000K, Glass Clear Flat, Type 4 distribution, House Side Shield	LED	1	Absolute	0.75	58
	LP1-NEW	1	Antique Street Lamps	RC15L P20 30K GCF R4 XXXX	Resonance 1.5 LED Post Top, LED Package 20, 3000K, Glass Clear Flat, Type 4 distribution	LED	1	Absolute	0.9	58





Plan View

Scale - 1" = 68ft

NOTES:

- REFLECTANCES ASSUMED:  
SURFACE : 50

- MOUNTING HEIGHTS: 15'-0" ABOVE GRADE

- TASK HEIGHT: AT GRADE

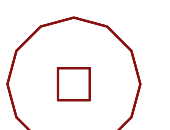
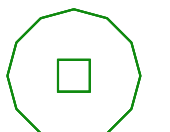
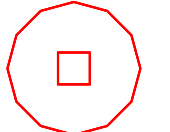
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SCHEDULE

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	LP1-NEW	1	Antique Street Lamps	RC15L P20 30K GCF R4 XXXX	Resonance 1.5 LED Post Top, LED Package 20, 3000K, Glass Clear Flat, Type 4 distribution	LED	1	Absolute	0.9	58





RECEIVED TOWN CLERK  
MAY 24 '21 AM8:44

**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*  
*Matthew J. Hayes, P.E.*  
*Richard Di Iulio*  
*Jessica Chabot, Associate Member*

May 12, 2021

**MODIFICATION**

**Salmon Senior Living Community ARCPUD – Extension of Completion  
Deadline for Roadway, Infrastructure and Utility Installation**

**Name/Address/Applicant:** Continuing Care Management, LLC  
One Lyman Street  
Westborough, MA 01581

**Project Location:** 259, 261, 261R and 263 Village Street

**Assessor's Reference:** Agricultural Residential II

**Purpose:** Extend the deadline for completion of roadways,  
infrastructure and utilities

**Date of Special Permit Decision:** March 24, 2016

**Date of Plan Endorsement:** December 27, 2017

This is a decision of the Medway Planning and Economic Development Board (hereinafter "Board") to extend the deadline to complete construction of the roadways and all related infrastructure including the stormwater management system and install all utilities as shown on the Plan of Record within three years from the date of plan endorsement or such further time as permitted by the board.

**BACKGROUND** – The ARCPUD special permit decision approved by the Board on March 24, 2016 pertained to the construction of an age-restricted, active adult/senior residential living community on the site to be known as The Willows at Medway and Whitney Place. The approved development is to consist of 54 cottage style independent living homes located in 29 buildings, a main building to include 15 cottage style independent living homes, 40 memory care apartments, 60 assisted living apartments and 56 independent living apartments, a 3,522 sq. ft. community center pavilion and a 11,475 sq. ft. medical office building. Planned improvements include 5,498 linear feet of privately owned roadway (*Willow Pond Circle, Waterside Drive, Lilac Path, and Walnut Grove*), sewage and water service; stormwater management/drainage facilities; 37.4 acres of dedicated open space open to the public; paved sidewalks; walking trails/paths; and associated parking and landscaping. Site access and egress will be from Village Street, a Medway Scenic Road. The open space land will be protected through a Conservation Restriction and Easement granted to the Town of Medway, acting through its Conservation Commission, for conservation and passive recreation purposes and to permit public access to the open space land, trails/pathways and parking area.

**DESCRIPTION OF PROPOSED MODIFICATION** – In a letter dated April 16, 2021, attached hereto, the applicant requested that the Board extend the completion deadline for roadway and infrastructure completion to December 12, 2023. The request was made in the context of the challenging construction environment (including labor and supply shortages) due to the effects of the COVID-19 state of emergency. The delay pertains to the timing of construction of the 54 cottages and the medical office building and the infrastructure directly related to those buildings.

**DECISION OF THE BOARD** – The Medway Planning and Economic Development Board, at a duly posted meeting held on May 11, 2021, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted five in favor and none opposed to extend the deadline for completion of the above referenced roadways, infrastructure and utilities for the Salmon senior living community on Village Street to December 12, 2023.

All other conditions of approval of the ARCPUD special permit dated March 24, 2016 remain in force. All documents associated with the previous decision are hereby acknowledged and made a part of the record for this modification.

**Planning and Economic Development Board Member**

Andy Rodenhiser

Richard Di Iulio

Thomas Gay

Matthew Hayes

Robert Tucker

**VOTE**

Yes

Yes

Yes

Yes

Yes

Attest:



Susan E. Affleck-Childs

Planning and Economic Development Coordinator



Date

cc: Jeff Robinson, Continuing Care Management, LLC  
Jack Mee, Building Commissioner



25001 Emery Road, Suite 410, Cleveland, Ohio 44128  
216.223.3200 | bluestreak-consulting.com

Planning & Economic Development Board  
Town of Medway  
Medway, MA

RE: Salmon Health and Retirement  
The Willows At Medway  
Village Street  
Medway, MA 02053

May 11, 2021

To Whom It May Concern,

This letter is to serve as a confirmation that the Salmon Health and Retirement facility project has been designed and installed to satisfy the following Planning and Development Board requirements:

- Low-flow household fixtures
- All in-unit appliances are Energy Star rated
- Four electric vehicle charging stations

Sincerely

BLUE STREAK CONSULTING, INC.

Knapp, Richard

Document1

cc: Jeff Robinson, Salmon Health  
Dean Temple, Dario Design



## Susan Affleck-Childs

---

**From:** Jeff Robinson <jrobinson@salmonhealth.com>  
**Sent:** Monday, May 24, 2021 8:45 AM  
**To:** Susan Affleck-Childs  
**Subject:** The Willows Open Space Signs

Susy, we have ordered the three kiosks an open space signs as specified by the open space committee from their specified vendors. The vendors have given us a delivery date of late summer early fall period, once received that they will be installed immediately, Jeff

Sent from my iPhone

---

Our Newest Community: Medway

Willows Independent Living



Whitney Place Assisted Living & Memory Care

Opening July 2021!

Virtual  
Tour





-  Proposed Area to receive Top Coat
-  Proposed Area to receive Binder Coat Only

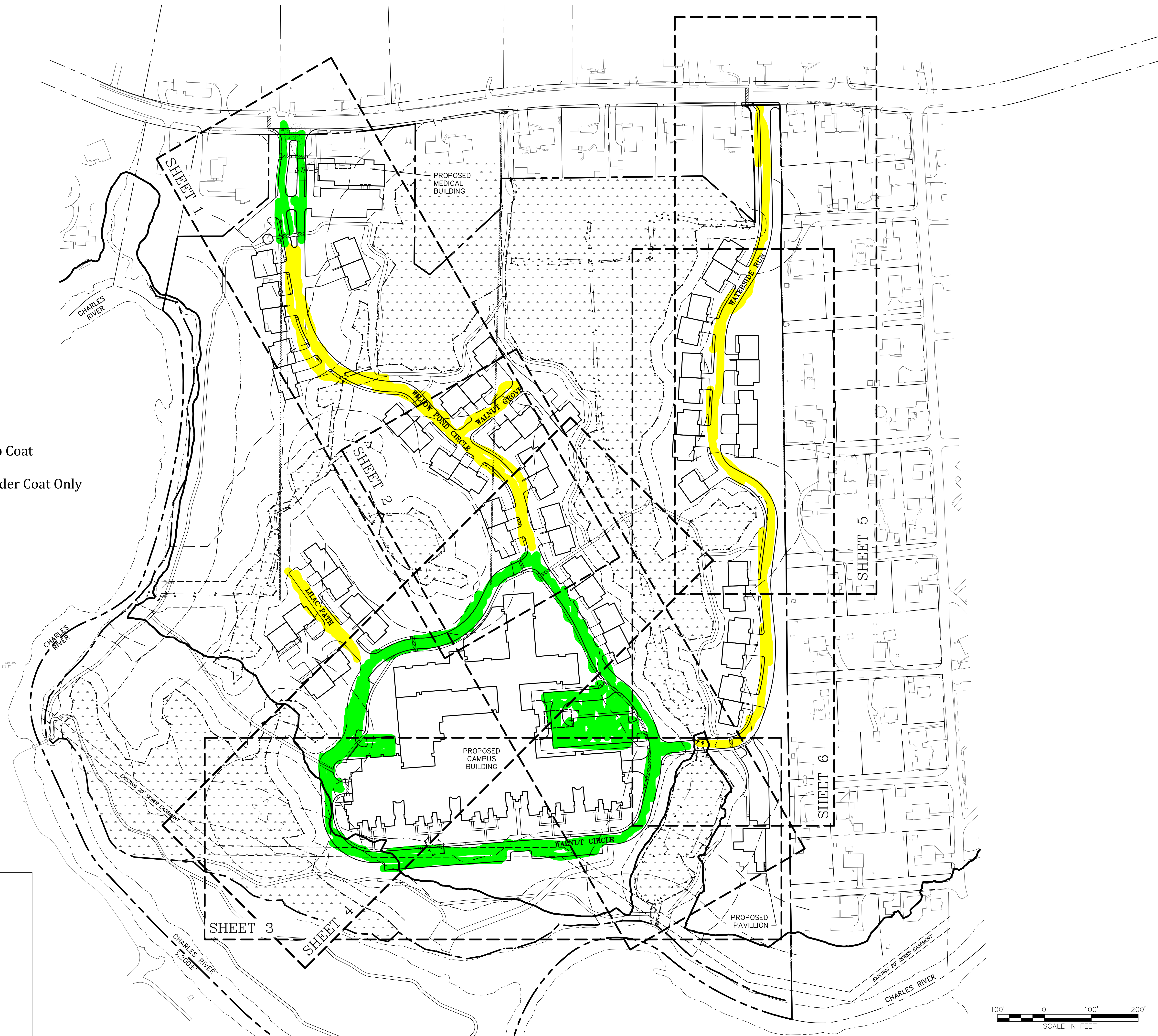
PLANNING BOARD APPROVAL  
REQUIRED UNDER THE SPECIAL  
PERMIT ARCPUD ZONING BY-LAW.

MEDWAY PLANNING BOARD:

DATE OF APPROVAL:  
DATE OF ENDORSEMENT:

_____
_____
_____
_____
_____

FOR REGISTRY USE ONLY



BULLETIN 003  
RECEIVED  
08/23/2019

REVISIONS			
NO.	DATE	DESCRIPTION	DR/CK
1	04/29/19	CONSTRUCTION MODIFICATIONS	MSD/JEN
2	08/09/19	CONSTRUCTION MODIFICATIONS	MSD/JEN

PREPARED FOR:  
CONTINUING CARE MANAGEMENT, LLC  
1 LYMAN STREET  
WESTBOROUGH, MASSACHUSETTS 01581

DRAWING:  
PLAN & PROFILE  
KEY SHEET

PROJECT:  
SALMON HEALTH AND RETIREMENT  
COMMUNITY  
259, 261, 261R AND 263 VILLAGE STREET  
MEDWAY, MASSACHUSETTS 02053

PLAN SET:  
CONSTRUCTION  
DOCUMENTS



**Engineers & Scientists**  
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324  
PHONE 508-697-3191 OR 800-548-3355 FAX 508-697-5996  
WEBSITE: www.coneco.com

DATE	6/18/2018
DESIGNED: JEN	CHECKED: TLD
DRAFTED: DJD	IN CHARGE: SMO
SCALE:	1"=100'
PROJECT NO.	8548.0
SHEET NO.	C35





ENVIRONMENTAL  
ECOLOGICAL  
SURVEY  
CIVIL

May 24, 2021

Medway Planning & Economic Development Board  
Town of Medway  
155 Village Street  
Medway, Massachusetts 02053

**Subject: Letter of Substantial Compliance – Stormwater Management  
Salmon Health & Retirement Community – 259, 261, 261R & 263 Village Street  
Adult Retirement Community Planned Unit Development (ARCPUD)  
Special Permit  
Continuing Care Management, LLC**

Dear Chair Andy Rodenhiser & Members of the Planning & Economic Development Board:

Coneco Engineers & Scientists, Incorporated (Coneco), on behalf of Continuing Care Management, LLC, is submitting this Letter of Substantial Compliance for the proposed stormwater management system approved by the Town of Medway Planning and Economic Development Board on March 24, 2016.

I certify that, to the best of my knowledge, the work associated with the completed portion of the proposed project, consisting of a four-story main residence building (40 memory care 60 assisted living, and 54 independent residential units, and 15 attached cottages), ancillary parking and loading areas, utilities, landscaping, and stormwater management system at 259, 261, 261R, and 263 Village Street, was performed within acceptable construction tolerances, in substantial compliance with the approved construction drawings.

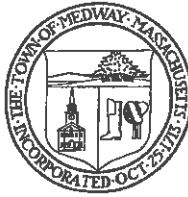
Should you have any questions and/or comments pertaining to the information contained herein or require additional information and/or further action, please contact me at (401) 742-1270. Thank you for your time and consideration regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Christopher M. Iannuzzi, P.E.'.

Christopher M. Iannuzzi, P.E.  
Professional Civil Engineer





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

*Andy Rodenhiser, Chairman*  
*Robert K. Tucker, Vice-Chairman*  
*Jessica Chabot,*  
*Richard Di Iulio*  
*Matthew J. Hayes, P.E.*

**Request for Medway Treasurer/Collector's  
Verification of Status of Paid Taxes**

**Date:** May 24, 2021

**Permittee's Name:** Continuing Care Management LLC of  
Westborough, MA

**Former Property Owner's Name:** Charlotte Realty LLC, Sharon, MA

**Subject Property Address:** 259, 261, 261R and 263 Village Street

**Map/Parcel Number(s):** 69-014-C001 ✓  
69-014-C002 ✓  
69-014-C003 ✓

**Project Name:** Salmon Senior Living Community

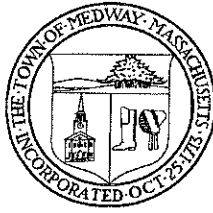
**Type of Permit:** Occupancy Permit

**Please indicate the status of taxes/fees owed to the Town:**

- ☒ By checking this box and with my signature below, I verify that all taxes owed the Town of Medway for the subject property(s) noted above are **paid in full** as of this date.
- ☐ By checking this box and with my signature below, I verify that all taxes owed the Town of Medway for other properties owned by the applicant noted above are **paid in full** as of this date.
- ☐ By checking this box and with my signature below, I verify that the applicant owes taxes to the **Town**. Please attach a report that indicates what taxes are owed, the respective amounts, and for what property.

Maria I. Huff  
Signature

5/24/21  
Date

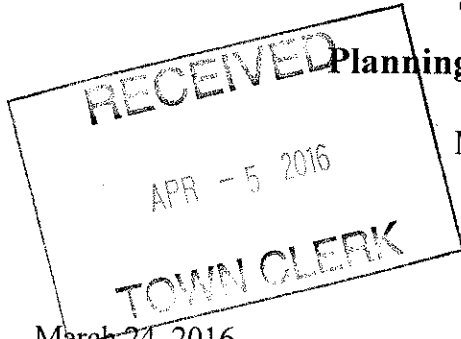


## TOWN OF MEDWAY

### Planning & Economic Development Board

155 Village Street

Medway, Massachusetts 02053



March 24, 2016

*Andy Rodenhiser, Chairman  
Robert K. Tucker, Vice-Chairman  
Thomas A. Gay, Clerk  
Matthew J. Hayes, P.E.  
Richard Di Iulio*

### **Adult Retirement Community Planned Unit Development (ARCPUD) SPECIAL PERMIT DECISION**

**Applicant:** Continuing Care Management, LLC of Westborough, MA  
**Property Owner:** Charlotte Realty LLC of Sharon, MA  
**Location:** 259, 261, 261R and 263 Village Street  
**Assessor's Reference:** Medway Assessors Map 69 – Parcels 13-1, 14, 15-1 & 21  
**Zoning District:** Agricultural Residential II  
**Engineer/Surveyor:** Coneco Engineers and Scientists, Bridgewater, MA  
**Architect:** Dario Designs Inc. of Northborough, MA  
**Landscape Architect:** CHA Companies, Keene, NH  
**Plan:** *Salmon Health and Retirement Community ARCPUD  
Special Permit Site Plan, Village Street, Medway, MA,  
dated 6-12-15, last revised 2-18-16*

### **PROJECT DESCRIPTION**

The application was filed under the Adult Retirement Community Planned Unit Development section of the Medway Zoning Bylaw (SECTION 8.5). The 56.9 acre site is located at 259, 261, 261R and 263 Village Street in the ARII zoning district. The site is presently owned by Charlotte Realty LLC of Sharon, MA.

Telephone: 508-533-3291 Fax: 508-321-4987  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)

Continuing Care Management, LLC of Westborough, MA (hereinafter referred to as "Applicant" and includes the Applicant's successors and assigns) proposes to construct an age-restricted, active adult/senior residential living community on the site to be known as The Willows at Medway and Whitney Place. The proposed development consists of 54 cottage style independent living homes located in 29 buildings, a main building to include 15 cottage style independent living homes, 40 memory care apartments, 60 assisted living apartments and 56 independent living apartments, a 3,522 sq. ft. community center pavilion and a 11,475 sq. ft. medical office building. Planned improvements include 5,498 linear feet of privately owned roadway (*Willow Pond Circle, Waterside Drive, Lilac Path, and Walnut Grove*), sewage and water service; drainage/stormwater management facilities; 37.4 acres of dedicated open space open to the public; paved sidewalks; walking trails/paths; and associated parking and landscaping. Site access and egress will be from Village Street, a Medway Scenic Road.

The open space land will be owned by the applicant and will be protected through a Conservation Restriction and Easement granted to the Town of Medway, acting through its Conservation Commission, for conservation and passive recreation purposes and to permit public access to the open space land, trails/pathways and parking area.

## **PROCEDURAL BACKGROUND**

The application for an Adult Retirement Community Planned Unit Development (ARCPUD) special permit was filed with the Planning and Economic Development Board (the Board) and the Town Clerk on June 12, 2015. The application package consisted of the following documents:

- Site Plan Application dated June 12, 2015
- Project Narrative
- Site Plan, Building Elevations and Landscape plans dated June 12, 2015
- Development Impact Report
- Parking Impact Report
- Community Impact Report
- Stormwater Management Report, June 12, 2015, prepared by Coneco Engineers and Scientists, Bridgewater, MA
- Traffic Impact Study, April 2015, prepared by McMahon Associates, Inc. of Boston, MA
- Requests for Waivers from the ARCPUD Rules and Regulations
- Filing Fee and Advance on Plan Review Fee
- Abutters List
- Order of Resource Area Delineation dated May 21, 2015 – Medway Conservation Commission
- Purchase and Sale Agreement dated September 14, 2014

A public hearing was scheduled for July 14, 2015. Notice of the public hearing was filed with the Town Clerk on June 22, 2015 and was posted to the Town's web site. A legal advertisement for the public hearing was published in the *Milford Daily News* on June 29, 2015 and July 6, 2015. Notices were sent by certified sent mail to abutters, parties of interest and the Planning Boards of all adjacent towns on June 24, 2015.

On June 22, 2015, an email communication from the Planning and Economic Development Board was sent to the Building Commissioner, Board of Health, Conservation Commission, Design Review Committee, Police Chief, Fire Chief, and Department of Public Services. The memo noted that the public hearing was scheduled to begin on July 14, 2015 and requested plan review comments.

The Board convened the public hearing on July 14, 2015. The public hearing was continued to 7/28/15, 8/11/15, 8/25/15, 10/13/15, 10/27/15, 11/10/15, 12/8/15, 12/29/15, 1/12/16, 1/26/16, 2/9/16, 2/23/16, 3/8/16, 3/22/16 and 3/24/16 when the public hearing was closed. On each occasion when the public hearing was continued, the Town Clerk was so notified. 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 provided a Mullins Rule certification when absent.

All matters of record were available for public review in the office of the Planning and Economic Development Board and the Town Clerk at all times relevant thereto.

## **EXHIBITS/PLANS/DOCUMENTS**

Subsequent to the application package, the applicant submitted the following additional items.

- Requests for Waivers dated 8-8-15
- Affordable Housing Narrative provided by the applicant
- Sheet with definitions of congregate housing
- Schedule of fees for health care services
- Open Space Map dated 7-31-15 prepared by Coneco Engineers & Scientists
- Architectural plans updated 7-27-15
- Email memo dated 8-20-15 from Gary Buono of Dario Designs re: changes in landscape plan
- Landscape plan updated 8-18-15.
- Lighting report with supplemental Arts and Crafts lighting fixtures
- Signage Plan
- A letter from Dave Thompson of CHA dated 8-24-15
- Architectural Drawings – Revised 10-13-15
- Landscape Drawings – Revised 10-13-15
- Site Plan/Civil Drawings – Revised 10-13-15
- Letter dated 10-13-15 from Dario Designs in response to the previous plan review comments/letters from: PGC Associates, Fire Chief, Department of Public Services, Design Review Committee, Open Space Committee and Tetra Tech re: traffic study
- Letter dated 10-13-15 from Coneco Engineering Inc. in response to Tetra Tech 8-5-15 plan review letter
- Site Plan/Civil Drawings – Revised 10-20-15
- Email dated 10-21-15 from Coneco Engineering Inc.
- Revised Stormwater Reports – October 13, 2015; October 20, 2015; December 11, 2015 and February 18, 2016
- Letter and documents from McMahon Associates dated 9/24/15.
- Letter dated 11/5/15 from Dario Designs and CHA Landscaping in response to questions from 10/27/15 hearing.
- Revised site plan dated December 11, 2015



- Memo dated 1-20-16 from applicant's attorney Paul Kenney
- Revised civil/site plan, landscape plan and architectural plans dated February 18, 2016 prepared by Coneco Engineers and Scientists
- Revised construction phasing plan dated 3/10/16 and overall schedule
- Photograph of proposed gazebo
- Detail sheet on proposed bike racks
- Supplemental landscape plantings drawing for eastern boundary area received 3/17/16 from CHA Landscaping

## ***PUBLIC HEARING TESTIMONY***

### **Written Comments/Review Letters/Verbal Testimony from Town of Medway Departments, Boards, Committees and Consultants**

- Application Completeness Review letter from Gino Carlucci/PGC Associates dated June 18, 2015
- Plan Review letter from Gino Carlucci/PGC Associates dated July 9, 2015
- Review letter dated 8-4-15 from Gino Carlucci/PGC Associates re: open space map and calculations
- Review comments from DPS Director Tom Holder dated June 22, 2015
- Plan Review letter from Sean Reardon/Tetra Tech dated August 6, 2015
- Public Hearing Schedule prepared by Susy Affleck-Childs
- Design Review Committee (DRC) review letters dated July 13, 2015 and August 10, 2015
- Police Department Review letter from Sergeant Jeff Watson dated July 14, 2015.
- Traffic study review letter prepared by Mike Hall/Tetra Tech, dated July 22, 2015
- Affordable Housing memorandum from Susy Affleck-Childs dated July 24, 2015, revised July 28, 2015
- Review letters from Fire Chief Jeff Lynch dated July 8, 2015 and August 5, 2015
- CONFIDENTIAL email from Town Counsel Barbara Saint Andre dated July 24, 2015
- Charlie Ross, Medway Open Space Committee
- Sean Reardon, Tetra Tech
- Comment letter from Open Space Committee dated August 5, 2015
- Email dated August 7, 2015 from DPS Director Tom Holder re: construction dates of water and sewer infrastructure that will serve The Willows
- Email letter dated August 10, 2015 from Charles River Pollution Control District re: sewage treatment capacity plus February 17, 2015 letter
- Preliminary review comments from Conservation Agent Bridget Graziano dated August 11, 2015
- David D'Amico, Deputy Director, Medway Department of Public Services
- Review letter dated November 2, 2015 from Tetra Tech/Mike Hall in response to McMahon response letter dated September 24, 2015
- Review letter dated November 4, 2015 from Gino Carlucci/PGC Associates in response to revised plans
- Email communication dated 10/27/15 from Chief Jeff Lynch

- Plan Review letter dated 11/6/15 from Sean Reardon/Tetra Tech regarding revised plans
- Plan Review letter from Gino Carlucci/PGC Associates dated January 6, 2016
- Plan Review letter from Sean Reardon/Tetra Tech dated January 7, 2016
- Comments from the Design Review Committee dated January 12, 2016
- Conservation Commission status memo dated January 22, 2016 from Conservation Agent Bridget Graziano
- Letter dated January 6, 2016 from Fire Chief Jeff Lynch re: provisions of radio fire alarm box receivers
- Letter dated January 22, 2016 from Gino Carlucci/PGC Associates
- Confidential email from Town Counsel Barbara Saint Andre dated 1-25-16
- Review letter dated February 9, 2016 from the Design Review Committee
- Plan Review letter dated March 3, 2016 from Gino Carlucci/PGC Associates
- Email communication dated March 8, 2016 from Conservation Agent Bridget Graziano re: acceptance of a Conservation Restriction
- Review letter dated March 22, 2016 from the Design Review Committee
- Memorandum dated March 21, 2016 from Police Sergeant Jeff Watson

**Testimony during the Public Hearings on behalf of applicant**

- Jeff Robinson, Continuing Care Management, LLC
- Attorney Paul Kenney
- Dario DiMare from Dario Designs
- David Thompson, CHA Company
- Jon Novak, Coneco Engineers & Scientists
- Erin Fredette, P.E. of McMahon Associates
- Shane Oates, Coneco Engineers & Scientists

**Citizen/Abutter Comments**

- Patricia Brenneman, 7 Naumkeag Street
- Tim Choate, 7 Iroquois Street
- William Goodwin, 5 Brookside Rd
- Kathleen Choate, 5 Iroquois Street
- Loretta Wilhelm, 255 Village Street
- Email dated 7-21-15 from Christine Kersnason, 2 Charles River Road
- Jeremy Barstow, 4 Narragansett Street
- Email letter dated 8-4-15 from abutter Tim Choate, 7 Iroquois Street
- Kathleen Hickey, 3 Narragansett Street
- Dan Hooper, 6 Naumkeag
- Kelly Sheba, 5 Nipmuc Street
- Anne Bradford, 3 Mishawaum Street
- David MacMillan, 5 Nipmuc Street
- Sue Rorke, 34 Ellis Street
- Karyl Spiller Walsh, 168 Holliston Street
- Dave Kaeli, 7 Puddingstone Lane
- Jim Wieler, 62 Adams Street

- Email letter dated January 26, 2016 from Dan and Kathy Hooper, 7 Naumkeag Street
- Email letter dated February 4, 2016 from residents Dan and Kathy Hooper, 7 Naumkeag Street
- Letter dated February 9, 2016 from resident Tim Choate, 7 Iroquois Street
- Email letter dated February 9, 2016 (9:55 pm) from resident Tim Choate, 7 Iroquois Street
- Kathy Hooper, 7 Naumkeag Street
- Handout provided by Kathy Hooper, 7 Naumkeag Street February 9, 2016
- Email letter dated February 22, 2016 from Jeremy Barstow, 4 Narragansett Street
- Email letter dated February 26, 2016 from Dan and Kathy Hooper, 7 Naumkeag Street
- Citizens petition in opposition to the development received March 4, 2016

## **FINDINGS**

To make its findings, decision, and conditions of approval, the Board carefully reviewed the Plan, 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 ARCPUD provisions of the Zoning Bylaw and its specific requirements and standards, the goals and objectives of the Medway Master Plan, as well as the requirements of G.L. c. 40A Section 9 and Section 3.4 of the Medway Zoning Bylaw relating to special permits.

On March 24, 2016, on a motion made by Robert Tucker and seconded by Richard Di Iulio, the Board voted to make the following **FINDINGS** regarding this application in accordance with the Medway Zoning Bylaw, SECTION 8.5. Adult Retirement Community Planned Unit Development. **The motion was approved by a vote of 5 in favor and 0 against.**

1. The Board finds that the proposed Salmon Health and Retirement Community complies with the ARCPUD Applicability requirements (Section 8.5. – B.) as the subject site consists of multiple, contiguous lots that in aggregate total 56.9 acres. The site exceeds the 10-acre minimum.
2. The Board finds that the Salmon Health and Retirement Community complies with the ARCPUD Use Regulations (Section 8.5. – D.) as follows:
  - a. The project is a master planned residential community providing 225 senior living dwelling units to help accommodate the housing needs of Medway's growing active adult (+55) and senior citizen population.
  - b. The development will provide a range of housing types including 54 independent living townhouse type cottages constructed primarily as duplexes, 15 independent living cottages attached to the main building, and a combination of 56 congregate apartment units, 60 assisted living apartment units, and 40 memory care apartment units located in the main campus building. None of the above noted types of residential uses are allowed by right in the underlying ARII zoning district but are authorized under the ARCPUD special permit bylaw. This additional supply of housing options will help meet the needs of Medway's senior citizen population by offering a greater variety of housing types than the conventional single family detached subdivision home that is customarily provided in the ARII zoning district.

- c. The development will include an 11,475 sq. ft. medical office building catering primarily but not exclusively to the medical service needs of the senior population. This is one of the allowed accessory uses. The medical office building will provide convenient access to medical services for both the residents of the development and for other area residents. It is anticipated that the medical office building may include an adult day care facility which will provide another option to accommodate and support the long-term social and care needs of Medway seniors and their families. The medical office building will be owned and operated by the applicant/project developer Continuing Care Management, LLC.
- d. The project includes a series of community center type facilities:
- 1) A variety of facilities and services will be located within the main campus building for use by all of the residents of the senior living community including but not limited to dining, bank, 200 sq. ft. convenience store, spa, salon/barber shop, fitness center, indoor pool, general store, library, billiards lounge, workshop, creative arts studio, greenhouse, and a great room with bar.
- 2) A 3,522 sq. ft. pavilion building including an outdoor patio area, referred to on the plans as a pavilion (the "pavilion") will provide additional opportunities for social and family interaction for residents of the development.
- e. The project uses creative and innovative site planning to preserve Medway's limited land resources. It has integrated a variety of housing types and accessory uses within a bend of the Charles River in a manner that protects the River, 2 vernal pools, a grove of specimen black walnut trees, and wetlands while also maximizing access to the resources that both residents of the development and members of the general public may view and otherwise enjoy. Wetland resource areas will be protected via an Order of Conditions issued by the Conservation Commission. The development establishes an area of preserved open space, includes an efficient vehicular access and circulation system, and establishes a network of pedestrian pathways within the site. The design of buildings and site amenities suitably reflect the *Medway Design Review Guidelines*.
3. Subject to any conditions specified below, the Board finds that the Salmon Health and Retirement Community complies with the ARCPUD Density and Dimensional Regulations (Section 8.5. – E.) as follows:
- a. *The maximum number of permitted housing units in an ARCPUD shall be determined by multiplying the gross acreage of the ARCPUD site by a factor of three (3.0).* Considering the entire 56.9 acre site, 171 units would be the maximum possible number of dwelling units allowed at 3 units per acre. The proposal is for 225 dwelling units which equates to 147 dwelling units calculated per the housing unit equivalency formula specified in Section 8.5. E. 2. as follows:
- |  |                   |
|--|-------------------|
| 54 detached cottages                                     | @ 1:1 = 54        |
| 15 independent living cottages attached to main building | @ 1:1 = 15        |
| 56 congregate apartments                                 | @ 2:1 = 28        |
| 60 traditional assisted living apartments                | @ 2:1 = 30        |
| 40 memory impaired assisted living apartments            | @ 2:1 = <u>20</u> |
| <b>Total</b>   | <b>147</b>        |

- b. *Each tract of land proposed for an ARCPUD shall have a minimum of 250 linear feet of frontage on an existing public way.* The proposed Salmon Health and Retirement Community has four contiguous lots with a total of 314 linear feet of frontage on Village Street, a Medway public way.
- c. *Each building in the ARCPUD shall have a minimum front yard of no less than 20 feet and a side yard of not less than 10 feet, both measured from the edge of the paved way to the closest point of the structure.* As shown on the 2/18/16 site plan, all Salmon Health and Retirement Community buildings have at least a 20-foot front yard setback and at least a 10-foot side yard setback from the edge of the paved way to the closest point of the structure. Final house locations shall be shown on the as-built plans.
- d. *No buildings shall be constructed within 50 feet from the right-of-way line of a public way or within 50 feet from the perimeter lot line. The 50-foot buffer shall be maintained in its natural state or a landscaped open space.*

As shown on the 2/18/16 site plan, all buildings in the Salmon Health and Retirement Community (cottages, main building, medical office building and pavilion) are located more than 50' from Village Street and more than 50' from the site's perimeter property line.

Within the 50-foot area along the site's eastern property line, the applicant plans to construct 776 linear feet of roadway (18,380 sq. ft.), 614 linear feet of guard rails, 17,295 square feet of stormwater drainage swales, 386 linear feet of sidewalks (1,930 sq. ft.), and 1,041 linear feet of privacy fencing and landscaping to screen the development from adjacent property owners.

The ARCPUD provisions do not specify any items other than buildings which cannot be constructed or installed in the 50' area from the perimeter lot line. The language does state that the 50-foot buffer area shall be maintained in its natural state or as landscaped open space. However, no definition of "*natural state or a landscaped open space*" is included in the ARCPUD bylaw. Accordingly, the Board must use its best judgment to determine what constitutes "*natural state or a landscaped open space*".

The Board has consulted with both its Planning Consultant and Town Counsel, listened to the verbal testimony and reviewed the written testimony presented during the public hearing. The ARCPUD portion of the Zoning Bylaw (Section 8.5.H. 2.) specifically references the definition of open space in the Open Space Residential Development section of the Zoning Bylaw (Section 8.4. F). That language provides that up to 10% of a development's open space may be covered by gravel roadways and pavement. The proposed 776 linear feet of roadway (Waterside Run) equals 18,380 sq. ft. of surface area which is .42 of an acre. The proposed 386 linear feet of sidewalks is 1,930 sq. ft. which is .0443 of an acre. Combined, the roadway and sidewalk equal .466 of an acre which is considerably less than 3.74 acres (10% of the 37.4 acres of open space for the site).

Therefore, the Board finds that this standard is met.

4. Subject to Condition #2 specified below, the Board finds that the development will comply with the ARCPUD Age Restriction (Section 8.5. F.).
5. Subject to any conditions specified below, the Board finds that the Salmon Health and Retirement Community complies with the ARCPUD Open Space Requirements (Section 8.5. H.) as follows:
  - a. *At least 40 percent of the total land area of the ARCPUD shall be set aside and maintained as open space.* The ARCPUD bylaw requires that 22.8 acres (40%) of the 56.9 acre site be designated as open space. Sheet C2 *Proposed Open Space and Trails* dated 6/12/15, last revised 2/17/16, displays the open space area. The plan and additional information provided during the course of the public hearing indicate that 37.4 acres of the 56.9 acre site are designated as open space. This land area constitutes 66% of the total site. Therefore the 40% requirement is fully met. The open space area is available for the recreation and enjoyment of both the ARCPUD residents and the general public.
  - b. *A minimum of 40 percent (of the required open space) shall be suitable and designed for recreational purposes.* As noted in item 5. a. above, 22.8 acres of the site are required to be open space. 40% of that 22.8 acres is 9.102 acres that must be designed for recreational purposes. Sheet C2 notes that 27.5 acres of the open space area is *useable* (suitable for recreational purposes). Thus, the requirement of open space area for recreational purposes is met under Section 8.5. - H. The plan shows a total of 9,857 linear feet of trails throughout the open space area and a public canoe launch will be provided.
  - c. *A minimum of 50 percent of the (required open) space in an ARCPUD shall be Common Open Space as described in Section 5.5.3(F) and subject to the requirements and specifications provided therein unless modified or waived by the Planning and Economic Development Board.*

The above reference to Common Open Space as described in Section 5.5.3 (F) refers to an early draft of the recodified Zoning Bylaw, the final version of which was approved by Town Meeting on May 11, 2015. The correct reference to the actual Common Open Space language in the approved recodified Zoning Bylaw is to Section 8.4 F. OSRD Common Open Space. The language is the same. The section title/numbering is what differs.

As noted in item 5. - a. above, 22.8 acres of the site are required to be open space. 50% of that 22.8 acres is 11.4 acres that must be Common Open Space. The Common Open Space requirements were reviewed by the Board's Planning Consultant Gino Carlucci, of PGC Associates who determined in a letter dated August 4, 2015, that all of the Common Open Space requirements were fulfilled.

- d. *Wetland resources as defined in Medway Wetlands Protection Bylaw shall comprise not more than 50 percent of the required ARCPUD open space unless waived by the Planning and Economic Development Board.*

With this standard, the open space area shall not include more than 11.4 acres of wetlands. Sheet C2 shows notes that 27.5 acres of the total 37.4 acres of open space area are

“useable” meaning they are uplands. The remaining 9.9 acres are wetlands so this requirement is met.

- e. *Drainage facilities shall not be located in the ARCPUD open space, but land within the open space may be utilized as natural courses for disposal of stormwater runoff. Other than minor berming and riprap at pipe outflows, no significant disruption of the open space land for drainage shall be permitted.*

According to the Board’s Planning Consultant, Gino Carlucci of PGC Associates, there are no drainage facilities located within the designated open space area. Planning Consultant Gino Carlucci’s review letter on this matter is dated August 4, 2015. In subsequent revisions, drainage swales with minor berming were located within open space areas so this requirement remains in compliance.

- 6. The Board finds that the Salmon Health and Retirement Community has complied with the required Pre-Application process outlined in Section 8.4 of the Zoning Bylaw. The applicant and their consultants met with the Board for an informal, pre-application discussion during the Board’s regular meeting on February 10, 2015.
- 7. The Board finds that the Salmon Health and Retirement Community has complied with the Four-Step design process outlined in Section 8.4 of the Zoning Bylaw. During the pre-application meeting held with the Board on February 10, 2015, David Thompson of CHA Associates reviewed the four step design process (as required by the ARCPUD bylaw).
- 8. The Board finds that the proposed Salmon Health and Retirement Community has complied with the ARCPUD application requirements as specified in the Board’s *ARCPUD Rules and Regulations* (Section 303). The Board’s Planning Consultant, Gino Carlucci of PGC Associates, reviewed the application materials for completeness. As documented in the PGC Associates completeness review letter dated June 18, 2015, the application package was found to be substantially complete.
- 9. The Board finds that the proposed Salmon Health and Retirement Community meets the purposes, requirements and design standards of Section 8.5 of the Zoning Bylaw.
  - a. It provides a variety of housing types and amenities for senior citizens to accommodate their long-term social, cultural, recreational and continuing care needs.
  - b. The project site exceeds 10 acres and is located within the AR-II zoning district.
  - c. The project provides three (congregate housing, assisted living, and independent living) of the six types of allowed housing exceeding the required minimum of one. It also includes two (detached cottage and multifamily dwelling) of the three housing styles allowed, along with conservation and recreation uses and three (medical offices, adult day care and community center) of the four types of accessory uses. The accessory uses do not occupy more than 5% of the aggregate floor area of the entire ARCPUD.
  - d. The maximum number of units allowed is 171 and 147 are being provided.

- e. As documented above, the dimensional requirements for area, frontage, lot size and setback are met.
  - f. As conditioned below, the occupancy of the units will be limited to residents 55 years of age and older.
  - g. As documented by the Board's Consultants and Town staff, the ARCPUD Rules and Regulations are met, except where specifically waived herein.
  - h. As documented above, the Open Space requirements are met.
  - i. The procedural requirements, including a pre-application meeting and Four-Step design process have been met.
  - j. This Decision includes sufficient conditions, safeguards and limitations necessary to mitigate the project's impact on the surrounding area and to ensure compliance with Section 3.4 and 8.5.
  - k. The development is consistent with the goals of the Medway Master Plan.
  - l. The total number of approved ARCPUD units (including this project) remains under the maximum of 10% of the Town's detached single-family dwellings.
10. As required by Section 3.4 of the Zoning Bylaw, the Board must find that the adverse effects of the proposed Salmon Health and Retirement Community ARCPUD will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

**a. General Findings**

- 1) The proposed Salmon Health and Retirement Community ARCPUD is a sizeable development. Spread out over 56.9 acres, it includes 54 cottage style homes in 29 buildings, an 11,475 sq. ft. medical office building, a 3,522 sq. ft. community center/pavilion and a 305,457 sq. ft. main building on four floors including ground level parking. The main building stands 71' feet high at its highest point (55' high to the eave), extends 616 ft. from east to west at its longest, and is 500 ft. wide from north to south at its widest. The ground floor footprint of the main building including the garage and attached cottages consumes 127,023 sq. ft. of the site's 56.9 acres. This constitutes 5.12% of the site's surface area. The main building is set back 1028 ft. into the site from Village Street. The main building's position on the site is 338' ft. from the closest point of the eastern boundary. The closest cottage style dwelling unit is located 50 ft. from the eastern boundary. The pavilion is located 51+ ft. from the property's eastern boundary.
- 2) Due to the age restricted nature of this development, the economic impact of an active adult/senior living community to the Town of Medway is far more beneficial than that of a conventional, family oriented subdivision development which places costly demands on the Medway Public School system.



- 3) The development will provide enhanced quality of life offerings for the wider Medway community – the possibility of an adult day care program, medical services, public walking trails and ice skating, and job opportunities. Located within a bend of the Charles River, the development will also provide public access to the Charles River to both the residents of the Salmon Health and Retirement Community and to the community at large.
- 4) Medway has a need for senior housing and is especially underserved by apartments and smaller homes/condos for older residents wishing to downsize. The Medway Housing Authority manages three buildings with 164 senior living apartments. According to Medway's recently updated *Housing Production Plan* and based on population projections provided by the Metropolitan Area Planning Council, it is estimated that Medway, in the year 2020, will have 4,373 residents aged 55 years of age and older constituting 35% of the community's population.
- 5) Public comments have been offered that the 71' height of the main building is too tall. The dimensional regulations included in the *Zoning Bylaw* for the underlying Agricultural Residential II zoning district do not include any height limitations, nor does the ARCPUD section of the *Zoning Bylaw* prescribe any maximum building height for an ARCPUD buildings. The height of the development's main building is 55' to the eave. The additional 16' of height to the rooftop was incorporated to provide architectural interest and appeal in accordance with the *Medway Design Review Guidelines* and will offer a much preferred appearance than a flat roof, institutional type structure.

**b. The Board makes the following specific findings related to the Section 3.4 criteria.**

- 1) *The use is in harmony with the general purpose and intent of this Zoning Bylaw.*

The Adult Retirement Community Planned Unit Development section of the *Zoning Bylaw* was first adopted by the Town in 2000 with the specific intent of encouraging this type of residential development in Medway. The stated purpose of Section 8.5 is "*to develop a variety of housing for senior citizens and accommodate their long-term social, cultural, recreational and continuing care needs.*" The proposed Salmon Health and Retirement Community includes both cottage and apartment-style independent living units, assisted living apartment units, memory care apartment units, medical offices, and a variety of facilities to meet the recreational, social and cultural needs of its residents. Therefore, it meets the purpose of the *Zoning Bylaw*.

- 2) *The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.*

The development's location off of the south side of Village Street is a sound location for a senior living community. Village Street is a major east/west street within Medway and ultimately connects to Routes 109 and 126. The proposed use is compatible with the mixed use nature of Medway's ARII zoning district in which this property is located. The ARII district includes older, historic sections of Medway with a much wider variety of land uses than the conventional half acre lot subdivision zoning prescribed for new home construction. The ARII district contains residential neighborhoods off of Village Street that have some of the densest housing in Medway, including both rental and condominium

multi-family housing. The zoning district also includes a variety of non-residential uses - two school complexes, Town Hall, churches, a redeveloped mill building, and small, independent professional businesses. The proposed medical office building is compatible with the existing professional businesses located along Village Street.

The site plan and building elevations show both the establishment of a new neighborhood and a high quality design aesthetic. A variety of housing types will be available offering a continuum of options to allow residents to age in place within the development as their physical, medical and social needs change. Walking paths interconnect throughout the development site. Opportunities abound for social interaction. Building architecture for the cottages, main building, medical office building and community center/pavilion have been reviewed by the Design Review Committee and found to be consistent with Medway's *Design Review Guidelines*. Although the main campus building is sizeable, it has been designed in part to reflect an older hotel of which there were several in Medway on Village Street and further east in Millis as well.

Owners of residential properties to the east of the subject site have expressed concerns about the negative impact on their quality of life of developing the subject site in accordance with the proposed Salmon Health and Retirement Community ARCPUD site plan. The neighbors have identified the following issues:

- a) Increased stormwater runoff on adjacent east/west roads and on their property.
- b) Visual dominance of the large and tall main building.
- c) Disturbance from traffic using Waterside Run, the development's easterly roadway that is close to the site's easterly property line.
- d) Noise disturbance from use of the nearby community center/pavilion building.
- e) Loss of adjacent undeveloped land to which the neighbors are accustomed.

The Applicant and the Board have endeavored to address these concerns. Over the course of the public hearing, the applicant has revised the plan in an effort to reduce a number of the identified impacts. The stormwater management plan was substantially redesigned to address existing stormwater conditions on the adjacent east/west side streets and properties caused by older, inadequate stormwater management facilities at those locations. Other plan changes have included moving Waterside Run westerly from the eastern boundary, relocating the sidewalk to the west side of Waterside Run, reducing the number of parking spaces at the community center/pavilion, and including privacy fencing and supplemental landscaping along much of the eastern boundary. The parking layout at the community center/pavilion was reoriented so that vehicle headlights would face away from the Charles River Road neighborhood. Limitations have been established on the use of Waterside Run to not allow its use for employees and deliveries. Additional measures, conditions, safeguards and limitations to address noise and traffic volume on Waterside Run are specified in the Conditions section of this decision to further protect the neighboring properties.

The applicant's traffic study was reviewed by the Town's traffic engineering consultant. The results of the analysis presented in the study indicate that the project will have a minimal impact on traffic operations at the intersections along Village Street and that the additional traffic from the proposed project will not change the existing level of service (LOS) at the majority of the nearby intersections.

In summary, the Board finds that the site is appropriate for the proposed senior living community use, the use does not significantly alter the existing mixed-use character of the ARII zoning district, and the adverse effects of the development have been suitably addressed to reduce their impacts on the adjacent neighborhood to the east.

3) *Adequate and appropriate facilities will be provided for the operation of the proposed use.*

The Salmon Health and Retirement Community will connect to Town water and sewer. It will provide for its own trash removal, and offer its own transportation service for residents. It will maintain its roadways, utilities and stormwater management facilities. In addition, the facility will offer a variety of social and recreational amenities and services for its residents' personal needs including both indoor facilities (banking, barber and beauty services, a pavilion for social events, etc.) and outdoor facilities (walking trails, canoe launch, benches, etc.). Its internal roadway system and stormwater management system have been reviewed by the Town's Public Safety and Public Services staff and the Board's Consulting Engineer and found to be adequate.

4) *The proposed use will not be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or visual or other nuisances.*

The proposed use is primarily residential in nature with a medical office building. No inordinate odors or smoke will be generated. Lighting will be in conformance with the Town's lighting bylaw, thereby preventing light trespass onto neighboring properties. Further, pursuant to Condition #22, the lighting installation shall be evaluated to determine if refinements are needed to meet the Zoning Bylaw requirements. Refuse will be contained within a building on the west side of the main building far away from abutting residents before being properly transported to an authorized disposal facility. The Design Review Committee has reviewed the proposed buildings and landscaping and many of its recommendations have been incorporated into the design. 1,041 linear feet of privacy fencing will be installed along the eastern edge of the site to reduce the visual impacts of the development on the immediate abutters and to block vehicular lights from intruding on the butters. Concerns about noise are addressed in Conditions # 17, 19 and 21. Further landscaping along the eastern boundary area is noted in Condition #13. No other nuisances have been identified or anticipated.

5) *The proposed use will not cause undue traffic congestion in the immediate area.*

The facility will have a major entrance/egress (Willow Pond Circle) and a secondary entrance/egress (Waterside Run). A traffic study has been conducted by the applicant's engineer and peer reviewed by the Town's Consulting Traffic Engineer. No undue

vehicular traffic congestion is anticipated. Pedestrian and bicycle traffic is expected to be enhanced with the addition of two lighted crosswalks on Village Street and bicycle racks to be installed at two locations on the property to accommodate employees and visitors.

6) *The proposed use is consistent with the Medway Master Plan.*

The development of the Salmon Health and Retirement ARCPUD helps Medway work toward achieving both Housing and Open Space goals of the 2009 Medway Master Plan. Housing Goal #5 is: Explore and Utilize Creative Development Opportunities. Objective #4 of this goal is: Encourage use of ARCPUD and OSRD development options. For open space, this development meets Open Space Goal #2: Provide and maintain a diversity of conservation and recreation land with opportunities for both passive and active recreation; Goal #3: Promote the development of trails and access to open spaces; and Goal 6: Encourage compact development. Therefore, the Board finds the project is specifically consistent with the Medway Master Plan.

11. The Board finds that the proposed Salmon Health and Retirement Community does not exceed the ARCPUD Development Limitation requirement of Section 8.5 of the Zoning Bylaw whereby the maximum number of housing units in all permitted ARCPUD developments in Medway cannot exceed 10 percent of the existing detached single-family dwellings (excluding ARCPUD units) located in the Town of Medway, as determined by the Board of Assessors.

Per the Medway Board of Assessors, there were 3,663 detached single-family residential housing units in the Town of Medway on January 1, 2015. With the maximum 10% rule, no more than a total of 366 ARCPUD units are to be permitted in Medway. The only other ARCPUD project is the 80 unit Millstone ARCPUD development that is presently under construction. When the Millstone unit count is combined with the proposed equivalent of 149 ARCPUD dwelling units for Salmon/Willows, the total of ARCPUD dwelling units in Medway will be 219, which is well under Medway's maximum 10% threshold of 366 units.

12. Subject to Condition #3 specified herein, the Board finds that the applicant will comply with Section 8.6 of the Zoning Bylaw regarding affordable housing. The applicant has agreed to make a payment of \$259,995 to the Medway Affordable Housing Trust in lieu of constructing seven, cottage type affordable dwelling units on site (10% of the 69 cottage units).
13. The Board finds that the applicant will comply with Section 7.1.1. of the Zoning Bylaw regarding parking. The required parking is 2 spaces per dwelling unit. Based on the equivalent of 149 dwelling units, a total of 298 parking spaces are needed. The Bylaw also requires 1 parking space per 300 square feet of net usable area for other uses. The medical office building requires 32 spaces based on a size of 9,584 sq. ft. of net useable area. The pavilion needs 10 parking spaces based on a size of 2,988 sq. ft. of net useable area. The total number of required parking spaces is 336 spaces.

The table below shows that adequate parking will be provided.

	# Required	# Provided
Parking spaces provided at 54 independent cottages (2 per unit) plus driveway space (1 space for 7 cottages with 1 car garages and 2 spaces for 47 cottages with 2 car garages)	108	108 111
Parking spaces provided at 15 attached cottages (2 per unit)	30	32
Parking spaces provided at main building (1 per unit)	156	164
Parking spaces provided at medical office building (1 space per 300 sq. ft. of useable area) NOTE – 9,584 sq. ft. of useable area	32	32
Parking spaces provided at pavilion (1 space per 300 sq. ft. of useable area) NOTE – 2,988 sq. ft. of useable area	10	15
	336	452

14. Subject to Condition #22 specified herein, the Board finds that the applicant will comply with Section 7.1.2 of the Zoning Bylaw regarding exterior lighting.

Concern about lighting impacts were expressed at the public hearing. A photometric plan has been provided indicating compliance with the Section 7.1.2.

## **DECISION**

After reviewing the application and all information gathered during the public hearing process, the Medway Planning and Economic Development Board, at a duly posted meeting held on Tuesday, March 24, 2016, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve an ARCPUD special permit to Continuing Care Management, LLC of Westborough, MA and to approve the *Salmon Health and Retirement Community ARCPUD Special Permit Site Plan*, Village Street, Medway, MA, prepared by Coneco Engineers and Scientists, Dario Designs, Inc. and CHA Companies, dated June 12, 2015, last revised February 18, 2016 to develop an Adult Retirement Community Planned Unit Development (ARCPUD) subject to the PLAN MODIFICATIONS, CONDITIONS, AND LIMITATIONS listed below and certain WAIVERS from the *ARCPUD and Subdivision Rules and Regulations*. This special permit is transferable to successors in title of the subject property, or assignees. The motion was approved by a vote of 5 in favor and 0 against.

### **Planning and Economic Development Board Members**

Richard Di Iulio  
Thomas A. Gay  
Matthew J. Hayes  
Andy Rodenhiser  
Robert K. Tucker

**MODIFICATIONS** – Prior to plan endorsement, the Plan and the associated documents shall be further revised to include the additional, corrected, or modified information specified herein for review and approval of the Board.

1. The plan shall be revised to include the following information:
  - a. Detail on Versa-lok retaining wall pursuant to the Design Review Committee review letter dated February 9, 2016
  - b. Detail on fencing above retaining wall pursuant to DRC review letter dated February 9, 2016

- c. Detail on wetlands crossing bridges pursuant to DRC review letter dated February 9, 2016
- d. Revised detail on privacy fence to specify it will be CertainTeed Bufftech, CertaGrain Texture (color Timber Blend), or equivalent.
- e. Detail on gazebo
- f. Detail on bike rack and note to indicate the additional bike rack location at the public parking area in the northern portion of the site off of Willow Pond Circle near the gazebo.
- g. Notes on trail construction per the Conservation Commission's Order of Conditions
- h. Separate sheet to show off-site mitigation (Condition #10)
- i. Reference to a Covenant on the cover sheet
- j. Updated Construction Sequence Plan, Sheet C62, dated March 10, 2016
- k. Signage to limit use of Waterside Run as follows:
  - Place a sign stating "Residents Only" at the entrance of Waterside Run off of Village Street.
  - Place an exit arrow/sign pointing down (northerly) to Willow Pond Circle at the intersection of Willow Pond Circle and Waterside Run to direct traffic to exit via Willow Pond Circle.
  - Place an exit arrow/sign directing vehicles from the community center/pavilion to exit via Willow Pond Circle.
- l. A sheet clearly delineating the designated 37.4 acre open space area sufficient for recording with the Norfolk County Registry of Deeds.
- m. Supplemental landscape plantings along eastern boundary area as depicted in the supplemental landscape design and associated notes prepared by CHA Associates and submitted on 3/17/16

### **CONDITIONS/LIMITATIONS/SAFEGUARDS**

1. Notwithstanding any future amendment of the Medway Zoning Bylaw, G.L. C.40A or any other legislative act:
  - a. The maximum number of dwelling units to be constructed under this special permit shall be 225 (54 independent living cottages, 15 independent living cottages attached to the main building, and a combination of 56 independent living apartments, 60 assisted living apartments and 40 memory care apartments in the main building). In addition to the dwelling units there shall be one medical office building and one community center/pavilion, as shown on the Plans.
  - b. The tract(s) of land on which this ARCPUD is to be located shall not be altered or used except:
    - 1) as granted by this special permit
    - 2) as shown on the plan entitled Salmon Health and Retirement Community ARCPUD Special Permit Site Plan, Village Street, Medway, MA, dated 6-12-15, last revised 2-18-16 to be modified as referenced herein; and
    - 3) in accordance with subsequent approved plans or amendments to this special permit.



- c. The tracts of land and buildings comprising the Salmon Health and Retirement Community shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided except as may be required for open space conservation restriction purposes.

**2. Age Restrictions**

- a. All dwelling units in this development are subject to a permanent age restriction to limit occupancy of the dwelling unit to people age fifty-five or older and their spouses (if applicable) of any age except that a person of any age may occupy a dwelling unit as a personal care assistant for an age restricted resident senior with disabilities.
- b. Guests aged younger than 55 years are permitted for a period of time not to exceed ninety days.
- c. The Age Restriction is intended to be consistent with, and is set forth in order to comply with the Fair Housing Act, 42 USC section 3607, as amended, the regulations promulgated thereunder, 24 CFR Subtitle B, c. 1, section 100.300 et seq. and G.L. c. 151B, section 4 (the "Housing Laws"). This special permit shall be construed so as to be consistent with federal and state law, and nothing in this special permit shall require or permit the Applicant or its successors or assigns to take any action in violation of federal or state law.

3. **Affordable Housing Payment in Lieu of Construction** – To fulfill its affordable housing responsibilities pursuant to Section 8.6 of the Bylaw, the applicant shall pay a total of \$259,995 to the Medway Affordable Housing Trust in lieu of constructing seven affordable cottage style dwelling units on site. 1/7 of this amount (\$37,142.15) shall be paid upon occupancy of the 10<sup>th</sup>, 20<sup>th</sup>, 30<sup>th</sup>, 40<sup>th</sup>, and 50<sup>th</sup> cottage unit, and 2/7 of this amount (\$74,284.30) shall be paid upon occupancy of the 60<sup>th</sup> cottage unit.

4. **Payment of Balance of Fees/Taxes** - Prior to plan endorsement, the Applicant shall pay the balance of any fees for outstanding plan review services provided by any outside consultants retained by the Board which assisted in the review of this project. The Applicant shall also pay a fee for construction services to be provided by outside engineering and legal consultants. The fee shall be established by the Planning and Economic Development Board. The Applicant shall also be current with the Medway Town Treasurer/Collector for all real estate taxes, betterments, charges, obligations, fees and any penalties and back charges resulting from the non-payment of taxes for all property included in this development.

**5. Construction Phasing**

- a. The applicant plans to build out the infrastructure of this project in accordance with the Construction Sequence Plan, Sheet C62 of the Site Plan set, dated 12/11/15, last revised 3/10/16.
- b. Any adjustments to the phasing plan require approval of the Board. Such approval may be granted by the Board at a scheduled meeting without a public hearing.

**6. Open Space – Conservation Restriction and Public Access Easement**

- a. The designated 37.4 acre Open Space portion of the site shall be as shown on the revised plan to be presented to the Board endorsement.
- b. The designated Open Space portion of the site shall be subject to a Conservation Restriction and Easement granted by the Applicant to the Town of Medway in perpetuity, acting through its Conservation Commission, for conservation and passive recreation purposes and shall permit public access to the open space area and the pathways and parking area to be constructed thereon. The Conservation Restriction and Easement shall include language specifying the Applicant's ongoing responsibility to retain and maintain the trail system.
- c. Within ninety days of plan endorsement, the aforementioned Conservation Restriction and Easement shall be submitted for review and approval by the Medway Board of Selectmen and the Medway Conservation Commission, and for subsequent submittal to the Secretary of Energy and Environmental Affairs (the Secretary) pursuant to G.L. c. 184, sections 31, 32 and 33, to ensure that the restriction remains enforceable in perpetuity. The Applicant shall file the proposed Conservation Restriction and Easement with the Secretary of Energy and Environmental Affairs within 30 days after preliminary approval of the proposed Conservation Restriction and Easement by the Medway Board of Selectmen and Medway Conservation Commission. The Applicant shall diligently pursue final approval of the Conservation Restriction and Easement by EEOA within two years of plan endorsement.
- d. Within the open space area, the applicant shall construct a public parking area which shall be gravel and contain sufficient area for six parking spaces and shall be accessible from Village Street via Willow Pond Circle to provide public access to the Open Space area and trails.
- e. The applicant's improvements to the Open Space area including the trails, canoe launch, gazebo and parking area shall be completed before the Certificate of Occupancy is issued for the main building.
- f. The Applicant and assigns shall be subject to the provisions included in the Conservation Restriction and Easement approved by the Secretary of Energy and Environmental Affairs for maintenance of the open space parcel, trails and parking area.
- g. The applicant will prepare a baseline inventory of the open space area subject to the Conservation Restriction and Easement and provide such to the Conservation Commission for its approval and subsequent use for its annual property inspection. The inventory shall be prepared in accordance with the standards provided by the Medway Conservation Commission and be provided to the Commission at the time the Conservation Restriction and Easement is submitted.

**7. Recording of Plans/Documents**

- a. The Plan of Record associated with this special permit includes the following:
  - 1) Salmon Health and Retirement Community ARCPUD Special Permit Site Plan, Village Street, Medway, MA, dated 6-12-15, last revised 2-18-16 to be further revised and added to as specified herein, prepared by Coneco Engineers and Scientists of Bridgewater, MA;
  - 2) Architectural Plans and Elevations by Dario Designs Inc. of Northborough, MA as last revised; and
  - 3) Landscaping Plan by CHA Companies of Keene, NH, as may be updated.
- b. No land clearance or construction shall begin on the site and no building permit shall be issued before the following documents/plans are recorded at the Norfolk County Registry of Deeds:
  - 1) This special permit decision including the Plan of Record endorsed by the Planning and Economic Development Board
  - 2) Restrictive Covenant with the Town of Medway (adapted from FORM G — *Medway Subdivision Rules and Regulations*).
- c. Within thirty days of recording, 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.
- d. The previously noted Conservation Restriction and Easement as approved and executed in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds within two years of plan endorsement.

**8. Drainage/Stormwater Management**

- a. The Applicant and operator shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition, and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of the Planning and Economic Development Board.
- b. The stormwater drainage system, water and sewer systems shall be maintained by the applicant and its successors and assigns and shall not be dedicated to the Town. It is the intent of the Planning and Economic Development Board and the applicant that these systems not be accepted by Town Meeting.
- c. The applicant and operator shall maintain the stormwater management system in accordance with the following guidelines for the operation and maintenance of the stormwater management system prepared by the applicant's registered professional engineer — *Salmon Health and Retirement Community Stormwater Report*, 6/12/15, last revised 2/18/16, prepared by Coneco Engineers and Scientists.

- d. In the event a separate management company is engaged, the stormwater operation and maintenance guidelines shall be incorporated by reference in the management contract.
  - e. In the event that the Applicant, its successors, or agent fails to maintain the stormwater management system in accordance with the applicable guidelines for operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Applicant hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith; if the applicant fails to so reimburse the Town, the Town may place a lien on the site to secure such payment.
9. **Scenic Road** – Pursuant to the *Scenic Road Work Permit* approved by the Planning and Economic Development Board on August 25, 2015 on file with the Medway Town Clerk, the applicant shall make a payment of \$600 to the Medway Tree Fund as mitigation for removing one 30” diameter ash tree in the Town’s right of way on Village Street adjacent to this project. Such payment shall be made within six months after site construction commences.
10. **Off-Site Mitigation/Pedestrian Access Improvements on Village Street** – The applicant shall install the following:
- a. advance warning crosswalk signs on east and westbound Village Streets
  - b. two enhanced crosswalks across Village Street to connect with existing sidewalks on the north side of Village Street with associated rectangular rapid flash beacons (RRFB). One crosswalk will be at the main entrance driveway (Willow Pond Circle) and one will be at the eastern entrance driveway (Waterside Run). Both crosswalks will be fully ADA/AAB compliant. The RRFB fixtures shall be in a style comparable to the fixtures being installed on Main Street as part of the Route 109 reconstruction project.
11. **Fire Notification Systems:** The applicant shall install a radio master box system to service the Main Residence/Campus Building and the Medical Office Building for fire alarm notifications to the Town. The system is to be specified and designed by the Town under the direction of the Fire Chief. The applicant has agreed to make a voluntary contribution in the amount of \$59,500 to be used to purchase said system receivers, with said contribution to occur prior to the issuance of the first occupancy permit.
12. **Tree Preservation**
- a) A tree preservation plan shall be prepared by a Massachusetts Certified Arborist (MCA) for the grove of 26 black walnut trees of varying sizes and all other non-pine trees with a diameter of 24” and more as indicated on the Existing Conditions Sheets C4 – C9 as last revised. The applicant shall make the fullest possible effort to preserve/retain these trees and prevent their removal, demise or damage during construction. The tree preservation plan shall be submitted to the Board for review and approval before the applicant’s pre-construction conference with Town officials.

- b) At a minimum the following trees shall be preserved:
    - 26" diameter oak adjacent to the Brenneman property at 4 Mishawaum Street
    - 24" diameter oak and a 30" diameter oak adjacent to the Brenneman property at 7 Naumkeag Street
    - 28" diameter ash adjacent to the Hickey property at 3 Narragansett Street
    - 15 of the 26 black walnut trees ranging in size from 8" to 20" diameter as shown in green on the Black Walnut Preservation Plan prepared by Coneco Engineering.
  - c) Prior to site construction, the applicant shall post a bond with the Town in the amount of \$169,500 which is equal to the estimated replacement cost (\$250 per 3" caliper tree) of all of the above specified oak, ash and black walnut trees. The bond shall be in a form acceptable to the Board and the Medway Treasurer and may include a cash deposit, a tri-party agreement, or an insurance bond. Letters of credit are not permitted.
  - d) If any of the above noted trees are removed or damaged during construction, the applicant shall be responsible for tree restoration by replacing the removed or damaged trees with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis within (1) year after the tree removal or damage has occurred. The one (1) square inch per two (2) square inch replacement amount is calculated by squaring 1/2 the established diameter of each tree that is removed or damaged and multiplying that amount by 3.14 to determine its trunk area (tree radius squared x pi rounded to 3.14). The resulting figure is halved and that square inch total is the amount of required square inches of the replacement tree(s). A 3" caliper tree equals seven (7) sq. ft. The location of the replacement trees shall be recommended by the applicant and approved by the Planning and Economic Development Board and Tree Warden and may be located off site of the subject premises including on adjacent properties. The restoration shall be verified by the Tree Warden as being fully and skillfully performed. The species of replacement tree(s) shall be reviewed and approved by the Tree Warden, or otherwise will be consistent with the species of the removed *tree(s)*.
  - e) In lieu of tree planting, the applicant may make a contribution to the Medway Tree Fund in an amount to be determined by the Board upon consultation with the Medway Tree Warden and based on wholesale pricing for 3 inch caliper trees from a reputable area landscape supplier.
13. **Landscape Buffer Area** – Pursuant to Condition #1 regarding plan revisions, the landscaping plan for the buffer area along the eastern boundary of the site shall include the plantings depicted in the supplemental landscape design and notes prepared by CHA Associates submitted on 3/17/16. Within two years after the landscape installation in this area, the Board or its agents shall review and determine if the landscape plantings provide suitable buffering for the adjacent neighbors. At the Board's initiation, the Board may act to reasonably amend the special permit to require the applicant to install further landscaping in this area to the Board's satisfaction.

**14. Energy and Resource Conservation**

- a. The development is relying on the Town's public water system and the Town is held to its Water Management Act Permit with the Mass Department of Environmental Protection. To conserve water, at a minimum, the Applicant shall incorporate the following water conservation measures throughout the development: well water for landscape irrigation, rain-gauge controlled irrigation systems, and low flow household fixtures.
- b. All residential appliances throughout the development shall be Energy Star rated.
- c. The indoor parking area shall be equipped with at least four electric vehicle charging stations for use by residents and employees.

**15. Coordination with Medway Conservation Commission** – The applicant shall provide any future plans approved by the Medway Conservation Commission pursuant to an Order of Conditions for this site to the Planning and Economic Development Board. If there is any inconsistency between the endorsed Salmon Health and Retirement ARCPUD Site Plan and any plans approved by the Conservation Commission, the Applicant shall submit an amended plan to the Planning and Economic Development Board for review and approval. Said amended plan shall be accompanied by a letter setting forth a description of any and all changes from the Salmon Health and Retirement ARCPUD Site Plan as approved herein.

**16. Open Space Signage** – The applicant shall install signage guiding the public to the open space areas and trails upon consultation with the Medway Open Space Committee. Signage design shall be compatible with the Open Space Committee's standard open space signage.

**17. Restrictions 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 possible to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on outside construction activity shall apply:

- a. *Construction Time* – Outdoor construction work at the site and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and cease no later than 6 p.m. Monday – Friday and shall commence no earlier than 8 a.m. and cease no later than 4 p.m. on Saturday. No indoor or outdoor construction shall take place on Sundays or federal and state legal holidays without the advance approval of the Inspector of Buildings.
- b. All erosion and siltation control measures shall be installed by the contractor prior to the start of any site preparation/clearing and construction and shall be observed by the Planning and Economic Development Board's consulting engineer. The erosion and siltation control measures shall be maintained in good repair throughout the construction period.
- c. The privacy fencing along the eastern boundary of the site shall be installed prior to the issuance of building permits for any of the cottages, main building, and community center/pavilion.



- d. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces. The applicant may be required to power wash/clean adjacent properties after the accumulation of dust on driveways, vehicles and houses as deemed necessary by the Building Inspector.
- e. There shall be no tracking of construction materials onto any public way or adjacent private property. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and 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 which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
- f. The Applicant is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
- g. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
- h. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Medway Zoning Bylaw*, Section 8.3. C. 2.
- i. *Blasting*
  - 1) The applicant shall follow all procedures as specified by the Massachusetts Department of Fire Services regarding site blasting.
  - 2) The applicant shall provide at least 24 hours written notice of the scheduling blasting to all property owners and residents within 500 feet of the subject parcels.
  - 3) Blasting shall be limited to occur between the hours of 9:00 am and 5:00 pm, Monday through Friday only. No blasting to occur on Saturdays, Sundays or legal holidays.
- j. *Use of Waterside Run*
  - 1) Except for the houses to be built on Waterside Run, it shall not be used as a route into or out of the site for contractors and product deliveries during construction unless Willow Pond Circle is blocked for construction.
  - 2) Prior to any site clearance/preparation, the applicant shall install a sign indicating “Not a Construction Entrance” at the entrance to Waterside Run off of Village Street.

**18. Neighborhood Relations**

- a. The Applicant shall regularly inform the residents of Village Street and the adjacent neighborhoods (*as listed in the certified list of abutters accompanying the application*) of the construction schedule.
- b. The Applicant shall inform all abutters (*as listed in the certified list of abutters accompanying the application*) of a phone number and email contact to use for questions, concerns and complaints. The applicant shall reply to such inquiries within 24 hours.

**19. Deliveries**

- a. Deliveries to the main building shall occur no earlier than 7 am and no later than 5 pm
- b. Delivery trucks shall access and egress the site only from Willow Pond Circle.
- c. Dumpsters shall be emptied only between the hours of 8 am and 5 pm.
- d. Deliveries to the community center/pavilion shall take place only between 8 am & 5 pm.

- 20. Restrictions/Limitations on the Ongoing Use of Waterside Run** - The Applicant shall take all possible measures to ensure that employees, deliveries, service vehicles, visitors, and residents of dwelling units located on Willow Pond Circle, Walnut Grove and Lilac Path will access and egress the site via Willow Pond Circle and not use Waterside Run. These measures include but are not limited to signage, employment policies, contracts with vendors and promotional materials. At a minimum, there shall be signage as described in Condition #1. k.

- 21. Limitations on Use of Pavilion Space** - The hours of operation for the outdoor use of the community center/pavilion patio shall be limited to 8 am to 10 pm. Such hours shall be posted at the pavilion.

**22. Exterior Lighting**

- a. Lighting shall not exceed the maximum allowed as specified in Section 7.1.2 Exterior Lighting of the *Medway Zoning Bylaw*.
- b. The applicant shall notify the Board upon completion of the site lighting installation and prior to the first occupancy. After said notification, the Board shall review the site illumination to determine whether light spill-over onto adjacent properties is occurring. During this review period, the Board reserves the right to require adjustment of the number and/or intensity of the exterior light fixtures if needed and to require installation of suitable shielding.

- 23. Utilities** – All utilities in the development will be private. The roadway and sidewalk including plowing as well as private trash and recycling collection will be the responsibility of the owner as will the upkeep of the stormwater management system, water and sewer lines, etc.

**24. Landscape Maintenance**

- a. The site's landscaping shall be maintained in good condition throughout the life of facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees,

bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.

- b. Within 60 days after one year after the occupancy permit is issued for the main building, the Town's Consulting Engineer shall conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Inspector of Buildings/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.
- c. At any time subsequent to this initial inspection, the Town's Consulting Engineer may conduct further inspections of the landscaping along the eastern boundary area to determine whether and which landscaping items need replacement or removal and provide a report to the Board which may require that suitable landscaping be installed.

**25. Snow Storage/Removal**

- a. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the zoning bylaw.
- b. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within four days after the conclusion of the storm event.

**26. Other Town Permits** – This permit does not relieve the applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits, including but not limited to a Street Opening/Roadway Access Permit from the Department of Public Services.

**27. Amendments/Modifications to Decision and/or Plan**

- a. This Approval is subject to all subsequent conditions that may be imposed by other Town boards, agencies or commissions. Any changes to the Plan that may be required by the decisions of other boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as plan modifications pursuant to Section 8.5 of the *Medway Zoning Bylaw*.
- b. Any work that deviates from the approved Plan and Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan or decision modification pursuant to Section 8.5 of the *Medway Zoning Bylaw* and such approval is provided in writing to the Planning and Economic Development Board.
- c. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed modifications to the site plan and/or decision, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

28. **Construction Observation/Inspection**

- a. Inspection by the Town's Consulting Engineer of the construction of the roadways, infrastructure, stormwater management facilities, water and sewer facilities, site amenities including landscaping, and other utilities is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee under G.L. c. 44 §53G to the Town of Medway for such inspections. The Board will use the funds at its discretion to retain professional outside consultants. In addition to inspections, the funds may be used to pay professional outside consultants to review legal documents, prepare bond estimates, and review as-built plans. The amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer and shall be paid prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction services, upon invoice from the Board until the road construction and stormwater drainage system are completed, utilities and site amenities are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
- b. Planning and Economic Development Board members, its staff, consultants or other duly authorized agents of the Town of Medway shall have the right to enter upon the property to inspect the site at any time, for compliance with the endorsed site plan and the terms, provisions and conditions of this special permit.
- c. 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.

29. **Pre-Construction Conference** - A preconstruction conference with the developer, general contractor, Department of Public Services, Police and Fire Departments, the Conservation Agent, the Planning and Economic Development Coordinator, and the Town's Consulting Engineer shall be held prior to the commencement of construction. For the purposes of this decision, "commencement of construction" shall occur when the clearing and grubbing (*removal of stumps and topsoil*) has been initiated. The general contractor shall request such conference at least one week prior to commencing construction by contacting the Planning and Economic Development office. At the conference, a schedule of inspections shall be agreed upon by the developer, the Town's Consulting Engineer and other municipal officials or boards in accordance with Section 6.5 Construction Observation/ Inspection of the *Subdivision Rules and Regulations*. At the pre-construction meeting, the developer shall provide a copy of the final Stormwater Pollution Prevention Plan (SWPP) and a detailed construction schedule.

30. **Performance Security Guarantee**

- a. *Restrictive Covenant* - Prior to plan endorsement, the applicant shall sign a Restrictive Covenant, to be reviewed and approved by Town Counsel, to secure construction of the roadways, installation of stormwater management facilities, utilities, services, pedestrian facilities/trails/pathways, all site amenities including but not limited to lighting, landscaping, fencing, and any off-site improvements, all as shown on the Plan of Record. Reference to the restrictive covenant shall be noted on the cover sheet of

the Plan of Record. The Restrictive covenant shall be recorded at the Norfolk County Registry of Deeds.

- b. *Performance Guarantee* – The Restrictive Covenant may be replaced by one of the types of performance guarantees set forth in G.L. c. 41, Section 81U, the Subdivision Control Law, at such time as the Applicant wishes to obtain a building permit for any Phase IV building and after the Applicant has completed the minimum infrastructure construction as specified in Section 6.6.3 of the *Subdivision Rules and Regulations* for the Phase II area as shown on Sheet 62 Construction Sequence Plan, last revised March 10, 2016. The form or combination of performance security measures shall be selected and from time to time may be varied by the Applicant, in a sufficient amount, source and form acceptable to the Planning and Economic Development Board, Treasurer/Collector, and Town Counsel. Such performance guarantee shall secure the Applicant's completion of the construction of the remaining roadways and installation of the remaining stormwater management facilities, utilities, services, pedestrian facilities/ trails/pathways, all appurtenances thereto, and all site amenities including but not limited to lighting, landscaping (except for individual cottage landscaping), and fencing and any off-site improvements all as shown on the Plan of Record and the maintenance thereof. The performance guarantee agreement shall:
- 1) define the obligations of the developer and performance guarantee company;
  - 2) specify a scheduled date by which the applicant shall complete construction in accordance with the Plan of Record;
  - 3) state that it does not expire until released in full by the Planning and Economic Development Board; and
  - 4) include procedures for collection upon default.

The applicant shall be current with the Town of Medway for any taxes/fees associated with the subject property before the Board may enter into a performance security agreement.

- c. *Amount* - The face amount of the performance guarantee shall be the amount that would be required for the Town of Medway to complete the construction of the roadways and installation of stormwater management facilities, utilities, services, pedestrian facilities/trails/pathways, all appurtenances thereto, and all site amenities including but not limited to lighting, landscaping (except for individual cottage landscaping), and fencing as specified in the Plan of Record and any off-site improvements that remain unfinished at the time the performance guarantee estimate is prepared. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the MassDOT. The estimate shall also include the cost to maintain the roadways, stormwater management system and other infrastructure in the event the applicant fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. In determining the amount of the performance guarantee, the Board shall be guided by the following formula in setting the sum of the security.

- 1) the estimate of the Town's Consulting Engineer of the cost to complete the work; plus
  - 2) a twenty-five percent (25%) contingency.
- d. *Adjustment of Performance Guarantee* - At the Applicant's written request, the amount of the performance guarantee may be reduced, from time to time, by the Board and the obligations of the parties thereto released by the Board in whole or in part, upon the partial completion of the roadways and infrastructure improvements as defined herein. In order to establish the amount to adjust the performance guarantee, the Town's Consulting Engineer shall prepare an estimate of the current cost for the Town to complete all work as specified in the Plan of Record that remains unfinished at the time the estimate is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the MassDOT. The estimate shall also include the cost to maintain the roadways, stormwater management system and other infrastructure in the event the developer fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. The estimate shall also include the estimated cost to produce as-built plans and for project closeout services. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount:

1. the estimate of the Town's Consulting Engineer of the Town's cost to complete the work; plus
2. a twenty-five percent (25%) contingency.

The applicant shall not make any request for a reduction of the performance guarantee of less than \$100,000 or such lesser amount remaining on the performance guarantee.

- e. Any such surety shall be released by the Planning and Economic Development Board in accordance with the procedures of G.L. c. 41, § 81U.

31. **Construction Standards** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

32. **Timetable for Project Completion**

- a. The Applicant shall construct the roadways and all related infrastructure including the stormwater management system and install all utilities as shown on the Record Plan, to the satisfaction of the Board, within three years of the date of endorsement of the plan, unless extended as provided in subparagraph b. below.
- b. The Applicant shall construct all site amenities as shown on the Record Plan, to the satisfaction of the Board, within six years of the date of endorsement of the plan, unless extended as provided in subparagraph c. below.



- c. A request to extend the completion time limit must be made in writing to the Board at least thirty (30) days prior to the specified expiration date. The Board herewith reserves its right and power to grant or deny such an extension, to issue any appropriate changes to the special permit, and to require any appropriate modifications of the Plans.
33. **Project Completion** – Upon completion of all work, and prior to the issuance of the final certificate of occupancy and release of the last \$40,000 of performance guarantee, the following items shall be completed to the Board’s satisfaction:
- a. *As-Built Plans* – The Applicant shall prepare and provide an as-built plan of the roadways, utilities and other infrastructure prepared in accordance with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, for review by the Town’s Consulting Engineer and Board approval. The as-built plan shall be prepared by a Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts.
  - b. *Engineer’s Certification* – The Applicant shall provide a written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all buildings, site work, infrastructure and site amenities have been constructed and completed in substantial compliance with the Plan of Record as may be amended by the Board.
  - c. *Certificate of Site Plan Completion* - The Board shall prepare a Certificate of Site Plan Completion which serves as the Planning and Economic Development Board’s confirmation that the completed work conforms to the approved Plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements.
  - d. The applicant shall be current with the Town of Medway for any taxes/fees associated with the subject parcels.
34. **Enforcement** - The Planning and Economic Development Board or its agent(s) may use all legal options available to it, including referring any violation to the Inspector of Buildings/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Special Permit and Conditions of Approval.

**WAIVERS** – The Applicant has requested a series of waivers from the *Site Plan Rules and Regulations* which were reviewed by the Planning and Economic Development Board during the course of the public hearing. At a duly called and properly posted public hearing on March 24, 2016, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve the Applicant’s *Requests for Waivers*. The motion was approved by a vote of 5 in favor and 0 opposed. Waivers from the following sections of the *Site Plan Rules and Regulations* were approved:

**Section 204-5 C. 3 - Existing Conditions Sheets** – An Existing Landscape Inventory shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a mapped overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

**Explanation** – The applicant has requested relief from this regulation due to the size of the subject parcel (56.9 acres). It is heavily wooded and could include hundreds, if not thousands of trees matching this size requirement. The task to undertake such a tree survey would be expensive and time consuming.

**Findings** – The Board finds this is a reasonable request and is amenable to a middle ground whereby the applicant will conduct an inventory of trees which are 24 inches in diameter and larger and present that to the Board.

\*\*\*\*\*

**Section 204-5 D.7 – Proposed Site Information Sheets (Landscape Architectural Plan)** – Plan graphics on the Landscape Architectural Plan shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a “lesser” intensity graphic used to represent potential canopy at maturity.

**Explanation** – The applicant has requested relief from showing the graphics for tree canopy size at the time of planting. Instead, they will show tree canopy size at approximately 10 years after planting. Due to the extent of the landscaping plan, eliminating the additional graphic showing the tree size at planting will make the plans easier to read during the review process.

**Findings** - The Board finds this is a reasonable request in light of the extent of the landscaping plan and the intricacy of the various plan sheets.

\*\*\*\*\*

**Section 205-9 B. – Landscape Buffers** – Planting of new or replacement trees shall be native, deciduous hardwoods from the following list (red oak, pin oak, scarlet oak, red maple, silver maple, sugar maple, thornless honey locust, green ash).

**Explanation** - The applicant has requested that they be allowed to plant species not included on the Town’s current tree list. The applicant wants to use trees which are indigenous and native to the area but not be limited to the tree list. They wish to provide for a greater plant diversity on site which will contribute to a more varied collection of trees to promote seasonal interest, and provide protection against possible future disease.

*Salmon Health and Retirement Community ARCPUD Special Permit  
March 24, 2016*

**Findings** – The Board finds that this is a reasonable request as long as the selected trees are native and indigenous to this area.

\*\*\*\*\*

**Section 205-9 F. – Tree Replacement** – The total diameter of all trees over ten (10) inches in diameter that are removed from the site shall be replaced with trees that equal the total breast height diameter of the removed trees.

**Explanation** – The applicant has requested relief from strict interpretation of this requirement. Instead the applicant has presented a landscaping plan for the planting of 440 trees, 836 shrubs, and miscellaneous perennials and ground cover materials.

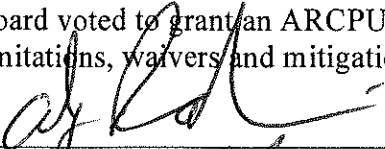
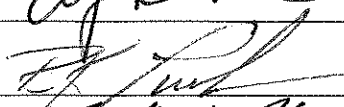
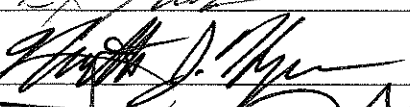


**Findings** – In light of the size of the site, the Board finds this to be a reasonable request subject to the provisions of Condition #13 re: Tree Preservation.

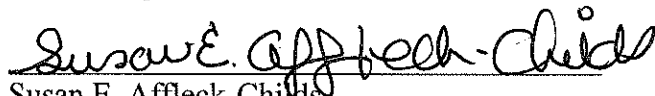
**APPEAL** - Appeals, if any, shall be pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws, as amended, and shall be filed within twenty (20) days after the date of filing of this Decision in the Office of the Town Clerk.

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 at the Registry of Deeds with this special permit and the endorsed ARCPUD plan. A copy of said recording must be returned to the Town Clerk to complete the file.

**MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

On March 24, 2016, the following members of the Medway Planning and Economic Development Board voted to grant an ARCPUD Special Permit subject to the above-stated conditions, limitations, waivers and mitigation measures.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

Attest:   
Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator



**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**The Settlement – CBD Mixed Use  
Special Permit and Site Plan**

- Notice of public hearing continuation to May 25, 2021
- Letter from project engineer Dan Merrikin dated May 12, 2021 requesting a continuation of the hearing to July 27, 2021 to provide time to prepare plan revisions (in light of the approval of the new CBD zoning regulations at the 5-10-21 Town Meeting)

### Board Members

Andy Rodenhiser, Chair  
Robert Tucker, Vice Chair  
Thomas Gay, Clerk  
Matthew Hayes, P.E.,  
Member  
Richard Di Iulio, Member  
Jessica Chabot, Associate  
Member



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[www.townofmedway.org](http://www.townofmedway.org)

## TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS

### PLANNING AND ECONOMIC DEVELOPMENT BOARD

### MEMORANDUM

April 14, 2021

TO: Stefany Ohannesian, Town Clerk  
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator

RE: **Public Hearing Continuation for The Settlement Site Plan, Mixed-Use Special Permit, and Shared Parking Special Permit**  
119A & B Main Street, 1 & 3 Elm Street  
**Continuation Date – Tuesday, May 25, 2021 at 7:15 p.m.**



At its April 13, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Thomas Steeves of Bellingham, MA for approval of a major site plan, a central business district mixed-use special permit, and a shared parking special permit for a proposed business and residential development at 119 A & B Main Street and 1 & 3 Elm Street to Tuesday, May 25, 2021 at 7:15 p.m.

***This continuation is also made pursuant to Chapter 53 of the Acts of 2020, enacted April 3, 2020, which grants authority to Massachusetts planning boards to reschedule public hearings to a date not more than 45 days after termination of the COVID-19 state of emergency. Presently, there is no conclusion date for the Covid-19 emergency.***

The applicant's proposed development includes six mixed-use, village style buildings, one at the front of the site facing Main Street and five at the back of the site, along with associated driveways, parking areas to accommodate 57 vehicles, landscaping, utility systems, and stormwater management systems. The proposal specifies a total of 12,544 sq. ft. of ground floor commercial/office space and 25,448 sq. ft. of residential space (26 apartment style dwelling units) of which 6 would be affordable. The proposed site improvements are shown on a plan titled *The Settlement, 1657, Medway MA Site Plan*, dated March 8, 2021, prepared by Legacy Engineering, of Millis, MA.

The applications, site plan, and associated documents are on file at the offices of the Town Clerk and the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The site plan and application materials have also been posted at the Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/settlement-1657-119-main-street>

The applicant will be revising the plan based on the initial review comments and discussion at the April 13<sup>th</sup> hearing. The updated plan will be loaded to the web page upon receipt. Review comments are requested.





[dan@legacy-ce.com](mailto:dan@legacy-ce.com)  
508-376-8883(o)  
508-868-8353(c)  
730 Main Street  
Suite 2C  
Millis, MA 02054

May 12, 2021

Planning & Economic Development Board  
155 Village Street  
Town Offices  
Medway, MA 02053

Ref: The Settlement, 1657  
Major Site Plan Application  
Special Permit Application  
Proposed Mixed-Use Development  
Assessors parcels 48-047, 48-047-01, 02, & 03

Dear Members of the Board:

On behalf of the Applicant, I am writing to request that the public hearing for the above-referenced application be continued without discussion to your July 27, 2021 meeting. We are still working on revisions discussed at the last hearing. Please do not hesitate to contact me if you have any questions or comments.

Sincerely,

LEGACY ENGINEERING LLC

Daniel J. Merrikin, P.E.  
President

cc: File



**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Appointment of Tom Gay as Associate  
Member of the Planning and Economic  
Development Board**

- Email dated May 19, 2021 from Tom Gay requesting appointment to the PEDB as Associate Member

NOTE – The appointment of the associate PEDB member is a joint responsibility of the PEDB and the Select Board. Appointment of Tom by the Select Board is scheduled for its June 7, 2021 meeting.

## Susan Affleck-Childs

---

**From:** tag70c3@verizon.net  
**Sent:** Wednesday, May 19, 2021 8:54 AM  
**To:** Susan Affleck-Childs  
**Cc:** andyrodenhiser@gmail.com  
**Subject:** MPEDB Associate Member

To the Medway Select Board, Medway Planning & Economic Development Board, Susan Affleck-Childs, et al...

I am writing to formally request appointment to the position of Associate Member on the Medway Planning & Economic Development Board (MPEDB).

After many years as an elected member of the the MPEDB, participating regular work of the board, I reached the difficult and personal decision to not seek re-election. There are many reasons for this but the biggest is a need for a little space and flexibility allowing for me to pay closer attention to family matters as our long term retirement goals play out.

That being said, there is some unfinished work left on the table needing completion... I firmly believe my background and involvement as a former member of the MPEDB positions me as a good candidate for the position vacated by Jessica Chabot's election. The Environmental Standards, BESS research, Sign Bylaw and a few other bits and pieces, all in which I have been actively and heavily involved, need completion. Additionally, I believe by participating as an Associate Member I can provide continuity to the process of both the MPEDB and DRC as membership on those boards changes.

In closing, I want to say how much I have enjoyed serving my home town of Medway as a full time member of the MPEDB and look forward to continuing that service in a new and slightly adjusted role.

Thank you for your consideration.

Tom Gay  
e: tag70c3@verizon.net  
t: 508.341.5174





**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Battery Energy Storage Systems  
Research – Next Steps**

- Notes from SAC on ideas for next steps

## Battery Energy Storage System – Next Steps

**Charge to the Planning and Economic Development Board** - As directed by the May 10, 2021 Medway Town Meeting, the Planning and Economic Development Board (PEDB) is charged with conducting a review and study of battery energy storage systems (BESS) and to engage the services of consultants and other experts as may be necessary to provide information on all aspects of the operations, safety, security and technology of such systems, including the economic impact of a BESS facility if located in the Town of Medway, with a report to be completed by October 15, 2021 of the Board's findings and recommendations, to include consideration potential amendments to the Medway Zoning Bylaw.

### **BESS Consultant Scope of Services**

- Organize and facilitate a series of public educational briefings for the PEDB and the community by industry experts on various aspects of BESS including but not limited to types of systems; siting; operations; safety and applicable codes; on-going maintenance; community and environmental impacts; liability; performance security; training and equipment needs for local emergency personnel; battery removal, recycling and disposal; monitoring and inspections; mitigation measures, etc.
- Assist the PEDB to evaluate possible Medway locations for BESS facilities.
- Interview communities who have gone through a BESS permitting process, construction and operation to identify lessons learned
- Assist the PEDB to conduct a series of community input sessions to take public testimony
- Prepare a report of findings and recommendations

### **Legal services – KP Law**

- Research state of the art zoning for BESS
- Review staff prepared draft ZBL amendments

### **Economic Impact Analysis – Town Manager's office**



**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Noise Environmental Standards  
Consultant – Scope of Services**

- Draft scope of services. Please review this draft for discussion and refinement at the 5-25-21 meeting.



## **DRAFT scope for Noise Consultant for Environmental Standards**

May 19, 2021

The Medway Planning and Economic Development Board (PEDB) continues to work on preparing the revision to the Zoning Bylaw environmental standards, specifically noise. It has continued to receive public comments from various points of view, and worked on refining the provisions. At this point, the Board needs expert and unbiased assistance to craft Zoning Bylaw amendment language for consideration at the November, 2021 Town Meeting that is equitable, understandable, protects the Town's citizens without unnecessary regulation of businesses, and is enforceable. We envision the following scope of services:

- Review the most recent draft of the noise standards.
- Review minutes of the PEDB meetings when this was discussed and the associated documents provided by resident John Lally, COMCAN owner Ellen Rosenfeld (and team), and PEDB member Tom Gay.
- Facilitate two ZOOM meetings with stakeholders to discuss concerns and issues – Ellen Rosenfeld, Dan Merrikin (project engineer for Ellen Rosenfeld), Andy Caballaria (Acentech, noise consultant for Ellen Rosenfeld), Tom Gay, John Lally, and Town staff.
- Attend at least two PEDB meetings to discuss findings and recommendations and obtain feedback.
- Prepare revisions to the proposed noise standards based upon the above input and your professional expertise.



**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Medway Mill Site Plan**  
**Public Hearing Continuation**  
**UPDATED**

- Public Hearing Continuation Notice to 5-25-21
- 5-10-21 submittal letter from Guerriere and Halnon (G & H) with revised site plan
- 4-6-21 G & H response letter to PGC Associates 1-6-21 review letter
- 4-6-21 G & H response letter to TT 107021 review letter
- Revised site plan dated 4-21-21
- Parking lot fencing and landscaping presentation
- Stormwater alternatives analysis by Goddard Consulting
- Miscellaneous attestation letters from Town officials and Medway Mill tenants
- Letter dated 3-31-21 from attorney Danielle Justo of RichMay Attorneys at Law with attachments, on behalf of applicant
- Email dated 3-29-21 from abutter Jannine Clifford with attachments regarding screening of parking area from her home
- PGC review comments dated 5-20-21 on the revised site plan
- Tetra Tech review comments dated 5-19-21 on the revised site plan
- **Review letter dated 5-21-21 from the Design Review Committee**

**NOTE – I will check with the Conservation Commission on the status of the project from their perspective.**

### **Board Members**

Andy Rodenhiser, Chair  
Robert Tucker, Vice Chair  
Thomas Gay, Clerk  
Matthew Hayes, P.E.,  
Member  
Richard Di Iulio, Member  
Jessica Chabot, Associate  
Member



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## **TOWN OF MEDWAY**

### **COMMONWEALTH OF MASSACHUSETTS**

## **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

### **MEMORANDUM**

April 28, 2021

RECEIVED TOWN CLERK  
APR 28 '21 PM 1:39

TO: Stefany Ohannesian, Town Clerk  
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator

RE: **Public Hearing Continuation for Medway Mill Site Plan – 165 Main Street**  
**Continuation Date – Tuesday, May 25, 2021 at 8:00 p.m.**



At its April 27, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of 165 Main Street Realty Trust of Medway, MA for site plan approval for proposed site improvements at Medway Mill at 165 Main Street to Tuesday, May 25, 2021 at 8:00 p.m.

Proposed are a series of site improvements to the 7.28 acre property located at 165 Main Street in the Agricultural-Residential II zoning district. These include creating a 41-space surface parking area with electrical vehicle charging stations and bike racks; installation of stormwater management facilities for the parking area; landscaping and lighting; and expansion of the bridge across Chicken Brook for approximately 25 linear feet on each side. As the site includes riverfront areas under the jurisdiction of the Conservation Commission, the project is also subject to its review for an Order of Conditions and a Land Disturbance Permit.

The application, site plan, and supporting documentation were filed with the Town on February 18, 2020. **The Site Plan – Medway Mills originally dated February 14, 2020, last revised December 23, 2020,** was prepared by Guerriere and Halnon of Franklin, MA. The documents are on file with the Medway Town Clerk and the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA. Project information including the revised site plan has been posted to the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-mills-major-site-plan-review>.

**We expect to receive a revised site plan once the applicant completes its permitting with Conservation. We will post it to the Board's web page upon receipt.** Please don't hesitate to contact me if you have any questions. Thanks.





# Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING

[www.gandhengineering.com](http://www.gandhengineering.com)

Est. 1972

**Milford Office**  
333 West Street, P. O. Box 235  
Milford, MA 01757-0235  
(508) 473-6630/Fax (508) 473-8243

**Franklin Office**  
55 West Central Street  
Franklin, MA 02038-2101  
(508) 528-3221/Fax (508) 528-7921

**Whitinsville Office**  
1029 Providence Road  
Whitinsville, MA 01588-2121  
(508) 234-6834/Fax (508) 234-6723

F-3519-1

May 10, 2021

Medway Planning Board  
155 Village Street  
Medway, MA 02053  
Attn: Andy Rodenhiser, Chairman

**RE: *Status Update: Medway Mill, 163-165 Main Street, Medway, MA***

Dear Members of the Board:

On behalf of our client, NRG Concept Inc, Guerriere & Halnon, Inc. please find enclosed the following information for review and discussion at the May 25, 2021 Planning Board public hearing:

- Response to comment letter from PGC Associates, LLC dated January 6, 2021;
- Response to comment letter from Tetra Tech dated January 7, 2021;
- Color renderings of the proposed parking lot prepared by Kuth-Ranieri Architects;
- Correspondence supporting the proposed project from the following:
  - Mr. Jeffrey Watson, Sergeant/Safety Officer Medway Police Department dated April 5, 2021;
  - Mr. William Tingley, Lieutenant – Medway Police Department dated April 7, 2021;
  - Mr. Michael Fasolino, Deputy Chief – Medway Fire Department dated April 7, 2021;
  - Voice message from Mr. Jack Mee, Medway Building Inspector, translated by Applicant as allowed by Mr. Mee; and
  - Several tenants with places of business located within The Stone Mill complex.
- Written correspondence prepared by the Dowling Corporation regarding construction at the access way off Lincoln Street dated April 12, 2021;
- Written correspondence prepared by RichMay, P.C. dated March 31, 2021;
- Revised Regulation Discussion of the Rivers Protection Act prepared by Goddard Consulting, LLC dated May 3, 2021 (i.e. Alternatives Analysis);
- A Long-Term Operation & Maintenance Plan for the Medway Mill Parking Expansion prepared by Guerriere & Halnon, Inc. dated February 14, 2020 and last revised April 16, 2021;
- Stormwater Report prepared by Guerriere & Halnon, Inc. dated February 14, 2020 and last revised April 21, 2021;

- Complete set of plans entitled “Site Plan Medway Mill 163-165 Main Street Medway, Massachusetts” prepared by Guerriere & Halnon, Inc. dated February 14, 2020 and last revised April 21, 2021

The following revisions have been incorporated based on comments received from the Planning Board since the original submission in February 2020:

- The propose parking area will consist of 42 parking spaces with a single drive aisle;
- The proposed trees along the northwest side of the parking area have been relocated to inside the fence line;
- Proposed parking area has been uniformly offset 15’ from the property line in accordance with the Town of Medway Rules and Regulations Section 207-12.G.3.B(F) and a waiver is no longer needed;
- Pervious paver sidewalk from the new parking area has been shifted to minimize impacts to established trees with the project area;
- Mitigation areas within the wetland resource area buffer zones and riverfront areas have been coordinated with Conservation Commission and are currently under review by the Commission; and
- Stormwater mitigation measures have been coordinated with Conservation Commission and Tetra Tech, which are depicted on the revised plan set including the following:
  - Above ground basin has been adjusted to minimize disturbance and potential impacts to the resource areas and riverfront;
  - Existing catch basins on site will be cleaned and retrofitted with hoods and solid concrete sumps;
- Color renderings of the parking area have been provided.

We trust this meets with your requirements. Please contact us at our Franklin office at (508) 528-3221 if you have any questions or require additional information.

Sincerely,  
**Guerriere & Halnon, Inc.**



Amanda Cavaliere  
Franklin Office Manager





# Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING

[www.guerriereandhalnon.com](http://www.guerriereandhalnon.com)

Est. 1972

**Milford Office**  
333 West Street, P. O. Box 235  
Milford, MA 01757-0235  
(508) 473-6630/Fax (508) 473-8243

**Franklin Office**  
55 West Central Street  
Franklin, MA 02038-2101  
(508) 528-3221/Fax (508) 528-7921

**Whitinsville Office**  
1029 Providence Road  
Whitinsville, MA 01588-2121  
(508) 234-6834/Fax (508) 234-6723

F-3519

April 28, 2021

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

RE: ***PGC Associates, LLC: Medway Mill, 163-165 Main Street, Medway, MA***

Dear Members of the Board:

On behalf of our client, N.R.G. Concepts, Guerriere & Halnon, Inc. has prepared the following information to address the comments contained in the letter from PGC Associates dated January 6, 2021.

**PGC's** findings, comments and recommendations are shown in *italics* followed by our response in **bold**.

4. *Section 204-5-D (8) specifies the contents of a landscape plan. A waiver of the requirement for a Landscape Architect may be appropriate, but another requirement that should be complied with is a maintenance program to ensure the viability of the new plants. The Conservation Commission Order of Conditions will likely address the maintenance of the remediation area, but the parking lot trees and row of shrubs between the parking lot and abutters should be addressed. A note has been added that newly planted material shall be watered for 90 days. No details on quantity or frequency or pruning or replacement if failed (beyond 1-year guarantee). Info on basin planting and mowing added. Ongoing maintenance shrubs and trees should be addressed.*

**GH: A Long-Term Operation and Maintenance Plan has been prepared to include biannual inspections of the remediation areas, basin plantings and mowing that will be incorporated into the Order of Conditions.**

10. *Section 207-19-C (1) (a) requires that a minimum of 10% of internal parking area shall be provided as landscaped island areas, exclusive of perimeter landscaping. 207-19-C (1)(b) requires landscape islands at the ends of rows with more than 15 parking spaces. The plan shows islands with trees within the parking area. No calculation indicates if the islands represent 10% of the area. Section 207-19-C (1)(d) requires at least 1 deciduous shade tree per 6 parking spaces. At 41 car spaces, 7 trees are required and 7 are provided. The applicant provided a calculation showing the internal parking area includes 2.3% of landscaped area. It is explained that the layout was determined to minimize impact on the riverfront area. A waiver is needed. There is now no*

*landscaping within the internal parking area. The parking was designed to minimize intrusion of the detention basin within the riverfront area, and the area of impervious surface has been reduced.*

**GH: No further action required.**

11. *The photometric plan is OK, but a note on it says the parking lot lights will be on from 7:30 AM to 10:00 PM. There should usually not be a need for the lights to be on during daylight hours so I think the intent was that the lights would only be on as needed between those hours. It might be better expressed as "The parking lot lights will be off from 10:00 PM to 7:30 AM."*

**GH: The photometric plan (Sheet 8 of 12) has been updated accordingly. Refer to Note 5.**

We believe these responses have addressed the concerns expressed by PGC from their review letter. Should you have any further questions or concerns, please contact our office.

Sincerely,

**Guerriere & Halnon, Inc.**



Amanda Cavaliere  
Franklin Office Manager





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(508) 234-6834/Fax (508) 234-6723

F-3519

April 28, 2021

Medway Planning Board  
155 Village Street  
Medway, MA  
Attn: Susan E. Affleck-Childs, Planning & Economic Development Coordinator

RE: ***Tetra Tech: Medway Mill, 163-165 Main Street, Medway, MA 02053***

Dear Members of the Board:

On behalf of our client, N.R.G. Concepts, Guerriere & Halnon, Inc. has prepared the following information to address the comments contained in the letter from Tetra Tech last revised January 7, 2021.

**Tetra Tech's** findings, comments and recommendations are shown in *italics* followed by our response in **bold**.

10. *A site utilities plan has not been provided. Lighting is proposed in the parking lot and electrical runs will need to be shown on the Plans. All utilities are to be installed underground. (Ch. 200 §204-5.D.7)*

**GHI 6/18/20 Response: Electrical lines and location shall be coordinated with National Grid and information will be provided after approval of site plan.**

*TT 7/9/20 Update: We recommend the PEDB Condition this item in the Decision for the Project.*

**GHI 12/29/20 Response: On behalf of the Applicant, Guerriere & Halnon, Inc. we respectfully request the PEDB condition this item in the Decision for the Project as recommended by Tetra Tech.**

*TT 1/7/21 Update: We recommend the PEDB Condition this item in the Decision for the Project. We recommend the PEDB require the Applicant provide the proposed electrical layout at the pre-construction meeting for the Project.*

**GH: Applicant defers to the Board.**

22. *Provide radii on protruding edges of curb within the proposed parking area. (Ch. 200 §207-12.H.2)*

**GHI 6/18/20 Response: The radii have been added to the layout of the parking.**

*TT 7/9/20 Update: The intention of the regulation is to provide a minimum 3-foot radius on all outside, square corners within the parking area to prevent tire puncture.*

**GHI 12/29/20 Response: Acknowledged.**

*TT 1/7/21 Update: The eastern island at the parking lot entrance contains a protruding curb edge which may puncture tires when parking in the first space. We recommend the PEDB Condition this item in the Decision as a plan edit prior to final endorsement.*

**GH: Applicant defers to the Board.**

33. *Proposed fence is white PVC. Fence type and color will need to be reviewed by the Medway Design Review Committee. (Ch. 200 §207-20.A)*

**GHI 6/18/20 Response: Acknowledged.**

*TT 7/9/20 Update: We recommend the PEDB Condition this item in the Decision for the Project. We anticipate the Medway Design Review Committee will recommend alternative colors and textures for the proposed fence.*

**GHI 12/29/20 Response: On behalf of the Applicant, Guerriere & Halnon, Inc. we respectfully request the PEDB condition this item in the Decision for the Project as recommended by Tetra Tech.**

*TT 1/7/21 Update: We recommend the PEDB Condition this item in the Decision for the Project as a plan edit prior to final endorsement. Medway DRC input is suggested for fence type, color and texture.*

**GH: Applicant defers to the Board.**

41. *The proposed fence appears to have been relocated in this latest revision to the parking layout. We suggest the Applicant provide similar fence and vegetative screening layout along the western property line similar to prior submissions. We expect abutters may request vegetation along their side of the fence for screening and the work should be coordinated with them. We recommend the PEDB Condition this item in the Decision for the Project as a plan edit prior to final endorsement.*

**GH: Native vegetation screening has been added to the plan set. On behalf of the Applicant, Guerriere & Halnon, Inc. we respectfully request the PEDB condition this item in the Decision for the Project as recommended by Tetra Tech.**

We believe these responses have addressed the concerns expressed by Tetra Tech from their review letter. Should you have any further questions or concerns, please contact our office.

Sincerely,  
**Guerriere & Halnon, Inc.**

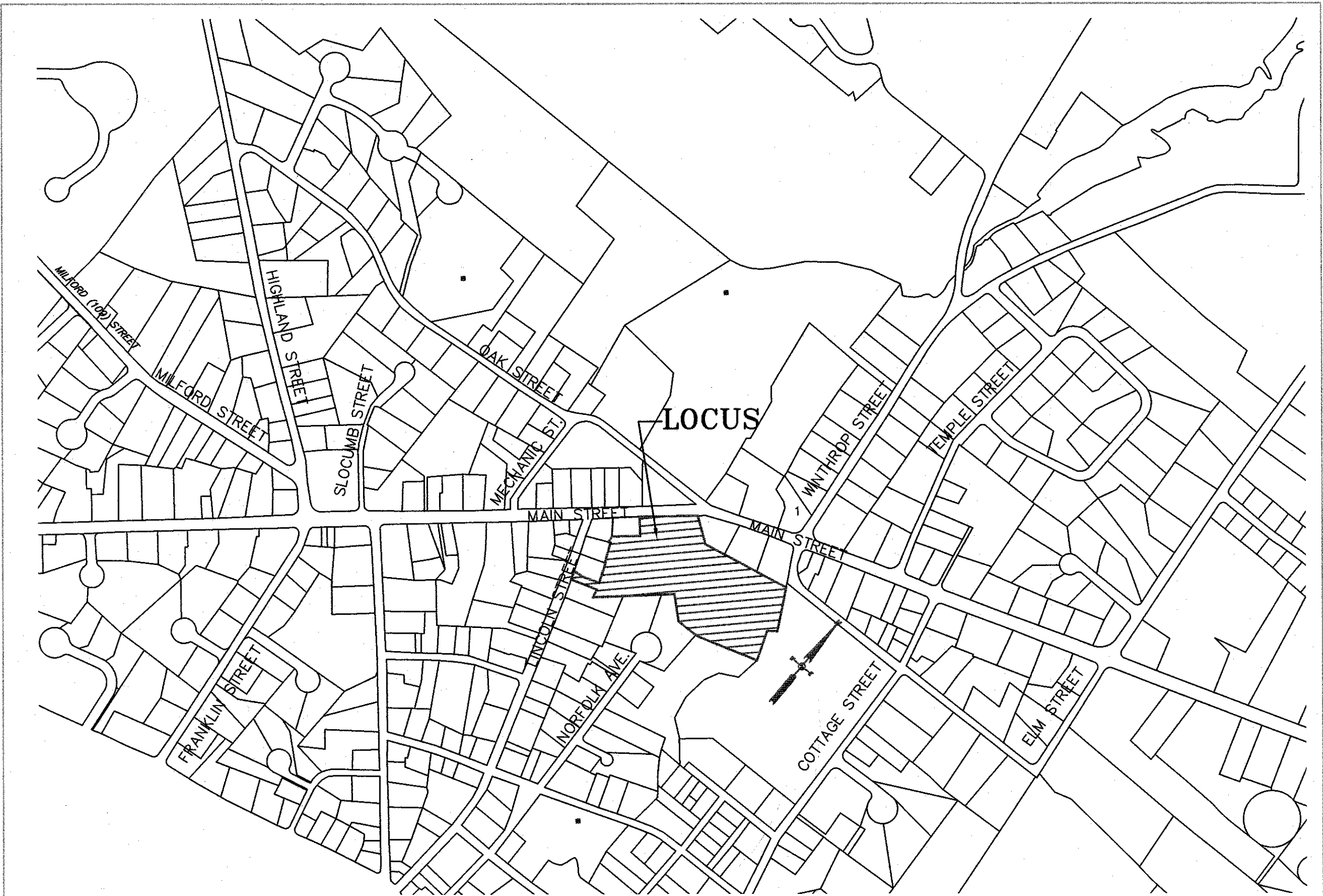


Amanda Cavaliere  
Franklin Office Manager



SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS

1. THIS SITE IS IN A FLOOD HAZARD ZONE AE AND X500.
2. THIS LAND IS ZONED AR-II.
3. THIS LAND IS LOCATED IN THE MILL CONVERSION OVERLAY DISTRICT, AN ADAPTIVE USE DISTRICT (AUOD), AND A MULTI FAMILY HOUSING OVERLAY DISTRICT (MHOD).
4. LINCOLN STREET IS CONSIDERED A SCENIC ROAD.
5. THIS LAND IS NOT LOCATED WITHIN THE NHESP AREA.
6. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES IN THE FIELD. ANY DISCREPANCY WITH THE PLANS SHOULD BE REPORTED TO THE DESIGN ENGINEER UPON DISCOVERY.
7. ALL STRIPING AND SIGNAGE TO CONFORM TO "THE MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES."
8. REFER TO MEDWAY ASSESSORS MAP 48 LOT 92.
9. THIS SITE IS NOT IN A GROUND WATER PROTECTION DISTRICT.
10. ALL EROSION CONTROL DEVICES SHALL BE IN PLACE PRIOR TO CONSTRUCTION.
11. THE OWNER/APPLICANT SHALL LIMIT CONSTRUCTION DEBRIS AND MATERIALS ON THE SITE. IN THE EVENT THAT DEBRIS IS CARRIED ONTO A PUBLIC WAY, THE OWNER/APPLICANT SHALL BE RESPONSIBLE FOR ALL CLEANUP OF THE ROADWAY.
12. THE EXISTING CONDITIONS TOPOGRAPHICAL SURVEY AND BOUNDARY SHOWN HEREIN WAS OBTAINED BY REED LAND SURVEYING, INC, 109 RHODE ISLAND ROAD, SUITE 4A, LAKEVILLE, MA 02347. MINOR FIELD SURVEY WAS DONE BY GUERRIERE & HALNON, INC TO UPDATE THE PARKING STRIPING AND OTHER MINOR FEATURES. GUERRIERE & HALNON, INC, WITH ELECTRONIC FILES PROVIDED BY REED LAND SURVEYING, CONVERTED THE DRAWING FROM THE PREVIOUS DATUM TO NAD83/NAVD88.
13. THE WETLANDS WERE DELINEATED BY GODDARD CONSULTING, INC. ON AUGUST 19, 2019



VICINITY MAP

SCALE: 1" = 500'

WAIVER REQUEST

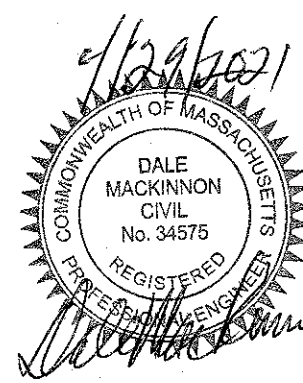
REQUEST FROM THE TOWN OF MEDWAY PLANNING BOARD  
RULES AND REGULATIONS CHAPTER 200

1. SECTION 204-3.F WRITTEN DEVELOPMENT IMPACT STATEMENT
2. SECTION 204-5.B SITE CONTEXT SHEET
3. SECTION 204-5.D.8.a PLAN PREPARED BY LANDSCAPE ARCHITECT
4. SECTION 207-17.D USE OF SHARED COMPACTORS
5. SECTION 207-19.B.2 PERIMETER LANDSCAPING
6. SECTION 207-19.H TREE REPLACEMENT

I, STEFANY OHANNESIAN, CLERK OF THE TOWN  
OF MEDWAY, RECEIVED AND RECORDED FROM  
THE PLANNING BOARD COVENANT APPROVAL  
OF THIS PLAN ON \_\_\_\_\_ AND NO  
APPEAL WAS TAKEN FOR TWENTY DAYS NEXT  
AFTER RECEIPT AND RECORDING OF SAME.

TOWN CLERK

DATE



F3519

APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE

LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF  
RECORD DOCUMENTS, MARKINGS AND OTHER  
OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE  
UNDERGROUND UTILITIES AND SHOULD BE  
CONSIDERED APPROXIMATE. PRIOR TO EXCAVATION,  
THE EXACT LOCATION OF UNDERGROUND FEATURES  
CANNOT BE ACCURATELY COMPLETELY AND  
RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT  
EVIDENCED BY RECORD DOCUMENTS OR OBSERVED  
PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN  
ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION  
40 AS AMENDED) MUST CONTACT ALL UTILITY  
COMPANIES BEFORE EXCAVATING AND DRILLING AND  
CALL DIGSAFE AT 1(888)DIG-SAFE(72333).

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY  
EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS,  
RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY  
BE REVEALED BY AN EXAMINATION OF THE TITLE.

OWNER

165 MAIN STREET REALTY TRUST  
JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA. 02053

SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS

COVER SHEET

FEBRUARY 14, 2020

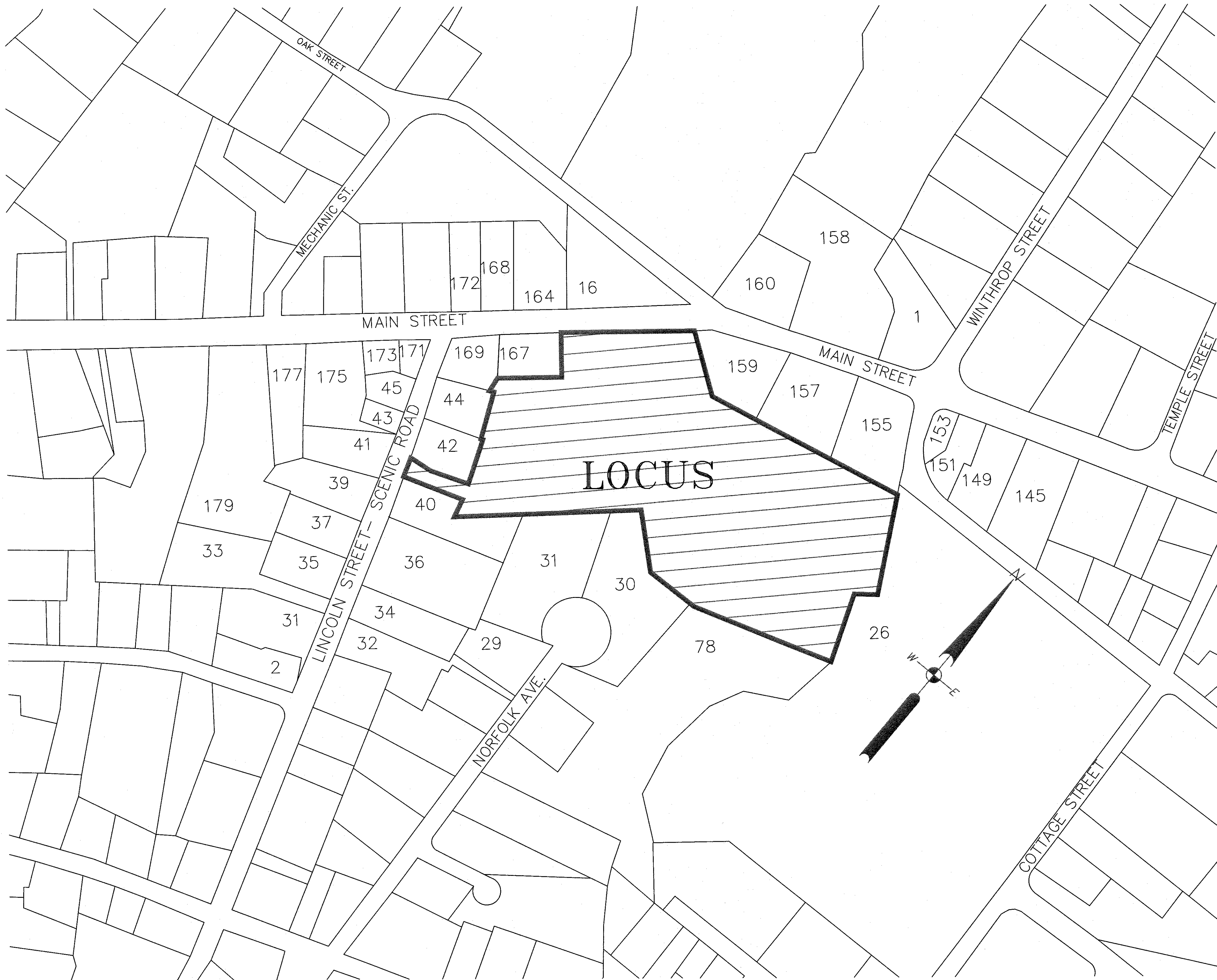
DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS
4/21/21	PER CONVERSATION WITH CLIENT AND CONSULTANT

**Guerriere & Halnon, Inc.**  
ENGINEERING & LAND SURVEYING  
55 WEST CENTRAL ST. PH. (508) 528-3221  
FRANKLIN, MA 02038 FX. (508) 528-7921  
www.gandhengineering.com

SHEET  
1 OF 13

JOB NO.  
F3519





VICINITY MAP

NOT TO SCALE

ABUTTERS

0 COTTAGE ST. EVERGREEN CEMETERY ASSOC. MAP 48 PARCEL 68  
1 CHOATE PARK RD. TOWN OF MEDWAY MAP 39 PARCEL 74

32 LINCOLN ST. RICHARD BRIGGS MAP 48 PARCEL 85  
34 LINCOLN ST. LAURIE MARCINKIEWCZ MAP 48 PARCEL 89  
35 LINCOLN ST. MICHAEL & ELIZABETH HEIDEN MAP 48 PARCEL 109  
36 LINCOLN ST. JOHN & STACEY CLOUTIER MAP 48 PARCEL 90  
37 LINCOLN ST. STEPHEN & KERI PATTERSON MAP 48 PARCEL 108  
39 LINCOLN ST. MICHAEL MARRAFFINO TRUSTEE MAP 48 PARCEL 107  
40 LINCOLN ST. JAMES COAKLEY MAP 48 PARCEL 91  
41 LINCOLN ST. JENNIFER & HANS MORRISON MAP 48 PARCEL 106  
42 LINCOLN ST. CALVIN & KAREN WHITLA MAP 48 PARCEL 93  
43 LINCOLN ST. KRISTY HARGREAVES & MICHAEL CAMPAGNA  
MAP 48 PARCEL 105  
44 LINCOLN ST. CATHERINE SANDOZ MAP 48 PARCEL 94  
45 LINCOLN ST. FEDERICO VASQUEZ MAP 48 PARCEL 104

148 MAIN ST. UNIT A TAREK CHEBAKLO MAP 48 PARCEL C-A  
148 MAIN ST. UNIT B ARTHUR PRUTSALIS MAP 48 PARCEL 9 C-B  
145 MAIN ST. EARLY CAPITAL LLC MAP 48 PARCEL 22  
149 MAIN ST. EARLY CAPITAL LLC MAP 48 PARCEL 21  
151 MAIN ST. JOHN & CHRISTINE EARLY MAP 48 PARCEL 20  
153 MAIN ST. JOHN & CHRISTINE EARLY MAP 48 PARCEL 19  
155 MAIN ST- DAVID AND TARA WERLICH MAP 48 PARCEL 99  
157 MAIN ST- 157 MAIN ST. REALTY TRUST MAP 48 PARCEL 98  
158 MAIN ST- WOMACK FAMILY FUNDING MAP 48 PARCEL 2  
159 MAIN ST- PAUL & KATHLEEN YORKIS MAP 48 PARCEL 97  
160 MAIN ST- SHIRLEY MCDANIEL MAP 48 PARCEL 1  
164 MAIN ST. FASLAND LLC MAP 48 PARCEL 114  
167 MAIN ST. JOHN & CHARLENE KAIRIT MAP 48 PARCEL 96  
168 MAIN ST. RICHARD & KRYSTIN FRASER MAP 48 PARCEL 115  
169 MAIN ST. I O O F TRUST MAP 48 PARCEL 95

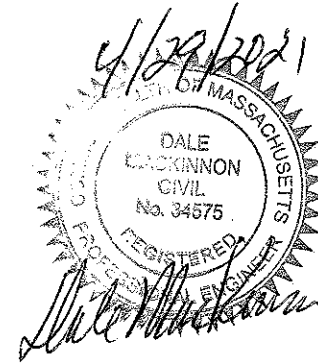
170 MAIN ST. UNIT A ARTHUR COWAN MAP 48 PARCEL 116- CA  
170 MAIN ST. UNIT B RICHARD HUFFAM & MARK DENOMMEE  
MAP 48 PARCEL 116- CB  
171 MAIN ST. JOSE & DAMARYS CAICEDO MAP 48 PARCEL 103  
172 MAIN ST. FRANCIS & MARGARET YERED MAP 48 PARCEL 117  
173 MAIN ST. STEVEN LINNELL MAP 48 PARCEL 102  
174-A MAIN ST. PAUL CHELMAN & ROSE COTE MAP 47 PARCEL 35-A  
174-B MAIN ST. MICHAEL OLIVAL MAP 47 PARCEL 35-B  
175 MAIN ST. CHERYL ROSENBERG TRUSTEE 1 MAP 48 PARCEL 101  
177 MAIN ST. ERIC & TANYA BOUWMAN MAP 48 PARCEL 100  
179 MAIN ST. VLADIMIR & SUZANNE ATEYZEK MAP 47 PARCEL 43

14 MECHANIC ST. WILLIAM & BETTYE REARDON MAP 48 PARCEL 112

26 NORFOLK AVE. CHRISTOPHER & KRISTIN BRODEUR MAP 48 PARCEL 80  
29 NORFOLK AVE. PETER & BRENDA LEE CHAPIN MAP 48 PARCEL 84  
30 NORFOLK AVE. JENNIFER & JOHN DIGIACOMO MAP 48 PARCEL 82  
31 NORFOLK AVE. THOMAS & CLAUDETTE BANNON MAP 48 PARCEL 83

0 OAK ST. TOWN OF MEDWAY MAP 39 PARCEL 74-1

1 WINTHROP ST. LINDA S. RUSSO REVOCABLE TRUST MAP 48 PARCEL 3



F3519

APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE

LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. AND SHOULD BE CONSIDERED APPROXIMATE. PRIOR TO EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE(7233).

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

OWNER

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JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

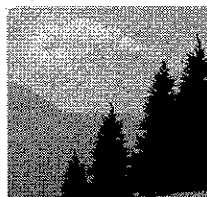
NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA 02053

SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS

ABUTTERS FOR 300FT.

FEBRUARY 14, 2020

DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS
4/21/21	PER CONVERSATION WITH CLIENT
	AND CONSULTANT



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SHEET

2 OF 13

JOB NO.

F3519





F3519

APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE

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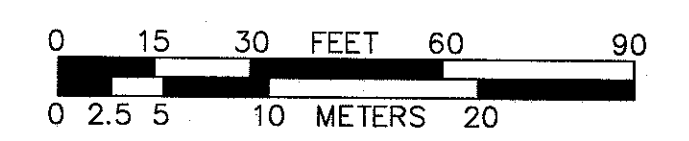
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MEDWAY, MA 02053

**SITE PLAN  
MEDWAY MILL  
161-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS**

**EXISTING CONDITIONS**

**FEBRUARY 14, 2020**

DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS
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SHEET

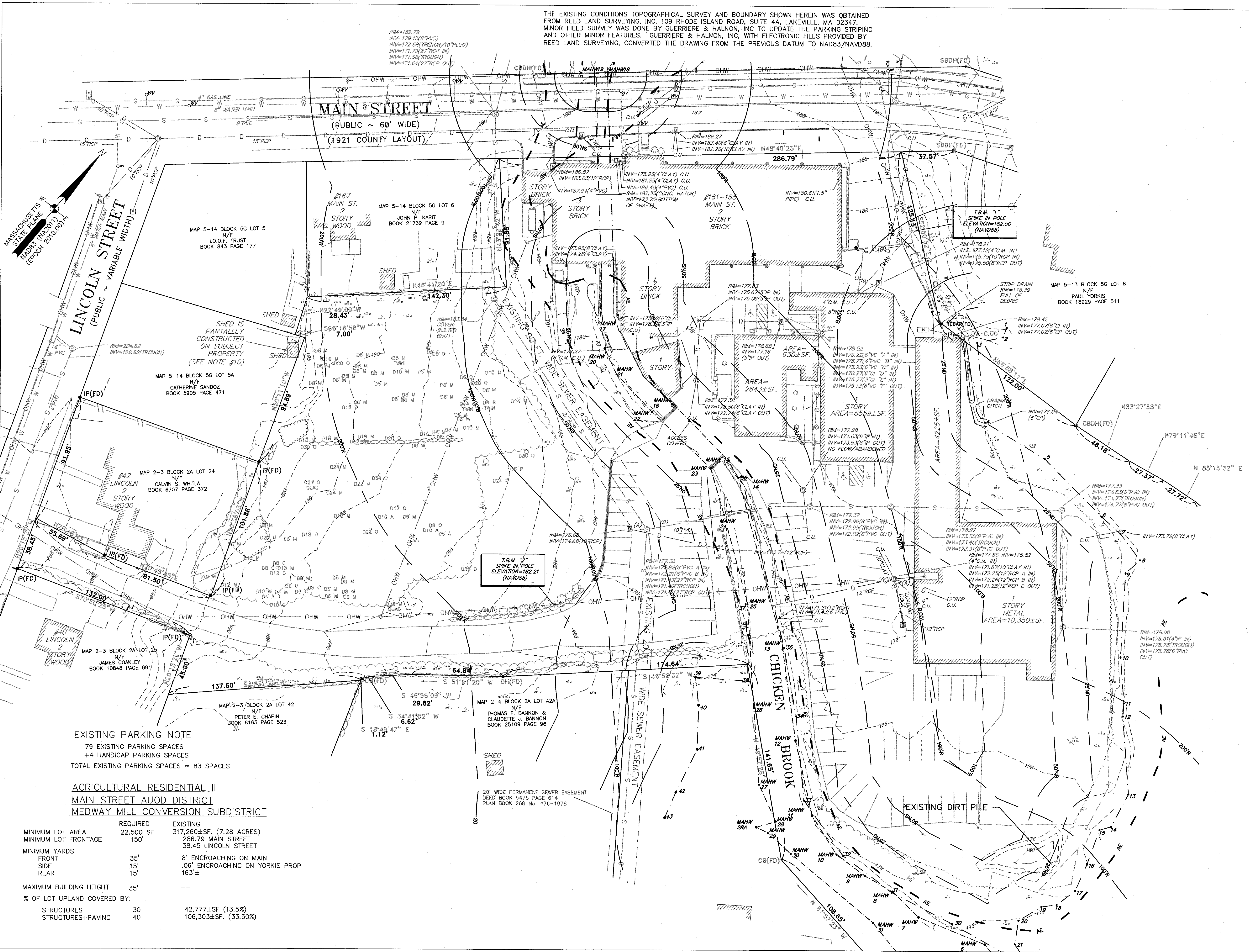
3 OF 13

JOB NO.

F3519

THE EXISTING CONDITIONS TOPOGRAPHICAL SURVEY AND BOUNDARY SHOWN HEREIN WAS OBTAINED FROM REED LAND SURVEYING, INC. 109 RHODE ISLAND ROAD, SUITE 4A, LAKEVILLE, MA 02347. MINOR FIELD SURVEY WAS DONE BY GUERRIERE & HALON, INC. TO UPDATE THE PARKING STRIPING AND OTHER MINOR FEATURES. GUERRIERE & HALON, INC. WITH ELECTRONIC FILES PROVIDED BY REED LAND SURVEYING, CONVERTED THE DRAWING FROM THE PREVIOUS DATUM TO NAD83/NAVD88.

RM=189.79  
INV=179.13(8" PVC)  
INV=172.58(TRENCH/10" PLUG)  
INV=171.73(27" RCP IN)  
INV=171.68(TROUGH)  
INV=171.64(27" RCP OUT)



**EXISTING PARKING NOTE**

79 EXISTING PARKING SPACES  
+4 HANDICAP PARKING SPACES  
TOTAL EXISTING PARKING SPACES = 83 SPACES

**AGRICULTURAL RESIDENTIAL II  
MAIN STREET AUOD DISTRICT  
MEDWAY MILL CONVERSION SUBDISTRICT**

	REQUIRED	EXISTING
MINIMUM LOT AREA	22,500 SF	317,260±SF. (7.28 ACRES)
MINIMUM LOT FRONTAGE	150'	286.79 MAIN STREET 38.45 LINCOLN STREET
MINIMUM YARDS		
FRONT	35'	8' ENCROACHING ON MAIN
SIDE	15'	.06' ENCROACHING ON YORKIS PROP
REAR	15'	163'±
MAXIMUM BUILDING HEIGHT	35'	--
% OF LOT UPLAND COVERED BY:		
STRUCTURES	30	42,777±SF. (13.5%)
STRUCTURES+PAVING	40	106,303±SF. (33.50%)



STORM DRAINAGE NOTES

SPECIAL CONSIDERATION FOR INLET CONTROLS FOR EROSION COLLECTION BEFORE ENTERING DRAINAGE SYSTEM:

- 1. INSTALL SILT SACKS.
- 2. BARRIER AROUND CATCH BASIN, MULCH SOCK OR EQUAL
- 3. INSTALL FILTER FABRIC ON ALL DRAIN MANHOLE OUTLETS DISCHARGING TO INFILTRATION SYSTEM.
- 4. INSPECTIONS BEFORE AND AFTER STORM EVENTS ARE REQUIRED TO INSURE ADEQUACY OF EROSION CONTROL MEASURES.
- 5. CONTRACTOR & ARCHITECT ARE TO VERIFY SITE UTILITIES PRIOR TO DESIGN & CONSTRUCTION.
- 6. ALL DRAINAGE PIPES ARE TO BE 12" CLASS V RCP.
- 7. ALL PIPE GASKETS SHALL BE PRE-MOLDED NEOPRENE O-RING TYPE (300-11 B.(2)(A)).

EXCESS MATERIALS WILL BE MAINTAINED AND REMOVED OFF SITE DUE TO LIMITED SPACE.

UTILITY NOTE

ALL UTILITIES SHALL BE CONSTRUCTED ACCORDING TO STATE AND LOCAL REGULATIONS.

TESTING INFORMATION

TESTING DATE: MARCH 25, 2010 SOIL EVALUATOR: DONALD NIELSEN, SE #1744

192.00	TP 1	186.10	TP 2	176.80	TP 3
	LOAM 10YR2/2	9"	LOAM 10YR3/2	6"	LOAM 10YR3/2
191.25	SUBSOIL	24"	SUBSOIL	12"	FILL 10YR5/6
189.25	10YR5/8		184.60	10YR5/6	173.80
	SAND W/SILT TRACES 3"-6" COBBLES BONNY ANGULAR BOF OF HOLE	63"		SAND W/ 3"-6" COBBLES	173.05
184.00	10Y5/8		180.35	10Y5/4	171.80
	REFUSAL @ 8" NO GW @ 8"				SUBSOIL
					15"
					COARSE SAND 3"-6" COBBLES
					15"
					RUST & GW @ 60"
181.20	TP 4	176.65	TP 5	176.10	TP 6
	LOAM	12"	FILL	6"	SANDY LOAM FILL
180.20	SUBSOIL	24"	176.15	LOAM	12"
178.20	SANDY LOAM	54"	175.15	GRAVELLY SUBSOIL	24"
	3"-6" COBBLES SOME SILT		173.15	FINE SILTY SAND	12"
173.70	GW @ 88"	172.15		10Y5/6	
					12"
					GW @ 4'-6"
174.50	TP 7				
174.34	MULCH	2"			
168.84	CLEAN SAND FILL	66"			
166.84	LOAM 10YR5/6	24"			
	COARSE GRAVEL	12"			
165.84	10Y5/3				
	GW @ 60"				

AGRICULTURAL RESIDENTIAL II  
MAIN STREET AUOD DISTRICT  
MEDWAY MILL CONVERSION SUBDISTRICT

MINIMUM LOT AREA	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT FRONTAGE	22,500 SF	317,260±SF. (7.28 ACRES)	317,260±SF. (7.28 ACRES)
MINIMUM YARDS	150'	286.79 MAIN STREET	286.79 MAIN STREET
FRONT	35'	38.45 LINCOLN STREET	38.45 LINCOLN STREET
SIDE	15'	8' ENCROACHING ON MAIN	8' ENCROACHING ON MAIN
REAR	15'	.06' ENCROACHING ON YORKIS PROP	.06' ENCROACHING ON YORKIS PROP
MAXIMUM BUILDING HEIGHT	35'	163'±	163'±
% OF LOT UPLAND COVERED BY:			
STRUCTURES	30	42,777±SF (13.5%)	42,777±SF (13.5%)
STRUCTURES+PAVING	40	106,303±SF. (33.50%)	125,029±SF. (39.40%)
PARKING	134	83 PARKING SPACES	135 TOTAL PARKING SPACES

EXISTING BUILDING AREAS:

	OFFICE SPACE	RETAIL	STORAGE
MAIN MILL			
FIRST FLOOR	10,790±SF.	4325±SF.	
SECOND FLOOR	8826±SF.	1505±SF.	258±SF.
THIRD FLOOR	1875±SF.		
REAR BUILDING			
FIRST FLOOR	4449±SF.		
TENANT BAY BUILDINGS			
FIRST FLOOR	1075±SF.	4537±SF.	8327±SF.
TOTAL AREAS	27,015±SF.	10,367±SF.	8585±SF.

REQUIRED PARKING FOR EXISTING USES:

PARKING SPACES REQUIRED	90 SPACES	35 SPACES	9 SPACES
TOTAL PARKING REQUIRED=	134 PARKING SPACES		

PARKING NOTES

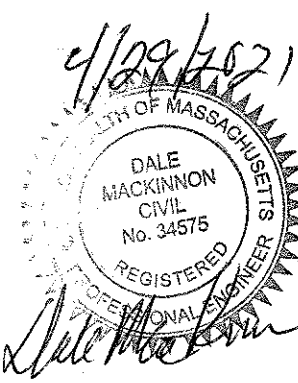
1. EXISTING PARKING SPACES ON SITE = 83 PARKING SPACES.
2. 15 PARKING SPACES PROPOSED TO THE EAST SIDE OF SITE.
3. 42 NEW PARKING SPACES PROPOSED ON THE WEST SIDE OF SITE.
4. 5 PARKING SPACES REMOVED DUE TO THE BRIDGE EXPANSION.
5. ONE SPACE REMOVED FOR HANDICAP PARKING
6. ONE SPACE ADDED ON WEST SIDE OF SITE
7. A TOTAL OF PARKING SPACES FOR THIS SITE = 135 PARKING SPACES

LEGEND

⊞	CATCH BASIN	☆	PROPOSED LIGHT POLE
⊞	DRAIN MANHOLE	⊞	UTILITY POLE
⊞	ELECTRIC MANHOLE	⊞	GUY WIRE
⊞	SEWER MANHOLE	⊞	SIGN
⊞	GAS VALVE	— S —	SEWER LINE
⊞	GAS SHUT OFF VALVE	— D —	DRAIN LINE
⊞	WATERGATE	— W —	WATER LINE
⊞	WATER SHUT OFF VALVE	— G —	GAS LINE
⊞	FIRE HYDRANT	— ETC —	ELEC., TEL. CABLE
VCC	VERTICAL CONC CURB	— OHW —	OVERHEAD WIRES
RW	RETAINING WALL	— 25' B —	25' WETLAND BUFFER
A.F.G.	ABOVE FINISH GRADE	EP	EDGE OF PAVEMENT
⊞	ARBORVITAE	X 000.0	SPOT ELEVATION
⊞	SHRUB	• C.O.	CLEAN OUT
⊞	TREE	⊞	ELECTRIC METER

TEMPORARY RETENTION AREA NOTES:

1. CONSTRUCT TEMPORARY RETENTION AREA TO COLLECT RUNOFF.
2. THE TEMPORARY RETENTION AREA IS TO BE UTILIZED AS A TEMPORARY SEDIMENTATION TRAP DURING CONSTRUCTION.
3. ALL CONSTRUCTION GRADES IN THE INTERIM SHALL BE SLOPED TO FLOW INTO THE TEMPORARY RETENTION AREA, WHERE POSSIBLE.
4. CLEAN ALL SEDIMENT OUT OF TEMPORARY RETENTION AREA PRIOR TO FINAL GRADING AND SURFACE STABILIZATION.
5. ONCE SITE IS STABILIZED REMOVE ALL REMAINING ACCUMULATED SEDIMENT AT THE BOTTOM OF THE SEDIMENT TRAP.
6. SEDIMENT CONTROL SHALL REMAIN IN PLACE UNTIL THE SITE IS STABILIZED.
7. CLEAN ALL ON SITE CATCH BASINS, MANHOLES, PIPING, TEMPORARY SEDIMENT TRAP, AND INFILTRATION CHAMBERS. INSTALL SILT BAGS AT EACH CATCH BASIN.
8. FOR FURTHER EROSION CONTROL NOTES REFER TO THE FOLLOWING SECTIONS ON THE DETAIL SHEETS:  
"INTERIM EROSION CONTROL AND CONSTRUCTION SEQUENCE"  
"GENERAL EROSION CONTROL AND CONSTRUCTION NOTES"



F3519

APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE

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OWNER

165 MAIN STREET REALTY TRUST  
JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

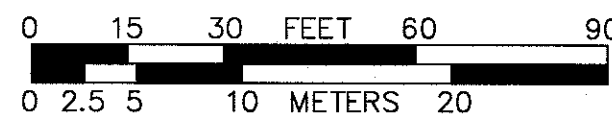
NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS

GENERAL NOTES

FEBRUARY 14, 2020

DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS
4/21/21	PER CONVERSATION WITH CLIENT
	AND CONSULTANT



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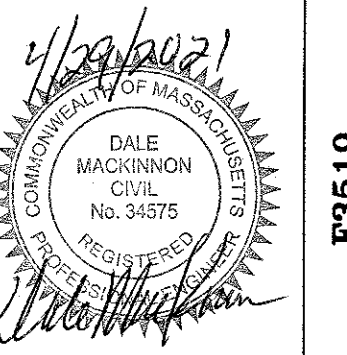
SHEET

4 OF 13

JOB NO.

F3519





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MEDWAY PLANNING BOARD

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MEDWAY, MA. 02053

**SITE PLAN**  
**MEDWAY MILL**  
**163-165 MAIN STREET**  
**MEDWAY**  
**MASSACHUSETTS**

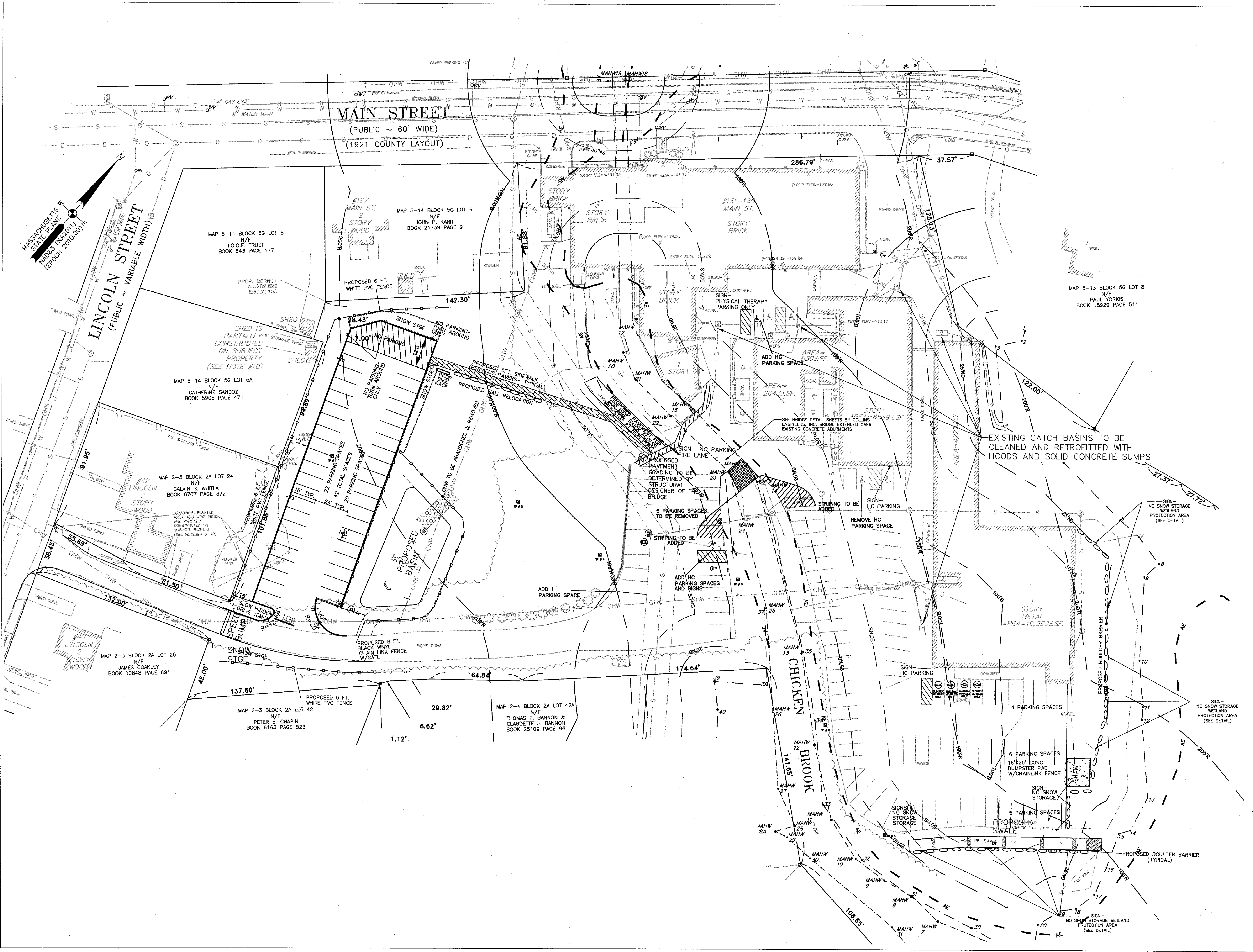
**SITE LAYOUT**

**FEBRUARY 14, 2020**

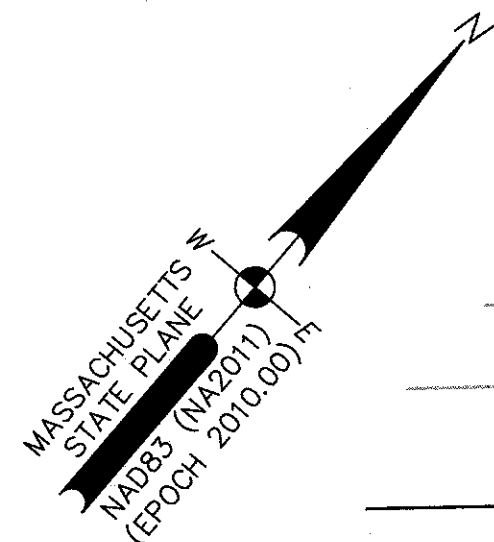
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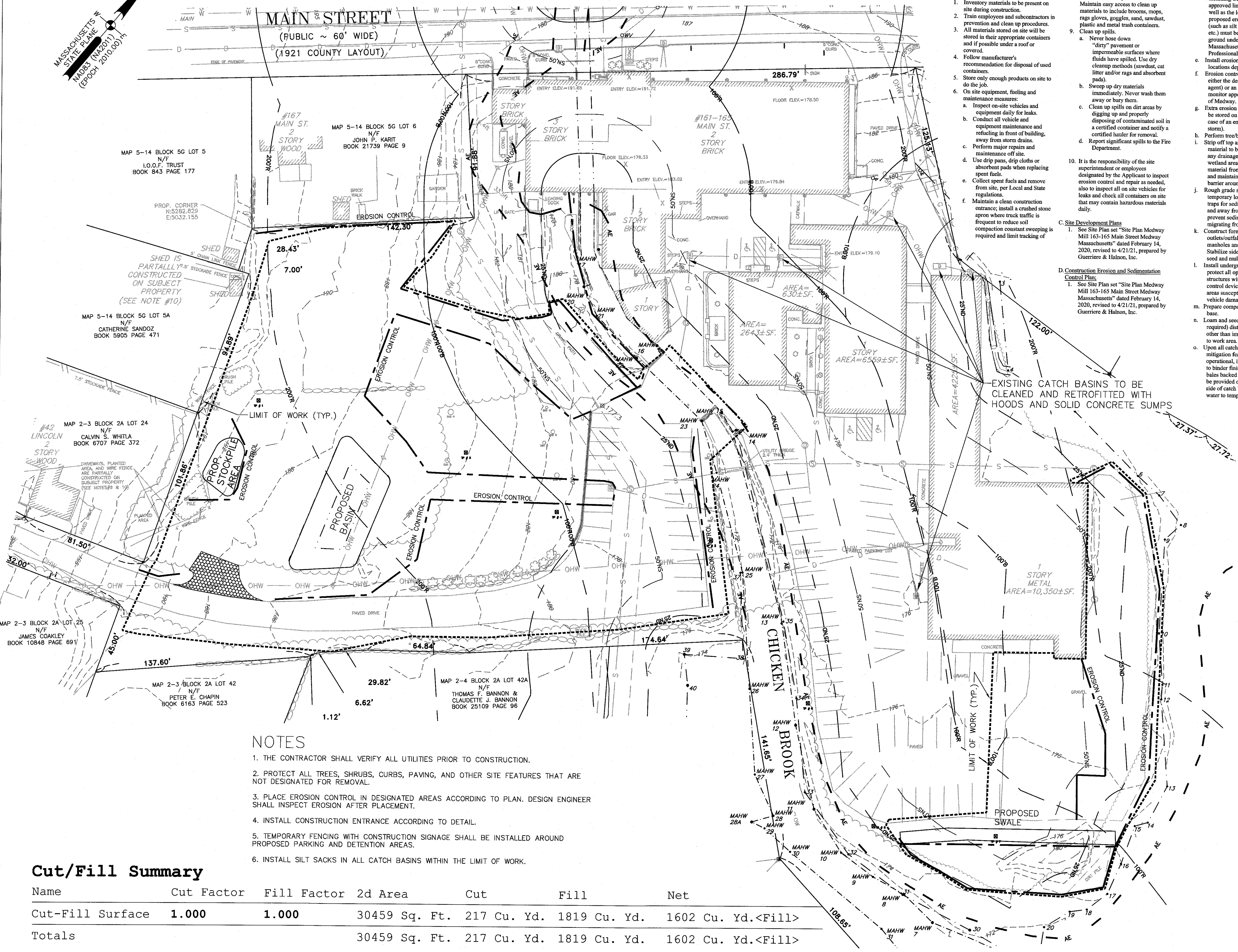
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## MAIN STREET (PUBLIC ~ 60' WIDE) (1921 COUNTY LAYOUT)



### NOTES

1. THE CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
2. PROTECT ALL TREES, SHRUBS, CURBS, PAVING, AND OTHER SITE FEATURES THAT ARE NOT DESIGNATED FOR REMOVAL.
3. PLACE EROSION CONTROL IN DESIGNATED AREAS ACCORDING TO PLAN. DESIGN ENGINEER SHALL INSPECT EROSION AFTER PLACEMENT.
4. INSTALL CONSTRUCTION ENTRANCE ACCORDING TO DETAIL.
5. TEMPORARY FENCING WITH CONSTRUCTION SIGNAGE SHALL BE INSTALLED AROUND PROPOSED PARKING AND DETENTION AREAS.
6. INSTALL SILT SACKS IN ALL CATCH BASINS WITHIN THE LIMIT OF WORK.

### Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
Cut-Fill Surface	1.000	1.000	30459 Sq. Ft.	217 Cu. Yd.	1819 Cu. Yd.	1602 Cu. Yd.<Fill>
Totals			30459 Sq. Ft.	217 Cu. Yd.	1819 Cu. Yd.	1602 Cu. Yd.<Fill>

#### A. Names of Persons or Entities Responsible for Plan Compliance

John Greene  
NRG Concepts, Inc.  
165 Main Street  
Suite 307  
Medway, MA 02053  
Tel: 508-367-8745

#### B. Construction Period Pollution Prevention Measures

1. Inventory materials to be present on site during construction.
2. Train employees and subcontractors in prevention and clean up procedures.
3. All materials stored on site will be stored in their appropriate containers and if possible under a roof or covered.
4. Follow manufacturer's recommendation for disposal of used containers.
5. Store only enough products on site to do the job.
6. On site equipment, fueling and maintenance measures:
  - a. Inspect on-site vehicles and equipment daily for leaks.
  - b. Conduct all vehicle and equipment maintenance and refueling in front of building, away from storm drains.
  - c. Perform major repairs and maintenance off site.
  - d. Use drip pans, drip cloths or absorbent pads when replacing spent fuels.
  - e. Collect spent fuels and remove from site, per Local and State regulations.
  - f. Maintain a clean construction entrance; install a crushed stone apron where truck traffic is frequent to reduce soil compaction constant sweeping is required and limit tracking of

sediment into streets, sweeping street when silt is observed on street.

7. A temporary concrete washout station and equipment wash station shall be located on the site. Areas shall be surrounded with a silt fence and or Filter Mitt to contain materials and provide ease of cleanup.
8. Stock pile materials, and maintain Erosion Control around the materials where it can easily be accessed.
9. Clean up spills
  - a. Never hose down "dirty" pavement or impermeable surfaces where fluids have spilled. Use dry cleanup methods (sawdust, rags, gloves, goggles, sand, sawdust, plastic and metal trash containers).
  - b. Sweep up dry materials immediately. Never wash them away or bury them.
  - c. Clean up spills on dirt areas by digging up and properly disposing of contaminated soil in a certified container and notify a certified hauler for removal.
  - d. Report significant spills to the Fire Department.

10. It is the responsibility of the site superintendent or employees designated by the Applicant to inspect erosion control and repair as needed, also to inspect all on site vehicles for leaks and check all containers on site that may contain hazardous materials daily.

#### C. Site Development Plans

1. See Site Plan set "Site Plan Medway Mill 163-165 Main Street Medway Massachusetts" dated February 14, 2020, revised to 4/21/21, prepared by Guerriere & Halnon, Inc.

#### D. Construction Erosion and Sedimentation Control Plan

1. See Site Plan set "Site Plan Medway Mill 163-165 Main Street Medway Massachusetts" dated February 14, 2020, revised to 4/21/21, prepared by Guerriere & Halnon, Inc.

#### E. Plans

1. Construction Sequencing Plan
  - a. A NPDES NOI shall be filed with the EPA.
  - b. Record Order of Conditions - The site superintendent shall be aware of all the Conditions contained within the Order including inspection schedules.
  - c. Install DEP File F Sign.
  - d. Prior to any work on the site including tree/brush clearing, the approved limit of clearing as well as the location of the proposed erosion control devices (such as silt fence/straw bales, etc.) must be staked on the ground under the direction of a Massachusetts registered Professional Land Surveyor.
  - e. Install erosion control barrier at locations depicted on the plans.
  - f. Erosion control to be inspected by either the design engineer (or agent) or an erosion control monitor appointed by the Town of Medway.
  - g. Extra erosion control devices shall be stored on the site to be used in case of an emergency (large storm).
  - h. Perform tree/brush removal.
  - i. Strip off top and subsoil. Stockpile material to be reused away from any drainage inlet or protected wetland areas, remove excess material from the site. Install and maintain erosion control barrier around stockpile.
  - j. Rough grade site, maintaining temporary low areas/sediment traps for sediment accumulation and away from the wetlands and prevent sedimentation from migrating from the site.
  - k. Construct forebay/basin, and outlets/outfalls. Install pipes, manholes and catch basins. Stabilize side slopes with loam, seed and mulch.
  - l. Install underground utilities; protect all open drainage structures with erosion/siltation control devices, and rope off any areas susceptible to heavy vehicle damage.
  - m. Prepare compacted pavement base.
  - n. Loam and seed (mulch as required) disturbed areas of site other than immediately adjacent to work area.
  - o. Upon all catchment structures and mitigation features becoming operational, install pavement up to binder finish grade. Straw bales backed by crushed stone to be provided on down gradient side of catch basins to direct water to temporary basin.

- p. Install curbing and catch basin curb inlets.
- q. Install final pavement wearing course.
- r. Construct pervious sidewalk.
- s. Finish grade - loam and seed (mulch as required adjacent to parking lot).
- t. Maintain all erosion control devices until site is stabilized and final inspections are performed.

The Contractor shall be responsible to schedule any required inspections of his/her work.

2. Construction Waste Management Plan
  - a. Dumpster for trash and bulk waste collection shall be provided separately for construction.
  - b. Recycle materials whenever possible (paper, plaster cardboard, metal cans). Separate containers for material are recommended.
  - c. Segregate and provide containers for disposal options for waste.
  - d. Do not bury waste and debris on site.
  - e. Certified haulers will be hired to remove the dumpster container waste as needed. Recycling products will also be removed off site weekly.
  - f. The sewer system is only for disposal of human waste, and substances permitted for disposal by the Charles River Pollution Control District (CRPCD).

#### F. Operation and Maintenance of Erosion and Sedimentation Controls

The operation and maintenance of sedimentation control shall be the responsibility of the contractor. The inspection and maintenance of the storm water component shall be performed as noted below. The contractor shall, at all times have erosion control in place. The contractor, based on future weather reports shall prepare and inspect all erosion control devices; cleaning, repairing and upgrading is a priority so that the devices perform as per design. Inspect site during rain events. Don't stay away from the site. At a minimum, there should be inspection to assure the devices are not clogged or plugged, or that devices have not been destroyed or damaged during the rain event. After a storm event inspection is required to clean and repair any damage components. Immediate repair is required.

#### G. Inspection and Maintenance Schedules

1. Inspection must be conducted at least once every 7 days and within 24 hours prior to and after the end of a storm event 0.5 inches or greater.
2. Inspection frequency can be reduced to once a month if:
  - a. The site is temporarily stabilized.
  - b. Runoff is unlikely due to winter conditions, when site is covered with snow or ice.
3. Inspections must be conducted by qualified personnel. "qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls and who possesses the skills to assess the conditions and take measures to maintain and ensure proper operation, also to conclude if the erosion control methods selected are effective.
4. For each inspection, the inspection report must include:
  - a. The inspection date.
  - b. Names, titles of personnel making the inspection.
  - c. Weather information for the period since the last inspection.
  - d. Weather information at the time of the inspection.
  - e. Locations of discharges of sediment from the site, if any.
  - f. Locations of BMPs that need to be maintained.
  - g. Locations where additional BMPs may be required.
  - h. Corrective action required or any changes to the SWPPP that may be necessary.
5. Qualified personnel shall inspect the following in-place work;

Inspection Schedule:	
Erosion Control	Weekly
Catch Basins	Weekly
Temporary Sedimentation	
Traps/Basins	Weekly
Pavement Sweeping	Weekly

Please Note: Special inspections shall also be made after a significant rainfall event.

#### Maintenance Schedule

Erosion Control Devices Failure	Immediately
Temporary Sedimentation	
Traps/Basins	As needed
Pavement Sweeping	14 days minimum and prior to any significant rain event.

Please Note: Special maintenance shall also be made after a significant rainfall event.

#### H. Inspection and Maintenance Log Form

1. See Construction Phase Inspection and Maintenance Form attached

APPROVED DATE:

MEDWAY PLANNING BOARD

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JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA. 02053

SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS

EROSION CONTROL  
LIMIT OF CLEARING

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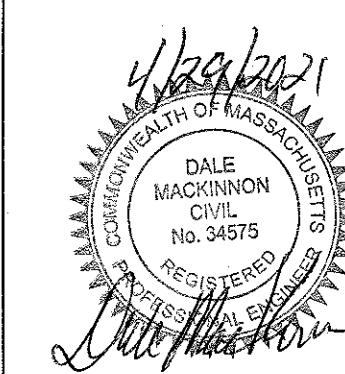
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JOB NO.

F3519





**F3519**

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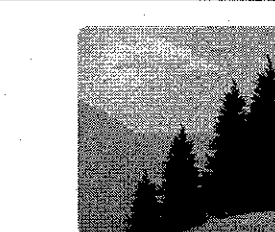
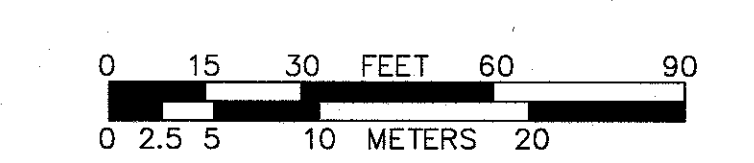
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NRG CONCEPTS, INC. 165 MAIN STREET SUITE 307 MEDWAY, MA. 02053
SITE PLAN MEDWAY MILL 163-165 MAIN STREET MEDWAY MASSACHUSETTS

## GRADING AND DRAINAGE

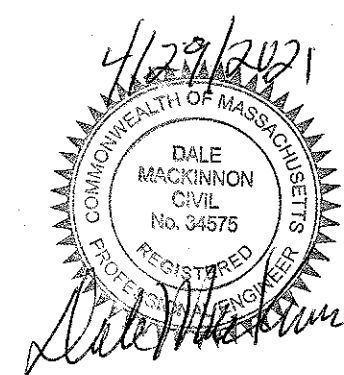
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SHEET <b>7 OF 13</b>	JOB NO. <b>F3519</b>
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A.M. 48 LOT 092

APPLICANT

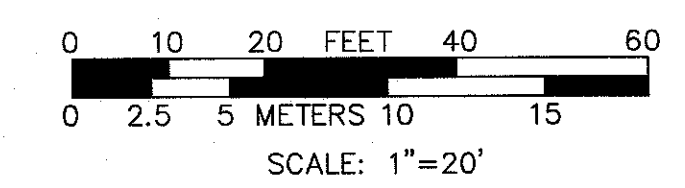
NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA 02053

**SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS**

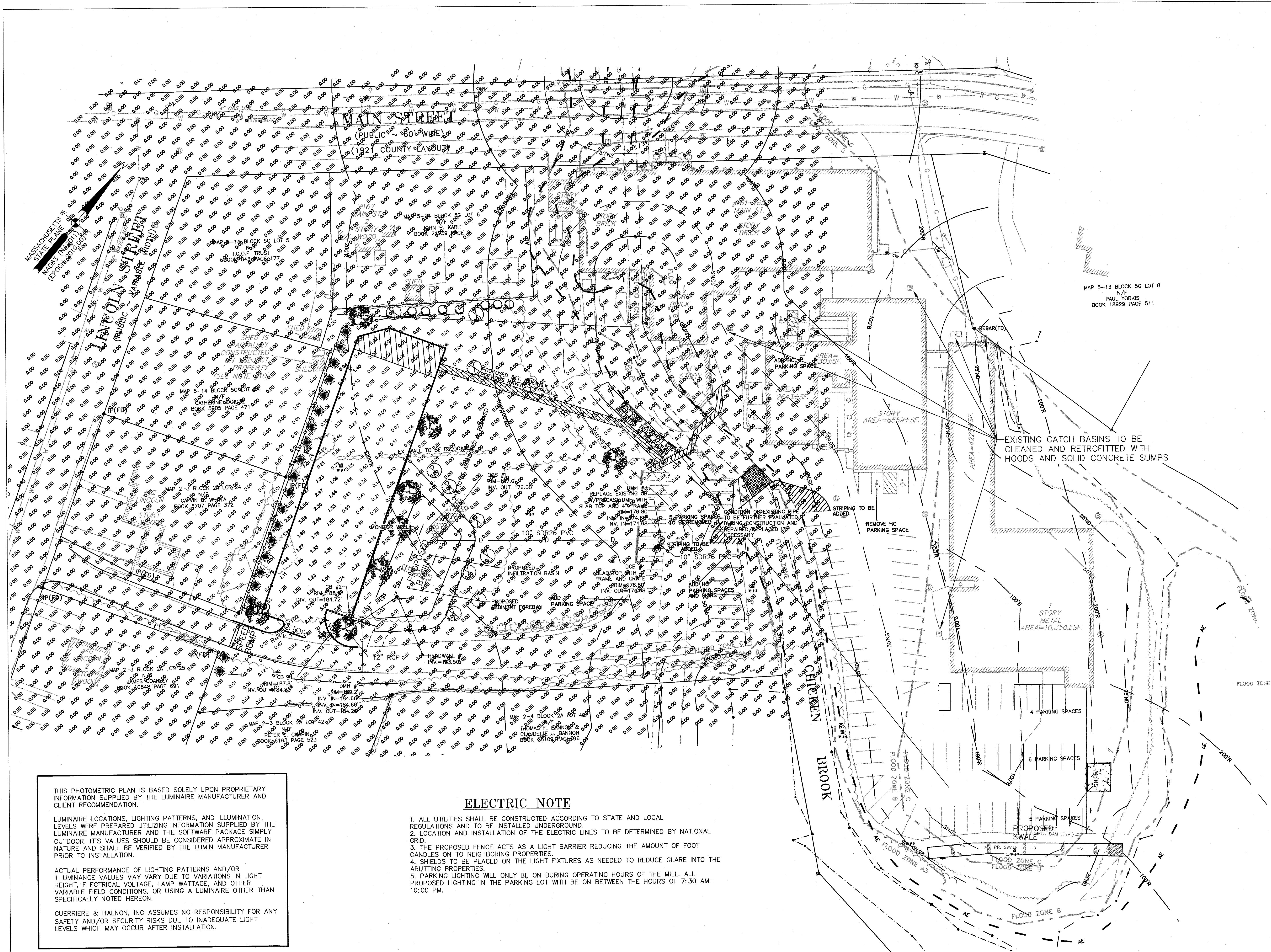
**PHOTOMETRICS**

**FEBRUARY 14, 2020**

DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS
4/21/21	PER CONVERSATION WITH CLIENT AND CONSULTANT



**Guerriere & Halnon, Inc.**  
ENGINEERING & LAND SURVEYING  
55 WEST CENTRAL ST. PH. (508) 528-3221  
FRANKLIN, MA 02038 FX. (508) 528-7921  
www.gandhengineering.com



**ELECTRIC NOTE**

1. ALL UTILITIES SHALL BE CONSTRUCTED ACCORDING TO STATE AND LOCAL REGULATIONS AND TO BE INSTALLED UNDERGROUND.
2. LOCATION AND INSTALLATION OF THE ELECTRIC LINES TO BE DETERMINED BY NATIONAL GRID.
3. THE PROPOSED FENCE ACTS AS A LIGHT BARRIER REDUCING THE AMOUNT OF FOOT CANDLES ON TO NEIGHBORING PROPERTIES.
4. SHIELDS TO BE PLACED ON THE LIGHT FIXTURES AS NEEDED TO REDUCE GLARE INTO THE ADJUTING PROPERTIES.
5. PARKING LIGHTING WILL ONLY BE ON DURING OPERATING HOURS OF THE MILL. ALL PROPOSED LIGHTING IN THE PARKING LOT WITH BE ON BETWEEN THE HOURS OF 7:30 AM-10:00 PM.

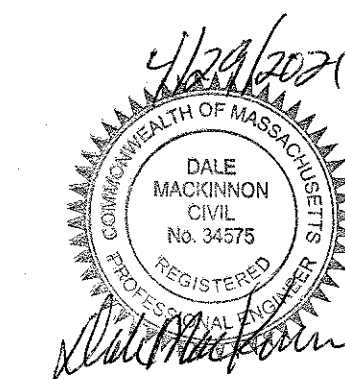
THIS PHOTOMETRIC PLAN IS BASED SOLELY UPON PROPRIETARY INFORMATION SUPPLIED BY THE LUMINAIRE MANUFACTURER AND CLIENT RECOMMENDATION.

LUMINAIRE LOCATIONS, LIGHTING PATTERNS, AND ILLUMINATION LEVELS WERE PREPARED UTILIZING INFORMATION SUPPLIED BY THE LUMINAIRE MANUFACTURER AND THE SOFTWARE PACKAGE SIMPLY OUTDOOR. IT'S VALUES SHOULD BE CONSIDERED APPROXIMATE IN NATURE AND SHALL BE VERIFIED BY THE LUMIN MANUFACTURER PRIOR TO INSTALLATION.

ACTUAL PERFORMANCE OF LIGHTING PATTERNS AND/OR ILLUMINANCE VALUES MAY VARY DUE TO VARIATIONS IN LIGHT HEIGHT, ELECTRICAL VOLTAGE, LAMP WATTAGE, AND OTHER VARIABLE FIELD CONDITIONS, OR USING A LUMINAIRE OTHER THAN SPECIFICALLY NOTED HEREON.

GUERRIERE & HALNON, INC ASSUMES NO RESPONSIBILITY FOR ANY SAFETY AND/OR SECURITY RISKS DUE TO INADEQUATE LIGHT LEVELS WHICH MAY OCCUR AFTER INSTALLATION.





F3519

APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. DURING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE(72333).

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

OWNER

165 MAIN STREET REALTY TRUST  
JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA 02053

**SITE PLAN**  
**MEDWAY MILL**  
**163-165 MAIN STREET**  
**MEDWAY**  
**MASSACHUSETTS**

**LANDSCAPING**

**FEBRUARY 14, 2020**

DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS
4/21/21	PER CONVERSATION WITH CLIENT AND CONSULTANT

0 15 30 FEET 60 90  
0 2.5 5 10 METERS 20

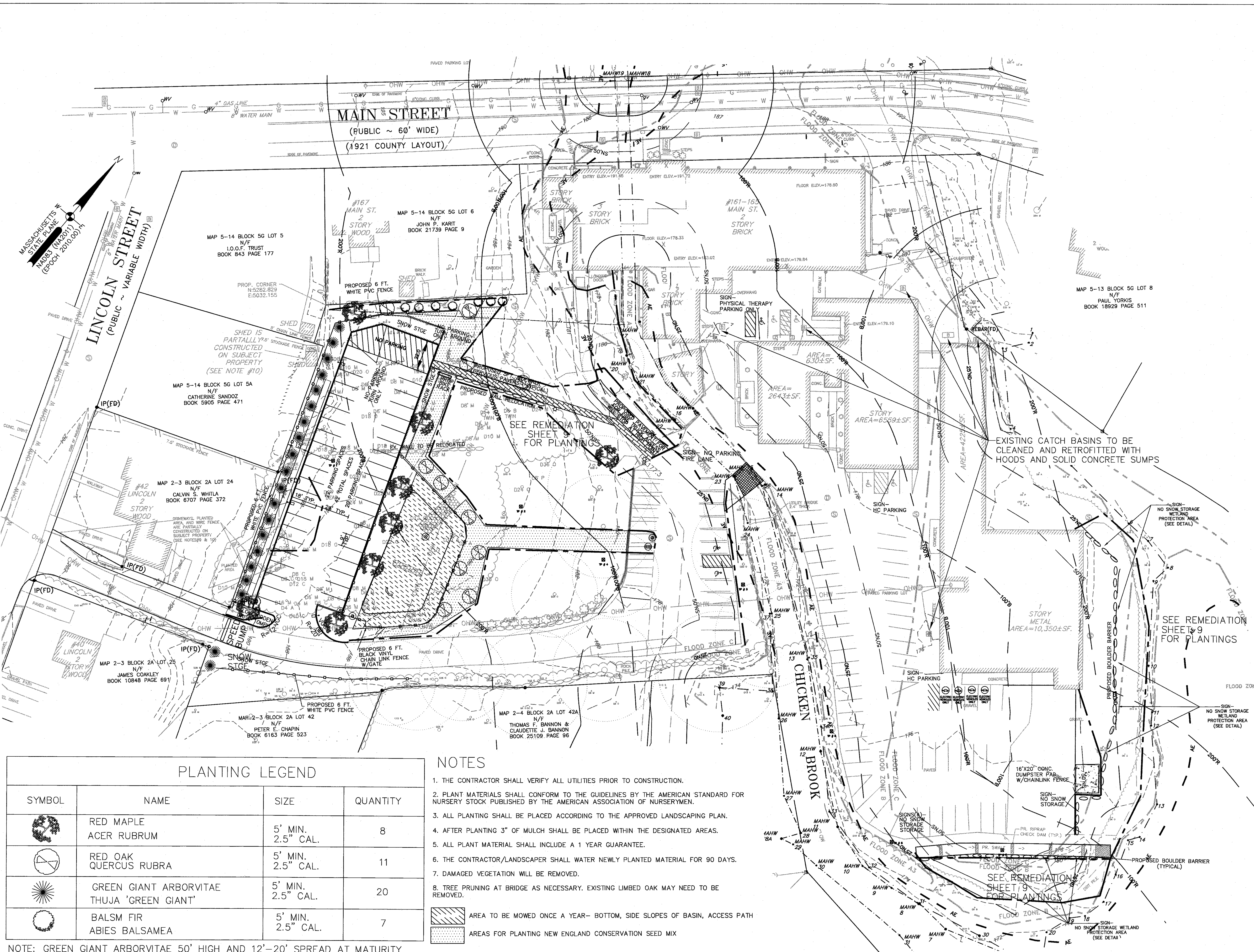
**Guerriere & Halnon, Inc.**  
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SHEET

9 OF 13

JOB NO.

F3519



### PLANTING LEGEND

SYMBOL	NAME	SIZE	QUANTITY
	RED MAPLE ACER RUBRUM	5' MIN. 2.5" CAL.	8
	RED OAK QUERCUS RUBRA	5' MIN. 2.5" CAL.	11
	GREEN GIANT ARBORVITAE THUJA 'GREEN GIANT'	5' MIN. 2.5" CAL.	20
	BALSM FIR ABIES BALSAMEA	5' MIN. 2.5" CAL.	7

NOTE: GREEN GIANT ARBORVITAE 50' HIGH AND 12'-20' SPREAD AT MATURITY

### NOTES

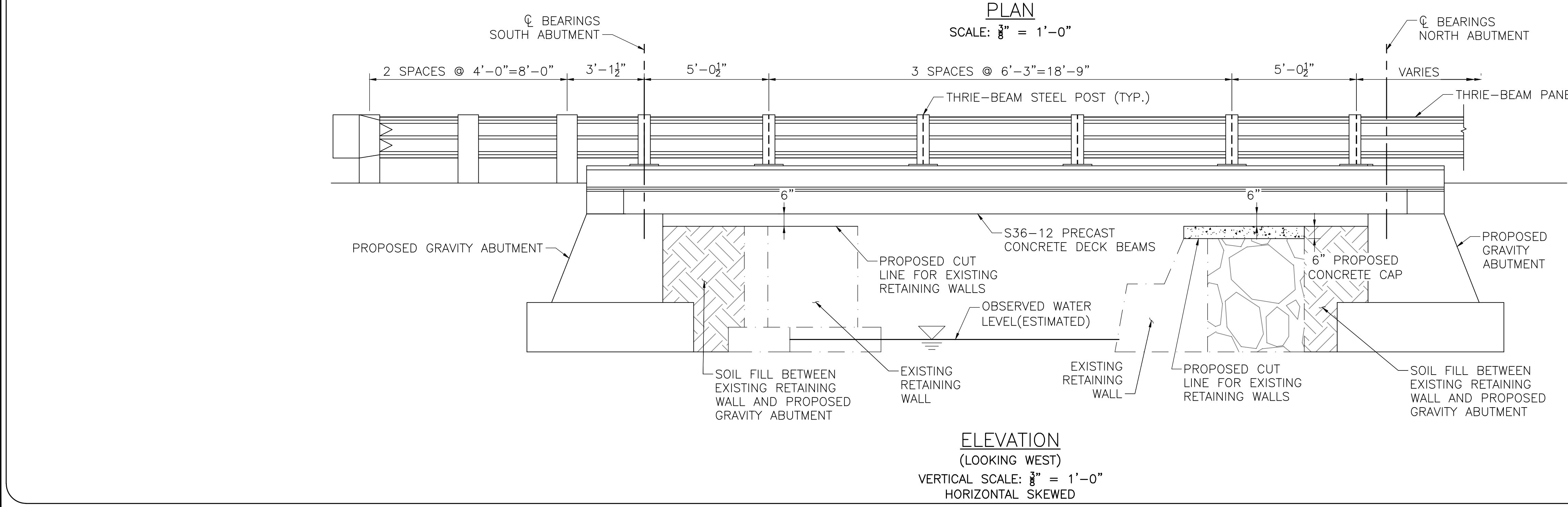
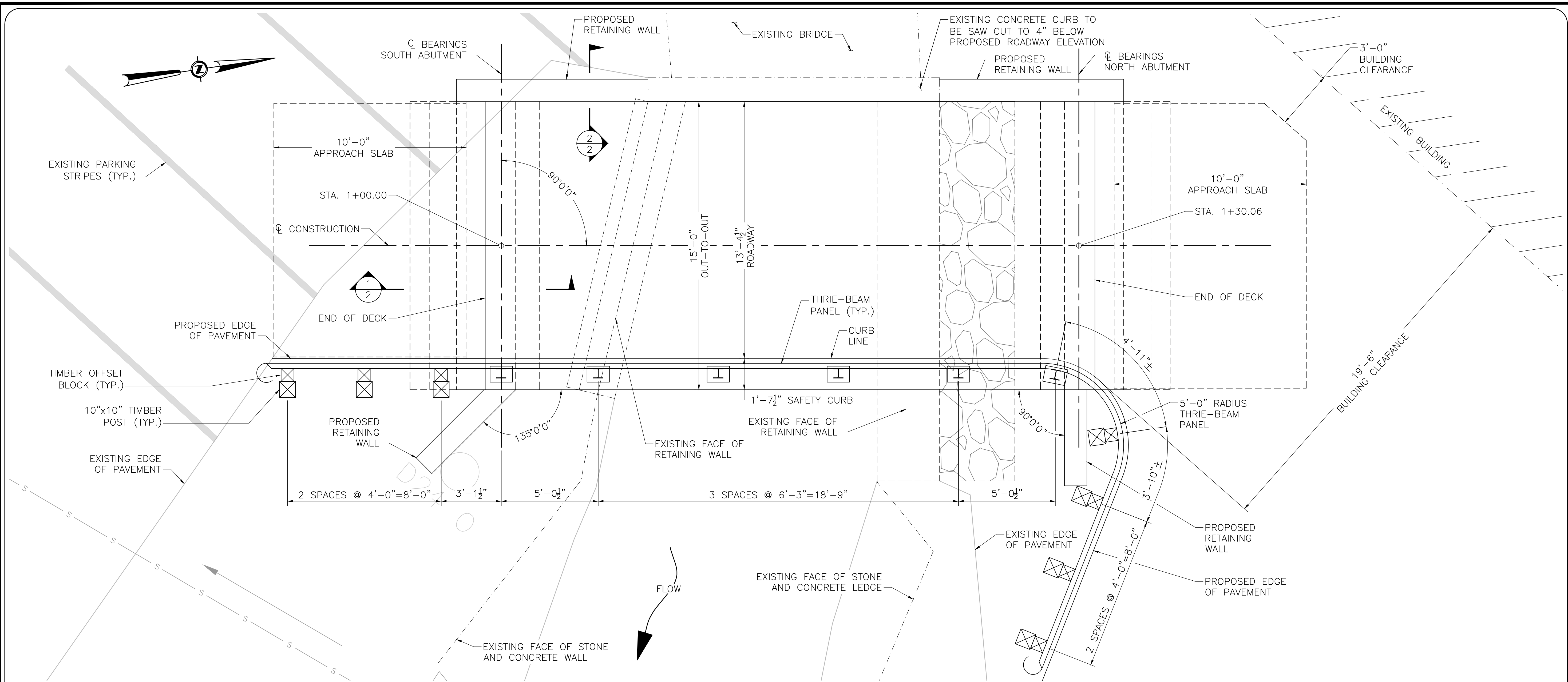
- THE CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- PLANT MATERIALS SHALL CONFORM TO THE GUIDELINES BY THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
- ALL PLANTING SHALL BE PLACED ACCORDING TO THE APPROVED LANDSCAPING PLAN.
- AFTER PLANTING 3" OF MULCH SHALL BE PLACED WITHIN THE DESIGNATED AREAS.
- ALL PLANT MATERIAL SHALL INCLUDE A 1 YEAR GUARANTEE.
- THE CONTRACTOR/LANDSCAPER SHALL WATER NEWLY PLANTED MATERIAL FOR 90 DAYS.
- DAMAGED VEGETATION WILL BE REMOVED.
- TREE PRUNING AT BRIDGE AS NECESSARY. EXISTING LIMBED OAK MAY NEED TO BE REMOVED.

- AREA TO BE MOWED ONCE A YEAR- BOTTOM, SIDE SLOPES OF BASIN, ACCESS PATH
- AREAS FOR PLANTING NEW ENGLAND CONSERVATION SEED MIX









- NOTES:**
1. CONTRACTOR SHALL DISPOSE OF ALL DEMOLITION DEBRIS, CONSTRUCTION DEBRIS, WOOD WASTES, CONTAMINATED SOILS, HAZARDOUS MATERIALS, AND OTHER SPECIAL WASTES IN STRICT ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS.
  2. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY NOT TO DAMAGE THOSE PORTIONS OF THE EXISTING SUBSTRUCTURE THAT ARE TO REMAIN. ANY PORTION OF THE SUBSTRUCTURE TO REMAIN, WHICH BECOMES DAMAGED AS A RESULT OF THE CONTRACTOR'S OPERATIONS, SHALL BE REPAIRED TO THE SATISFACTION OF THE ENGINEER AND AT THE CONTRACTOR'S EXPENSE.

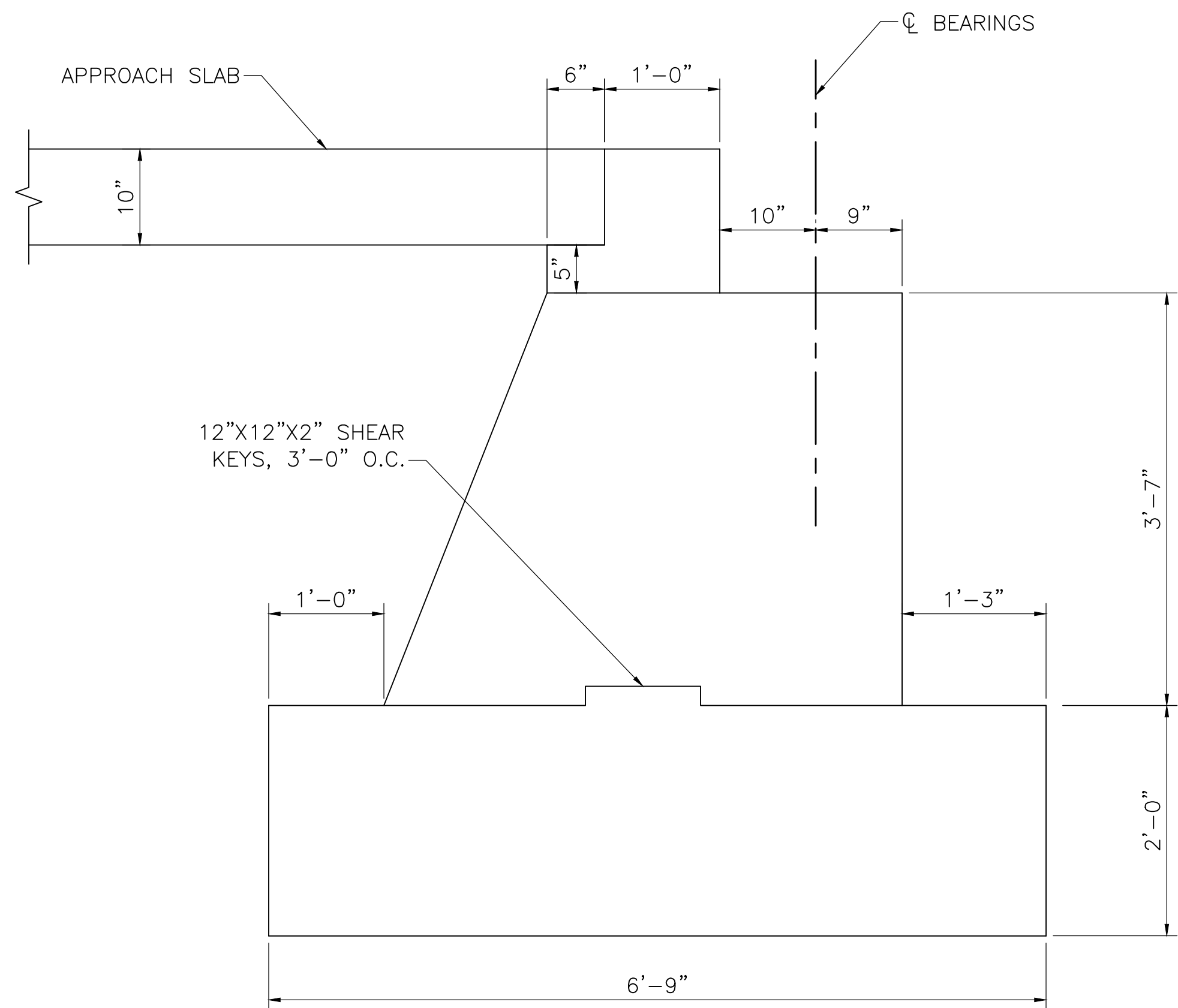
PROGRESS PRINT ONLY

**COLLINS ENGINEERS<sup>PC</sup>**  
333 Elm Street, Suite 110  
Dedham, MA 02026  
Phone: 781-251-0630  
Fax: 781-251-0633

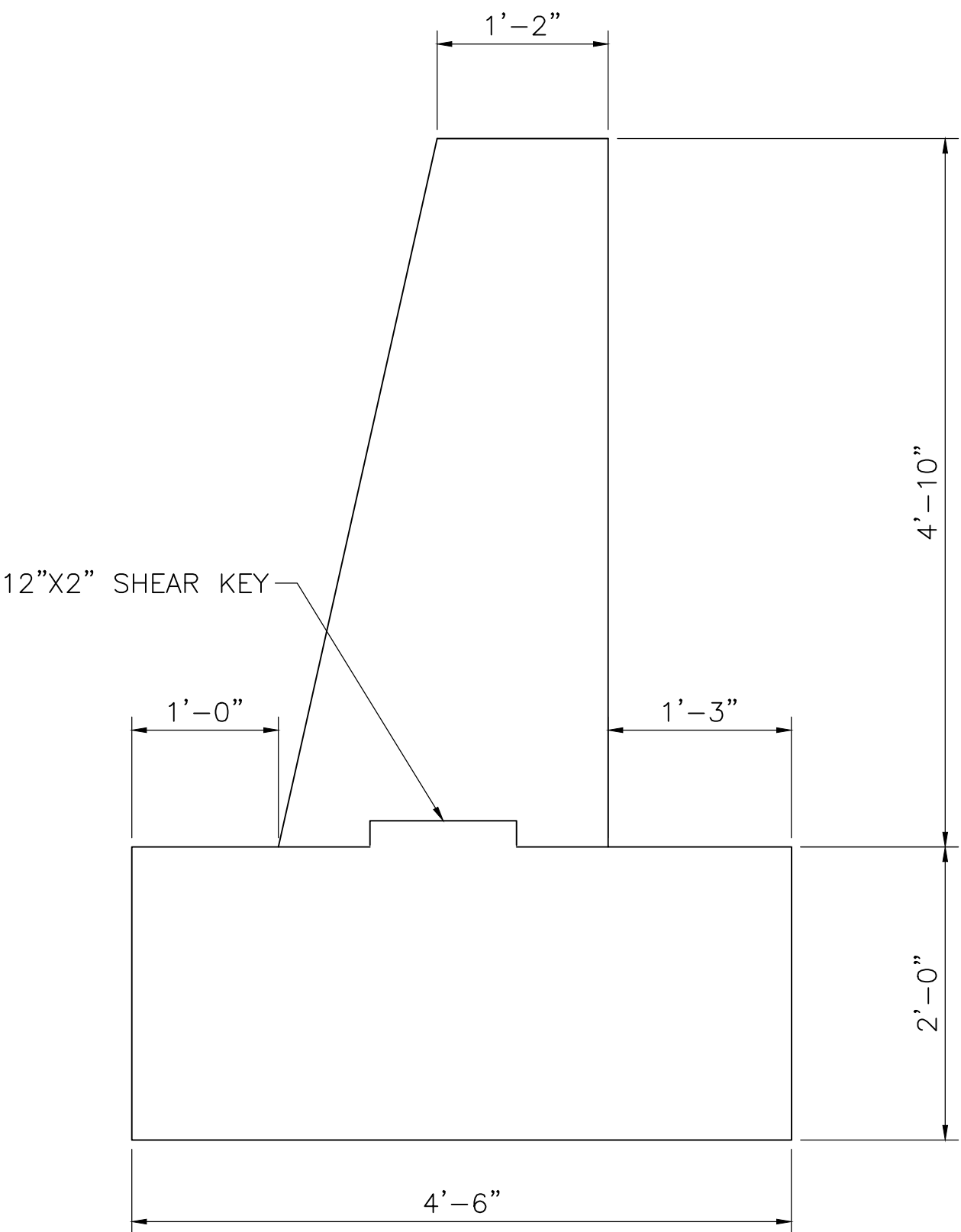
**JOHN GREENE**  
THE MEDWAY MILLS  
165 MAIN STREET  
MEDWAY, MA 02053

**PLAN AND ELEVATION**  
  
MEDWAY, MA

NO.	DATE	DESIGN BY	DESCRIPTION
DESIGN BY:			RCB
DRAWN BY:			RCB
CHECKED BY:			AD
DATE:			04/29/2021
SCALE:			3/8" = 1'-0"
SHEET NO:			01



SECTION 1 – GRAVITY ABUTMENT  
SCALE: 1" = 1'-0"



SECTION 2 – GRAVITY RETAINING WALL  
SCALE: 1" = 1'-0"

PROGRESS PRINT ONLY

**COLLINS  
ENGINEERS<sup>PC</sup>**  
333 Elm Street, Suite 110  
Dedham, MA 02026  
Phone: 781-251-0630  
Fax: 781-251-0633

**JOHN GREENE**  
THE MEDWAY MILLS  
165 MAIN STREET  
MEDWAY, MA 02053

**SUBSTRUCTURE DETAILS**  
  
MEDWAY, MA

NO.	DATE	DESIGN BY	DESCRIPTION
DESIGN BY:			RCB
DRAWN BY:			RCB
CHECKED BY:			AD
DATE: 04/29/2021			
SCALE: 1" = 1'-0"			
SHEET NO:			
02			





# Aeris™

## Intended Use

For streets, walkways, parking lots and surrounding areas.

## Features

**Housing** – Die-cast single piece aluminum with nominal 1/4" wall thickness. Integral arm provides easy installation to pole or wall. Housing completely sealed against moisture or environmental contaminants.

**Door Assembly** – Die-cast door frame, impact-resistant, tempered, glass lens, 3/16" thick, fully sealed with one-piece tubular silicone gasket. Tool-less entry and closure via spring loaded die-cast latches.

**Optics** – Anodized segmented reflectors for superior uniformity and control. Reflectors attach with tool-less fasteners and are rotatable and interchangeable.

**Installation** – Heavy duty easy mount block attaches to pole or wall to provide ease of installation as well as ensured alignment and leveling.

**Electrical** – 150W and below utilize a high reactance, high power factor. 175W and above use a constant-wattage autotransformer ballast. 42W uses an electronic high frequency ballast. Ballasts mounted on removable power tray with tool-less latch and have positive locking disconnect plugs. Ballasts are copper wound and 100% factory tested.

**Finish** – Standard finish is dark bronze (DOB) polyester powder finish. Other architectural colors available.

**Socket** – Porcelain, medium-base socket for AS1, mogul-base socket for AS2, with copper alloy nickel-plated screw shell and center contact. UL listed.

**Listings** – UL Listed (standard). CSA Certified or NOM certified (see options). U.S. and Canada patents pending. UL listed for wet locations. IP65 certified. Meets IES-NA full cutoff criteria.

For greater details and performance data, see the OUTDOOR product or the online catalog at [www.lithonia.com](http://www.lithonia.com).

Example: AS1 150S SR2 120 SF LPI

## Ordering Information

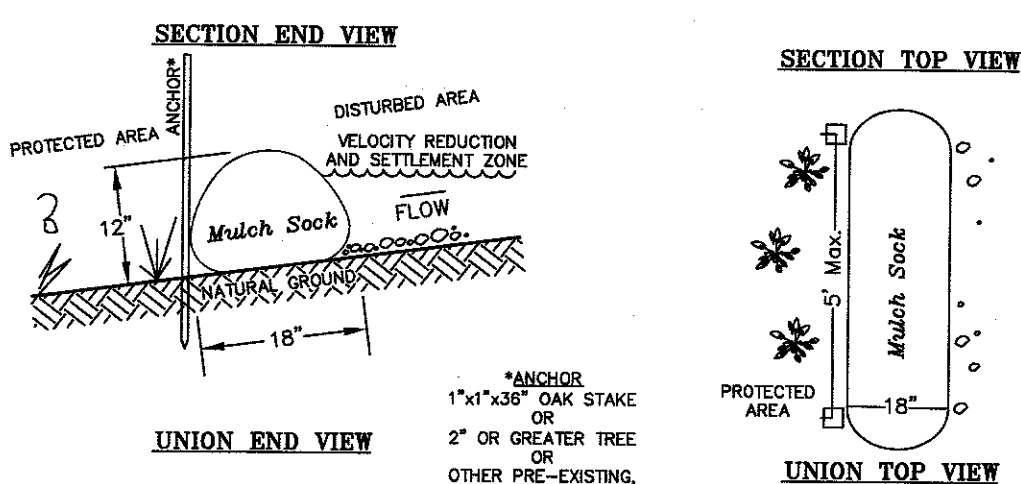
Designation	Distribution	Voltage	Mounting	Options/Accessories
<b>High Pressure Sodium</b>				
AS1 35S	SR2 Segmented Type II roadway	120, 208, 240, 277, 347, 480, 1P	SPA Square pole mounting block	SF Single fuse, 120, 277, 347V (n/a TB) <sup>®</sup>
AS1 58S	SR3 Segmented Type III asymmetric		RPA Round pole mounting block	DF Double fuse, 208, 240, 480V (n/a TB) <sup>®</sup>
AS1 100S	SR4SC Segmented Type IV forward throw, sliver cutoff		WBA wall bracket (up or down)	PER NEMA twist-lock receptacle only (no photocontrol)
AS1 150S	SR4W Segmented Type IV wide, forward throw (size 2 only)			ORS Quartz restrike system (100W max. AS1, 250W max. AS2, lamp not included) <sup>®</sup>
AS2 200S				GR Corrosion-resistant finish
AS2 250S				HS Hous-side shield
AS2 400S				EC Emergency circuit <sup>®</sup>
<b>Metal Halide</b>				TP Tamperproof
AS1 50M	SR5S Segmented Type V square			SCWA Super CWA Pulse Start Ballast (not available with HPS or TRI)
AS1 70M				LPI Lamp included (standard)
AS1 100M				L/PL Less lamp
AS1 150M				CSA CSA Certified
AS1 175M				NOM <sup>®</sup> NOM Certified
AS2 200M <sup>1</sup>				For optional architectural colors, see page 363.
AS2 250M <sup>2</sup>				Shipped separately
AS2 320M <sup>3</sup>				PE1 NEMA twist-lock PE (120, 208, 240V)
AS2 350M <sup>4</sup>				PE3 NEMA twist-lock PE (347V)
AS2 400M <sup>4</sup>				PE4 NEMA twist-lock PE (480V)
<b>Compact Fluorescent</b>				PE7 NEMA twist-lock PE (277V)
AS1 42TRT				SC Shorting cap
(120, 277, 347V only)				AS1VG Vandal guard
				AS2VG Vandal guard
				For tones, splitters, see page 269.

Designation	Length	Width	Height
AS1	21.58"	12.5"	6.25"
AS2	28"	16.25"	8.75"

LITHONIA LIGHTING

## PARKING LIGHTING DETAIL AND SPECIFICATIONS

NOT TO SCALE  
PROPOSED HEIGHT OF POLES = 20FT.

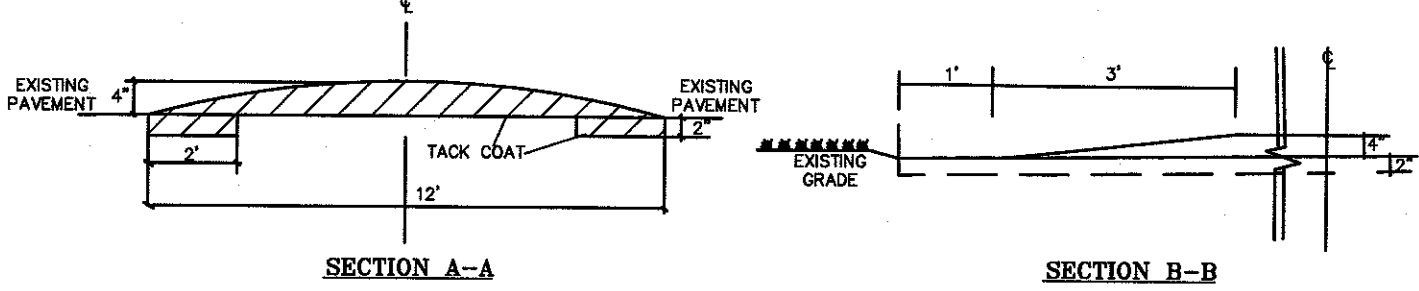


- WHERE SECTION ENDS MEET, THERE SHALL BE AN OVERLAP OF 6" OR GREATER. BOTH SIDES SHALL BE ANCHORED (OAK STAKES, TREES, ETC.) TO STABILIZE THE UNION.
- NO ADDITIONAL ANCHORS ARE REQUIRED ON SLOPES LESS THAN 2:1.
- ADDITIONAL ANCHORS ARE REQUIRED AT 5' INTERVALS (MAX.) ON THE DOWNSLOPE OR PROTECTED SIDE ON SLOPES GREATER THAN 2:1 TO PREVENT MOVEMENT.

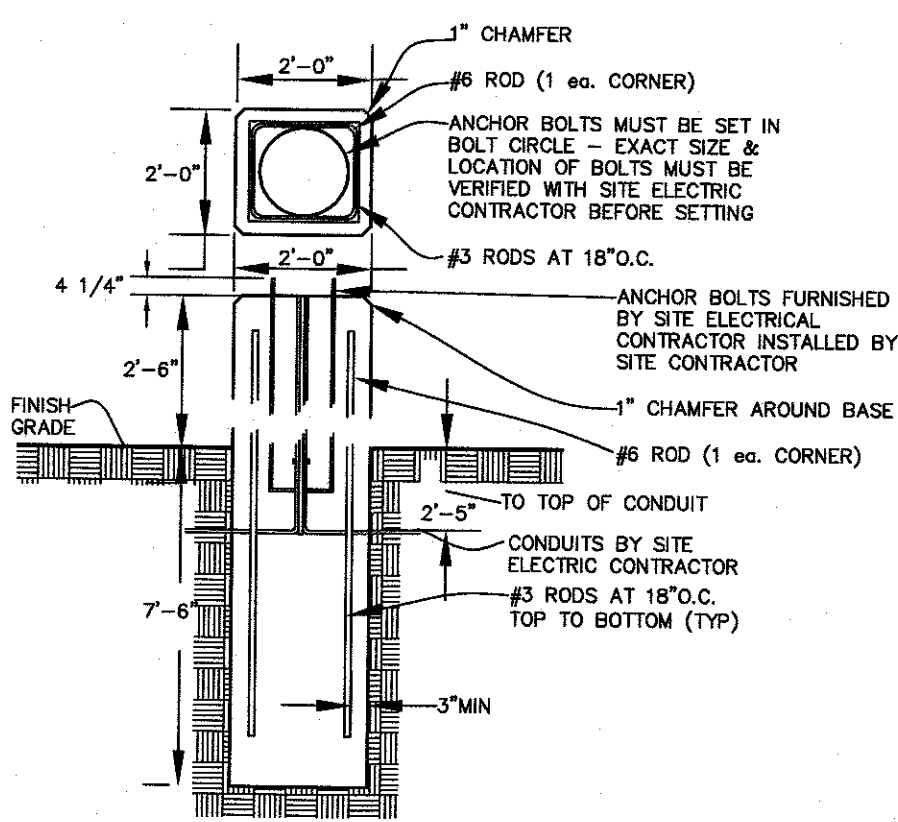
## EROSION CONTROL BARRIER

NOT TO SCALE

- SPEED BUMPS SHALL BE BITUMINOUS CONCRETE.
- CLEAN EXISTING PAVEMENT.
- SCARIFY EXISTING PAVEMENT ALONG THE GUTTER LINES.
- REPLACE BITUMINOUS CONCRETE.
- COMPACT ADJUNCT AND SURFACE SEALING USING TACK COAT

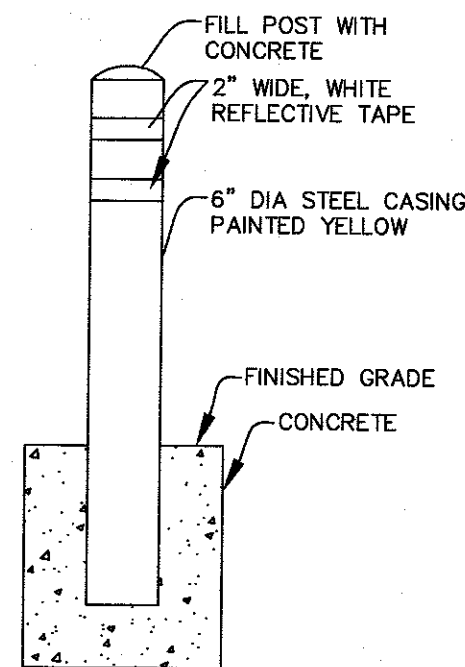


## SPEED BUMP DETAIL



## TYPICAL LIGHT POLE BASE

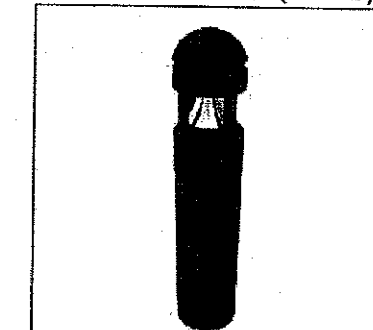
NOT TO SCALE  
LIGHT POLES BY ELECTRIC CONTRACTOR



## BOLLARD DETAIL

NOT TO SCALE

## LED BOLLARD LIGHT (XBVR)



## LED LIGHTING FACTS

Optimization of Energy Use without Representative Product Data and results is approximate and may vary. Please consult the manufacturer for specific lighting ratings.

## DIMENSIONS

1/2" (12mm) (typical)

1/2" (12mm) (typical)

1/2" (12mm) (typical)

1/2" (12mm) (typical)

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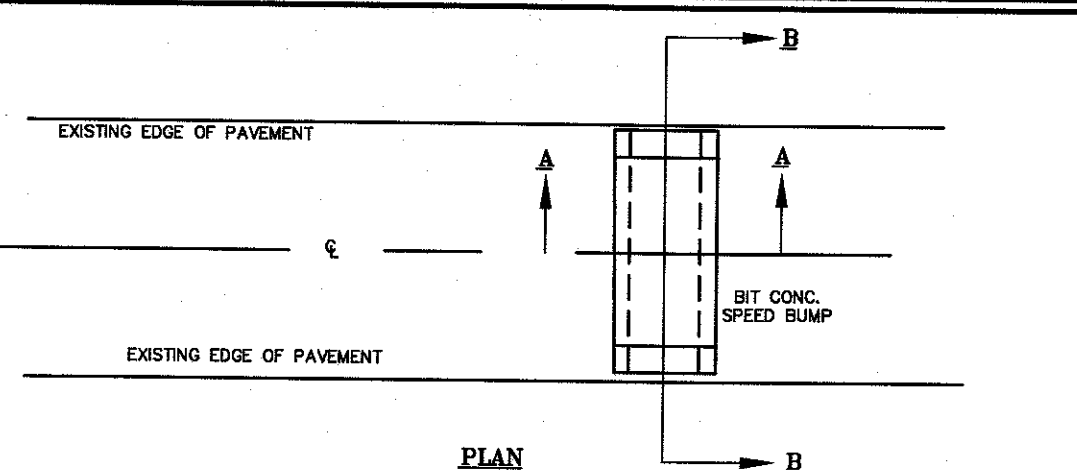
1/2" (12mm) (typical)

1/2" (12mm) (typical)

1/2" (12mm) (typical)

1/2" (12mm) (typical)

## WALKWAY LIGHTING DETAIL AND SPECIFICATIONS



## PLAN

## A. Names of Persons or Entities Responsible for Plan Compliance

John Greene  
NRG Concepts, Inc.  
165 Main Street  
Suite 307  
Medway, MA 02053  
Tel: 508-367-8745

## B. Construction Period Pollution Prevention Measures

- Inventory materials to be present on site during construction.
- Train employees and subcontractors in prevention and clean up procedures.
- All materials stored on site will be stored in their appropriate containers and if possible under a roof or covered.
- Follow manufacturer's recommendation for disposal of used containers.
- Store only enough products on site to do the job.
- On site equipment, fueling and maintenance measures:
  - Inspect on-site vehicles and equipment daily for leaks.
  - Conduct all vehicle and equipment maintenance and refueling in front of building, away from storm drains.
  - Perform major repairs and maintenance off site.
  - Use drip pans, drip cloths or absorbent pads when replacing spent fuels.
  - Collect spent fuels and remove from site, per Local and State regulations.
  - Maintain a clean construction entrance; install a crushed stone apron where truck traffic is frequent to reduce soil compaction contact sweeping is required and limit tracking of sediment into streets, sweeping street when silt is observed on street.
- A temporary concrete washout station and equipment wash station shall be located on the site. Areas shall be surrounded with a silt fence and or Filter Mitt to contain materials and provide ease of cleanup.
- Stock pile materials, and maintain Erosion Control around the materials where it can easily be accessed. Maintain easy access to clean up materials to include brooms, mops,

- Never hose down "dirty" pavement or impermeable surfaces where fluids have spilled. Use dry cleanup methods (sawdust, cat litter and/or rags and absorbent pads).
- Sweep up dry materials immediately. Never wash them away or bury them.
- Clean up spills on dirt areas by digging up and properly disposing of contaminated soil in a certified container and notify a certified hauler for removal.
- Report significant spills to the Fire Department.

## C. Site Development Plans

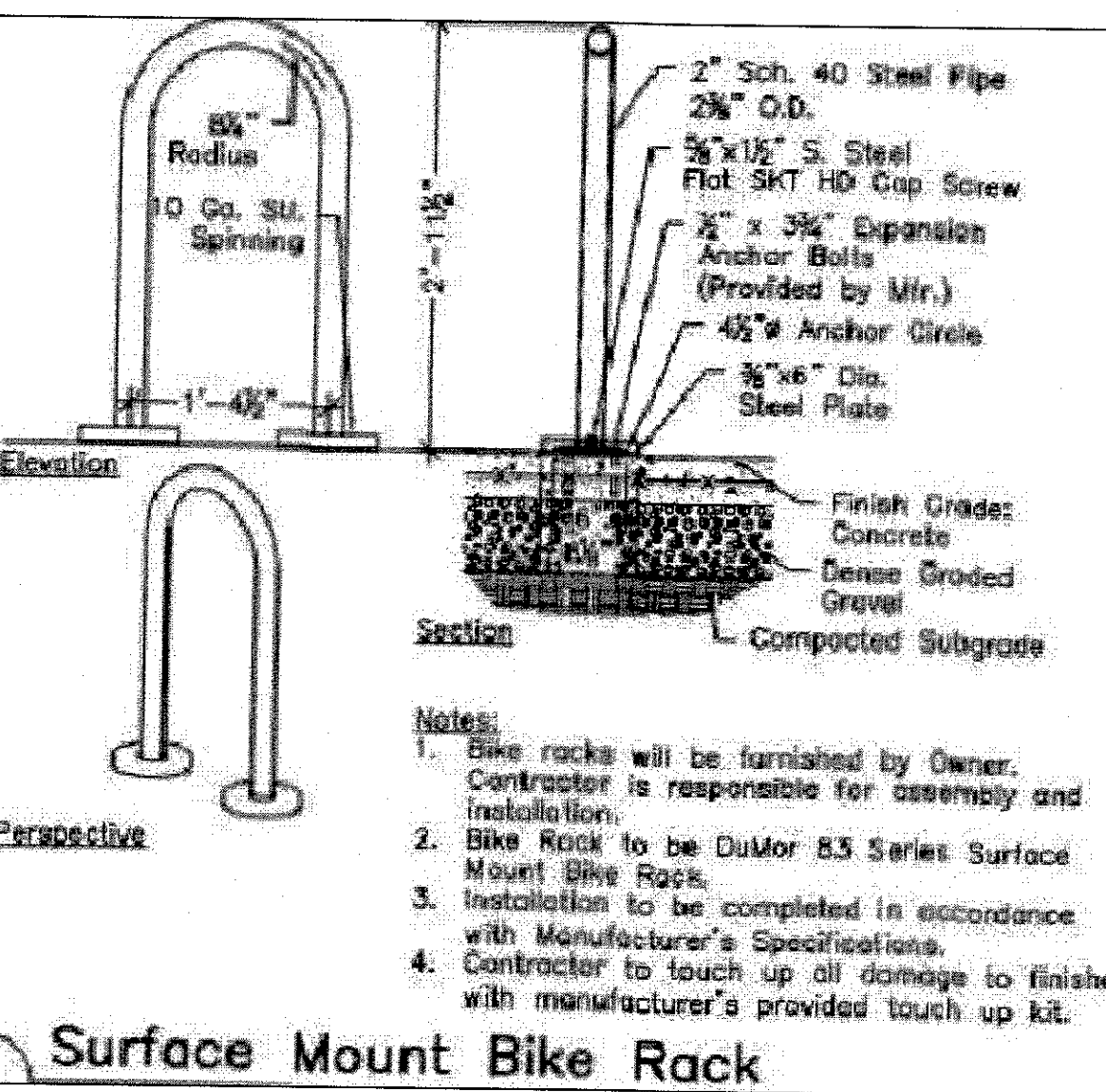
- See Site Plan set "Site Plan Medway Mill 163-165 Main Street Medway Massachusetts" dated February 14, 2020, prepared by Guerriere & Halnon, Inc.

## D. Construction Erosion and Sedimentation Control Plan

- See Site Plan set "Site Plan Medway Mill 163-165 Main Street Medway Massachusetts" dated February 14, 2020, prepared by Guerriere & Halnon, Inc.

## E. Plans

- Construction Sequencing Plan
  - A NPDES NOI shall be filed with the EPA.
  - Record Order of Conditions - The site superintendent shall be aware of all the Conditions contained within the Order including inspection schedules.
  - Install DEP File # Sign.
  - Prior to any work on the site including tree/brush clearing, the approved limit of clearing as well as the location of the



## Surface Mount Bike Rack

The Contractor shall be responsible to schedule any required inspections of his/her work.

- Construction Waste Management Plan
  - Dumpster for trash and bulk waste collection shall be provided separately for construction.
  - Recycle materials whenever possible (paper, plaster cardboard, metal cans). Separate containers for material are recommended.
  - Segregate and provide containers for disposal options for waste.
  - Do not bury waste and debris on site.
  - Certified haulers will be hired to remove the dumpster container waste as needed. Recycling products will also be removed off site weekly.
  - The sewer system is only for disposal of human waste, and substances permitted for disposal by the Charles River Pollution Control District (CRPCD).

## F. Operation and Maintenance of Erosion and Sedimentation Controls

The operation and maintenance of sedimentation control shall be the responsibility of the contractor. The inspection and maintenance of the storm water component shall be performed as noted below. The contractor shall, at all times

have erosion control in place. The contractor, based on future weather reports shall prepare and inspect all erosion control devices; cleaning, repairing and upgrading is a priority so that the devices perform as per design. Inspect the site during rain events. Don't stay away from the site. At a minimum, there should be inspection to assure the devices are not clogged or plugged, or that devices have not been destroyed or damaged during the rain event. After a storm event inspection is required to clean and repair any damage components. Immediate repair is required.

## G. Inspection and Maintenance Schedules

- Inspection must be conducted at least once every 7 days and within 24 hours prior to and after the end of a storm event 0.5 inches or greater.
- Inspection frequency can be reduced to once a month if:
  - The site is temporarily stabilized.
  - Runoff is unlikely due to winter conditions, when site is covered with snow or ice.
- Inspections must be conducted by qualified personnel, "qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls and who possesses the skills to assess the conditions and take measures to maintain and ensure proper operation, also to conclude if the erosion control methods selected are effective.
- For each inspection, the inspection report must include:
  - The inspection date.
  - Names, titles of personnel making the inspection.
  - Weather information for the period since the last inspection.
  - Weather information at the time of the inspection.
  - Locations of discharges of sediment from the site, if any.
  - Locations of BMP's that need to be maintained.
  - Locations where additional BMP's may be required.
  - Corrective action required or any changes to the SWPPP that may be necessary.
- Qualified personnel shall inspect the following in-place work:

Inspection Schedule:	
Erosion Control	Weekly
Catch Basins	Weekly
Temporary Sedimentation Traps/Basins	Weekly
Pavement Sweeping	Weekly

Please Note: Special inspections shall also be made after a significant rainfall event.

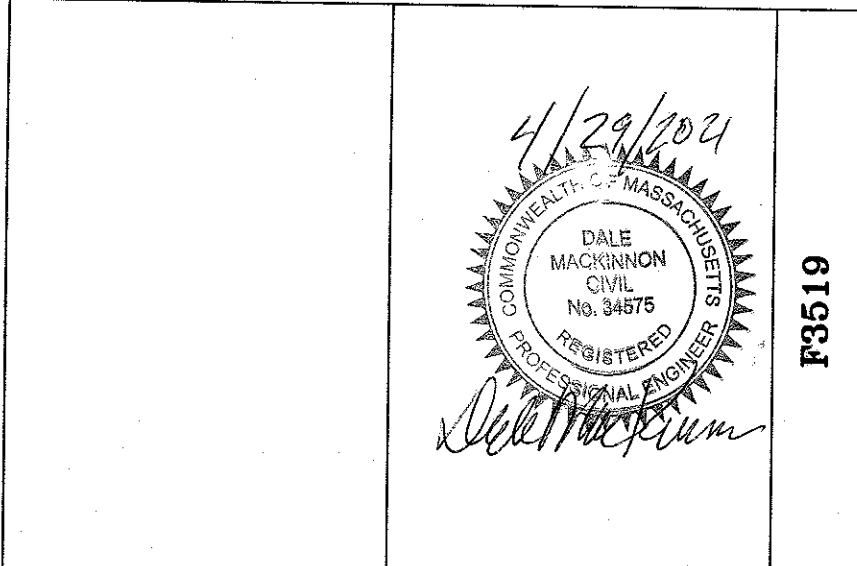
## Maintenance Schedule

Erosion Control Devices Failure	
Temporary Sedimentation Traps/Basins	Immediately
Pavement Sweeping	As needed
	14 days
	minimum and prior to any significant rain event.

Please Note: Special maintenance shall also be made after a significant rainfall event.

## H. Inspection and Maintenance Log Form

- See Construction Phase Inspection and Maintenance Form attached



APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE(7233).

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OWNER

165 MAIN STREET REALTY TRUST  
JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA. 02053

SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS

## CONSTRUCTION DETAILS

FEBRUARY 14, 2020

DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS
4/21/21	PER CONVERSATION WITH CLIENT
	AND CONSULTANT

0 15 30 FEET 60 90  
0 2.5 5 10 METERS 20

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[www.gandhengineering.com](http://www.gandhengineering.com)

SHEET  
13 OF 13

JOB NO.  
F3519

# PROPOSED PARKING AREA MEDWAY MILLS

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021





PERSPECTIVE VIEW FROM DRIVE  
ARBOR VITAE AT 6 FEET (AT PLANTING)

PLANNING BOARD SITE PLAN REVIEW OWNER: 165 MAIN STREET REALTY TRUST MAY 11, 2021	<b>PROPOSED PARKING AREA MEDWAY MILLS</b>
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PERSPECTIVE VIEW FROM DRIVE  
ARBOR VITAE AT 12 FEET (YEAR 3)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS





PERSPECTIVE VIEW FROM DRIVE  
ARBOR VITAE AT 16 FEET (YEAR 5)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS





PERSPECTIVE VIEW FROM DRIVE  
ARBOR VITAE AT 22 FEET (YEAR 8)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS





PERSPECTIVE VIEW FROM DRIVE  
ARBOR VITAE AT 26 FEET (YEAR 10)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS





PERSPECTIVE VIEW FROM PARKING AREA  
ARBOR VITAE AT 6 FEET (AT PLANTING)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS





PERSPECTIVE VIEW FROM PARKING AREA  
ARBOR VITAE AT 12 FEET (YEAR 3)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS





PERSPECTIVE VIEW FROM PARKING AREA  
ARBOR VITAE AT 16 FEET YEAR 5

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS





PERSPECTIVE VIEW FROM PARKING AREA  
ARBOR VITAE AT 22 FEET (YEAR 8)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS





PERSPECTIVE VIEW FROM PARKING AREA  
ARBOR VITAE AT 26 FEET (YEAR 10)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS



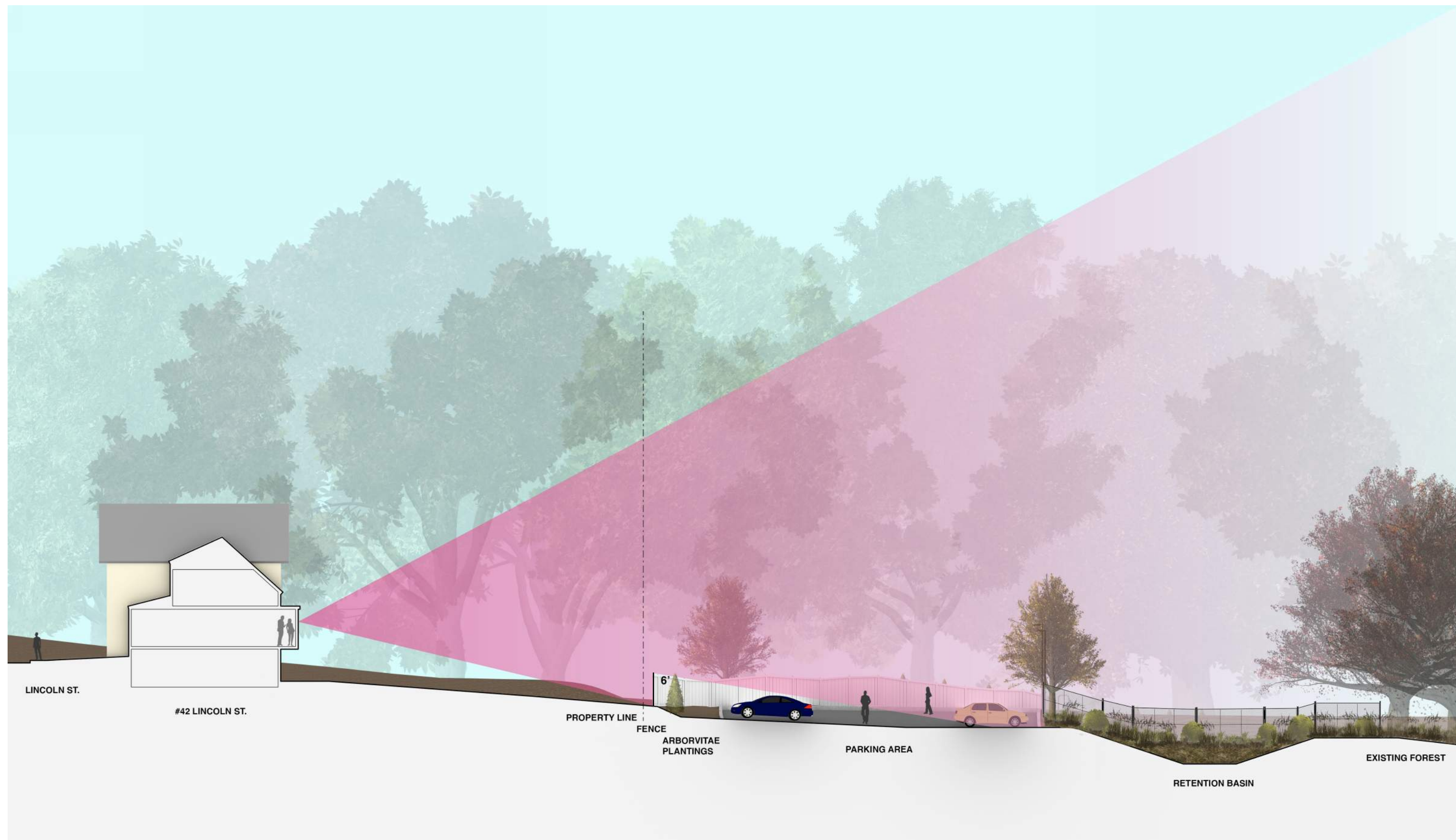


PERSPECTIVE VIEW AT MEDWAY MILLS  
ENTRY FROM LINCOLN STREET

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS





SITE SECTION THROUGH PARKING AREA  
ARBOR VITAE AT 6 FEET (AT PLANTING)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

**PROPOSED PARKING AREA  
MEDWAY MILLS**





SITE SECTION THROUGH PARKING AREA  
ARBOR VITAE AT 12 FEET (3 YEARS)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS





SITE SECTION THROUGH PARKING AREA  
ARBOR VITAE AT 16 FEET (5 YEARS)

PLANNING BOARD SITE PLAN REVIEW  
OWNER: 165 MAIN STREET REALTY TRUST  
MAY 11, 2021

PROPOSED PARKING AREA  
MEDWAY MILLS



May 3, 2021

Medway Conservation Commission  
Medway Town Hall  
155 Village Street  
Medway, MA 02053

Re: Revised Regulation Discussion of Rivers Protection Act and Historic Mill Complex  
NOI 163-165 Main Street, Medway Mills, Medway, MA, DEP File #216-956

Dear Medway Conservation Commission:

Goddard Consulting, LLC (Goddard), is pleased to submit this supplemental information related to the Notice of Intent (NOI) at 163-165 Main St. in Medway (DEP File #216-956). This submittal is on behalf of the owner and applicant John Greene.

Please feel free to contact us if you have any questions.

Very truly yours,



Mark Arnold  
Wetland Engineer  
Goddard Consulting LLC

Cc:

- John Greene, 165 Main Street, Medway, MA 02053
- Amanda Cavaliere, Guerriere & Halnon Inc., 55 West Central Street, Franklin, MA 02038
- Wetlands Division, DEP – CERO, 8 New Bond Street, Worcester, MA 01606

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## 1 Introduction

The purpose of this discussion is to review and clarify the regulation performance standards and alternative analysis for the project proposed at Medway Mills at 163-165 Main Street, Medway, MA DEP File #216-956.

### 1.1 Permitting History

The NOI was filed in February, 2020. Hearings with the Conservation Commission have occurred parallel to the ongoing permitting process with the Medway Planning Board ongoing.

### 1.2 Clarification of Project Purpose and Scope

The project's general purpose and scope is to add ±44 parking spaces, improve safety around the narrow bridge, and provide improvements where practicable to areas degraded along the river and near the wetland.

### 1.3 Issues Addressed in this Report

#### 1.3.1 Historic Mill Complex Status

There have been several questions raised by the Commission and MassDEP about the extent of Historic Mill Complex on site. This report provides concise support that most of the site is exempt from Riverfront Area standards due to Historic Mill Complex status.

#### 1.3.2 Establishing extent of Riverfront Area onsite

This report will clarify the extent of the Riverfront Area and where activities are jurisdictional under 310 CMR 10.58.

#### 1.3.3 Riverfront Area Compliance

This report will provide discussion on compliance with applicable regulations to the proposed work.

#### 1.3.4 Other Resource Area Compliance

This report will provide discussion on compliance with applicable regulations to the proposed work with regard to Bank, Land under Water Bodies (LUW) and Bordering Land Subject to Flooding (BLSF).

## 2 Historical Mill Complex

### 2.1 Site History, Status in 1946 and 1996

The NOI narrative submitted by Guerriere and Halnon, Inc dated February 18, 2020 made reference that "... *Chicken Brook may be grandfathered and/or exempt from certain*



*requirements of the Riverfront Act whereas this area is considered a historic mill complex as defined in 310 CMR 10.04.”*

To establish the historic conditions of the Mill, some research was conducted using historical documents on Medway. In the book *The New Grant: A History of Medway*, there is a clear description that “*before the first world war, the mill was enlarged*”. See attached excerpt from *The New Grant: A History of Medway*. Since the first world war spanning from 1914-1918 this the presence of the Mill had to have been existing prior to 1946. Photo 1 shows the property along Chicken Brook prior to 1938 and Photo 2 prior to 1996 when the Rivers Protection Act was enacted.



Photo 1: 1938, Mill Complex, Medway Mills, 163-165 Main Street

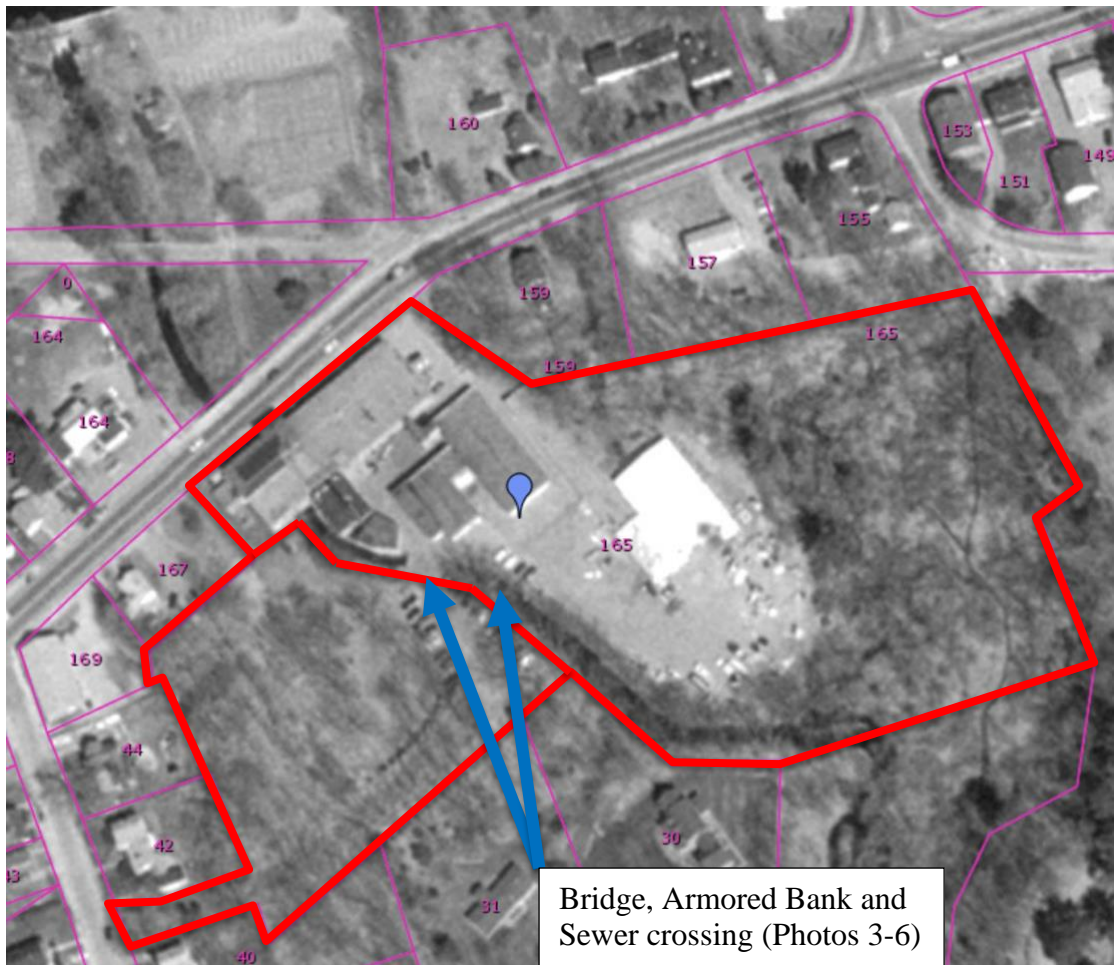


Photo 2: 1990s Mill Complex, Medway Mills, 163-165 Main Street (Mass GIS Oliver, 1990s Black and White Orthos)

With the above establishment of the historic conditions, it is also helpful to look at the conditions of the armored Bank of Chicken Brook on the property. Photos 2-6 show the armored Bank of the river down to and below the river flowing through the center of the site. As the sewer easement was deeded to the town in the 1970s, all this structure pre-dates 1996. With the armored nature of Chicken Brook throughout the property and the bridge over the brook near one of the Mill Buildings, the extent of Chicken Brook on both sides is part of the Historic Mill Complex along its immediate Bank.





Photo 3: Constructed stone and concrete Bank with 1970s Town of Medway Sewer line



Photo 4: Concrete wall downgradient of parking lot crossing.





Photo 5: Concrete wall downgradient of parking lot crossing, looking upstream



Photo 6: Concrete wall upgradient of parking lot crossing



## 2.2 Regulatory Support for Historical Mill Complex Exemption

The Rivers Protection Act states the following

*The riverfront area **shall not include land now or formerly associated with historic mill complexes** including, but not limited to, the mill complexes in the Cities of Holyoke, Taunton, Fitchburg, Haverhill, Methuen and Medford **in existence prior to nineteen hundred and forty-six and situated landward of the waterside facade of a retaining wall, building, sluiceway, or other structure existing on the effective date of this act.***

Under 310 CMR 10.04, a Historic Mill Complex is defined as follows:

*“Historic Mill Complex means the mill complexes in, but not limited to, Holyoke, Taunton, Fitchburg, Haverhill, Methuen, and Medford in existence prior to 1946 and situated landward of the waterside facade of a retaining wall, building, sluiceway, or other structure existing on August 7, 1996. An historic mill complex also means any historic mill included on the Massachusetts Register of Historic Places. An historic mill complex includes only the footprint of the area that is or was occupied by interrelated buildings (manufacturing buildings, housing, utilities, parking areas, and driveways) constructed before and existing after 1946, used for any type of manufacturing or mechanical processing and including associated structures to provide water for processing, to generate water power, or for water transportation.”[Emphasis Added]*

It is clear that the previous regulation states that Historic Mill Complexes may occur in , “*but not limited to*” the towns listed. Medway is not listed here, but the site meets the definition of an historic mill complex. In addition, the complex includes the “situated landward of the waterside facade of a retaining wall, building, sluiceway, or other structure existing on August 7, 1996”. As the property has retaining walls, and buildings along the river, areas upgradient of those structures are part of the Historic Mill Complex. In addition the photographic evidence is that the Mill was in existing prior to 1946 and developed areas have not substantially changed since 1996.

Both sides of the river have a connection to the Historical Mill Complex. The Bank’s nature historical documents and photos support this conclusion. The river, being lined with retaining walls and buildings, leaves the landward area from these to be part of the Historic Mill Complex by definition. As such, the east side of the property meets the Historical Mill Complex definition and under the Riverfront Regulations, 310 CMR 10.58(6)(k) activities within this Historical Mill Complex are exempt from Riverfront standards.

310 CMR 10.58(6)(k)

*“Notwithstanding the Provisions of 310 CMR 10.58(1) through (5), Certain Activities or Areas Are Grandfathered or Exempted from Requirements for the Riverfront Area:*

*k) Activities within an Historic Mill Complex.*

With this conclusion, the proposed activities along the river and east of the river are exempt from the requirements of Riverfront Area. Therefore, work proposed should only be considered under other WPA regulations where the work falls within Buffer Zone of the Bank or Bordering Vegetated Wetlands (BVW). Remaining proposed work upgradient of the west side of the Bank will be discussed in the following sections in accordance with 310 CMR 10.58(4) and 10.58(5).

### 3 Extent of Riverfront Area onsite

With the Historic Mill Complex being well documented on the east side of the river, the west side of the river has been presumed be within Riverfront area and not the Historic Mill Complex. Figure 1 shows the breakdown line of the east and west sides and their designations.

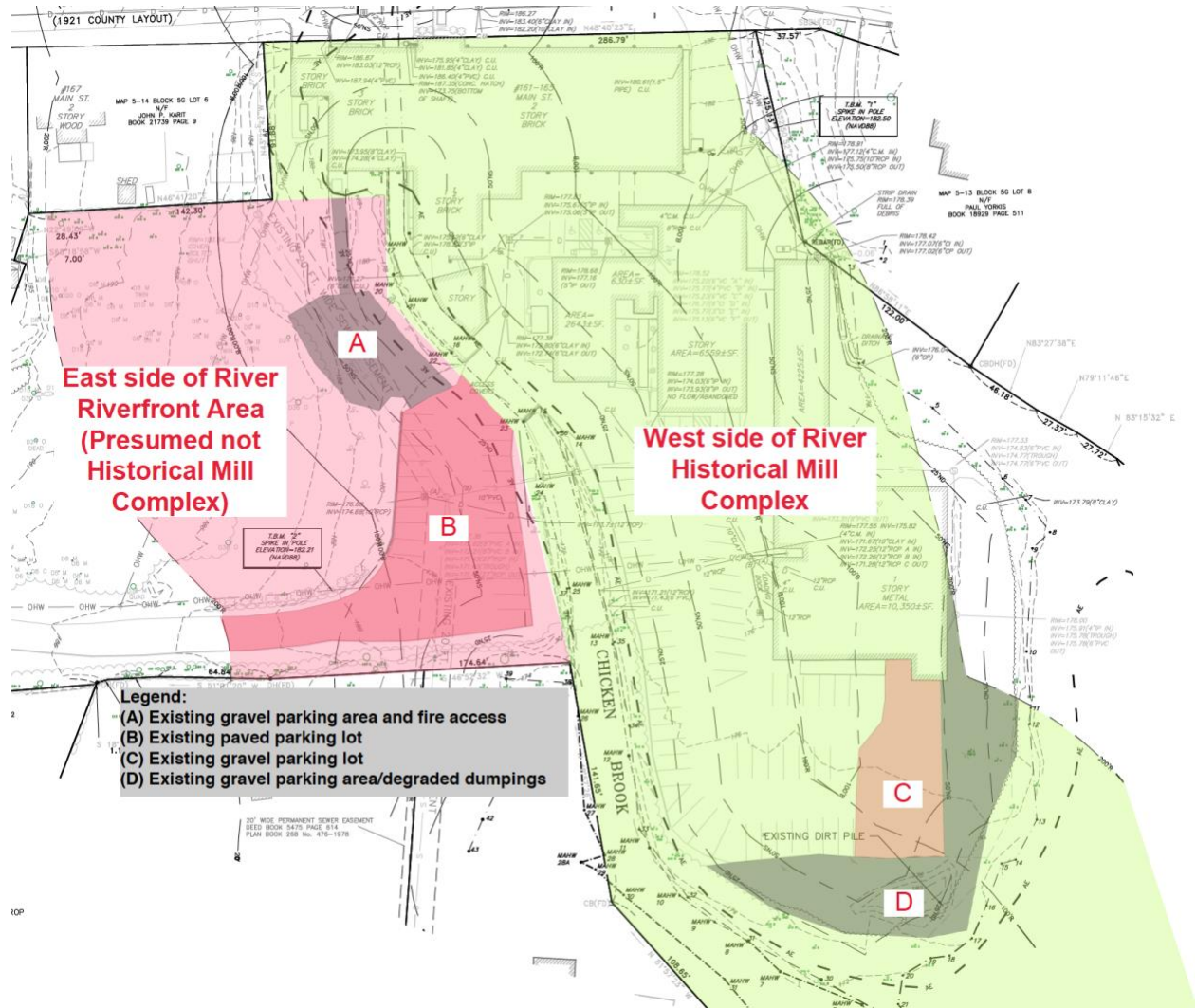


Figure 1: Extent of Riverfront Area (58,890 SF) and Historical Mill Complex



### 3.1 Conditions within the Riverfront Area (Non-Historical Mill Complex)

The existing conditions of the riverfront onsite has significant development within the Inner Riparian Zone with a paved parking lot, gravel access road, gravel parking area and other disturbance. The outer riparian zone is mainly forest, but some of this area was kept cleared until at least the 1930s as shown in Photo 1. The forested outer riparian zone remains the only large forested area in the Riverfront (Photo 7) and has extensive development to the north (single family houses, Main Street, commercial properties, public park) and the south (single family houses and pool). This has nearly isolated the riverfront area onsite completely and reduced the quality of the riverfront due to the development nearly all around it. This is an important point when considering the proposed work extent and location under the Riverfront Standards.

Table 1: Existing Riverfront Area (Non-Historical Mill Complex)

	Area (SF)	Percentage
Pavement	12,475	21%
Gravel Degraded	4,150	7%
Natural /Stabilized	42,265	72%
Total Riverfront Area	58,890	



Photo 7: Existing Development in Riverfront adjacent to on-site Riverfront Area

## 4 Proposed Work in Riverfront Area

The project's overall purpose is to provide additional parking for the property while also (1) improving existing conditions within the Buffer Zone to Resource Areas (2) Protect natural Buffer Zone and Riverfront closest to the Resource Areas (3) provide safer access around the property for the public and fire department. With these goals, the following was considered to comply with the performance standards considering the existing conditions:

- Improve existing stormwater treatment to the maximum extent practicable
- Restore existing degraded Buffer Zone and Riverfront areas closest to the Resource Areas
- Move new development as far from the river as possible
- Where could work be proposed outside jurisdictional areas

The following sections discuss this work within Historic Mill Complex and Riverfront Area

### 4.1 Proposed work within Historical Mill Complex

The work proposed (Figure 2 and 3) within the Historic Mill Complex is as follows:

- Paving of existing gravel parking lot in the southeast corner of the Mill Complex
- Extension\* of existing bridge with pavement to provide safer turning radius along the bridge
- Restoration of work (Restoration Areas A and B) within 200 feet of River which can be used as Riverfront Mitigation under 10.58(5)

Table 2: Work proposed within Historic Mill Complex

Description	Proposed Surface Type	Existing Surface Type	Surface Area (SF)	Regulation Provision	Regulation Requirement
Bridge Safety Extension	Impervious Pavement	Gravel/edge of woods	450 (includes over LUW of 220 SF)	Historic Mill Complex	Exempt from Riverfront
Conversion of Gravel to paved parking	Impervious Pavement	Gravel, Degraded	4,510	Historic Mill Complex	Exempt from Riverfront
Conversion of Gravel to dumpster pads	Impervious Pavement	Gravel, Degraded	330	Historic Mill Complex	Exempt from Riverfront
Total Historic Mill Complex proposed work			5,290		

As discussed above, activities proposed within the Historical Mill Complex are exempt from Riverfront Area standards. Regulatory support under the performance standards for Bank and Land Under Water Bodies (LUW) is discussed in Section 6.

\*Extension is proposed to the end of existing wingwall abutments. Plans provided by Collins Engineering Inc and are provided to show conceptually how the extension will bridge the existing abutments.





Figure 2: Bridge Safety Expansion, 450 SF (220 SF) + 230 SF)

**LEGEND:**

- (A) Paved parking lot (existing grave), 4,875 SF
- (B) Mitigation within degraded area in Riverfront 5,800 SF
- (C) Mitigation within degraded area in Buffer Zone, 1,975 SF
- (D) Stormwater quality swale in degraded area in riverfront, 1,200 SF

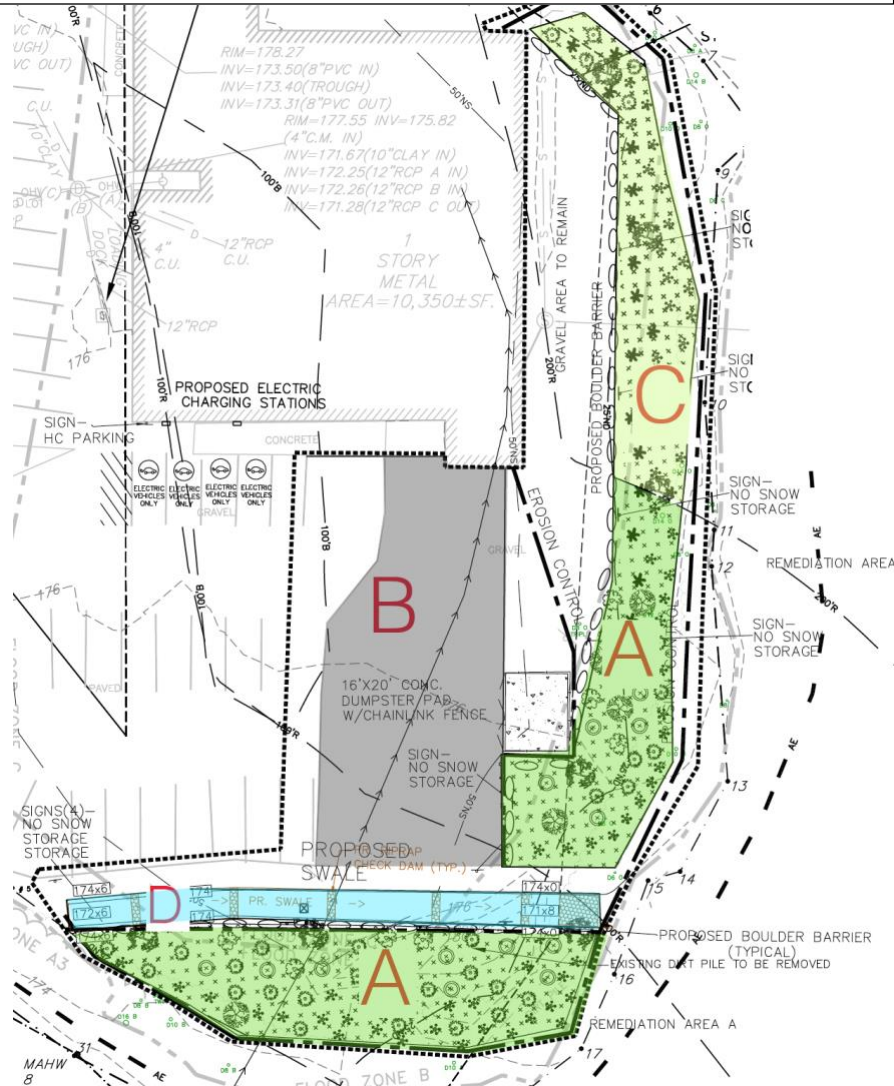


Figure 3: Proposed paved parking lot, areas of mitigation

#### 4.2 Proposed work under redevelopment and new development within Riverfront Area

The work proposed under redevelopment can be broken into the following categories (1) work within existing degraded areas, (2) redevelopment work in natural Riverfront (3) Restoration within Riverfront and (4) is under 10% Riverfront Area. Table 3 outlines the total existing Riverfront Area. Table 4 provides a detailed summary of proposed work within the Riverfront under 310 CMR 10.58. See Figure 4 for proposed work locations.



Table 3: Existing Riverfront (Guerrier and Halnon site plans dated 5/30/2020)

Total Site RA	219,667 SF
10%	21,967 SF

Table 4: Work proposed within Riverfront

Work In Riverfront Area						
Description	Proposed	Existing conditions	Surface area(SF)	Regulation	Requirement	Mitigation offered
Fire Lane – degraded (B)	Impervious	degraded	700 SF	310 CMR 10.58 (5)(f)	1:1 Mitigation	7,850 SF
New Sidewalk – degraded (A)	Pervious pavers	degraded	525 SF	310 CMR 10.58 (5)(f)	1:1 mitigation	
New Sidewalk – forested (A)	Pervious pavers	forested	335 SF	310 CMR 10.58 (4)(d)	10% of RA	Not needed, however extra mitigation is provided.
New parking areas – forested (E)	Impervious	forested	4,870 SF	310 CMR 10.58 (4)(d)	10% of RA	
Grading and Disturbance – woods (F) and (G)	Grass	Forested	9,050 SF (1,100 SF in inner RA, 13,155 SF in outer RA)	310 CMR 10.58 (4)(d)	10% of RA	
Stormwater Basin (H)	grass	Forested	2,880 SF	310 CMR 10.58(4)(d) (1)(a)	Exempt with alternative analysis	
Fire lane Access – degraded (C)	Existing gravel	degraded	140 SF	310 CMR 10.58 (5)(f)	Will remain the same, no additional requirements	Not needed
Total Work Area requiring 10%			14,255 SF (6.5% of RA)	10% of onsite riverfront area is 21,967 SF.		
Total Work Area requiring 1:1 mitigation			1,365 SF	Proposed Mitigation Area is 7,850 SF which is <b>5.7:1 mitigation</b>		





## 5 Riverfront Area Compliance

### 5.1 Scope of Riverfront Area Activities

As discussed above the proposed work within the Riverfront Area is proposed under redevelopment standards which will be discussed below:

### 5.2 Efforts to avoid and minimize

The project's general purpose is to provide much needed parking to the Mill Complex. This includes the goal of ±44 new parking spaces onsite and establish defined parking spaces in existing gravel parking lots. However, this must also avoid new parking spaces within the Inner Riparian Zone. The project has been reduced now to 42 new parking spaces.

### 5.3 Riverfront Redevelopment Standards

The following discussion walks through the standards of 310 CMR 10.58(5)

*(5) Redevelopment Within Previously Developed Riverfront Areas; Restoration and Mitigation. Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:*

As shown above in Photo 2, the development has no notable changes since 1996 so the site does qualify for redevelopment and has potential to improve conditions.

#### 5.3.1 Redevelopment - 310 CMR 10.58(5)(a)

*(a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.*

The proposed project improves conditions closest to the river and stormwater controls and restores Riverfront Area.

### 5.3.2 Redevelopment - 310 CMR 10.58(5)(b)

*(b) Stormwater management is provided according to standards established by the Department.*

The project has been designed to comply with the Stormwater Management standards. See attached stormwater report from Guerriere & Halnon, Inc..

### 5.3.3 Redevelopment - 310 CMR 10.58(5)(c)

*(c) Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25 foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The project has been designed to move existing disturbance further away from the Riverfront. The proposed bridge extension is proposed exclusively for safety improvements which are supported by the Medway deputy fire chief (see attached letter).

### 5.3.4 Redevelopment - 310 CMR 10.58(5)(d)

*(d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The revised project has been designed to move the proposed work further away from the Riverfront. The current design has decreased the parking lot by 1,035 SF within the Riverfront Area.

### 5.3.5 Redevelopment - 310 CMR 10.58(5)(e)

*(e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The project has been designed to comply 310 CMR 10.58(5)(f) or (g).

### 5.3.6 Redevelopment - 310 CMR 10.58(5)(f)

*(f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration.*



*Alteration not conforming to the criteria shall begin at the riverfront area boundary.  
Restoration shall include:*

- 1. removal of all debris, but retaining any trees or other mature vegetation;*
- 2. grading to a topography which reduces runoff and increases infiltration;*
- 3. coverage by topsoil at a depth consistent with natural conditions at the site; and*
- 4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;*

Section 310 CMR 10.58(5)(f) applies to the areas for 1:1 mitigation for restoring disturbed areas within the Riverfront Area allowing development in other Riverfront Areas. The applicant proposes 7,850 SF of Riverfront Area restoration (Table 4, Figures 5 and 6) to directly mitigate 1,365 SF of redevelopment under 10.58(5)(f). Further the applicant has proposed additional mitigation under 10.58(5)(g) to improve stormwater onsite.

**Table 5: Proposed Mitigation Summary**

<b>Mitigation Riverfront</b>			
Description	Surface Area (SF)	Regulation Provision	Regulation Requirement
Mitigation, Near fire access (I)	2,050	1:1 Mitigation, Riverfront 10.58(5)(f)	Mitigation 1:1 for new work
Mitigation Area A	3,350	1:1 Mitigation, Riverfront 10.58(5)(f)	Mitigation 1:1 for new work
Mitigation Area B	2,450	1:1 Mitigation, Riverfront 10.58(5)(f)	Mitigation 1:1 for new work
Total	7,850	This is 5.7:1 mitigation for the redevelopment work.	
Non-Riverfront Buffer Zone Restoration Mitigation	1,975	This is additional mitigation for project.	

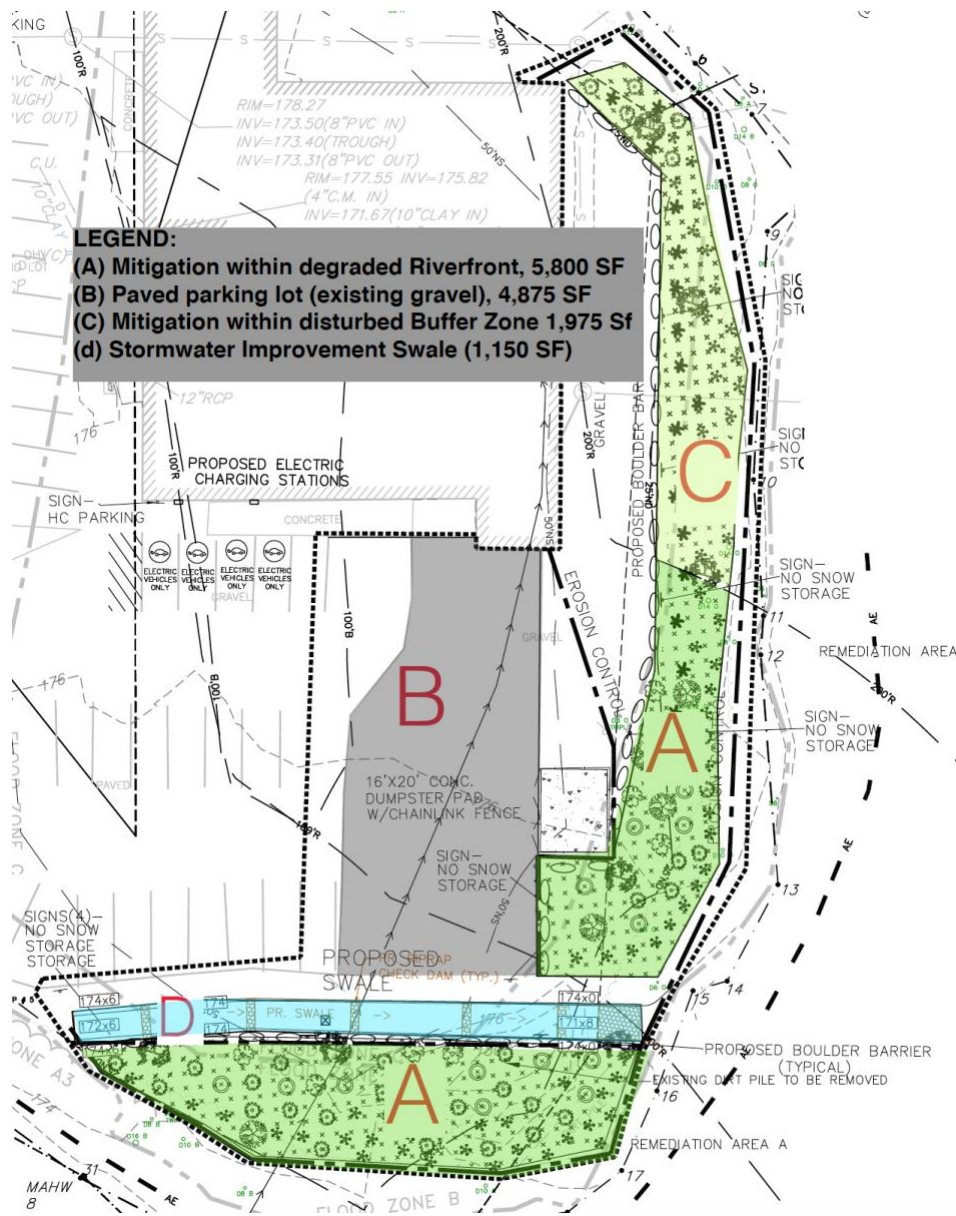


Figure 5: Riverfront Mitigation Area (Within Historical Mill Complex)



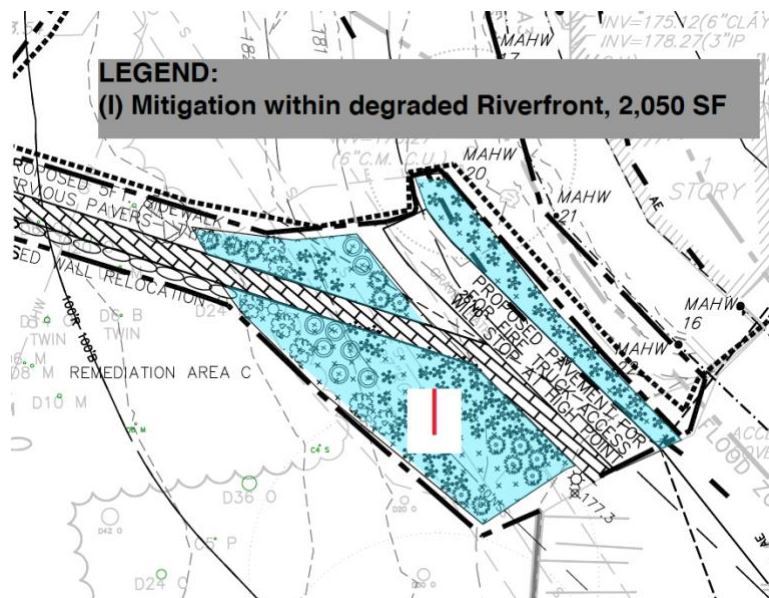


Figure 6: Riverfront Mitigation Area

#### 5.3.7 Redevelopment - 310 CMR 10.58(5)(g)

*(g) When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Energy and Environmental Affairs. [Emphasis added]*

The applicant has considered other improvements that will provide environmental protection that are not measured by square footage to mitigate the project. These additional improvements and considerations include:

- Additional 1,975 SF Buffer Zone restoration within 75 feet of BVW
  - Not included in Riverfront Area mitigation restoration.
- Oil Hoods in six existing shallow catch basins
- Add concrete bottoms to five existing catch basins to provide additional cleaning

- Enhanced ability to inspect for sediment buildup
- Enhanced ability to clear fully and properly
- Cleaning all catch basins at ¼ full due to some being shallow
- One new deep sump double catchbasin with oil hood to replace catchbasin single basin with no oil hood, not full depth sump
- Removal of 8,585 SF of degraded surfaces further from the river
- Restoration of 7,850 SF within Riverfront Area
  - 5,400 SF within Inner Riparian Zone
  - 2,450 SF within Outer Riparian Zone
- Not expanding Historic Mill Degraded Surfaces or using the Historic Mill Exemption
- New stormwater swale for southeast parking lot where no stormwater controls are proposed
  - Provides for enhanced stormwater treatment and sediment capture
  - Provides clearly defined area for maintenance and management of the edge of the parking lot.

The above improvements for the new parking lot consider the mitigation closer to the riverfront, not exercising Historical Mill Complex exemption and not redeveloping areas proposed for mitigation.

#### 5.4 Stormwater Alternatives Analysis and Exempt from Riverfront Impacts

No withstanding the mitigation provided above impacts related to structural stormwater management measures can be exempted from Riverfront Impact calculations under 310 CMR 10.58(4)(d), which states:

*(d) must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40. No Significant Adverse Impact. The work, including proposed mitigation measures,*

*1. Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997 or lots recorded after October 6, 1997 subject to the restrictions of 310 CMR 10.58(4)(c)2.b.vi., or up to 10% of the riverfront area within a lot recorded after October 6, 1997, provided that:*

*a. At a minimum, a 100 foot wide area of undisturbed vegetation is provided. This area shall extend from mean annual high-water along the river unless another location would better protect the interests identified in M.G.L. c. 131 § 40. If there is not a 100 foot wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate a 100 foot wide corridor of natural vegetation. Replication and compensatory storage required to meet other resource area performance standards are allowed within this area; structural stormwater management measures may be allowed only when there is no practicable alternative. Temporary impacts where necessary for installation of linear site-related*



*utilities are allowed, provided the area is restored to its natural conditions. [Emphasis added]*

The regulations provide for a clear exemption for structural stormwater management measures when there is “is no practicable alternative”. Under 10.58(4)1 a definition of practicable is provided which states:

*1. Definition of Practicable. As set forth in 310 CMR 10.04, an alternative is practicable and substantially equivalent economically if it is available and capable of being done after taking into consideration costs, existing technology, proposed use, and logistics, in light of overall project purposes.*

The definition includes that an alternative is substantially equivalent economically. The regulations under 10.58(4)1.a. go further stating:

*In taking costs into account, the issuing authority shall be guided by these principles:*  
*i. The cost of an alternative must be reasonable for the project purpose, and cannot be prohibitive.*

*ii. Higher or lower costs taken alone will not determine whether an alternative is practicable. An alternative for proposed work in the riverfront area must be a practicable and substantially equivalent economic alternative (i.e., will achieve the proposed use and project purpose from an economic perspective).*

As discussed below the project has considered several practicable alternatives which show that the proposed alternative is the least impactful considering the cost alternatives and the relatively small area of unmitigated area. Therefore the 2,880 SF (See Table 4) for the Stormwater Basin is no required to be mitigated, although the applicant mitigated all disturbance under redevelopment at a ratio of 5:1.

## **5.5 Alternatives Analysis for New development in Riverfront**

The projects new development work is proposed under 310 CMR 10.58(4)(d)1. Before showing compliance with this section the applicant has prepared the following alternatives analysis with a particular focus on the Stormwater Management measures (2,880 SF) but also considers the parking lot footprint. This alternative analysis considers the parameters outlined in 310 CMR 10.58(4) and also 310 CMR 10.58(4)(d)1.a.

*a. At a minimum, a 100 foot wide area of undisturbed vegetation is provided. This area shall extend from mean annual high-water along the river unless another location would better protect the interests identified in M.G.L. c. 131 § 40. If there is not a 100 foot wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate a 100 foot wide corridor of natural vegetation. Replication and compensatory storage required to meet*

*other resource area performance standards are allowed within this area; structural stormwater management measures may be allowed only when there is no practicable alternative. Temporary impacts where necessary for installation of linear site-related utilities are allowed, provided the area is restored to its natural conditions.* [Emphasis added]

#### 5.5.1 Alternative 1: Expand parking within Historic Mill Complex

This alternative would use the Historic Mill Complex Exemption to expand the parking areas along the Riverfront Areas closer to the river and within 100 feet of the Bank. This would be Area B and the area between A and B shown in Figure 7. This area is currently proposed for mitigation within the Riverfront Area because it's degraded closest to the river. However this degraded area could be converted to pavement to avoid expansion elsewhere onsite. The downside to this is due to the proximity of the resource areas, this potential expanded parking lot would (1) be inefficient resulting in more impervious surface for fewer parking spaces and (2) would be almost entirely within 100 feet of the River. Because of the net increase in impervious surface within 100 feet of the River and other resource areas, this alternative was therefore abandoned.



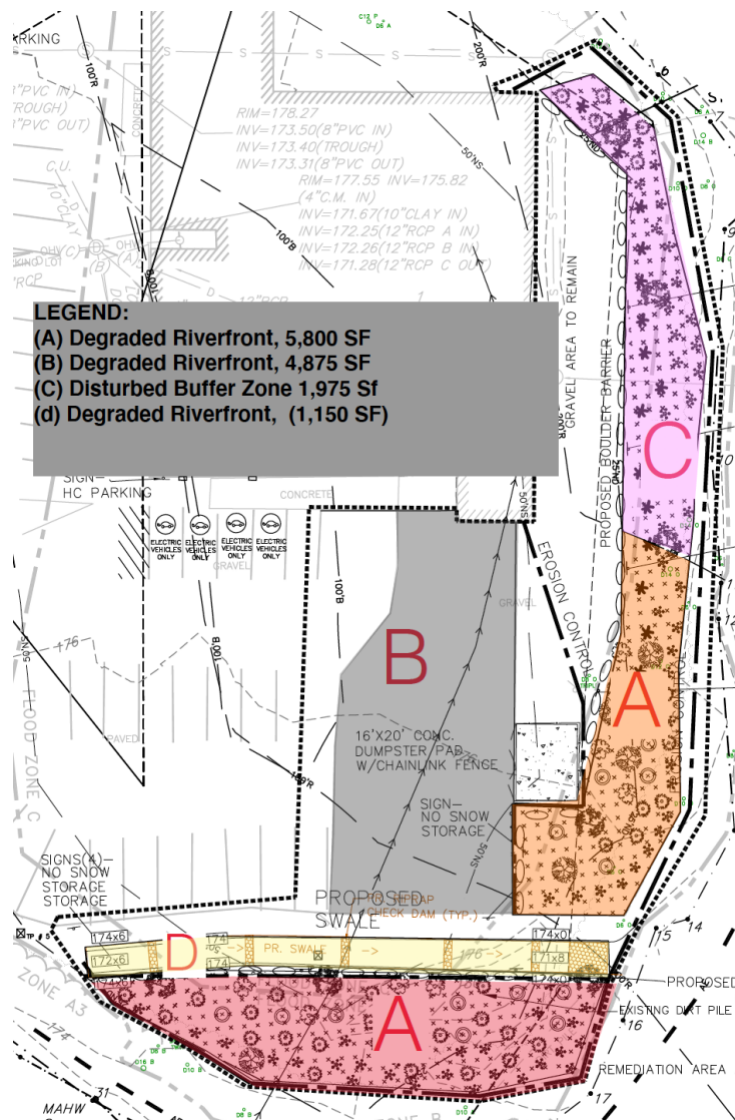


Figure 7: Degraded Areas existing within Riverfront Area and Historic Mill Complex

#### 5.5.2 Alternative 2: Convert gravel parking to pavement along fire access road

This alternative (which could be in addition to alternative 1) would convert the gravel parking area along the western Bank upgradient of MAHW #20-#22. This gravel parking area is within 25-feet of the Bank and is over 2,050 SF. Although this area is already degraded it is within the Inner Riparian Zone and doesn't require mitigation to convert to pavement. Due to the proximity to the Riverfront, this area would be better suited to be restored to natural Riverfront. Therefore, this alternative was abandoned.

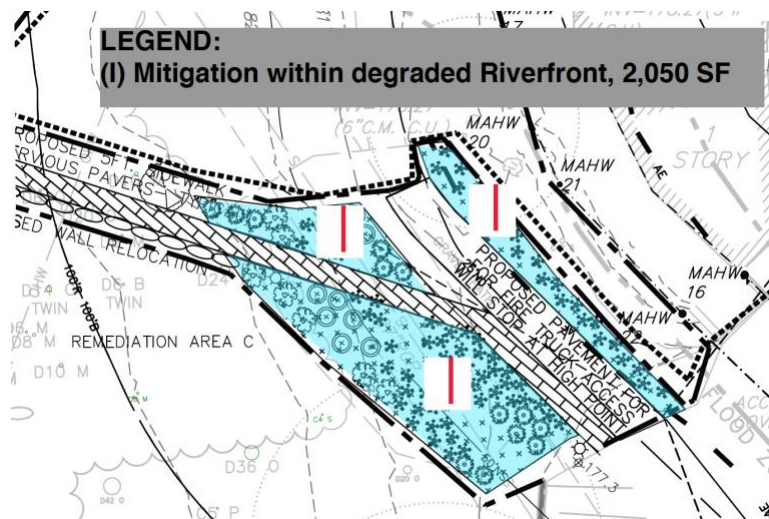


Figure 8: Restoration of degraded Areas existing within Riverfront Area

### 5.5.3 Alternative 3: Conventional Parking Lot with Underground infiltration system

This alternative would result in 5,275 SF of parking lot, 1,010 SF of walkway and 9,785 Sf of grading disturbance. This disturbance totals 16,070 SF. This design, although minimizing disturbance by 1,825 SF, does increase impervious surface by 1,035 SF within Riverfront from Alternative 4, and also increases the project cost. This alternative considers that the project will have:

- Parking Lot with 44 spaces.
- Parking Lot is 1,035 SF larger in Riverfront than Alternative 4.
- Total Parking Lot (including outside Riverfront) is 16,700 SF
  - This is 3,400 SF more pavement than Alternative 4.
    - More stormwater treatment (20% increase)
- Total disturbance is 1,825 SF less than Alternative 4.
- Access sidewalk has longer run through natural Riverfront
- Construction and installation of underground cultic system is +\$64,000\*
  - Cost doesn't include parking lot work (paving, walkways, etc).
  - Required Water Quality Unit (Stormceptor)
  - Doesn't include retaining wall
- Additional soil export is required
- +/- 200-foot retaining wall required to minimize slope at ±\$20,000\*
  - \$35 per square foot.

\*Cost are the lower of two quotes provided by contractors Dowling Corporation and LDS Design Inc. which are attached.



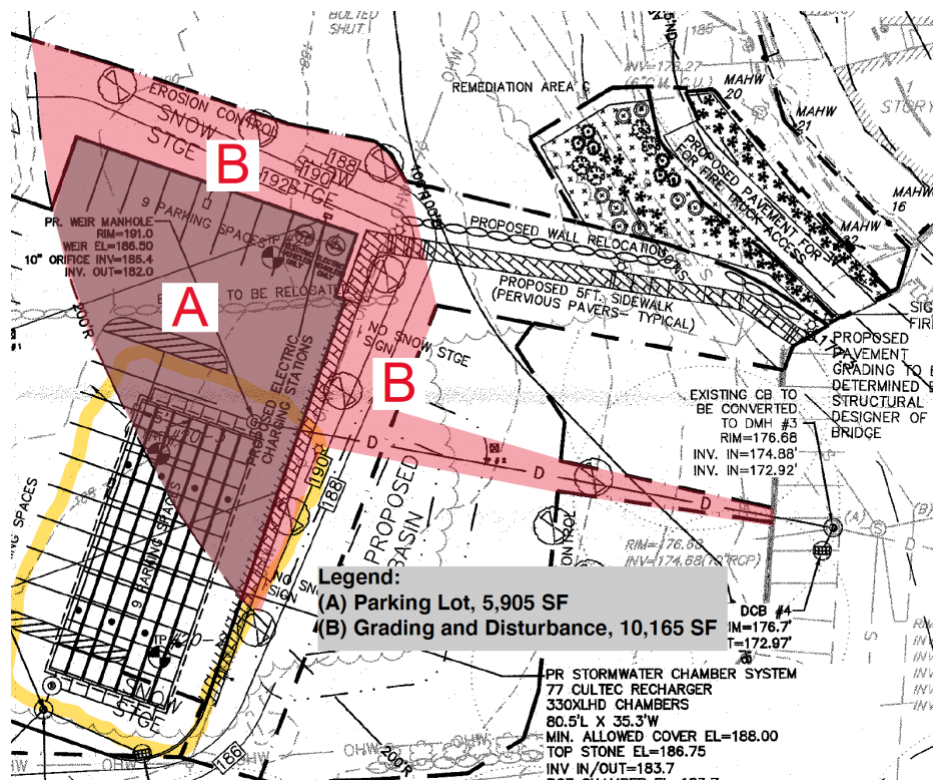


Figure 9: Alternative 3 Parking Lot Layout

This alternative has a  $\pm \$64,000$  (Dowling Corporation Construction quote difference, see attached price estimates) additional project cost for the underground stormwater system. If the concern about work in Riverfront is to be further minimized, a  $\pm 200$ -foot retaining wall, costing  $\pm \$20,000$ , would reduce disturbance area further. While Alternative 4 is projected project cost is  $\$300,000+$ , Alternative 3 requires an increase of  $+\$64,000$ . This is a significant economic change to the project. An increase of 17.5% cost for a small reduction of disturbance (2,585 SF) while increasing impervious surfaces, is not a substantially equivalent project economically nor an environmental improvement. Because of these issues, the alternative was abandoned. It should be noted that publicly funded projects within the Riverfront Area in Medway have not used the alternative of underground infiltration systems.

#### 5.5.4 Alternative 4: Parking Garage

This alternative would result in a parking garage. Whether over existing parking lots or a new area, the cost of parking garage is placed at  $\$20,000$  per parking space. Therefore a parking garage for 42 places would be in the window of  $\$840,000$  for the parking garage. Some of this cost would be permitting, but primarily the cost is advanced structural engineering and construction cost. Because of this high cost, this alternative was dismissed.

#### 5.5.5 Alternative 5: Currently Proposed Project

When reviewing alternative 3, the avoidance of Alternative 1 and 2 should be considered. The projects' goal has been to avoid work within Inner Riparian Zone and improve condition of 10.58(5) for redevelopment. The work results in 4,870 SF of parking lot, 860 SF of walkway, 4,640 SF of temporary grading disturbance and 5,610 SF of permanent grading disturbance. This work totals 17,895 SF, with the mitigation of 8,585 SF.

The net benefits to all the Resource Areas on site is also a major factor in the proposed project design. The fact that the Riverfront Area west of the river is isolated and disconnected has created an upland area that is disjointed and therefore of less value to the connectivity of the Riverfront Area as outlined in the 10.58(1) Preamble. The project is a better alternative for the following reasons:

- Parking Lot is reduced by 1,035 SF in Riverfront when compared to Alternative 3
- Total Parking Lot (including outside Riverfront) is 13,300 SF
  - This is 3,400 SF less pavement than alternative 3 (20% reduction)
- Applicant loses two parking spaces
  - Parking lot is reduced by two parking spaces from Alternative 3
- No location or layout that would keep impervious surfaces further from the river.
- Expansion of parking within Historic Mill Complex, although exempt from Riverfront standards, is not beneficial to the Resource Areas
- Restoration of areas closer to Resource Areas will have a net benefit to the surrounding Resource Areas
- Work within the isolated Riverfront Area, with significant disturbance between the river and the undisturbed Riverfront, is preferable to expansion closer to the river under the Historic Mills Complex exemption.
- The parking lot has been designed to be further from the Resource Areas than any other location on the property would allow.



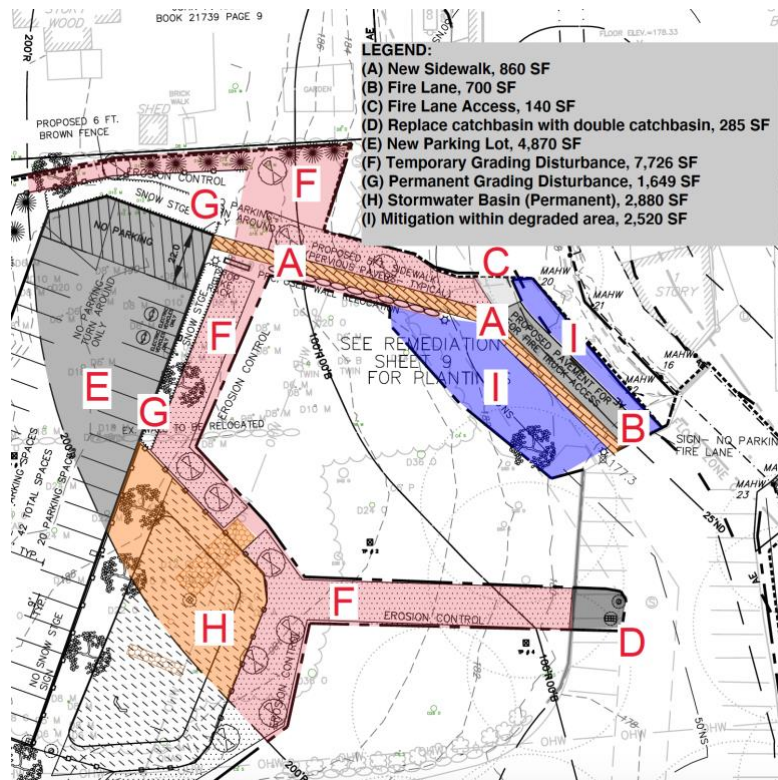


Figure 10: Alternative 4 - Currently Proposed Project

## 5.6 Conclusion of Alternative Analysis and Proposed work in Riverfront Area

As shown above, the current project alternative is a significant improvement from the original project even with the stormwater basin being kept as part of the design. The use of underground infiltration although it would slightly reduce disturbance, is *not being of substantially equivalent economically*. The project has sought to remove as much stormwater management from the Riverfront as possible, while also considering the “practicable alternative” of the regulations under 10:58(4)(c) *Practicable and Substantially Equivalent Economic Alternatives*. The following section shows that the chosen alternative also complies with 310 CMR 10.58(4)(d)1.

## 5.7 Riverfront Compliance with 310 CMR 10.58(4)

The project has proposed work in the Riverfront under 310 CMR 10.58(4)(d)1. which states:

*(d) No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.*

*1. Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997 or lots recorded after October 6, 1997 subject*

*to the restrictions of 310 CMR 10.58(4)(c)2.b.vi., or up to 10% of the riverfront area within a lot recorded after October 6, 1997,*

The proposed permanent disturbance of 14,255 SF. As noted in Table 3, 10% of the riverfront is 21,967 SF. As the project only proposed 14,255 SF or 6.5% of the Riverfront Area. The project therefore doesn't propose more than 10% permanent disturbance within the Riverfront and in addition provides more than 5:1 mitigation for work under redevelopment. The overall net project will improve the Riverfront Areas closer to the River with no significant adverse impacts from the proposed project.

## 6 Performance Standards for other Resource areas

The work proposed includes work within Buffer Zone to Bank and BVW. The bridge extension\* does extend over the LUW. There are no performance standards for the Buffer Zone however the mitigation within areas the Buffer Zone significantly expands the site's natural Buffer Zone to protect the Resource Areas.

The following discussion is provided to show that performance standards are met under 10.54, 10.56, 10.57 for all work, but with a focus on the bridge extension (Figure 11) as all other work is related to redevelopment of disturbed areas or mitigation.

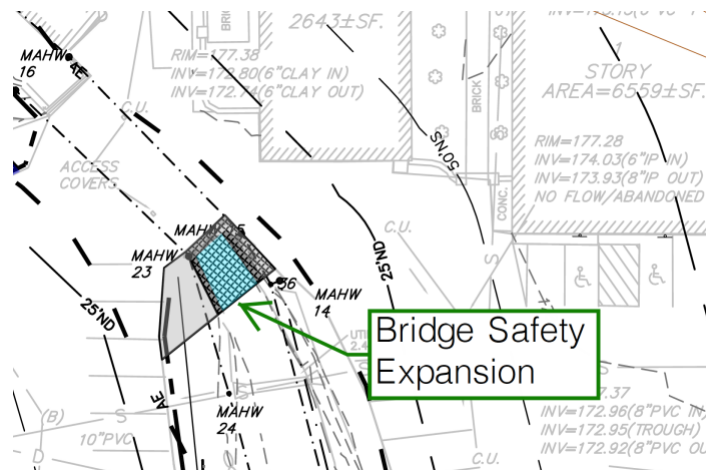


Figure 11: Bridge Safety Expansion, 450 SF

\*Extension is proposed to the end of existing wingwall abutments. Plans provided by Collins Engineering Inc and are provided to show conceptually how the extension will bridge the existing abutments.

### 6.1 Performance Standards for 310 CMR 10.54

To meet the Bank Performance Standards, the following analysis was performed. Regulations 310 CMR 10.54(4)(a) states in part the following:



*Any proposed work on a Bank shall not impair the following:*

*1. The physical stability of the Bank;*

The physical stability of the Bank will not be impacted or impaired as the foundation and lower section of the existing walls will remain untouched. The bridge extension foundation will be upgradient of existing walls and not disturb their integrity. No other work is proposed within 25 feet of the Bank except for redevelopment of disturbed areas and mitigation.

*2. The water carrying capacity of the existing channel within the Bank;*

The proposed bridge extension will bridge over the existing channel defined by the foundation and lower section of the existing walls and will remain untouched.

*3. Ground water and surface water quality;*

Ground water and surface water quality will not be impacted. The proposed stormwater improvements will improve the overall water quality of the stormwater run-off from the site.

*4. The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;*

The proposed work will leave the foundation and lower section of the existing walls untouched, and will extend the bridge over the existing retaining walls which form the Bank of the river. There is no practical alternative to improving the existing Bank. As such, the minor additional shading to the existing stone bed of the river is not a significant adverse impact to the Resource Area particularly as the area has been significantly disturbed historically.

## 6.2 Performance Standards for 310 CMR 10.56

To meet the Land Under Water Bodies (LUW) Performance Standards the following analysis was performed:

310 CMR 10.56(4)(a) states in part the following:

*(a) Where the presumption set forth in 310 CMR 10.56(3) is not overcome, any proposed work within Land under Water Bodies and Waterways shall not impair the following:*

*1. The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks;*

The proposed bridge will extend over the existing retaining walls that define the channel and therefore no impact to the river's carrying capacity will occur.

*2. Ground and surface water quality;*

The bridge over the existing wingwalls won't significantly impact Ground and surface water quality. The proposed stormwater improvements on site will enhance the stormwater treatment being discharged to the river.

*3. The capacity of said land to provide breeding habitat, escape cover and food for fisheries; and*

The proposed bridge will extend over LUW and the concrete walls which form the Bank. The stone riverbed will remain unchanged.

*4. The capacity of said land to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures established under 310 CMR 10.60.*

The proposed bridge will extend over only 220 SF of LUW. Since the river on site is several hundred SF, and the proposed work under 5,000 SF, there will be no significant impact to important wildlife habitat functions.

*5. Work on a stream crossing shall be presumed to meet the performance standard set forth in 310 CMR 10.56(4)(a) provided the work is performed in compliance with the Massachusetts Stream Crossing Standards by consisting of a span or embedded culvert in which, at a minimum, the bottom of a span structure or the upper surface of an embedded culvert is above the elevation of the top of the bank, and the structure spans the channel width by a minimum of 1.2 times the bankfull width. This presumption is rebuttable and may be overcome by the submittal of credible evidence from a competent source. Notwithstanding the requirements of 310 CMR 10.56(4)(a)4., the impact on Land under Water Bodies and Waterways caused by the installation of a stream crossing is exempt from the requirement to perform a habitat evaluation in accordance with the procedures established under 310 CMR 10.60.*

The proposed bridge will extend over the existing retaining walls that define the channel. There is no practical alternative to widen the existing Bank. It is only to widen the bridge where existing concrete wall along the Bank exists.

The proposed work will extend the bridge over 220 SF of LUW and not have a significant adverse impact to the Resource Area or wildlife habitat. The purpose of the bridge is only to



improve safety. The owner is incurring a significant cost for this safety improvement while also losing three parking spaces at the bridge.

### 6.3 Performance Standards for 310 CMR 10.57

To meet the Bordering Land Subject to Flooding (BLSF) Performance Standards, the following analysis was performed. The site has AE Flood Plain and AE Regulatory Floodway 310 CMR 10.57(4)(a) states in part the following:

*(4) Bordering Land Subject to Flooding.*

*(a) General Performance Standards.*

*1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows. Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.*

The proposed bridge expansion extends the existing bridge by 18 feet. This extension will extend the bridge but not restrict the width or height of the stream openness. The proposed bridge deck is 12" (S48-12 on plan annotates that the pre-cast concrete slab will be 12 inches in depth). This results, in a larger openness ratio as the height of the bridge extension will be higher than the existing bridge. The existing bridge (Photo 8) restricts the flow within the river, while the extension will bridge over the existing wing walls and not create a larger restriction. This minor extension, considering the larger openness within the extension, will therefore have no impacts except those that would be de minimis.



Photo 8: Existing Bridge and wing walls where proposed bridge expansion is proposed

*2. Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.*

The proposed bridge extension won't impact the wing walls and river channel. The taller height of the bridge will improve the overall openness.

*3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.*

Work is less than 600 SF, while the site has BLSF along the entire river length, no impact to wildlife habitat will occur.

The proposed work will extent the bridge but not restrict the flow of the existing river. This is due to the existing bridge's restrictive size and the larger openness of the proposed bridge extension.



## 7 Bylaw Compliance

Under sections 3.01, 3.03 and 3.04 of the Medway Wetlands Bylaw Regulations, work is proposed within 25 feet of these resource area. However, this work is for the bridge safety extension and redevelopment of disturbed conditions which will result in a overall improvement and mitigation. In addition, 1,975 SF Buffer Zone restoration (not including Riverfront Mitigation) within 40 feet of BVW is proposed at the southeast corner of the property along with permanent demarcations to protect these areas. As such, the project will be a net benefit to all resource areas.

## 8 Conclusion

The project design has considered many alternatives to consider a design that avoids, minimizes and mitigates work within the Riverfront Area and Resource Areas along with minimizing disturbance where practicable.

The project general purpose and scope was to add least  $\pm 44$  parking spaces due to lack of traditional parking space ratio for a commercial building complex. However, the applicant has reduced the parking lot to 42 parking spaces to optimize and minimize the parking lot layout with regards to size, disturbance and furthest placement from the Riverfront.

The applicant has sought to provide restoration in areas closest to the resource areas regardless of if the area could be expanded under the Historical Mill Complex exemption. The new work in the Riverfront Area has been substantially mitigated, uses Riverfront furthest from the river and is only 6.7% of the 10% allowed. This while also being in an isolated riverfront area that provides less overall Riverfront value. As proposed the project is a substantial improvement to the original site conditions while providing much needed safety improvements and parking for the Historical Mill Complex.



Allen M. Tingley  
Chief of Police

# Medway Police Department

315 Village Street  
Medway, MA 02053

Phone: 508-533-3212  
FAX: 508-533-3216  
Emergency: 911

April 5, 2021

To: Susan Affleck-Childs  
Planning & Economic Development  
Coordinator

From: Jeffrey W. Watson  
Sergeant/Safety Officer  
Medway Police Department

Ref: 163/165 Main Street, Medway Mill

I have been asked for my input as the Safety Officer on any safety issues regarding the parking of 163/165 Main Street. This complex has grown over the years to be very busy. The increase in businesses has brought more employees as well as clients. They have out grown the available parking for the complex.

On many occasions I have noticed vehicles parking on the driveway connected to Lincoln St. this alone causes a safety issue with the ability to get emergency personnel into the complex.

I believe adding additional parking as well as widening the area from the corner of the building to the river would make this area safer for all who use the complex.





# Medway Police Department

315 Village Street  
Medway, MA 02053

Phone: 508-533-3212

Fax: 508-533-3216

Emergency: 911

Allen M. Tingley  
Chief of Police

April 7, 2021

John Greene  
Medway Mills  
165 Main Street

Sir,

In response to our conversation relating to overcrowded parking in the rear of the complex located at 165 Main Street Medway, I spoke with the department's Safety Officer Sergeant Jeffrey Watson who advises that in his opinion the available parking for that location is inadequate for its current vehicular usage. He advises that he has observed overflow parking frequently along the Lincoln Street access road restricting emergency vehicle access. Sergeant Watson produced a letter supporting the creation of additional parking for the complex which he addressed to Susan Affleck-Childs, Coordinator of the Town of Medway Planning and Development Commission which I've attached.

I also made an examination of the site and looked through the Google Map and have observed vehicles using the access road for overflow parking as well thereby restricting the flow of traffic most especially restricting the ability of fire apparatus to respond to on-site emergencies through the access road. In viewing the site through the Google Maps Street View application, I saw that this condition was photographically captured. I have included two screen captures illustrating the crowding of the access road.

I additionally found that a recent dispute between a tenant and a customer resulting from a lack of available parking led to criminal charges being brought against one individual.

In my opinion, additional parking would alleviate the overflow parking issues and hopefully lead to reduction in tension over available parking during peak usage hours.

Sincerely,

A handwritten signature in cursive script, appearing to read "William H. Kingsbury".

William Kingsbury  
Lieutenant  
Medway Police Department



41 MEDFORD STREET  
MEDWAY, MA 02053

# TOWN OF MEDWAY

## FIRE DEPARTMENT

MICHAEL FASOLINO  
DEPUTY FIRE CHIEF



TEL: (508) 533-3211  
FAX: (508) 321-4851

April 7, 2021

To Whom It May Concern:

The Medway Fire Department is in support of the proposed parking plan located at the Medway Mill. Our department has responded to numerous fire and Ems related calls there at all hours of the day. We have seen the congestion especially on the Lincoln Street driveway entrance. We have found, at some emergency responses, it was tough to navigate our fire apparatus down the driveway with vehicles being parked on either side. We feel that having the additional parking area as proposed would certainly make access to the Medway Mill a lot safer. If you have any questions, please feel free to contact me.

Regards,

A handwritten signature in black ink, appearing to be "MF", is written over the printed name "Michael Fasolino".

Michael Fasolino

Deputy Chief

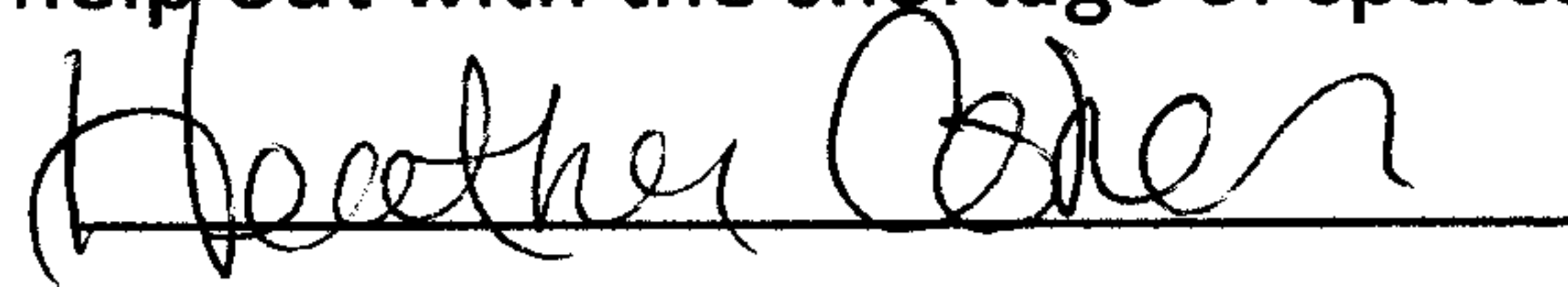


To the Town of Medway Planning Board,

April, 9 th 2021

We the undersigned are 4 personal care operators, conducting business at The Medway Mill. Prior to the COVID PANDEMIC, our total client visitations averaged about 200 per day and we are anticipating the same count as our country overcomes this virus.

We desperately need added parking to properly and safely serve our clients and employees. Presently our clients are parking on crushed stone areas, in distant access areas behind all the mill buildings. and b.Luxe hair dresser employees were parking on Lincoln Street last summer, to help out with the shortage of spaces.



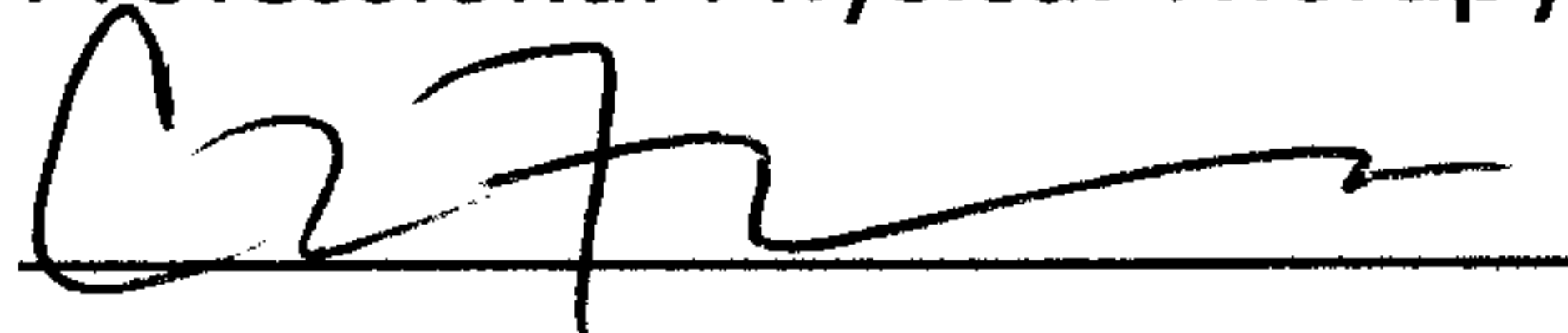
Heather Cohen owner b. Luxe Salon

We have viewed Mr. Greene's proposed parking plan and lighted sidewalk from the wooded hill adjacent to the long driveway accessing Lincoln St. and are combining our voices to ask this much needed improvement be approved by your board if possible.

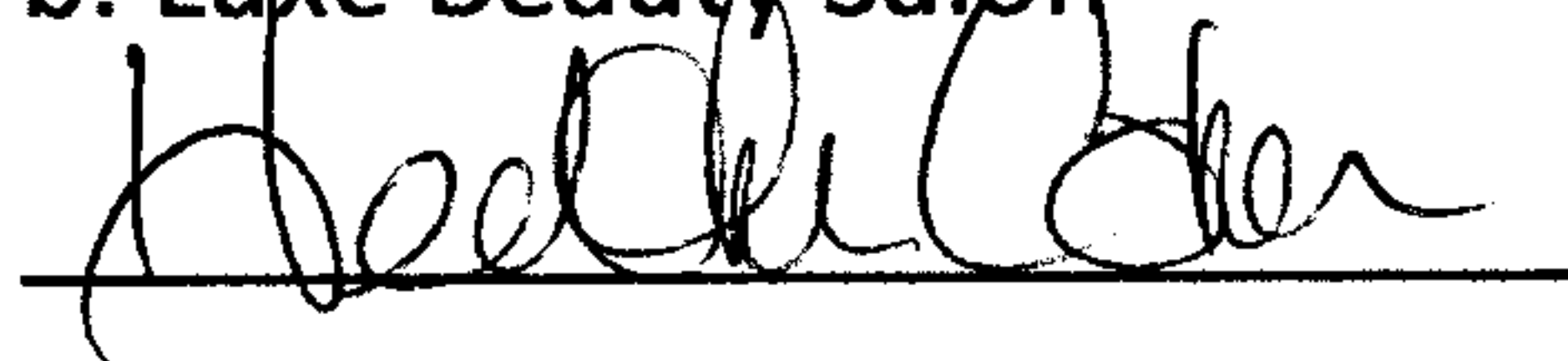
Parking and pedestrian traffic, ambulating down the long driveway from Lincoln Street is a danger as there is two- way traffic here also. Its an inconvenience to clients and employees as well.

We very appreciate your consideration in this matter.

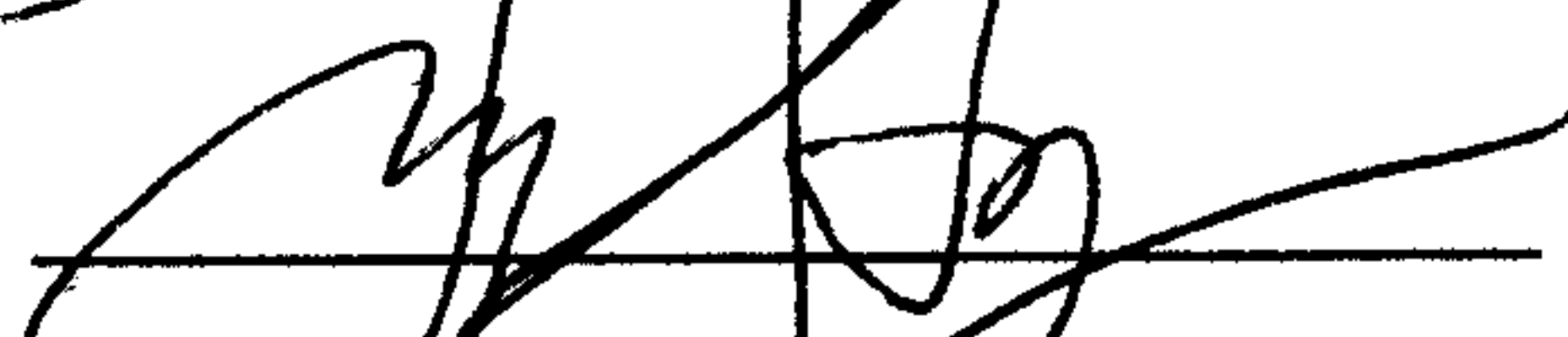
Professional Physical Therapy



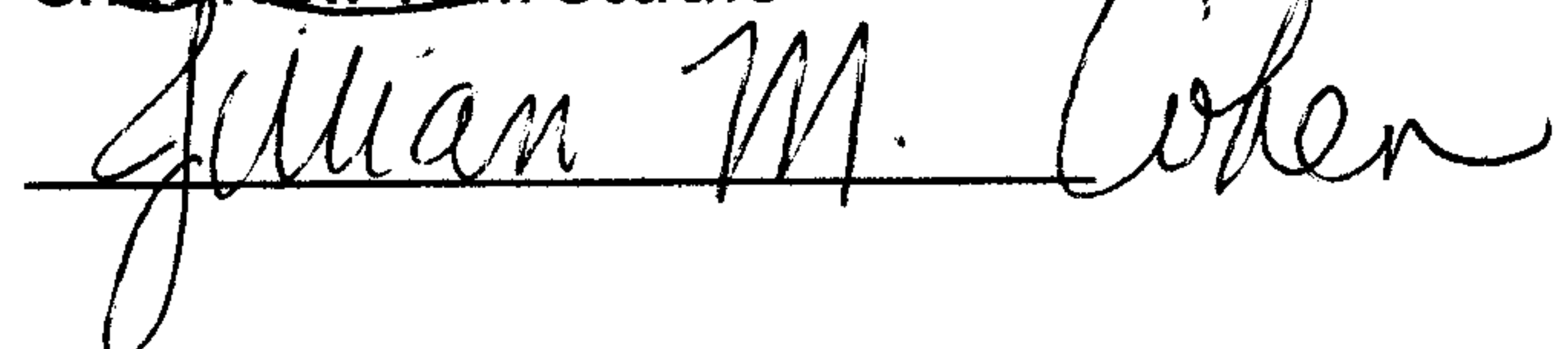
b. Luxe Beauty Salon



EBT Medical Aesthetics



Chat Noir Nail Studio



April 4, 2021

Dear Medway Planning Board,

My name is Claudette Bannon, I am a Medway resident located at 31 Norfolk Ave, Medway. I have been a resident there since 2007.

Since that time I have witnessed the many wonderful improvements taking place at Medway Mills.

I have also witnessed along with the growth in use, a large increase in traffic as well as visitors using the long roadway from Lincoln Street for parking.

The result is a line of cars visible from my residence, just beyond my back yard, as the Mill use has grown.

Mr. Greene met with me a few years ago, showed me the plans for his parking lot in the woods, I was happy to see it would result in removing of the sight of cars in my back yard.

I want to offer my support for his parking lot plan as I feel it would enhance the neighborhood, and feel as an abutters we are all fortunate he purchased and renovated Meday Mills..

Yours truly,



Claudette Bannon



# **DOWLING CORPORATION**

---

713 Dedham Street

Wrentham, MA 02093

[P] (508) 384-7617 [F] (508) 384-8236

Date: April 12, 2021

To whom it may concern,

I conducted a site walk, viewed a stone wall at the top of the Lincoln Street driveway, and I am pricing removing and rebuilding the same in conjunction with work for a proposed parking lot Mr. Greene is building in the wooded area adjacent to the Mill access road off Lincoln Street.

The wall being repaired intersects, in perpendicular fashion, a head wall constructed of stone as well. This wall continues across the abutters lot line and appears to form a foundation wall under the garage area.

The reconstruction of the wall parallel to the Mill's access road can be performed without touching the last set of stones which change direction by 90 degrees and traverse across the abutters lot line.

In my assessment, should my company or any experienced mason working with care, will not produce disturbance to any of the stones on the abutter's property, nor any foundational integrity.

Yours truly,



Ed Thornlimb  
Operations Manager



① APPROXIMATE LOT LINE





- 1) 90° transition corner stones
- 2) will be mortared and not disturbed



BUILDING INSPECTOR LEFT A MESSAGE ON MY VOICE MAIL WHICH HE IS ALLOWING ME TO MEMORIALIZE WITH THE **PLANNING BOARD....**

“ John, this is Jack Mee, the building inspector, I reviewed the package your attorney prepared, with regard to the Medway Mill property....”

“ You certainly provided quite a bit of good evidence, supporting your claims, it appears you presented everything you need to allow this project to continue.”



**Danielle Justo, Esq.**  
**617.556.3841**  
**djusto@richmaylaw.com**

March 31, 2021

**VIA FIRST-CLASS MAIL AND EMAIL**

Medway Planning Board  
155 Village Street  
Medway, MA 02053  
ATTN: Susan E. Affleck-Childs, Planning and Economic Development Coordinator

Re: 163-165 Main Street – Medway Mill Project (the “Property”)

Dear Members of the Medway Planning Board:

Our firm represents John Greene, Trustee of the 165 Main Street Trust (“Applicant”), who applied for “Revised Site Plan Approval” on December 24, 2020 for a proposed mill redevelopment project (the “Project”) on the 163-165 Main Street parcel, which is the subject of a Site Plan Application originally submitted February 18, 2020. On behalf of the Applicant, we request that the Revised Site Plans be approved so that the Applicant can move forward and implement the plans to provide the required parking and alleviate traffic and safety concerns. In support, we provide the following history of the Property:

1. The Property is shown as Parcel 48-92 on the Medway Assessor’s Map (See attached Exhibit A) and consists of approximately 7.28 acres. The following deeds attached as Exhibit B show the chain of title:
  - a. Applicant purchased the Property by deed from Medway Mill, LLC recorded on January 30, 2007 with Norfolk Registry of Deeds (the “Registry”) in Book 24499, Page 10.
  - b. Medway Mill, LLC acquired the Property by deed from Chicken Brook Realty Corp. recorded on July 1, 2003 with the Registry in Book 19233, Page 373.
  - c. Chicken Brook Realty Corp. acquired the Property by deed from Footwear Associated Products, Inc. recorded on December 30, 1994 with the Registry in Book 10775, Page 116.
  - d. Footwear Associated Products, Inc. acquired the Property by deed from United Shoe Machinery recorded on October 17, 1984 with the Registry in Book 6521, Page 36.
  - e. United Shoe Machinery Corporation acquired the Property by deed from Medway Mills, Inc. recorded on August 14, 1951 with the Registry in Book 3024, Page 23.

Medway Planning Board  
March 31, 2021  
Page 2

The above-listed deeds contain the same descriptions of the 7.28 acre Property, namely as Parcels 1 and 2 in the legal descriptions. According to M.G.L.c.40A, Sec.6, since Parcels 1 and 2 were contained in the same deeds, they therefore merged in title by common ownership since 1951.

The Town records also accurately reflect the Registry records. According to the Assessor's Records, the Property is shown as one lot, namely, Parcel 48-92 (See Exhibit A). The current Medway Zoning Map dated 11-13-2020 (Exhibit C) also shows the Property as a merged parcel located within Agricultural- Residential II District and the Main Street AUOD and the Mill Conversion Subdistrict.

Therefore, the Town records accurately reflect the merged parcels as one single 7.28 lot. The Supreme Judicial Court has consistently held that adjoining parcels may and, in certain instances, **must** be considered one lot for zoning purposes. Heald v. Zoning Board of Appeals of Greenfield, 7 Mass. App. Ct. 286 (1979). Vetter v. Zoning Board of Appeal of Attleboro, 330 Mass. 628, 630, 116 N.E.2d 277 (1953). Vassalotti v. Board of Appeals of Sudbury, 348 Mass. 658, 661, 204 N.E.2d 924 (1965). Gaudet v. Building Inspector of Dracut, 358 Mass. 807, 808, 265 N.E.2d 375 (1970).

2. The Property contains the "Stone Mill" built in the 1800s which pre-dates the Medway Zoning By-law and which has been used for industrial and commercial uses throughout the last century. Though the Property is located within the Agricultural-Residential II District, it enjoys both the benefits of the AUOD and Subdistrict as well as pre-existing, non-conforming industrial and commercial uses. Further, a prior owner (Chicken Brook Realty Corp. – see above) obtained a Special Permit at an August 2, 1995 hearing which was recorded with the Registry on May 6, 1996 in Book 11340, Page 572 (the "Special Permit"). In a letter dated May 6, 2009, the Building Inspector stated that the Property conformed to the then-current Bylaw, subject to the Special Permit. According to the Special Permit, commercial uses, including, but not limited to light manufacturing, assembly, and storage; as well as office, retail, banking, restaurant and showroom facilities were allowed. However, the Special Permit required the Property to have one parking space for every 300 s.f. of retail space and listed 94 spaces (6 handicapped) at the Property at the time. The current Bylaw, however, requires additional parking spaces for such commercial uses, therefore the parking lot is pre-existing and nonconforming. The initial Site Plan approval was based on the current parking area which contains 83 parking spots. This is insufficient to support the current commercial uses under the By-law. Page 4 of the Revised Site Plan is attached hereto and contains the parking requirement calculation. According to Section 7.1, Table 3 of the current Bylaw, its commercial business uses require 1/300 s.f. According to the Applicant's surveyor, this results in 134 required parking spaces. The purpose of the Applicant's Revised Site Plan Approval is to add the



Medway Planning Board

March 31, 2021


Page 3

parking spaces required under the current Bylaw. By conforming with the current parking requirements, the Applicant is actually *reducing* the non-conformity of the Project. The additional parking will not increase the nonconforming nature of the Property and will not be substantially more detrimental to the neighborhood, but rather mitigate the parking issue.

3. According to the Applicant, the parking is insufficient to support the Project and the tenants, guests, and invitees are parking along the Lincoln Street entrance. Tenants are parking along the entrance and roadway, for example, last summer, the operator of b.Lux Beauty Salon had her employees parking on Lincoln Street as the parking situation was so dire. In the interest of public safety and to promote the safe flow of traffic for egress and ingress to the Project's structures, the additional parking area must be provided to adequately address these safety concerns.

To expedite this request, I am available to discuss the matter further at your convenience. We appreciate your time and consideration in reviewing this history of the Property and trust it will provide the necessary support for you to approve the proposed Revised Site Plans.

Very truly yours,

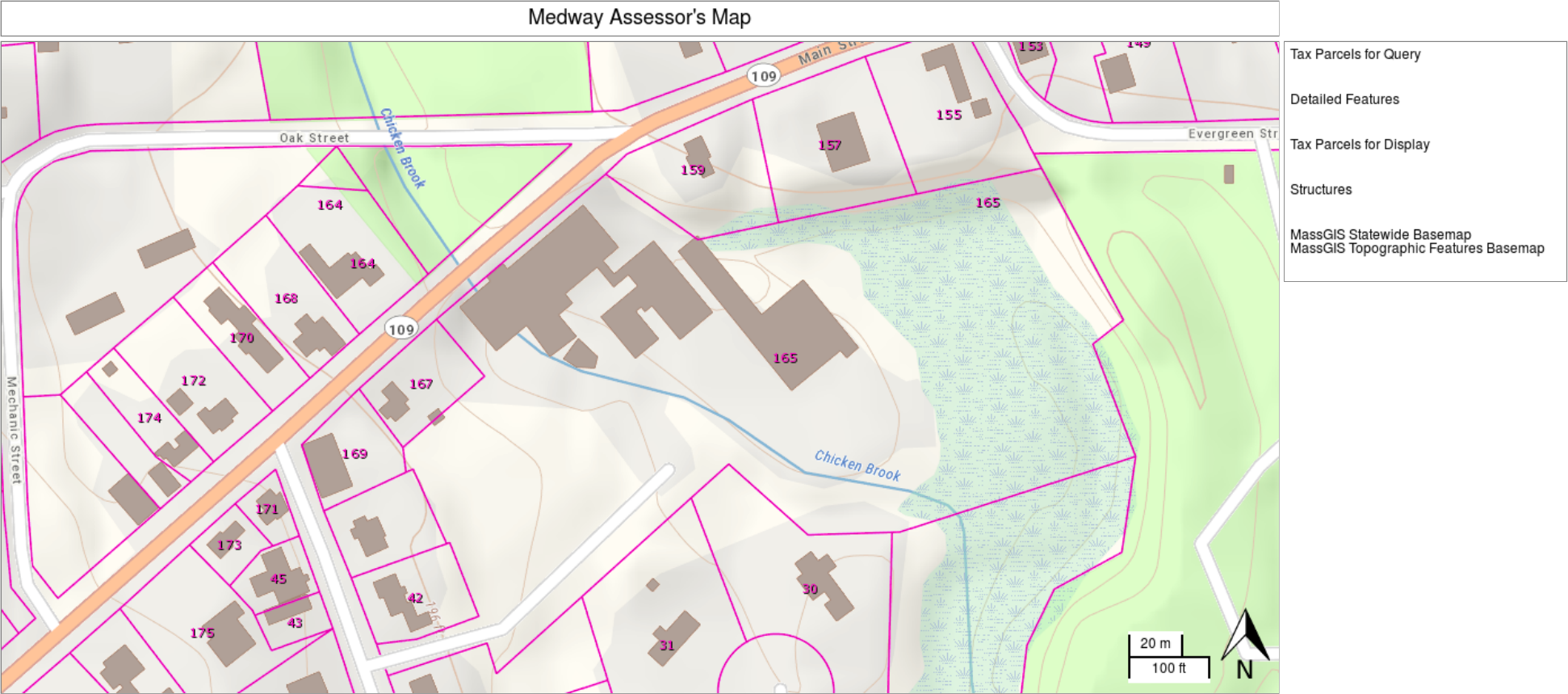


Danielle Justo

Cc: John Greene, Trustee

**EXHIBIT A**





**EXHIBIT B**



7  
Francesco Mercuri  
Attorney At Law  
73 Lexington Street  
Newton, MA 02466

Bk 24499 Pg 10 #10839  
01-30-2007 @ 01:33p

DEED

Medway Mill, LLC, a limited liability company duly established under the laws of the Commonwealth of Massachusetts, and having its usual place of business at 163-165 Main Street, Medway, Norfolk County, Massachusetts

for consideration paid, and in full consideration of \$1,465,000.00

grants to John J. Greene, Trustee of 165 Main Street Realty Trust, u/d/t dated January 25, 2007, to be recorded herewith

with quitclaim covenants

PARCEL 1

A certain parcel of land situated on the easterly side of Lincoln Street in that part of Medway, Norfolk County, Massachusetts, known as West Medway, and bounded and described as follows:

Westerly by Lincoln Street thirty-eight and 45/100 (38.45) feet;

Northerly by land now or formerly of Dodge by two lines measuring together one hundred thirty-six and 5/10 (136.5) feet;

Westerly by said land now or formerly of Dodge and by land now or formerly of the Trustees of the Bass River Land Company one hundred ninety-six and 5/10 (196.5) feet;

Southerly by other land of said Bass River Land Company seven (7) feet;

Westerly by land now or formerly of Robbins twenty-eight and 3/10 (28.3) feet;

Northwesterly by land now or formerly of Robbins and by land now or formerly of the grantors two hundred four and 3/10 (204.3) feet;

Northeasterly, northerly and northeasterly again by land now or formerly of the Grantors by several lines measuring together two hundred ninety-nine and 5/10 (299.5) feet;

Southeasterly by land now or formerly of Clark four hundred ten (410) feet;

Westerly forty (40) feet and Southerly one hundred thirty-two (132) feet by land now or formerly of Gierling; by all or any of said measurements more or less.

Said land is subject to a Notice of Variance dated August 3, 1973 and recorded at the Norfolk District Registry of Deeds, Book 4973, Page 239.

PARCEL 2

A certain parcel of land situated on Main Street in that part of Medway in the County of Norfolk and Commonwealth of Massachusetts called West Medway bounded and described as follows:

Northwesterly by said Main Street two hundred eighty-six and 79/100 feet;

Northeasterly one hundred forty-six and 04/100 feet;

Northerly, easterly, southeasterly and easterly again 1436 feet more or less said last two bounds being by land now or formerly of C.E. Lawrence, by land now or formerly of Willis Clark and by the Old Cemetery;

Southeasterly one hundred sixty and 38/100 feet;

Southwesterly two hundred sixty-one and 36/100 feet;

SEE PLAN FILED IN 2007  
PLAN BOOK 564 PAGE 90-91  
RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA  
CERTIFY  
William P. O'Donnell  
WILLIAM P. O'DONNELL, REGISTER

Westerly two hundred forty and 90/100 feet;

Southerly one hundred ten and 22/100 feet;

Southwesterly two hundred seventy and 60/100 feet;

Southerly one hundred fourteen and 84/100 feet;

Southwesterly fifty-three and 46/100 feet; and

Southeasterly sixty-two feet, said last eight bounds being by land now or formerly of Hunt and now or late of Collins, now or late of Ollendorff and now or late of Bullard; and

Southwesterly by land now or late of Patterson ninety-one and 88/100 feet.

Said premises are shown as Parcel 2 on a plan of land entitled "Plan of Land in Medway, Massachusetts dated July 7, 1951" and recorded at Norfolk Registry of Deeds in Book 3024, Page 23. Said premises contained 8.09 acres more or less according to said plan.

There is excepted from this conveyance the premises shown as belonging to Anne M. Cox, containing 4.114 acres, on a plan entitled "Plan of Land in Medway, MA.", prepared for Anne M. Cox, date: February 25, 1991, Engineering, Surveying & Planning Associates, recorded with Norfolk Deeds as Plan No. 133 of 1991 in Plan Book 398.

The foregoing exception is required, is necessary and relevant to the title of the said premises and will benefit and be of assistance in clarifying title to the said premises as the description in various deeds and mortgages since July 1951 are based upon a plan of record which is erroneous and depicts more land than was owned by the then owner of the premises in 1951. The said erroneous plan is entitled "Plan of Land in Medway, Mass.", dated July 7, 1951, recorded with Norfolk Deeds as Plan No. 975 of 1951 in Book 3024, Page 23.

Subject to easements granted to the Town of Medway as set forth in Norfolk Deeds, Book 4672, page 713 and Book 11605, Page 569.

Subject to Order for the Taking of Land for sewer construction as set forth in Norfolk Deeds, Book 5475, Page 614.

Being the same and all of the same premises conveyed to the Grantor by deed of Chicken Brook Realty Corp., dated July 1, 2003, recorded with Norfolk Deeds, Book 19233, Page 373.


For further reference, see Plan entitled "Medway Mill Site Plan owned by Medway Mill, LLC located at 161-165 Main Street In the Town of Medway County of Norfolk, Commonwealth of Massachusetts Dated: April 4, 2005, Revised October 7, 2005, Scale: 1" = 40' Surveyed by Sterling D. McCosh, P.L.S." and recorded herewith.



Executed as a sealed instrument this 30<sup>th</sup> day of January, 2007.

Medway Mill, LLC


BY

  
Michael G. Kornitzer,  
Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 30<sup>th</sup> day of January, 2007, before me, the undersigned notary public, personally appeared Michael G. Kornitzer, Manager as aforesaid, and proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.

  
Francesco Mercuri - Notary Public  
My Commission Expires: June 14, 2013



FRANCESCO MERCURI  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
June 14, 2013



**CANCELLED**  
JAN 30 2007

DEEDS REG#17  
NORFOLK

01/30/07 1:33PM	01
000000 #9925	
FEE	\$6680.40
CASH	\$6680.40

CERTIFY

*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

DEED

Bk 19233 Pg 373 #152514  
07-01-2003 @ 02:20P

Chicken Brook Realty Corp., a corporation duly established under the laws of Commonwealth of Massachusetts, and having its usual place of business at 163 Main Street, Medway, Norfolk County, Massachusetts

for consideration paid, and in full consideration of \$900,000.00

grants to Medway Mill, LLC, a Massachusetts limited liability company, duly organized and existing under law with a usual place of business at 163 Main Street in said Medway

with quitclaim covenants

PARCEL 1

A certain parcel of land situated on the easterly side of Lincoln Street in that part of Medway, Norfolk County, Massachusetts, known as West Medway, and bounded and described as follows:

Westerly by Lincoln Street thirty-eight and 45/100 (38.45) feet;

Northerly by land now or formerly of Dodge by two lines measuring together one hundred thirty-six and 5/10 (136.5) feet;

Westerly by said land now or formerly of Dodge and by land now or formerly of the Trustees of the Bass River Land Company one hundred ninety-six and 5/10 (196.5) feet;

Southerly by other land of said Bass River Land Company seven (7) feet;

Westerly by land now or formerly of Robbins twenty-eight and 3/10 (28.3) feet;

Northwesterly by land now or formerly of Robbins and by land now or formerly of the grantors two hundred four and 3/10 (204.3) feet;

Northeasterly, northerly and northeasterly again by land now or formerly of the Grantors by several lines measuring together two hundred ninety-nine and 5/10 (299.5) feet;

Southeasterly by land now or formerly of Clark four hundred ten (410) feet;

Westerly forty (40) feet and Southerly one hundred thirty-two (132) feet by land now or formerly of Gierling; by all or any of said measurements more or less.

Said land is subject to a Notice of Variance dated August 3, 1973 and recorded at the Norfolk District Registry of Deeds, Book 4973, Page 239.

PARCEL 2

A certain parcel of land situated on Main Street in that part of Medway in the County of Norfolk and Commonwealth of Massachusetts called West Medway bounded and described as follows:

Northwesterly by said Main Street two hundred eighty-six and 79/100 feet;

Northeasterly one hundred forty-six and 04/100 feet;

Northerly, easterly, southeasterly and easterly again 1436 feet more or less said last two bounds being by land now or formerly of C.E. Lawrence, by land now or formerly of Willis Clark and by the Old Cemetery;

Southeasterly one hundred sixty and 38/100 feet;

Southwesterly two hundred sixty-one and 36/100 feet;

Property address: 161-163-165 Main Street, Medway, MA



Westerly two hundred forty and 90/100 feet;

Southerly one hundred ten and 22/100 feet;

Southwesterly two hundred seventy and 60/100 feet;

Southerly one hundred fourteen and 84/100 feet;

Southwesterly fifty-three and 46/100 feet; and

Southeasterly sixty-two feet, said last eight bounds being by land now or formerly of Hunt and now or late of Collins, now or late of Ollendorff and now or late of Bullard; and

Southwesterly by land now or late of Patterson ninety-one and 88/100 feet.

Said premises are shown as Parcel 2 on a plan of land entitled "Plan of Land in Medway, Massachusetts dated July 7, 1951" and recorded at Norfolk Registry of Deeds in Book 3024, Page 23. Said premises contained 8.09 acres more or less according to said plan.

There is excepted from this conveyance the premises shown as belonging to Anne M. Cox, containing 4.114 acres, on a plan entitled "Plan of Land in Medway, MA.", prepared for Anne M. Cox, date: February 25, 1991, Engineering, Surveying & Planning Associates, recorded with Norfolk Deeds as Plan No. 133 of 1991 in Plan Book 398.

The foregoing exception is required, is necessary and relevant to the title of the said premises and will benefit and be of assistance in clarifying title to the said premises as the description in various deeds and mortgages since July 1951 are based upon a plan of record which is erroneous and depicts more land than was owned by the then owner of the premises in 1951. The said erroneous plan is entitled "Plan of Land in Medway, Mass.", dated July 7, 1951, recorded with Norfolk Deeds as Plan No. 975 of 1951 in Book 3024, Page 23.

Subject to easements granted to the Town of Medway as set forth in Norfolk Deeds, Book 4672, page 713 and Book 11605, Page 569.

Subject to Order for the Taking of Land for sewer construction as set forth in Norfolk Deeds, Book 5475, Page 614.

Being the same and all of the same premises conveyed to the Grantor by deed of Footwear Associated Products, Incorporated, dated December 28, 1994, recorded with Norfolk Deeds, Book 10775, Page 116.

IN WITNESS WHEREOF, the said Chicken Brook Realty Corp. has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Robert W. Rojee, its President and Michael E. Rojee, its Treasurer, hereto duly authorized this 1st day of JULY in the year two thousand three.

Signed and sealed in  
the presence of

Chicken Brook Realty Corp.

R. D. MacIsaac

BY

Robert W. Rojee  
Robert W. Rojee, President

Michael E. Rojee  
Michael E. Rojee, Treasurer

## THE COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

July 1, 2003

Then personally appeared the above-named Robert W. Rojee, President and Michael E. Rojee, Treasurer, and acknowledged the foregoing instrument to be the free act and deed of the Chicken Brook Realty Corp., before me

Richard D. Maciolek  
Notary Public

My commission expires:

RICHARD D. MACIOLEK  
NOTARY PUBLIC  
My Commission Expires July 1, 2005

CANCELLED

JUL - PEDHAM  
DEEDS REG#17  
NORFOLK

07/01/03 2:17PM 01  
000000 #0260

FEE \$4104.00

CASH \$4104.00



14558 25

BK10775PG116

Footwear Associated Products, Incorporated

a corporation duly established under the laws of the Commonwealth of Massachusetts and having its usual place of business at 163 Main Street, Medway, Norfolk

County, Massachusetts, in consideration of One Dollar (\$1.00) and assumption of first mortgage

grants to Chicken Brook Realty Corp., a corporation duly established under the Commonwealth of Massachusetts and having its usual place of business at

with quitclaim covenants the land in

See Exhibit "A" attached hereto for description of the property.

RECORDED  
NORFOLK COUNTY REGISTRY OF DEEDS  
DEDHAM, MA

CERTIFY  
*Barry L. Farrington*  
BARRY L. FARRINGTON, REGISTER

94 DEC 30 AM 11:12

RECEIVED  
NORFOLK COUNTY  
REGISTRY OF DEEDS

In Witness Whereof the said Footwear Associated Products, Incorporated

has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Donald H. Hovey and Barbara L. Farrington its President and \* hereto duly authorized, this 28th day of December in the year one thousand nine hundred and ninety-four.

Signed and sealed in presence of  
\*Treasurer  
Footwear Associated Products, Incorporated  
*Donald H. Hovey President*  
by Donald H. Hovey, President  
*Barbara L. Farrington Treasurer*  
By: Barbara L. Farrington, Treasurer

The Commonwealth of Massachusetts

Worcester

ss.

December 28, 19 94

Then personally appeared the above named Donald H. Hovey, President and Barbara L. Farrington, Treasurer

and acknowledged the foregoing instrument to be the free act and deed of the Footwear Associated Products, Incorporated

before me

*George V. Holland*  
George V. Holland

Notary Public  
JAMES J. HOLLAND

My commission expires 6/8/2001

10x

## EXHIBIT "A"

PARCEL 1

A certain parcel of land situated on the easterly side of Lincoln Street in that part of Medway, Norfolk County, Massachusetts, known as West Medway, and bounded and described as follows:

Westerly by Lincoln Street thirty-eight and 45/100 (38.45) feet;

Northerly by land now or formerly of Dodge by two lines measuring together one hundred thirty-six and 5/10 (136.5) feet;

Westerly by said land now or formerly of Dodge and by land now or formerly of the Trustees of the Bass River Land Company one hundred ninety-six and 5/10 (196.5) feet;

Southerly by other land of said Bass River Land Company seven (7) feet;

Westerly by land now or formerly of Robbins twenty-eight and 3/10 (28.3) feet;

Northwesterly by said land now or formerly of Robbins and by land now or formerly of the grantors two hundred four and 3/10 (204.3) feet;

Northeasterly, northerly and northeasterly again by land now or formerly of the Grantors by several lines measuring together two hundred ninety-nine and 5/10 (299.5) feet;

Southeasterly by land now or formerly of Clark four hundred ten (410) feet;

Westerly forty (40) feet and Southerly one hundred thirty-two (132) feet by land now or formerly of Gierling; by all or any of said measurements more or less.

Said land is subject to a Notice of Variance dated August 3, 1973 and recorded at the Norfolk District Registry of Deeds, Book 4973, Page 239.

PARCEL 2

A certain parcel of land situated on Main Street in that part of Medway in the County of Norfolk and Commonwealth of Massachusetts called West Medway bounded and described as follows:

Northwesterly by said Main Street two hundred eighty-six and 79/100 feet;



Northeasterly one hundred forty-six and 04/100 feet;

Northerly, easterly, southeasterly and easterly again 1436 feet more or less said last two bounds being by land now or formerly of C.E. Lawrence, by land now or formerly of Willis Clark and by the Old Cemetery;

Southeasterly one hundred sixty and 38/100 feet;

Southwesterly two hundred sixty-one and 36/100 feet;

Westerly two hundred forty and 90/100 feet;

Southerly one hundred ten and 22/100;

Southwesterly two hundred seventy and 60/100 feet;

Southerly one hundred fourteen and 84/100 feet;

Southwesterly fifty-three and 46/100 feet; and

Southeasterly sixty-two feet, said last eight bounds being by land formerly of Hunt and now or late of Collins, now or late of Ollendorff and now or late of Bullard; and

Southwesterly by land now or late of Patterson ninety-one and 88/100 feet.

Being a portion of the premises conveyed to Seller (then named "United Shoe Machinery Company") by deed dated August 13, 1951, and recorded with Norfolk Deeds, Book 3024, Page 23.

Said premises are shown as Parcel 2 on a plan of land entitled "Plan of Land in Medway, Massachusetts dated July 7, 1951" and recorded at Norfolk Registry of Deeds in Book 3024, Page 23. Said premises contained 8.09 acres more or less according to said plan.

Subject to easements granted to the Town of Medway as set forth in Norfolk Deeds, Book 4672, Page 713.

Subject to Order for the Taking of Land for sewer construction as set forth in Norfolk Deeds, Book 5475, Page 614.

For Grantors title for said Parcels 1 and 2, see deed of USM Corporation (f/k/a United Shoe Machinery Corporation) dated October 15, 1984, recorded at Norfolk District Registry of Deeds in Book 6521, Page 36.

Said premises are conveyed subject to a first mortgage and two (2) notes securing same, to the Home National Bank of Milford, which notes and mortgage the grantee assumes and agrees to pay as the full consideration of this transfer; said mortgage is dated October 7, 1988, recorded Norfolk Registry of Deeds in Book 8122, Page 501.

*BK 10775 PG 115*

Said mortgage was assigned to Collateral Liquidation Corp., 655 Summer Street, Boston, MA 02210, by assignment recorded at Norfolk Registry of Deeds Book 10597, Page 382.

The consideration for this conveyance is such that no transfer stamps are required to be affixed thereto.

USM Corporation (formerly United Shoe Machinery Corporation)

a corporation duly established under the laws of New Jersey  
and having its usual place of business at ~~BRIDGE~~ Farmington

at ~~SUSSEX~~ Hartford

County, ~~Massachusetts~~, in consideration of  
Connecticut

ONE Hundred & Seventeen Thousand (\$117,000.00) Dollars

grants to Footwear Associated Products, Incorporated, a corporation  
duly established under the laws of the Commonwealth of Massachusetts  
of 163 Main Street, Medway, Massachusetts

with quitclaim covenants

the land in Medway described as follows:

PARCEL 1 situated on the easterly side of Lincoln Street in that part  
of Medway, Norfolk County, Massachusetts, known as West Medway, and  
bounded and described as follows:

Westerly by Lincoln Street thirty-eight and 45/100 (38.45) feet;

Northerly by land now or formerly of Dodge by two lines measuring  
together one hundred thirty-six and 5/10 (136.5) feet;

Westerly by said land now or formerly of Dodge and by land now or  
formerly of the Trustees of the Bass River Land Company one hundred  
ninety-six and 5/10 (196.5) feet;

Southerly by other land of said Bass River Land Company seven (7)  
feet;

Westerly by land now or formerly of Robbins twenty-eight and 3/10  
(28.3) feet;

Northwesterly by said land now or formerly of Robbins and by land  
now or formerly of the grantors two hundred four and 3/10 (204.3) feet;

Northeasterly, Northerly, and Northeasterly again by land now or  
formerly of the Grantors by several lines measuring together two  
hundred ninety-nine and 5/10 (299.5) feet;

Southeasterly by land now or formerly of Clark four hundred ten  
(410) feet;

Westerly forty (40) feet and Southerly one hundred thirty-two  
(132) feet by land now or formerly of Gierling; be all or any of said  
measurements more or less.

Said land is subject to a Notice of Variance dated August 3, 1973  
and recorded at the Norfolk District Registry of Deeds, Book 4973,  
Page 239.

Being the same premises conveyed to Seller (then named "United Shoe  
Machinery Company") by deed dated February 27, 1953, and recorded  
with Norfolk Deeds, Book 3153, Page 401.

PROPERTY ADDRESS: 163 Main Street, Medway, MA

RECEIVED RECORDED  
1984 OCT 17 PM 12:28

PARCEL 2 situated on Main Street in that part of Medway in the County of Norfolk and Commonwealth of Massachusetts called West Medway bounded and described as follows:

Northwesterly by said Main Street two hundred eighty-six and 79/100 feet;

Northeasterly one hundred forty-six and 04/100 feet and

Northerly, Easterly, Southeasterly and Easterly again 1436 feet more or less said last two bounds being by land now or formerly of C.E. Lawrence, by land now or formerly of Willis Clark and by the Old Cemetery;

Southeasterly one hundred sixty and 38/100 feet;

Southwesterly two hundred sixty-one and 36/100 feet;

Westerly two hundred forty and 90/100 feet;

Southerly one hundred ten and 22/100;

Southwesterly two hundred seventy and 60/100 feet;

Southerly one hundred fourteen and 84/100 feet;

Southwesterly fifty-three and 46/100 feet; and

Southeasterly sixty-two feet, said last eight bounds being by land formerly of Hunt and now or late of Collins, now or late of Ollendorff and now or late of Bullard; and

Southwesterly by land now or late of Patterson ninety-one and 88/100 feet.

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Said premises are shown as Parcel 2 on a plan of land entitled "Plan of Land in Medway, Massachusetts dated July 7, 1951" and recorded at Norfolk Registry of Deeds in Book 3024, Page 23. Said premises contained 8.09 acres more or less according to said plan.

Subject to easements granted to the Town of Medway as set forth in Norfolk Deeds, Book 4672, Page 713.

Subject to Order for the Taking of Land for sewer construction as set forth in Norfolk Deeds, Book 5475, Page 614.



In witness Whereof the said

has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Stephen J. Ruffi and J. Michael Stepp, its Exec. V.P. and ~~and~~ Treasurer, respectively, to be duly authorized, this 15th day of October in the year one thousand nine hundred and eighty-four.

Signed and sealed in presence of

USM CORPORATION

*Stephen J. Ruffi*  
Assistant Secretary

*SJRuffi*  
by Executive Vice President

*J. Michael Stepp*  
by Treasurer

THE STATE OF CONNECTICUT

~~Secretary of the State~~

Hartford County

at Farmington

October 15 1984

Then personally appeared the above named Stephen J. Ruffi, the Executive Vice President of USM Corporation

and acknowledged the foregoing instrument to be the free act and deed of the USM Corporation

before me

*Gail M. Brundage*  
Gail M. Brundage

My commission expires March 31, 1985

Know all Men by these Presents

The MEDWAY SAVINGS BANK, a corporation under Massachusetts laws, having a place of business in Medway, Norfolk County, Massachusetts, \_\_\_\_\_, holder of a mortgage from ALICE M. OLLENDORFF to MEDWAY SAVINGS BANK, a corporation of Medway, Massachusetts

dated November 23, 1936

recorded with Norfolk Deeds book 2128, page 231, hereby acknowledges satisfaction of the same.

In Witness Whereof, the said MEDWAY SAVINGS BANK has caused its corporate seal to be hereunto affixed, and these presents to be signed in its name and behalf by its Treasurer this 9th day of August 1951.



MEDWAY SAVINGS BANK,  
By Wallace D. Wills Treasurer.

Commonwealth of Massachusetts

NORFOLK ss. August 9, 1951. Then personally appeared the above-named WALLACE D. WILLS Treasurer, and acknowledged the foregoing instrument to be the free act and deed of the MEDWAY SAVINGS BANK.

Before me,  
My Commission Expires  
August 27, 1954

Sham D. Hobart  
Notary Public

Rec'd & entered for record Aug. 14, 1951 at 9h.13m.A.M.

KNOW ALL MEN BY THESE PRESENTS

THAT Medway Mills, Inc., a Massachusetts corporation, FOR CONSIDERATION PAID hereby GRANTS unto United Shoe Machinery Corporation, a New Jersey corporation, with QUITCLAIM COVENANTS, the following two parcels of land with the buildings thereon situated on Main Street in that part of Medway in the County of Norfolk and Commonwealth of Massachusetts called West Medway:

The first parcel is bounded and described as follows:

SOUTHEASTERLY by said Main Street ninety-three feet;  
SOUTHWESTERLY by land now or formerly of White and now or formerly of Fairbairn two hundred seven-  
teen and 60/100 feet;  
NORTHERLY by Mechanic Street one hundred nine feet;  
and  
NORTHEASTERLY by land now or formerly of Medway Park Association one hundred forty-five and 65/100 feet.

Said premises are shown as Parcel 1 on a "Plan of Land in Medway, Mass. dated July 7, 1951 by Everett M. Brooks Co. Civil Engineers" to be recorded herewith, and contain according to said plan 15,865 square feet.

The second parcel is bounded and described as follows:

NORTHWESTERLY by said Main Street two hundred eighty- six and 79/100 feet;  
 NORTHEASTERLY one hundred forty-six and 04/100 feet and  
 NORTHERLY, EASTERLY, SOUTHEASTERLY AND EASTERLY again  
 1436 feet more or less said last two bounds  
 being by land now or formerly of C. E.  
 Lawrence, by land now or formerly of Willis  
 Clark and by the Old Cemetery  
 SOUTHEASTERLY one hundred sixty and 38/100 feet;  
 SOUTHWESTERLY two hundred sixty-one and 36/100 feet;  
 WESTERLY two hundred forty and 90/100 feet;  
 SOUTHERLY one hundred ten and 22/100 feet;  
 SOUTHWESTERLY two hundred seventy and 60/100 feet;  
 SOUTHERLY one hundred fourteen and 84/100 feet;  
 SOUTHWESTERLY fifty-three and 46/100 feet; and  
 SOUTHEASTERLY sixty-two feet, said last eight bounds  
 being by land formerly of Hunt and now  
 or late of Collins, now or late of Ollen-  
 dorff and now or late of Bullard; and  
 SOUTHWESTERLY by land now or late of Patterson ninety-one  
 and 88/100 feet.

Said premises are shown as Parcel 2 on said plan and contain according to said plan about eight and 09/100 acres.

Or however otherwise said parcels or either of them may be bounded or described and be all or any of said measurements or contents more or less being the same premises conveyed to the grantor by the following deeds:

-2-

One from Walter O. Detry dated February 1, 1935 and recorded with Norfolk Deeds Book 2059, Page 525, and two from Thomas E. Patterson and Mabel A. Patterson; one dated June 19, 1943 and recorded with said Deeds Book 2446, Page 48, and the other dated June 27, 1946 and recorded with said Deeds Book 2617, Page 105, and the same are now conveyed with the benefit of all water rights, if any, appurtenant to said premises and subject to the taxes assessed thereon as of January 1, 1951.

WITNESS the execution hereof under seal this 13<sup>th</sup> day of August, 1951, the revenue stamps required by law having been affixed hereto and cancelled.

MEDWAY MILLS, INC.

By Robert J. Hadley  
Treasurer



COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

August 13, 1951



Then personally appeared said Robert J. Hodgson and acknowledged the foregoing instrument to be the free act and deed of said Medway Mills, Inc., before me.

3024

25

Edith M. Cooper  
Notary Public

My commission expires March 17, 1955

EDITH M. COOPER



I, Gladys S. Buchold, Clerk of Medway Mills, Inc., a Massachusetts corporation, hereby certify that at a meeting of the Stockholders of said corporation duly held on July 6, 1951, at which meeting the holders of all the outstanding shares of capital stock of the corporation were present and voting, it was unanimously

VOTED: That Robert J. Hodgson, Treasurer of the corporation be and he hereby is authorized in the name and behalf of Medway Mills, Inc. to sign, seal with the corporate seal, acknowledge and deliver a quitclaim deed to United Shoe Machinery Corporation of all the real estate of Medway Mills, Inc. situated in that part of Medway in the County of Norfolk and Commonwealth of Massachusetts known as West Medway, comprising four adjacent parcels of land with the mill and other buildings thereon situated on the Southeasterly side of Main Street and another parcel of land with the buildings, if any, thereon situated on the Northwesterly side of said Main Street and on the Southerly side of Mechanic Street and being all of the premises conveyed to Medway Mills, Inc. by a deed from Walter O. Detry, dated February 1, 1935, recorded with Norfolk Deeds, Book 2059, Page 525 and two deeds from Thomas E. Patterson and another dated June 19, 1943, and June 27, 1946, respectively, and recorded with said Deeds, Book 2446, Page 48, and Book 2317, Page 105, respectively, including all water rights, if any, appurtenant to said

premises; said deed to be in such form as said Treasurer shall approve, his execution thereof to be sufficient evidence of such approval.

A true copy.

Attest:

Gladys S. Buchold.  
Clerk



I, GLADYS S. BUCHOLD, Clerk of Medway Mills, Inc., a Massachusetts corporation, hereby certify that at a meeting of the Board of Directors of said corporation duly called and held on July 6, 1951, it was unanimously

VOTED: That Robert J. Hodgson, Treasurer of the corporation be and he hereby is authorized in the name and behalf of Medway Mills, Inc. to sign, seal with the corporate seal, acknowledge, and deliver a quitclaim deed to United Shoe Machinery Corporation of all the real estate of Medway Mills, Inc. situated in that part of Medway in the County of Norfolk and Commonwealth of Massachusetts known as West Medway, comprising four adjacent parcels of land with the mill and other buildings thereon situated on the Southeasterly side of Main Street and another parcel of land with the buildings, if any, thereon situated on the Northwesterly side of said Main Street and on the Southerly side of Mechanic Street and being all of the premises conveyed to Medway Mills, Inc. by a deed from Walter O. Detry, dated February 1, 1935, recorded with Norfolk Deeds, Book 2059, Page 525, and two deeds from Thomas E. Patterson and another dated June 19, 1943, and June 27, 1946, respectively, and recorded with said Deeds, Book 2446, Page 48, and Book 2617, Page 105, respectively, including all water rights, if any, appurtenant to said premises; said deed to be in such form as said Treasurer shall approve, his execution thereof to be sufficient evidence of such approval.

A true copy.

A T T E S T:

Gladys S. Buchold.  
Clerk

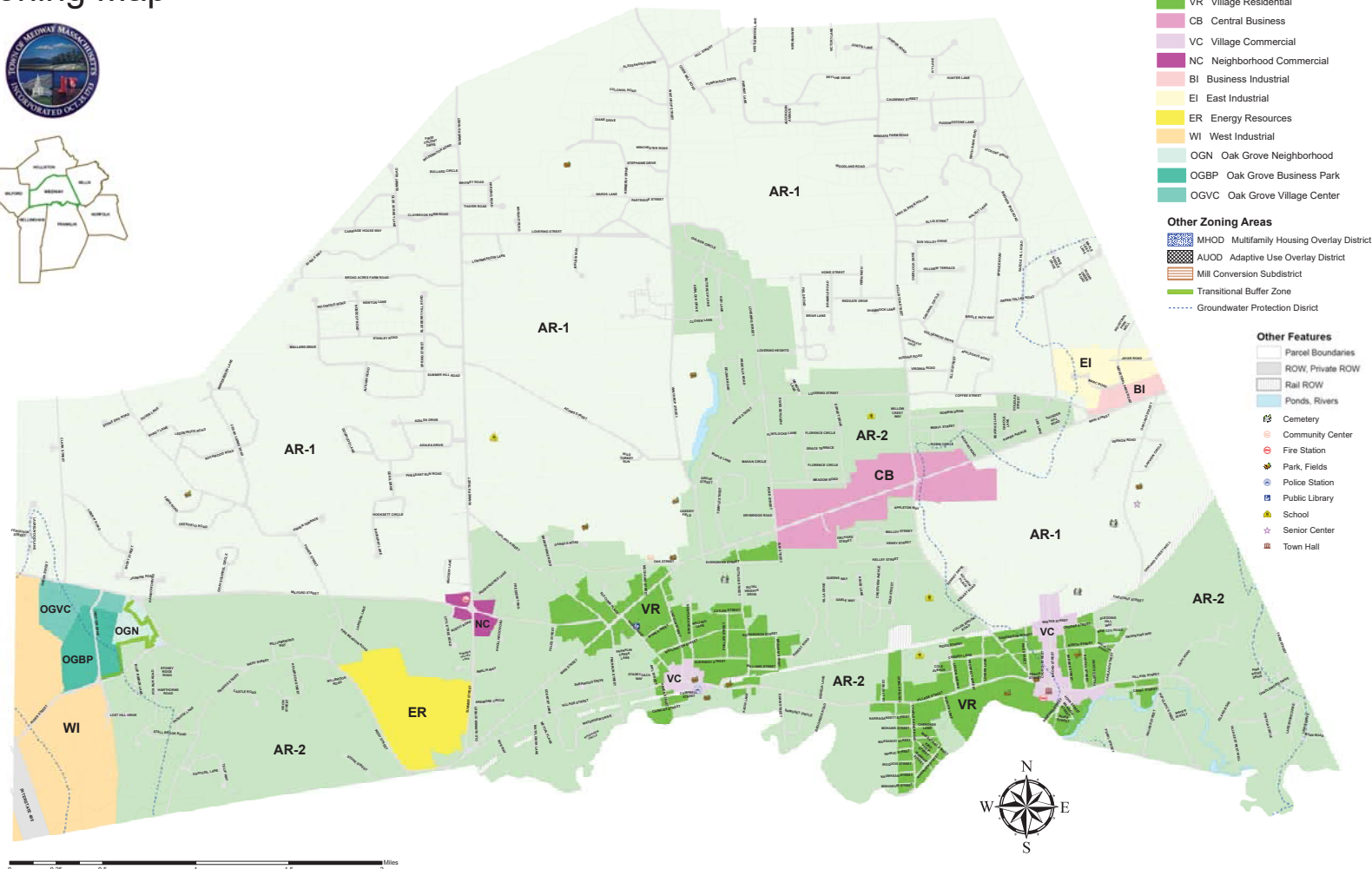


**EXHIBIT C**



# Town of Medway, MA

## Zoning Map



### Underlying Zoning Districts

- AR-1 Agricultural Residential 1
- AR-2 Agricultural Residential 2
- VR Village Residential
- CB Central Business
- VC Village Commercial
- NC Neighborhood Commercial
- BI Business Industrial
- EI East Industrial
- ER Energy Resources
- WI West Industrial
- OGN Oak Grove Neighborhood
- OGBP Oak Grove Business Park
- OGVC Oak Grove Village Center

### Other Zoning Areas

- MHOD Multifamily Housing Overlay District
- AUOD Adaptive Use Overlay District
- Mill Conversion Subdistrict
- Transitional Buffer Zone
- Groundwater Protection District

### Other Features

- Parcel Boundaries
- ROW, Private ROW
- Rail ROW
- Ponds, Rivers
- Cemetery
- Community Center
- Fire Station
- Park, Fields
- Police Station
- Public Library
- School
- Senior Center
- Town Hall

Zoning District	Minimum Lot Size (sq. ft.)	Minimum Frontage (ft.)	Minimum Setbacks (ft.) Front, Side, Rear
AR-1	44,000	180	35, 15, 15
AR-2	22,500	150	35, 15, 15
VR	22,500	150	20, 10, 10
CB	10,000	NA	10, 10, 25
VC	10,000	NA	20, 10, 10
NC	20,000	NA	35, 15, 15
BI	20,000	75	25, 15, 15
EI	20,000	100	30, 20, 30
ER	20,000	150	30, 20, 30
WI	40,000	100	30, 20, 30

Please be advised that not all Dimensional and Density Regulations are included in the table above. Please refer to the Medway Zoning Bylaw, Section 6.1 Dimensional and Density Regulations, and Section 9 Oak Grove Park Districts.

### ADAPTIVE USE OVERLAY DISTRICT (AUOD)

To promote economic development and to preserve community character by encouraging conversion of existing residential buildings in certain older neighborhoods to limited business and mixed uses. Special permit use.

### MULTIFAMILY HOUSING OVERLAY DISTRICT (MHOD)

To encourage the provision of a diversity of housing types, to promote pedestrian oriented developments, and to increase the number of affordable housing units in a designated area by authorizing multifamily dwelling units and developments in a designated area. Special permit use.

### FLOOD PLAIN DISTRICT

To prevent public emergencies resulting from water quality contamination and pollution, to avoid loss of utility services, to eliminate costs of responding to and cleaning up, and to reduce damage to public and private property all resulting from flooding waters.

### GROUNDWATER PROTECTION DISTRICT

To protect the MA Department of Environmental Protection designated Zone II recharge areas in order to ensure an adequate quantity and quality of drinking water for Medway residents, institutions and businesses and to preserve and protect existing and potential sources of drinking water supplies.

Please also refer to the Medway Zoning Bylaw, Section 5.6, Overlay Districts, and Section 8, Special Regulations.

Prepared for the  
Medway Planning and Economic Development Board  
155 Village Street, Medway, MA 02053  
508-533-3291 [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
Data provided by Town of Medway and MassGIS

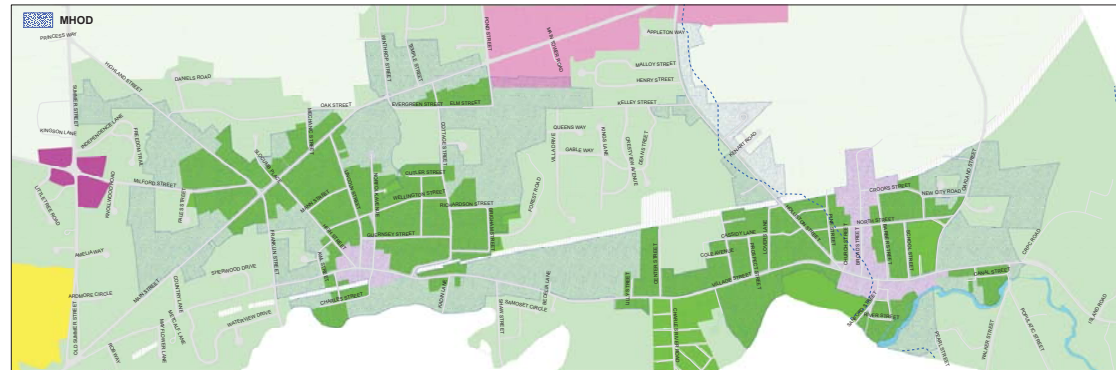
The information on this map is believed to be correct, but errors in data entry or transmission may occur.  
The map is not to be used for legal purposes.  
The information on this map is subject to change or revision at any time.

Revised by  
Fran V Hutton Lee

GIS Coordinator - Town of Medway, MA

December 27, 2019 (corrected) and November 13, 2020 (corrected)

This revised Zoning Map reflects changes approved at the November 18, 2019 Town Meeting.

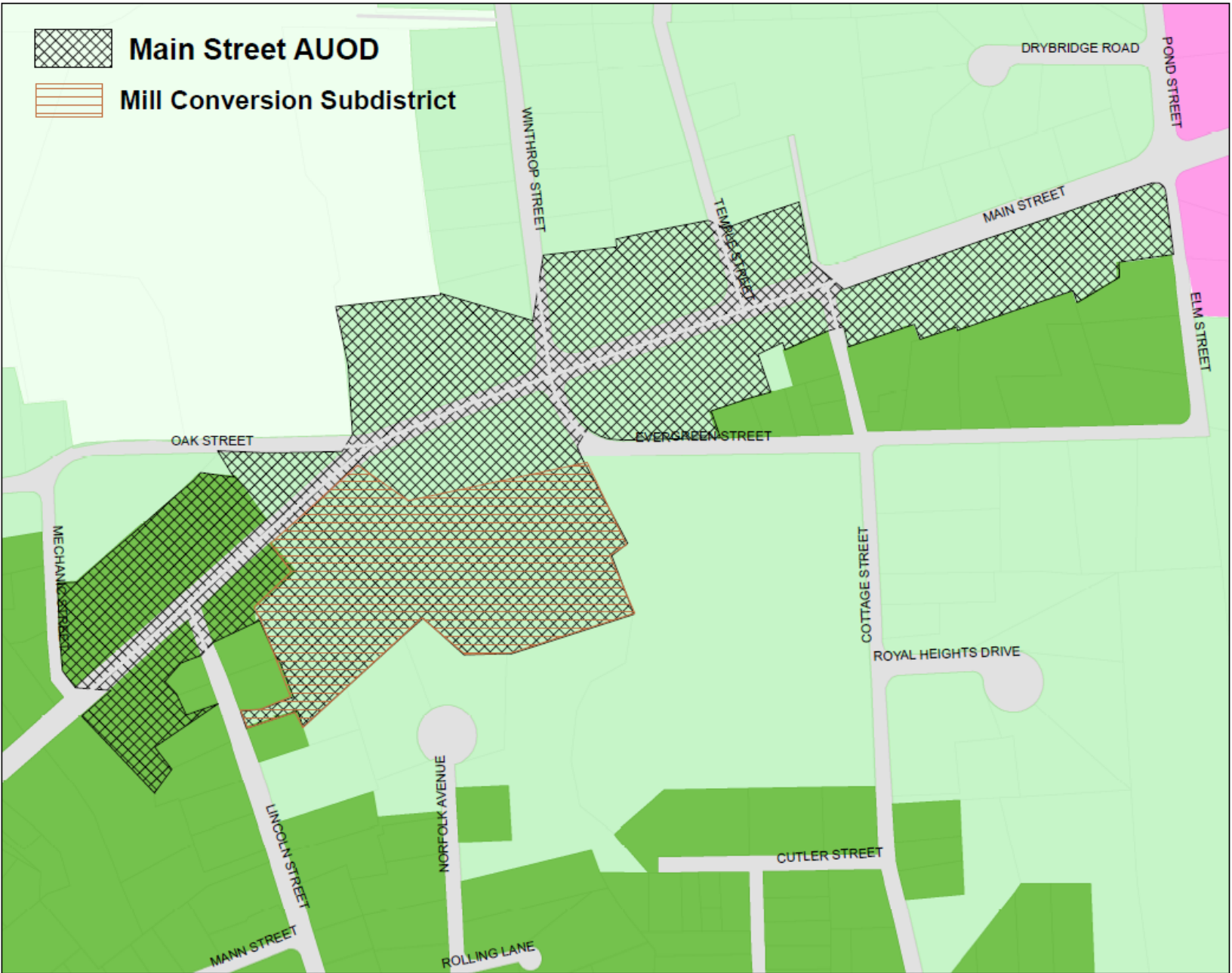




**Main Street AUOD**



**Mill Conversion Subdistrict**



JX

[Opinion](#) [Case details](#)

From Casetext: Smarter Legal Research

# Gaudet v. Building Inspector of Dracut

Supreme Judicial Court of Massachusetts

Dec 3, 1970

265 N.E.2d 375 (Mass. 1970)

[Copy Citations](#)[Download](#)[Treatment](#)

December 3, 1970.

*George W. Anthes* for the petitioner.*William C. Geary* for the respondent Eva Panagis.*Edward J. Owens*, for the Building Inspector of Dracut, submitted a brief.**A true replacement for LexisNexis for only \$65/month.**[Compare to Lexis >](#)

A plan showing the subdivision of a tract of land in Dracut into many small lots was recorded in the appropriate registry of deeds in 1922. Included in the lots were those numbered 11, 12, 18, 19, 20 and 21. They were contiguous and together they formed a large corner lot having a frontage of 145.54 feet on Freeman Avenue and 86.92 feet on Meadow Road, its two other lines being eighty feet and 111.5 feet in length respectively. The area of the six lots



together was 10,280 square feet. In 1946 Dracut first adopted a zoning by-law which either then or later classified these six lots in a General Residence district and required that lots in such district comply with the following minimum sizes: area, 22,000 square feet; frontage and width, 125 feet; and depth, 100 feet. The by-law also provided that the minimum area and width requirements would not apply to a lot "lawfully laid out and duly recorded by plan or deed prior to the effective date of this by-law." On April 4, 1968, the building inspector issued a building permit to Eva Panagis (owner) to erect a two apartment house on the six lots. Ralph Gaudet, a neighbor, seeks 808 a writ of \*808 mandamus to compel the inspector to enforce the by-law and to enjoin the construction which is alleged to be in violation of the by-law. The six contiguous lots are treated as a single lot for the purpose of the zoning by-law. *Vassalotti v. Board of Appeals of Sudbury*, 348 Mass. 659. *Smigliani v. Board of Appeals of Saugus*, 348 Mass. 794. Thus viewed, they meet the minimum frontage requirement on Freeman Avenue, even though they are deficient in depth by twenty feet. The owner has the benefit of the exemption provided in the by-law; and she also has the benefit of the more recent exemption created by G.L.c. 40A, § 5A, as amended through St. 1961, c. 435, § 1, for lots otherwise nonconforming but having a minimum area of 5,000 square feet and a minimum frontage of fifty feet. Considering both exemption, and the limited record before us, we hold that the petition was properly denied.

*Order for judgment denying petition affirmed.*

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JANET R. HEALD & others [\[Note 1\]](#) vs.  
ZONING BOARD OF APPEALS OF  
GREENFIELD; JOAN MERRIGAN & others,  
interveners.

7 Mass. App. Ct. 286

February 12, 1979 - March 23, 1979

Suffolk County

Present: ARMSTRONG, BROWN, & KASS, JJ.

---

Under a zoning by-law defining "lot" as "a piece or parcel of land occupied or to be occupied by one main building and its accessory buildings," contiguous parcels held in common ownership constituted a lot even though the parcels were described separately for conveyancing purposes. [289-292]

CIVIL ACTION commenced in the Superior Court on December 6, 1976.

The case was heard by Greaney, J.

Thomas Lesser (William C. Newman with him) for Joan Merrigan & others.

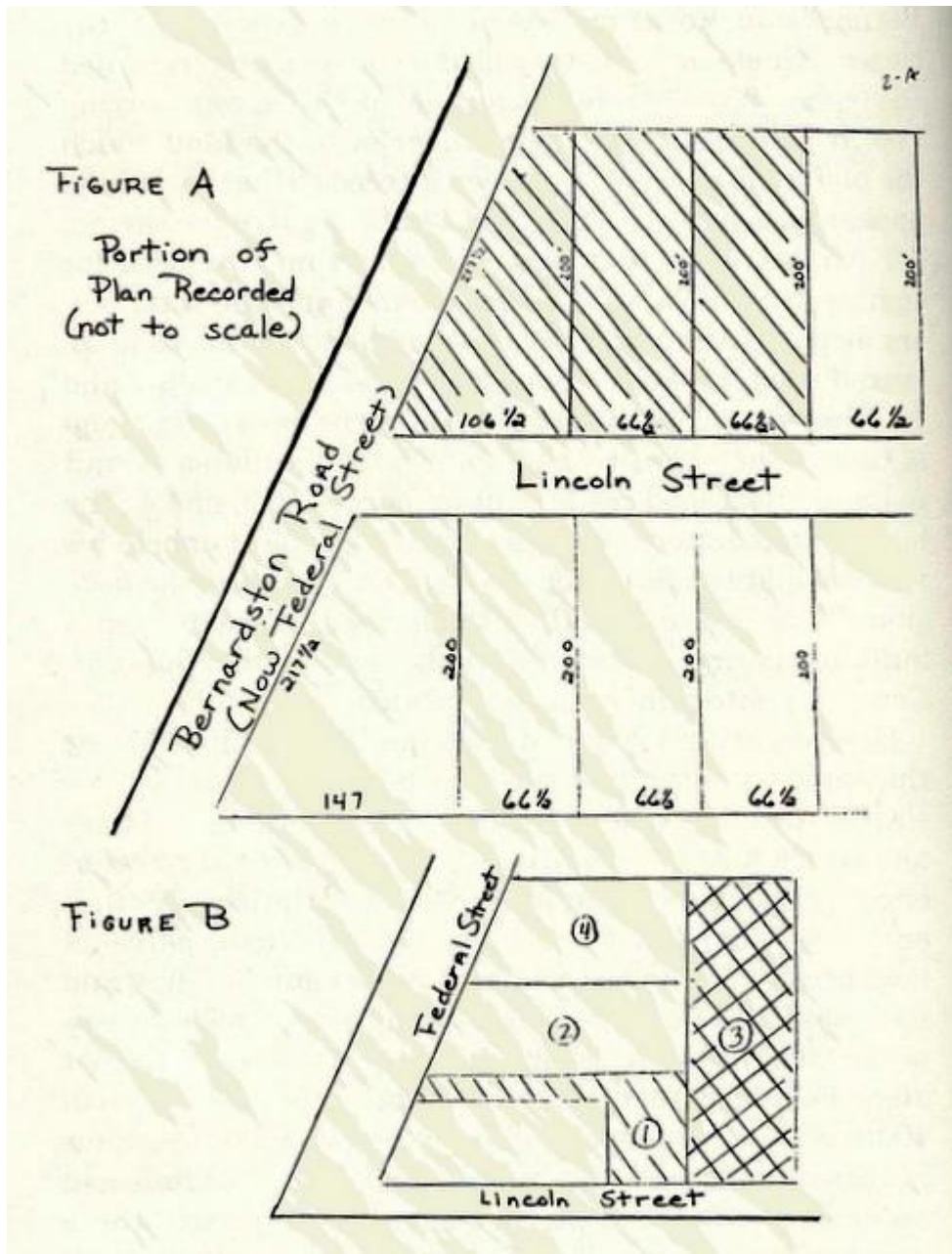
J. Nicholas Filler (Herbert H. Hodos & Paul A. Trudel with him) for the plaintiffs.

---

**KASS, J.** The plaintiffs appealed to the Superior Court under G. L. c. 40A, Section 17 (inserted by St. 1975, c. 808, Section 3), from an adverse interpretation by the board of appeals of Greenfield of that town's zoning by-law. The parties' dispute revolves around whether, for purposes of application of the zoning by-law, the word "lot" should mean a lot as described in a deed, record plan, or other source of title, or should mean contiguous lots held in common ownership. We agree with the Superior Court judge that the latter interpretation is correct.

Anciently, lots easterly of Federal Street (then called Bernardston Road) in Greenfield were arranged in the classic Nineteenth Century grid mode on a plan recorded December 23, 1890. See figure A of the accompanying sketch plan. By 1950, the boundaries of the land which the plaintiffs now own had been altered so that their land appeared as parcels 1, 2, 3, and 4 in figure B of the sketch. All parties agree that parcels 2 and 4 may be used for commercial purposes. The defendants and the interveners dispute that parcel 3 (cross-hatched) may be so used, even if used in conjunction with parcel 2 (or parcels 2 and 4). What we decide as to parcel 3 governs parcel 1 (diagonal lines). The plaintiffs had applied for a building permit to build a fast food restaurant on parcels 2, 3, and 4. The building inspector refused a permit, the board upheld his refusal, and the Superior Court judge annulled the decision of the board, in effect requiring the issuance of a building permit. From this judgment of the Superior Court the interveners have appealed.

Greenfield first adopted a zoning by-law in 1957. At that time parcels 1, 2, and 3 were held in common ownership, although the deed into the common owners, James and Grace Roberts, described the land conveyed by references to three separate prior deed descriptions. As first enacted, the by-law defined "lot" as "a piece or parcel of land occupied or to be occupied by one main building and its accessory buildings." The zoning map which accompanied this by-law established a commercial district along Federal Street "for depth of lot but not greater than 400 feet." In his memorandum of decision and order for judgment (we refer to a substituted memorandum and order filed July 11, 1977), the trial judge found that there was commercial use along Federal Street within one half mile in either direction from the locus. At its 1965 annual town meeting, Greenfield adopted various amendments to its zoning by-law, including a revised definition of "lot" which read:



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"A continuous parcel of land meeting the lot requirement of the By-Law for the district in which the land is situated, and if occupied by a building or buildings, meeting the minimum yard requirements of that district and having the required frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit."

Because the trial judge in his memorandum of decision and order for judgment concluded that lots in back of lots fronting on Federal Street could not be used for commercial purposes under the 1957 definition of "lot," but that the 1965



amendment did allow back lots joined in common ownership with front lots to be used for commercial purposes, the interveners have labored strenuously in motions below and in their briefs on appeal to establish that the 1965 definition worked no material change in the 1957 definition. All parties agree that we must apply the 1965 by-law and that the only significance of the 1957 by-law is that, coupled with legislative history and the history of layouts of parcels on the locus, the 1957 by-law might serve as a guide to interpreting the applicable provision.

We are of the opinion that, under the 1957 definition of "lot," a common owner of contiguous parcels which were described separately for conveyancing purposes could treat them as one lot for zoning purposes. Such an assembled lot could be the site for one main commercial building. A fortiori, a common owner could treat parcels with separate sources of title as one lot under the 1965 definition.

Even before the advent of zoning laws, our courts have held that where contiguous parcels were conveyed as separate parcels, or designated as such on recorded plans, the whole tract constituted one "lot" of land for purposes of determining to what a mechanic's lien might attach. *Batchelder v. Rand*, 117 Mass. 176 , 178 (1875). *Orr v. Fuller*, 172 Mass. 597 , 600 (1899). In the absence of specific

Page 290

zoning code provisions defining a "lot" in terms of sources of title or assessors' plans, the Supreme Judicial Court has consistently held that adjoining parcels may and, indeed, in certain instances, must be considered one lot for zoning purposes. *Vetter v. Zoning Board of Appeal of Attleboro*, [330 Mass. 628](#) , 630 (1953). *Vassalotti v. Board of Appeals of Sudbury*, [348 Mass. 658](#) , 661 (1965). *Gaudet v. Building Inspector of Dracut*, [358 Mass. 807](#) , 808 (1970). Still more recently, we have had occasion to say that "[t]he usual construction of the word 'lot' in a zoning context ignores the manner in which the components of a total given area have been assembled and concentrates instead on the question whether the sum of the components meets the requirements of the by-law." *Becket v. Building Inspector of Marblehead*, [6 Mass. App. Ct. 96](#) , 104 (1978). Changing patterns of land use frequently require land assembly and realignment of historic lot lines. Garden apartments, office and industrial parks, supermarkets, and shopping centers are among examples of contemporary uses of land which are likely to involve land

assembly. It would be a peculiarly restrictive zoning code which tied owners to descriptions of record. Nor does the rule cut only in favor of assembly. By its application, owners of adjoining record lots have been prevented from artificially dividing them so as to restore old record boundaries for the sake of availing themselves of the grandfather provisions of G. L. c. 40A, Section 6 (inserted by St. 1975, c. 808, Section 3, and appearing as Section 5A of the previous zoning enabling act). *Lindsay v. Board of Appeals of Milton*, [362 Mass. 126](#), 130-131 (1972). It is implicit in the provision of the Greenfield zoning by-law, which provides for potential commercial development on both sides of Federal Street to a depth of 400 feet, that some land assembly must have been contemplated.

*Clarke v. Board of Appeals of Nahant*, [338 Mass. 473](#) (1959), upon which the defendants rely heavily, does not point to a different conclusion. There is no suggestion in *Clarke* that owners are chained to record descriptions

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and, as the court observed in *Vassalotti v. Board of Appeals of Sudbury*, *supra* at 661, the *Clarke* case dealt "with an unusual by-law and an ambiguous amendment." Nor is it significant that, after the three parcels came into common ownership, the owners of them continued to carry forward old record descriptions. Conveyances frequently show a chain of title by reference to existing descriptions and plans. *Lindsay v. Board of Appeals of Milton*, *supra* at 131.

The defendants argue that such an interpretation of the Greenfield zoning by-law runs the risk of "pork chop" lots off Federal Street, such as parcel 1 on figure B of the sketch above, thus permitting the intrusion of commercial use into an otherwise residential area. As it stood in 1977, and if not amended since, the Greenfield zoning by-law may, indeed, permit this, [\[Note 2\]](#) but the municipality has the simple remedy of amending its zoning regulation to require frontage on Federal Street sufficient to prevent gerrymandered lots.

Because of our view that the text of the 1957 by-law was no more restrictive on the issue of assembly of parcels than the applicable by-law, i.e. that which was enacted in 1965, we need not consider legislative history surrounding adoption of the 1965 amendment tending to show that the town meeting did not intend to effect a change from the 1957 by-law in the ability of an owner to assemble lots. The

defendants have also argued that since, at all times material, parcels 1, 2, and 3 were separately assessed, and at values suggesting residential use, this assessment history determines their status for zoning purposes. At best, assessment practices serve only as "some indication of the status of the property." See fn. 6 in *Lindsay v. Board of Appeals of Milton*, supra at 131. Nothing in G. L. c. 40A

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substitutes the board of assessors for the zoning administrator or board of appeals of a municipality as the administrator of its zoning code.

Judgment affirmed.

---

#### FOOTNOTES

[\[Note 1\]](#) Lois E. Grant, Bessie F. Kingsley, and Martha S. Kingsley.

[\[Note 2\]](#) The by-laws, however, may not be read as permitting the creation of lots that are practically inaccessible. *Gifford v. Planning Board of Nantucket*, [376 Mass. 801](#), 808-809, 810 (1978).

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From Casetext: Smarter Legal Research

# Vassalotti v. Board of Appeals of Sudbury

Supreme Judicial Court of Massachusetts. Middlesex

Mar 3, 1965

204 N.E.2d 924 (Mass. 1965)

[Copy Citations](#)[Download](#)[Treatment](#)

February 4, 1965.

March 3, 1965.

Present: WILKINS, C.J., SPALDING, CUTTER, SPIEGEL, REARDON, JJ.

*Zoning*, "Recorded" lot, Variance.

A landowner entitled as of right under the local zoning by-law and the zoning statute to make a certain use of his land was not entitled to a zoning variance allowing such use since he did not need a variance therefor. [662] Where it appeared that prior to the adoption of a zoning by-law by a town a subdivision plan showing many lots was recorded at the registry of deeds and three of the lots, contiguous and each having an area of about 2500 square feet and a street frontage of about 25 feet, were conveyed by a single deed, that neither the grantee in such deed nor a subsequent grantee of the three lots ever owned any land adjacent thereto, that the zoning by-law, although requiring for lots in a residential district a minimum area of 40,000 square feet and a minimum street frontage of 180 feet, allowed the erection of a dwelling on a lot having less area and frontage if the lot was

"shown on a plan or deed recorded" at the registry, and that the subsequent grantee of the three lots sought to erect one dwelling on the three lots treated as a single lot, he was entitled as of right so to do under the exemption in the zoning by-law and under G.L.c. 40A, § 5A, as amended through St. 1961, c. 435, § 1. [661, 662]

BILL IN EQUITY filed in the Superior Court on August 29, 1962.

The plaintiff appealed from a final decree entered after hearing by *Beaudreau, J.*

*Eugene L. Tougas* for the plaintiff.

*Alan M. Winsor*, Town Counsel, for the defendant, submitted a brief.



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CUTTER, J.

A subdivision plan of a substantial tract of land in Sudbury was filed in the registry of deeds in 1927. A sketch of a part of Block B, one of over twenty blocks of lots appearing on that subdivision plan, is reproduced herewith (omitting some detailed measurements which do not affect the present  
659 problem). Lots 11, 12, and 13 (referred \*659 to in the aggregate as the locus),<sup>1</sup> each about twenty-five feet in width and 100 feet in depth, were conveyed to one McPhee in 1932 by the common owner of all the lots shown on the subdivision plan. The deed was recorded. "Since 1932, neither . . . McPhee nor . . . [McPhee's] sole successor in title . . . [Vassalotti, has] ever owned any . . . interest in any lot contiguous to any part of the" locus.

<sup>1</sup> On the original exhibit from which the attached sketch plan was prepared, the external boundaries of the locus were shown by a heavier line than the other lot lines. On the original recorded plan all the lot lines were alike.

Vassalotti applied in 1962 to the Sudbury board of appeals for a variance for the locus because it "did not comply with the area [40,000 square feet] and frontage [180 feet] requirements of the [Sudbury] zoning by-law." The building proposed by Vassalotti would comply with the side yard, setback, and rear yard requirements of the by-law.<sup>2</sup> The board on August 10, 1962, denied a variance. Vassalotti then filed a bill in equity (see G.L.c. 40A, § 21, as amended) in the Superior Court, praying that the board's decision be annulled and that the board be ordered to "affirm the use of the . . . [locus] for a single-family dwelling." The case was heard upon a statement of agreed facts. The trial judge declined to annul or modify the board's decision. A final decree was entered accordingly. Vassalotti appealed.

<sup>2</sup> In 1939, a comprehensive zoning by-law became effective in Sudbury. Section 17, in effect in 1962 and now, reads in part, "Except as hereinafter provided, no dwelling house and accessory building shall be erected in a [s]ingle [r]esidence [d]istrict unless the area and street frontage of the lot . . . shall conform to the following requirements: In [r]esidence [z]ones 'A' 1, 'A' 2, and 'A' 3, the minimum area of the lot shall be 40,000 square feet, and the minimum frontage of the lot on any street or way shall be 180 feet. . . . [A] A dwelling house and any accessory building may be erected on a lot in any residence district, the area and street frontage of which is less than that prescribed . . . provided, that such *lot is shown on a plan or deed recorded* . . . [in the r]egistry of [d]eeds and that the minimum area and street frontages of said lot are at least equal to those which were required by the provisions of this section in force on the date of the . . . [recording] of said plan; and that there shall be a full compliance with all the provisions of these . . . [b]y-laws relative to set backs and yards . . ." (emphasis supplied). The letter [A] inserted in the above quotation is inserted for convenient reference to the next succeeding sentence.

Vassalotti seems no longer to seek, if indeed he ever sought, a variance in  
660 the usual sense of that term. Instead, \*660

he wishes to obtain, by what would be essentially a form of declaratory relief, board or court approval of the locus (consisting of three lots shown on the 1927 plan) as a single lot which may be used for residential building. Apparently he now contends that the locus comes within (a) the sentence beginning at point [A] in the quoted portion of § 17 of the zoning by-law (fn.



2) and (b) the provisions of G.L.c. 40A, § 5A (as amended through St. 1961, c. 435, § 1).<sup>3</sup> \*661

<sup>3</sup> Section 5A, as thus amended, reads in part, "Any lot *lawfully laid out by plan or deed duly recorded*, as defined in . . . [G.L.c. 41, § 81L] . . . which complies at the time of such recording . . . with the minimum area, frontage, width, and depth requirements, if any, of any zoning . . . by-law in effect in the . . . town where the land is situated, notwithstanding the adoption or amendment of provisions of a zoning . . . by-law in such . . . town imposing minimum area, frontage, width, depth, or yard requirements, or more than one such requirement, in excess of those in effect at the time of such recording . . . (1) *may thereafter be built upon for residential use if, at the time of the adoption of such requirements or increased requirements, or while building on such lot was otherwise permitted, whichever occurs later, such lot was held in ownership separate from that of adjoining land located in the same residential district, or* (2) *may be built upon for residential use for a period of five years from the date of such recording . . . if, at the time of the adoption of such requirements or increased requirements, such lot was held in common ownership with that of adjoining land located in the same residential district; and further provided, in either instance, at the time of building (a) such lot has an area of five thousand square feet or more and a frontage of fifty feet or more, is in a district zoned for residential use, and conforms except as to area, frontage, width, and depth with the applicable provisions of the zoning ordinance or by-law in effect in such . . . town and (b) any proposed structure is to be located on such lot so as to conform with the minimum requirements of front, side, and rear yard setbacks, if any, in effect at the time of such recording . . . and to all other requirements for such structure in effect at the time of building . . ."* (emphasis supplied). In G.L.c. 41, § 81L (inserted by St. 1953, c. 674, § 7, later amended at various times in respects not relevant), "lot" is defined as "an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings."

We think that the board incorrectly assumes that the original lots 11, 12, and 13 must be viewed as separate from one another for the purposes of this case. The statement of agreed facts shows that these three lots were conveyed to McPhee by a single deed in 1932 and that McPhee and Vassalotti have never owned any adjacent lots. The outside boundaries of these three lots are determinable from the 1927 plan. These circumstances, in the aggregate, sufficiently establish the three lots together as a single lot for

purposes of § 17 of the Sudbury by-law and of G.L.c. 40A, § 5A. Under § 5A, the locus meets the definition of a "lot lawfully laid out by plan or deed duly recorded," which under the succeeding italicized clause (1) may be built upon, in the circumstances here presented. Clause (2) of § 5A, in the view we take of the locus as a "lot," has no present application. Under § 17 of the by-law, we view the locus as a "lot . . . shown on a plan or deed recorded." See *Vetter v. Zoning Bd. of Appeal of Attleboro*, 330 Mass. 628, 630 (where two lots owned together were treated as a single lot in the somewhat comparable circumstances there described). See also *Sorenti v. Board of Appeals of Wellesley*, 345 Mass. 348, 353; *Chater v. Board of Appeals of Milton*, ante, 237, 241-242, 244, 246. Cf. *Clarke v. Board of Appeals of Nahant*, 338 Mass. 473, 477-480 (dealing with an unusual by-law and an ambiguous amendment). Cf. also *Publico v. Building Inspector of Quincy*, 336 Mass. 152, 154-155. We need not consider or discuss what the situation would have been if Vassalotti or any predecessor in title at any time since the adoption of the zoning by-law in 1939 had owned any land adjoining the locus.

662 In this court, Vassalotti has proceeded essentially as if the proceedings before the board had been an appeal from \*662 the denial of a building permit. If under G.L.c. 40A, § 5A, and § 17 of the by-law Vassalotti is entitled to a permit, he is not entitled to a variance (if, indeed, his situation would in all respects meet the requirements for a variance; see *Coolidge v. Zoning Bd. of Appeals of Framingham*, 343 Mass. 742, 744-746) since he does not need one. See the *Publico* case, *supra*, at p. 155, and the *Chater* case, *supra*, at pp. 241-243. His application to the board of appeals does not seem to have been treated (either by the board or by the trial judge) as an appeal from the denial of a permit (G.L.c. 40A, § 13; cf. § 15) but rather as a request that the board either grant a variance or declare that the locus may be regarded as a single lot and be mentioned on the town records as a single lot.

We think that Vassalotti was entitled to a building permit, so far as the provisions of § 17 of the zoning by-law and of § 5A are concerned. We now so state to avoid further litigation. See *Wellesley College v. Attorney Gen.* 313 Mass. 722, 731. The final decree, however, was correct in holding that Vassalotti was not entitled to a variance. That decree is to be modified (a) to provide simply that the board of appeals did not exceed its authority in denying a variance, and (b) that the decree is without prejudice to any

subsequent application for a building permit. As so modified, the final decree is affirmed.

*So ordered.*

663 \*663

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## Susan Affleck-Childs

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**From:** Janine Clifford <janine@grouponeinc.com>  
**Sent:** Monday, March 29, 2021 8:37 PM  
**To:** Susan Affleck-Childs  
**Cc:** Myrna Flynn  
**Subject:** Cross section sketches for Mills Site Plan Parking Proposal  
**Attachments:** 42 Lincoln Cross Section- 6FT Fence.pdf; 42 Lincoln Cross Section- 12FT Screening.pdf; Medway Mills 42 Lincoln Cross Section- Lot closer to Mill AND 12ft screening.pdf

Hi Susy,

I know the board has requested cross sections and renderings of the proposed parking area from the designer last meeting; As mentioned, I was also able to pull together some sections using the proposed site plan topography and measured heights from my own property to show how inadequate a minimum 6ft screening would be and present our concerns of how much the proposed parking area negatively impacts the views from both our property and similarly at 44 Lincoln.

At a minimum, if the parking area was to remain where it is, the screening would need to be at least 12FT to ONLY screen the major rear views from our properties at the main living level. Even at that, more than half of the parking area would still be in view from the private levels of both homes which are much higher in elevation than the site. As it is, the lights from the Mills complex shine all the way into these windows when the foliage is not grown in half the year, so the proposed lot only adds depreciation to these views.

The last sketch is the most ideal views which pushes the parking area back toward the existing parking lot and allows for the existing trees and vegetation to remain between our properties and the mills complex, possibly allowing for less screening at parking area.

Below are also some options we as abutters feel are appropriate in design and materials to blend with the industrial mills complex and wooded area and would be capable of achieving 12' screening, noting that wind calculations need to be taken into account as well as runoff management so that water does not become blocked and continues to drain from our properties past the proposed fence line as it currently does. Ideally this is not the case and an option to push the parking lot back could be looked at, but at the minimum it would be a start to provide a compromised backdrop for the major views for both these historic properties.

Thank you for all your considerations!

Janine Clifford, RA  
42 Lincoln St.



12' Wood Fence with varying top heights



8' Metal Fence with another 4' Wood plank screening at top



12' Metal Fence with Screening Fabric attached at parking lot/tree side



12' Wall with Wood Panels



4' Field Stone/Stone Clad wall with 8' Fence/Screen on top

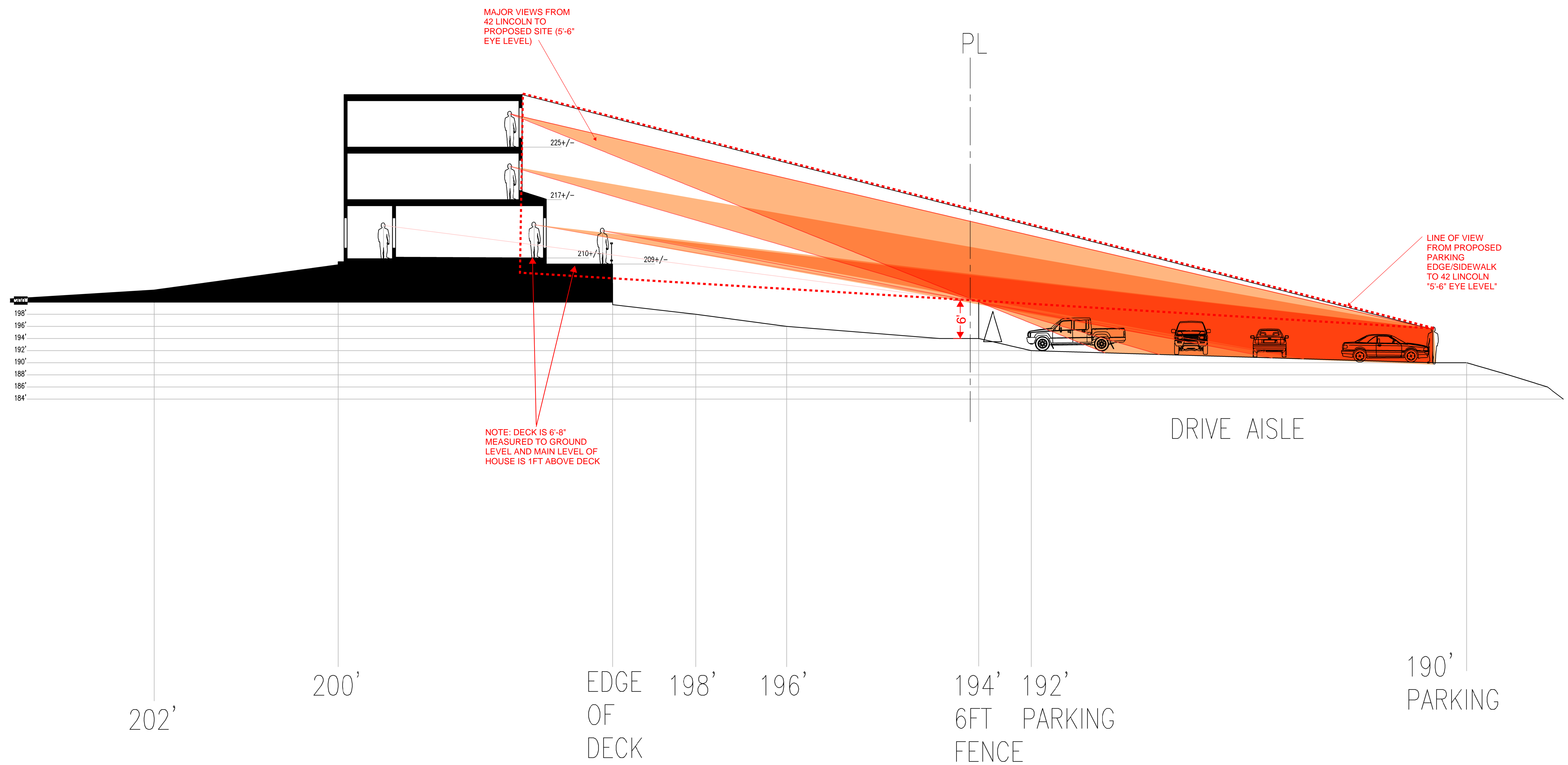


12' Gabion Wall with Wood Plank Screening Between



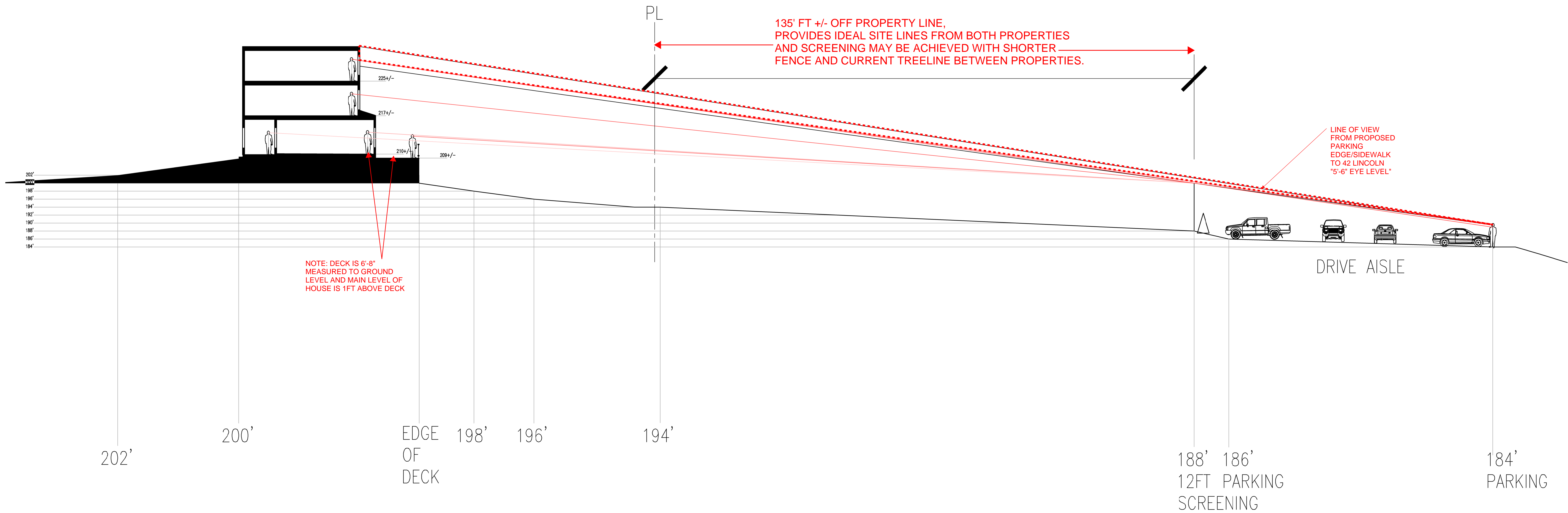






**CROSS SECTION AT 42 LINCOLN STREET WITH PROPOSED 6FT FENCE/SCREENING**  
 SCALE: 1:100





**CROSS SECTION AT 42 LINCOLN STREET WITH MOST IDEAL SITE LINES (RELOCATING PARKING AREA)**  
SCALE: 1:100

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**PGC ASSOCIATES, LLC**

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gino@pgcassociates.com

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May 20, 2021

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

**RE: MEDWAY MILL MAJOR SITE PLAN REVIEW**

Dear Mr. Rodenhiser:

I have reviewed the revised major site plan for Medway Mill under the Site Plans Rules and Regulations adopted by the Planning and Economic Development Board on October 8, 2019. The owner/applicant John Greene, Trustee, 165 Main Street Realty Trust.

The proposal is to add a parking lot, expand a bridge and install drainage improvements within the existing site. Some landscaping is also proposed. The plan was prepared by Guerriere and Hanlon, Inc. of Franklin, and is dated February 14, 2020, with a most recent revision date of April 21, 2021

The property is located at 165 Main Street in the AR-II district and is within the Medway Mill Conversion subdistrict of the Adaptive Use Overlay District. I have reviewed the responses from the applicant to the comments in my March 19, August 4, 2020 and January 6, 2021 letters. Comments previously addressed have been removed and only those that still need to be addressed are repeated below with new comments in ***bold italics*** as follows:

4. Section 204-5-D (8) specifies the contents of a landscape plan. A waiver of the requirement for a Landscape Architect may be appropriate, but another requirement that should be complied with is a maintenance program to ensure the viability of the new plants. The Conservation Commission Order of Conditions will likely address the maintenance of the remediation area, but the parking lot trees and row of shrubs between the parking lot and abutters should be addressed. ***A note has been added that newly planted material shall be watered for 90 days. No details on quantity or frequency or pruning or replacement if failed (beyond 1-year guarantee). Info on basin planting and mowing added. Ongoing maintenance shrubs and trees should be addressed. The Long Term Operations and Maintenance Plan to be incorporated into the Conservation Commission's Order of Conditions now includes biannual inspection of the remediation areas, basin plantings and mowing. However, there is still no plan for maintenance of the parking lot plantings beyond the first year.***
11. The photometric plan is OK, but a note on it says the parking lot lights will be on from 7:30 AM to 10:00 PM. There should usually not be a need for the lights to be on during daylight hours so I think the intent was that the lights would only be on as needed between those hours. It might be better expressed as "The parking lot lights will be off from 10:00 PM to 7:30 AM." ***The G&H response to my January 6 letter say that this has been addressed on Note 5 of the Photometric Plan. However, Note 5 says that the lights will only be on during operating hours of the Mill and it still says parking lot lights will be on from 7:30 AM until 10:00 PM. If this is not an error, it represents an enormous waste of energy.***

If there are any questions about these comments, please call or email 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.





March 19, 2020  
(revised July 9, 2020)  
(revised January 7, 2021)  
(revised May 19, 2021)

Ms. Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator  
Medway Town Hall  
155 Village Street  
Medway, MA 02053

**Re: Medway Mill  
Site Plan Review  
163-165 Main Street  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above-mentioned Project at the request of the Town of Medway Planning and Economic Development Board (PEDB). The proposed Project is located at existing Medway Mill site at 163-165 Main Street in Medway, MA. The Project includes a proposed parking lot, bridge expansion and appurtenant stormwater infrastructure.

TT is in receipt of the following materials:

- A plan (Plans) set titled "Site Plan, Medway Mill, 163-165 Main Street, Medway, Massachusetts", dated February 14, 2020, prepared by Guerriere & Halnon, Inc. (GHI).
- An Application for Major Site Plan Approval, dated February 18, 2020, prepared by GHI.
- Waiver Request forms, dated February 18, 2020, prepared by GHI.
- A Project Narrative, dated February 18, 2020, prepared by GHI.

The Plans and accompanying materials were reviewed for conformance with Chapter 200 of the Town of Medway PEDB Rules and Regulations (Regulations) last amended October 8, 2019 and good engineering practice. Review of the project for zoning, stormwater and wetland related issues was not completed as these reviews are conducted by separate consultants/town agencies.

#### **TT 7/9/20 Update**

The Applicant has supplied TT with a revised submission addressing comments provided in our previous letter including the following documents:

- A plan (Plans) set titled "Site Plan, Medway Mill, 163-165 Main Street, Medway, Massachusetts", dated February 14, 2020, revised May 13, 2020, prepared by GHI.
- A Response to Comments letter dated June 18, 2020, prepared by GHI.

The revised Plans and supporting information were reviewed against our previous comment letter (March 19, 2020) and comments have been tracked accordingly. Text shown in gray represents information contained in previous correspondence while new information is shown in black text.

#### **TT 1/7/21 Update**

The Applicant has supplied TT with a revised submission addressing comments provided in our previous letter including the following documents:

- A plan (Plans) set titled "Site Plan, Medway Mill, 163-165 Main Street, Medway, Massachusetts", dated February 14, 2020, revised December 23, 2020, prepared by GHI.
- A Cover Letter titled "Medway Mill, 163-165 Main Street, Medway, MA Summary of Revisions" dated December 30, 2020, prepared by GHI.
- A Response to Comments letter dated December 29, 2020, prepared by GHI.

#### **TT 5/20/21 Update**

The Applicant has supplied TT with a revised submission addressing comments provided in our previous letter including the following documents:

- Cover Letter titled "Status Update: Medway Mill, 163-165 Main Street, Medway, MA" dated February 22, 2021 prepared by GHI.
- Cover Letter titled "Status Update: Medway Mill, 163-165 Main Street, Medway, MA" dated May 10, 2021 prepared by GHI.
- A plan (Plans) set titled "Site Plan, Medway Mill, 163-165 Main Street, Medway, Massachusetts", dated February 14, 2020, revised April 21, 2021, prepared by GHI.
- A Response to Comments letter dated April 28, 2021, prepared by GHI.
- Color renderings titled "Proposed Parking Area Medway Mills, Planning Board Site Plan Review, Owner: 165 Main Street Realty Trust", dated May 11, 2021, prepared by Kuth-Ranieri Architects.

The revised Plans and supporting information were reviewed against our previous comment letter (January 7, 2021) and comments have been tracked accordingly. Text shown in gray represents information contained in previous correspondence while new information is shown in black text

#### **SITE PLAN REVIEW**

1. The Applicant has provided a Project narrative but is lacking several required items including the following:
  - a. Current employee counts (Ch. 200 §204-3.C.5)
  - b. Proposed hours of operation (Ch. 200 §204-3.C.6)
  - c. Calculation of required vs. proposed parking spaces. (Ch. 200 §204-3.C.8)
  - d. Calculation of proposed impervious surfaces. (Ch. 200 §204-3.C.9)
  - e. Expected timetable for completion of the Project. (Ch. 200 §204-3.C.10)
  - f. List of other permits required and their current status. (Ch. 200 §204-3.C.12)
  - *GHI 6/18/20 Response: Items a, b, c and d are depicted on Sheet 4 of 12 for your reference. Applicant is anticipating on completing the proposed activities with 2 years of receiving approval. We are currently in front of Conservation Commission with a Notice of Intent for the proposed project.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
2. The Applicant has not provided a written Development Impact Statement as required. The Applicant has requested a Waiver from this requirement. (Ch. 200 §204-3.F)
  - *GHI 6/18/20 Response: No further action.*
    - TT 7/9/20 Update: No action necessary until PEDB decision on waivers.
3. The Applicant has not provided a copy of the Order of Resource Area Delineation (ORAD) from the Medway Conservation Commission. (Ch. 200 §204-3.K)
  - *GHI 6/18/20 Response: Currently in review with the Conservation Commission.*

- TT 7/9/20 Update: No action necessary until Conservation Commission review is complete.
- 4. The Plans are drawn at a scale of 1"=30' which does not meet the required 1"=40' scale requirement. However, we believe the scale at which the Plans are shown is adequate to show the proposed work. We anticipate the Medway Planning and Economic Development Board will require a waiver from this requirement. (Ch. 200 §204-4.B)
  - *GHI 6/18/20 Response: Section 204-4.B states: The site plan shall be drawn at a scale of one inch equals forty feet OR one inch equals thirty feet or one inch equals twenty feet or such other scale that has been approved in advance by the Board and that clearly and adequately represents the proposed improvements. A waiver is not required.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.
- 5. The Town Clerk's no appeal certification shall be placed on the Plans. (Ch. 200 §204-4.E)
  - *GHI 6/18/20 Response: Note has been added to the Cover Sheet.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.
- 6. It appears a sewer easement crosses the site, but it is not adequately labeled. (Ch. 200 §204-5.B.5)
  - *GHI 6/18/20 Response: The sewer easement has been labeled.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.
- 7. A dumpster was observed at the western end of the gravel parking area but it is not shown on the Plans. (Ch. 200 §204-5.C.1)
  - *GHI 6/18/20 Response: This is a temporary location. A concrete pad location is proposed for a permanent location of dumpsters.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.
- 8. It is unclear if existing trees on-site have been identified within the work area as the plan is difficult to read. The Applicant has requested a Waiver from this requirement. (Ch. 200 §204-5.C.3)
  - *GHI 6/18/20 Response: Tree labels within work are enlarged for easy reading.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.
- 9. Provide parking setbacks on the Site Plan. (Ch. 200 §204-5.D.3)
  - *GHI 6/18/20 Response: The parking offsets have been added to the plan and parking dimensions have been added to the plan.*
  - TT 7/9/20 Update: Parking setbacks are 15 feet and are not shown on the Plans. The setbacks shall be shown similar to building setbacks for reference during the review process.
    - *GHI 12/29/20 Response: Parking offsets have been revised to maintain a minimum of 15 feet off the property line.*
    - TT 1/7/21 Update: In our opinion, this item has been addressed.
- 10. A site utilities plan has not been provided. Lighting is proposed in the parking lot and electrical runs will need to be shown on the Plans. All utilities are to be installed underground. (Ch. 200 §204-5.D.7)
  - *GHI 6/18/20 Response: Electrical lines and location shall be coordinated with National Grid and information will be provided after approval of site plan.*
  - TT 7/9/20 Update: We recommend the PEDB Condition this item in the Decision for the Project.



- *GHI 12/29/20 Response: On behalf of the Applicant, Guerriere & Halnon, Inc. we respectfully request the PEDB condition this item in the Decision for the Project as recommended by Tetra Tech.*
    - TT 1/7/21 Update: We recommend the PEDB Condition this item in the Decision for the Project. We recommend the PEDB require the Applicant provide the proposed electrical layout at the pre-construction meeting for the Project.
11. The Applicant has provided a Landscape Plan, however, it is not prepared by a Registered Professional Landscape Architect or a MA Certified Landscape Professional. The Applicant has requested a Waiver from this requirement. (Ch. 200 §204-5.D.8.a)
- *GHI 6/18/20 Response: A waiver has been requested.*
    - TT 7/9/20 Update: No action necessary until PEDB decision on waivers.
12. Maintenance notes shall be added to the Landscape Plan to ensure installers and property owners are aware of maintenance tasks to ensure the viability and longevity of the proposed plantings. (Ch. 200 §204-5.D.8.d)
- *GHI 6/18/20 Response: Notes have been added to the Landscaping Plan.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
13. The Applicant has not provided renderings of the project. (Ch. 200 §204-5.D.10)
- *GHI 6/18/20 Response: See renderings enclosed by owner/applicant. No new building is proposed.*
    - TT 7/9/20 Update: It is unclear if this requirement would apply to this Project. We defer action on this item to the PEDB.
14. A detail of the bike rack shall be provided on the Plans. (Ch. 200 §204-5.D.13)
- *GHI 6/18/20 Response: A bike rack detail has been added to the Detail sheets.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
15. Parking counts shall be added to the proposed zoning summary table. Required vs. proposed parking spaces shall be included. (Ch. 200 §204-5.D.17)
- *GHI 6/18/20 Response: Parking information is located on the general Note Sheet and has been added to the Zoning Summary Table.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
16. The Applicant shall show cut-fill analysis on the Plans to determine extent of earthwork at the site. (Ch. 200 §207-8.F)
- *GHI 6/18/20 Response: A cut-fill analysis has been provided as requested on Sheet 6 of the revised Plan set.*
    - TT 7/9/20 Update: The Applicant has reported a net fill of the site of approximately 1,600 cubic yards, which does not trigger the fill schedule required in Ch. 200 §208-1.D. In our opinion, this item has been resolved.
17. Proposed curb type is not provided on the Plans. The Regulations require either Vertical Granite Curb or Cement Concrete Curb along proposed sidewalks. (Ch. 200 §207-9.A.6)
- *GHI 6/18/20 Response: Vertical granite is proposed and is indicated on the site plan. Detail added to sheet 12 of 12.*

- TT 7/9/20 Update: In our opinion, this item has been resolved.
18. It does not appear the sidewalk from the proposed parking area will meet ADA requirements. (Ch. 200 §207-9.A.7)
- *GHI 6/18/20 Response: The sidewalk has been widened to 5 ft. and shall be constructed with pervious pavers to lessen the impact within the riverfront area. No handicap spaces are proposed in this area. A waiver is requested.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.
19. Proposed sidewalk is four feet in width which does not comply with the required five-foot width in the Regulations. (Ch. 200 §207-9.B.1)
- *GHI 6/18/20 Response: Has been widened to 5 ft.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.
20. Proposed curb type not provided on the Plans. (Ch. 200 §207-11.B.2)
- *GHI 6/18/20 Response: Vertical granite curb is proposed within the parking area.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.
21. Show dimensioning from property line to limit of parking area to ensure minimum 15-foot setback is provided. (Ch. 200 §207-12.G.3.b)
- *GHI 6/18/20 Response: Requesting a waiver to 12 ft. to minimize disturbance within the riverfront.*
  - TT 7/9/20 Update: No action necessary until PEDB decision on waivers. We believe an alternate design is possible for this Project which would allow this requirement to be met while also decreasing impact to the Riverfront Area and reducing impervious cover. A few possible design alternatives include relocating proposed stormwater mitigation below the proposed pavement area, reconfiguring the parking into one drive aisle with parking on either side and decreasing proposed parking to only that required by zoning. The stormwater design is currently under review with the Medway Conservation Commission.
  - *GHI 12/29/20 Response: An alternate design has been provided where a minimum setback of 15 feet from the property line has been provided. No waiver required.*
  - TT 1/7/21 Update: In our opinion, this item has been addressed.
22. Provide radii on protruding edges of curb within the proposed parking area. (Ch. 200 §207-12.H.2)
- *GHI 6/18/20 Response: The radii have been added to the layout of the parking.*
  - TT 7/9/20 Update: The intention of the regulation is to provide a minimum 3-foot radius on all outside, square corners within the parking area to prevent tire puncture.
  - *GHI 12/29/20 Response: Acknowledged.*
  - TT 1/7/21 Update: The eastern island at the parking lot entrance contains a protruding curb edge which may puncture tires when parking in the first space. We recommend the PEDB Condition this item in the Decision as a plan edit prior to final endorsement.
23. It appears two electric vehicle parking stations have been proposed for the project. However, we believe additional stations may be required based on the parking count for the site. We recommend the PEDB include this as point of discussion during public hearing to determine if the existing parking counts would be subject to this regulation. Additionally, we recommend the Applicant clearly define electric vehicle

parking spaces through use of pavement markings to ensure these spaces are not used by non-electric vehicles. (Ch. 200 §207-12.I)

- *GHI 6/18/20 Response: Pavement markings have been added for electric parking only.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.

24. Proposed utilities have not been shown on the Plans. All utilities are to be located underground. (Ch. 200 §207-16)

- *GHI 6/18/20 Response: A note has been added to the utility plan.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.

25. The building is multi-use and will require proposed shared trash compactors as required. (Ch. 200 §207-17.D)

- *GHI 6/18/20 Response: A waiver is requested.*
  - TT 7/9/20 Update: No action necessary until PEDB decision on waivers.

26. We expect light levels to be much greater than shown at the property line as what is provided. Light levels shown on the plan end at the property line at reasonably high values (ie. 0.17, 0.18, 0.19, etc.). This may be due to the proposed fence but that information should be provided on the Plan to confirm. We recommend the Applicant also place shielding on the light fixtures to ensure no light trespass extends to residential abutters. (Ch. 200 §207-19.B.2)

- *GHI 6/18/20 Response: The fence and landscaping is designed to minimize glare onto the abutters. Notes were added to the lighting plan indicating the use of shields if determined if necessary.*
  - TT 7/9/20 Update: We believe an alternate design of the parking layout is possible which will relocate the parking, and appurtenant lighting, further away from abutters as compared to the current design. See Update at Comment 21.
    - *GHI 12/29/20 Response: An alternative parking layout has been provided for review.*
      - TT 1/7/21 Update: In our opinion, this item has been addressed.

27. Provide a light schedule on the Photometric Plan to confirm light type and specifications. Additionally, proposed times of illumination shall be included. All lighting shall meet the requirements of Zoning Bylaw Section 7.1.2. (Ch. 200 §207-18.A)

- *GHI 6/18/20 Response: Lighting details and specifications are shown on the Detail sheets.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.

28. Landscape areas along the residential property lines to the west do not appear to be 15-feet as required by the Regulations. (Ch. 200 §207-19.B.2)

- *GHI 6/18/20 Response: A fence as well as landscaping should provide enough screen to the abutting properties.*
  - TT 7/9/20 Update: We defer action on this item to the PEDB.

29. It does not appear the proposed parking layout accounts for the minimum 10% landscaped island area. Parking area calculation shows approximately 15,000 sf of new parking area with 10%, or 1,500 sf, of landscaped island required. These islands are exclusive of perimeter landscaping. (Ch. 200 §207-19.C.a)

- *GHI 6/18/20 Response: The parking was designed to minimize disturbance within the riverfront area.*



- TT 7/9/20 Update: We believe an alternate design of the parking layout is possible to help reduce impervious cover at the site. Reduction in impervious cover would reduce the scope of required landscaped islands to help the Project better align with the Regulations. See Update at Comment 21.
  - *GHI 12/29/20 Response: An alternative parking layout has been provided for review where impervious coverage has been reduced.*
    - TT 1/7/21 Update: In our opinion, this item has been addressed.
30. The Applicant has provided a standard stormwater drainage design with use of catch basins and infiltrations basins to treat stormwater runoff from the parking area. The Regulations require Applicants to determine feasibility of using LID techniques such as rain gardens and bio-retention areas to treat stormwater. Proposed stormwater design will be reviewed by the Medway Conservation Commission. (Ch. 200 §207-19.C.a)
- *GHI 6/18/20 Response: The use of LID techniques was considered during the design process. LID techniques that may have been suitable for this site typically require larger footprint, and it was designed utilizing conventional stormwater BMPs to minimize the disturbance within the protected riverfront area.*
    - TT 7/9/20 Update: The stormwater design is currently under review with the Medway Conservation Commission and for the purposes of this review it is our opinion this item has been resolved.
31. The Applicant shall provide a calculation of proposed tree replacement, it is difficult to read tree sizes on the existing conditions plan. The Applicant has requested a Waiver from this requirement, however, the waiver request does not appear to reference the correct regulation on the Plans. (Ch. 200 §207-19.H)
- *GHI 6/18/20 Response: A waiver has been requested.*
    - TT 7/9/20 Update: No action necessary until PEDB decision on waivers.
32. Provisions for irrigation of proposed landscaping shall be provided. (Ch. 200 §207-19.K)
- *GHI 6/18/20 Response: Notes were added to the landscaping plan. The contractor/landscaper shall water the newly planted trees for 90 days and guarantee plant stock for 1 year.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
33. Proposed fence is white PVC. Fence type and color will need to be reviewed by the Medway Design Review Committee. (Ch. 200 §207-20.A)
- *GHI 6/18/20 Response: Acknowledged.*
    - TT 7/9/20 Update: We recommend the PEDB Condition this item in the Decision for the Project. We anticipate the Medway Design Review Committee will recommend alternative colors and textures for the proposed fence.
    - *GHI 12/29/20 Response: On behalf of the Applicant, Guerriere & Halnon, Inc. we respectfully request the PEDB condition this item in the Decision for the Project as recommended by Tetra Tech.*
      - TT 1/7/21 Update: We recommend the PEDB Condition this item in the Decision for the Project as a plan edit prior to final endorsement. Medway DRC input is suggested for fence type, color and texture.

34. Snow storage areas shall be clearly delineated on the Plans. Landscaping is proposed at the end of parking/drive aisles where snow storage is proposed, and we expect these planting may be damaged during the snow removal effort. (Ch. 200 §207-21)

- *GHI 6/18/20 Response: Plantings have been relocated to allow for additional snow storage.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.

#### **GENERAL COMMENTS**

35. The waiver requests do not match up between the forms and what is listed on the Plans. Please coordinate all waiver requests for ease of review.

- *GHI 6/18/20 Response: The plans and forms have been revised accordingly.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.

36. Confirm with Medway Fire Department that the proposed fire truck access is sufficient to gain access to the rear of the buildings.

- *GHI 6/18/20 Response: Discussions between the applicant and the Fire Department have been ongoing. The applicant is waiting for a written acknowledgement.*
  - TT 7/9/20 Update: We recommend the PEDB Condition this item in the Decision for the Project. Written correspondence from the Fire Department is recommended.

37. Details of the proposed bridge expansion should be included in the Plans to determine extent of impact to the site.

- *GHI 6/18/20 Response: Bridge to be designed by others upon site plan approval. Color renderings provided as reference.*
  - TT 7/9/20 Update: We anticipate this item will be addressed during the Medway Conservation Commission review of the site. We defer action on this item to the PEDB.

38. We recommend the Applicant extend the painted pedestrian path to the rear entrance to the building.

- *GHI 6/18/20 Response: The pedestrian path has been extended to the concrete platform.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.

39. The Applicant shall provide a detail of the pervious paver sidewalk.

- *GHI 6/18/20 Response: A detail for pervious pavers has been added to the Detail Sheet.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.

40. The dumpster enclosure detail gives the option to use either bituminous concrete or cement concrete slab. We recommend the Applicant choose an option. Typically, dumpster pads are cement concrete to prevent settling of the pad due to the weight of the dumpster.

- *GHI 6/18/20 Response: The slab will be cement concrete and the detail has been revised accordingly.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.

#### **ADDITIONAL COMMENTS 1/7/21**

41. The proposed fence appears to have been relocated in this latest revision to the parking layout. We suggest the Applicant provide similar fence and vegetative screening layout along the western property line similar to prior submissions. We expect abutters may request vegetation along their side of the fence

for screening and the work should be coordinated with them. We recommend the PEDB Condition this item in the Decision for the Project as a plan edit prior to final endorsement.

- *GHI 4/28/21 Response: Native vegetation screening has been added to the plan set. On behalf of the Applicant, Guerriere & Halnon, Inc. we respectfully request the PEDB condition this item in the Decision for the Project as recommended by Tetra Tech.*
  - TT 5/20/21 Update: No action necessary until PEDB Condition this item in the Decision.

These comments are offered as guides for use during the Town's review and additional comments may be generated during the course of review. The Applicant shall be advised that any absence of comment shall not relieve him/her of the responsibility to comply with all applicable local, state and federal regulations for the Project. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

Very truly yours,



Sara J. White, P.E.  
Project Manager

P:\21583\143-21583-20011 (PEDB MEDWAY MILL)\DOCS\MEDWAY MILL-PEDBREV(2021-05-19).DOCX





**Town of Medway**  
**DESIGN REVIEW COMMITTEE**  
**155 Village Street**  
**Medway MA 02053**  
**508-533-3291**  
[drc@townofmedway.org](mailto:drc@townofmedway.org)

May 21, 2021

TO: Medway Planning and Economic Development Board  
FROM: Matthew Buckley, Chair  
RE: DRC Comments – Medway Mill 163-165 Main Street

Dear Members of the Medway Planning and Economic Development Board

The Medway Design Review Committee [DRC] is pleased to provide a comment letter for the proposed site plan for Medway Mill at 163-165 Main Street. The DRC met with representatives of this project including property owner John Greene, and project engineer Amanda Cavaliere of Guerriere & Hanlon, Inc. on May 17<sup>th</sup>, 2021. The DRC reviewed a plan set dated 4/21/2021 and listened to the related presentation.

The DRC discussed the proposed site changes with the applicant and made several recommendations as follows:

- The DRC is pleased that a buffer of both fencing and landscaping is being proposed along the transition line between the commercial and residential zones at the west of the site. But, several additional recommendations were provided that are consistent with the *Medway Review Guidelines*, section 2, part 6, item g. That item addresses the areas where commercial sites abut residential areas. These transition areas are important zones that require a focused effort to create successful and robust buffers. The DRC suggested 41 Milford Street (next to Cumberland Farms) as a site that successful included these elements.
- The DRC recommends more lushly planted four season landscaping that provides both screening and a naturalized appearance in addition to the proposed arborvitaes. More variety in landscape materials is needed.
- The DRC recommends that, at planting, the size of the vertical growing specimens should be at least four to five feet in average height.
- The DRC recommends a fencing material, in place of the white vinyl, which has a natural wood color and a non-reflective surface that has the appearance of wood.
- The DRC recommends that plantings on the abutters' side of the fence be explored. Landscaped areas that are spaced out along the fence will help to break up the lengthy appearance of the proposed fencing.
- The DRC recommends creating greater height to the fencing by berming or grading up the edge of the site. The renderings of this area show an inflexion point where the properties meet, which has an abrupt grade change. This area could be reworked to increase the amount of buffering provided by the fence or by installing a taller fence.

- The DRC recommends that the light poles within the parking area be of a shorter 6 feet height to create a more residential appearance to the lighting and reduce the visibility of light to abutters.
- The DRC is pleased that the applicant is proposing to use light elements on the poles which include shields.
- The DRC recommends a 4 foot high fencing around the new detention pond that abuts the parking area.
- The DRC recommends reusing displaced rock walls within the new site to create a natural appearance. These walls can be used in conjunction with the proposed benches to greater effect.

The DRC recognizes a very good effort has been made to improve this site. With this plan a number of items remain to be included for review and others need further refinement. The DRC remains available to review any of these elements or subsequent changes and will gladly provide feedback in the most effective manner that will assist these proceedings.

Sincerely,

A handwritten signature in black ink, reading "Matthew J. Buckley". The signature is written in a cursive, flowing style with a large, prominent "M" and "B".

Matthew Buckley  
Chair

## Susan Affleck-Childs

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**From:** Janine Clifford <janine@grouponc.com>  
**Sent:** Tuesday, May 25, 2021 5:07 PM  
**To:** Susan Affleck-Childs  
**Cc:** Myrna Flynn  
**Subject:** 12' Privacy Fence Options

Hi Susy,

In preparation for tonight's hearing on the Medway Mills Plan, I wanted to send for record the following 12' Fencing options that were along the line of what we have previously sent to the owner for consideration- all come in more natural/solar glare efficient non-white colors without extra cost.

<https://www.vinylfenceanddeck.com/wp-content/uploads/2018/10/12-Foot-Tall-CAD-Rainier-Privacy-Fence.pdf>

<https://www.trexfencing.com/seclussions/>

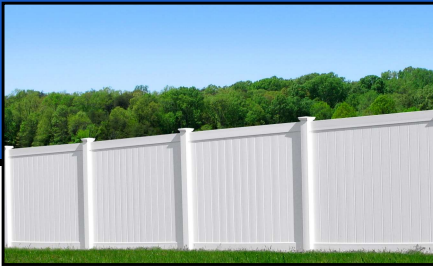
<https://www.trexfencingfds.com/shop/horizons-privacy-fence-panel-kit-12ft/>

Additionally, I have reached out to our real estate agent for comparison properties with screened or partially screened parking areas abutting properties for a estimate on depreciation of our property values if the parking lot where to only be partially screened for any given amount of time waiting for full screening from landscaping or not, and the amount of depreciation is not small; About 10%-25% \$/SF. Our property is currently valued at \$587,000 per recent comps and Zillow, so that is \$58,000-\$146,000 depreciation on 42 Lincoln alone, compounded over 10+ years at approx. 6%/yr appreciation which has been steadily climbing over the last 3yrs (not taking into account the boom the pandemic has brought). I can compile and provide this information if it is needed by the board if you find it to be helpful.

Thank you for your consideration!

Janine Clifford  
42 Lincoln St



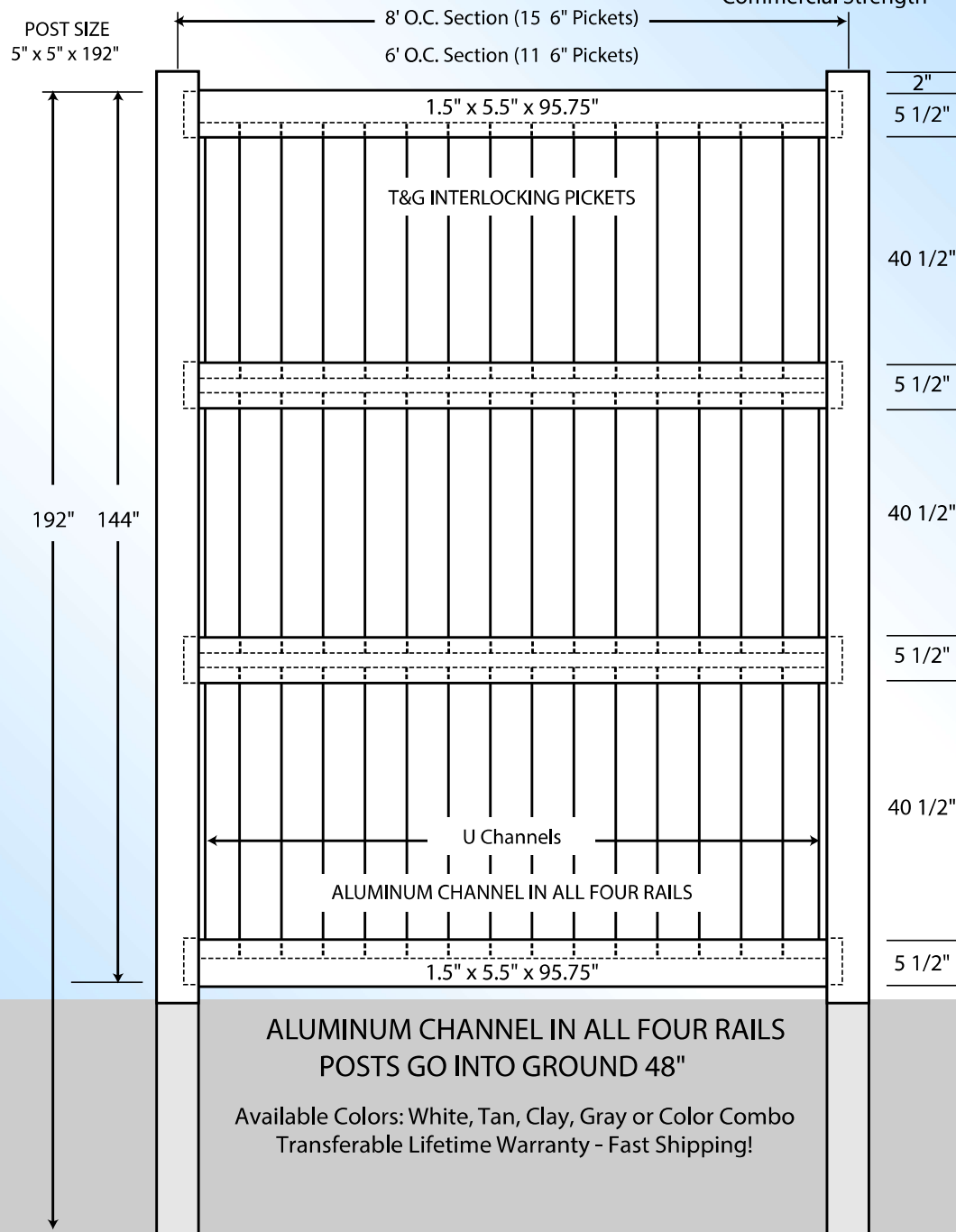


VINYL FENCE WHOLESALER

## Technical Specifications - Rainier Privacy Fence

12' Tall (8' Wide or 6' Wide Sections)

Each Post Requires  
(1) 5 x 5 x 192" Aluminum H Beam For  
Commercial Strength



Available Colors: White, Tan, Clay, Gray or Color Combo  
Transferable Lifetime Warranty - Fast Shipping!

## SECLUSIONS COMPOSITE FENCING







[Overlays](#)[SHARE](#)[TWEET](#)

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**1234**

BEAUTY AND PRIVACY FROM EVERY ANGLE

REFINED BEAUTY



Make your backyard canvas a true master piece. Frame it with Trex Seclusions. This composite fencing system provides the perfect backdrop to any backyard paradise. With lasting beauty and low maintenance, it's the perfect fencing solution

#### HASSLE FREE

No sanding. No staining. No painting. No kidding. (Not to mention simple soap-and-water cleanup)

#### WON'T WARP, ROT, OR CRACK

The unique design of the interlocking fence pickets eliminates warping and bowing while creating a beautiful, identical look on both sides of the fence. It also resists insects and rot and is backed by our 25-year residential and 10-year commercial warranties.

#### A GREEN FENCE

See how using a 95% recycled board (that's almost the whole thing) makes you feel about the great outdoors.

#### FENCING COLORS



Installation Guide: Fence

Visit [trexfencing.com](http://trexfencing.com)

-

#### THE SECLUSIONS FENCE

-

#### INSTALLATION GUIDE

Downloadable PDF



#### HIGH PERFORMANCE

- > Resists insect damage and won't warp, rot, or splinter
- > Never needs painting or staining
- > Wind rating of 130 mph sustained and 147 mph gusts (6' tall)



#### PERENNIAL BEAUTY

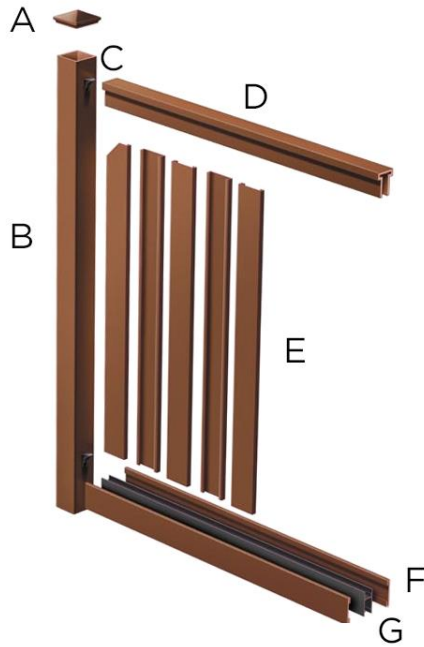
- > Three rich, natural colors
- > Board-on-Board look; same on both sides



#### TREX THROUGH AND THROUGH

- > Made from 95% recycled materials
- > Backed by limited warranties against material defects

## EXPLODED VIEW



- A 1 Post Cap
- B 1 Post
- C 2 Brackets
- D 1 Top Rail
- E 19 Pickets
- F 2 Bottom Rail Covers
- G 1 Aluminum Bottom Rail
- H 24 Wood Exterior Screws



**8, 9, 12ft Posts**  
5"x5"



**Bracket**  
1.9"x2.7"



**Angle Adaptor**  
2.65"x1.25"



**Gate Post Stiffener**  
3.5"x3.5"



other than a difference in length, pickets and bottom rail covers are identical

**Bottom Rail Cover/Picket**  
1"x5.75"x67"  
1"x5.75"x91"



**Flat Post Cap**  
7.5"x2.6"





**Aluminum Bottom Rail**  
2.7"x5.1"x90.5"



**Pyramid Post Cap**  
7.5"x3.8"



**Top Rail**



**\$913.98**

- Horizons Privacy Fence Panel Kit 12-ft. Tall is not pre-assembled; it is ready to construct on-site.
- Kit includes 6-92-in. horizontal rails, 27-91-in. bottom rail/pickets, 3-93-in. (cut to 6-45-in.) vertical back rail, 3-93-in. (cut to 6-45-in.) vertical front rail, 6-horizontal top rail brackets, & 112 screws.
- Steel frame kits are powder-coated black galvanized steel.  
Do not install near coast line or allow constant contact with ground (stainless steel frame kits are available by special order).

Select Color



Saddle

Horizons Privacy Fence Panel Kit 12-ft. Tall quantity

Add to cart

- [Description](#)

## Description

A Horizons Privacy Fence Panel Kit 12-ft. tall contains pickets that are made of recycled wood and plastic materials making it the best eco-friendly product. The composite pickets are backed with a 25-year residential warranty and won't rot, warp, or splinter, plus it is resistant to insect damage like termites. In fact, there's no paint to scrape, no once-a-year water seal required because of the low-maintenance benefit. Also, the fence is formulated to withstand most climates and is super-durable for high winds. The unique design of the Trex horizontal interlocking picket system offers a fully-private, neighbor-friendly fence (with the same look on both sides). This fence panel kit is ready to construct onsite and installs on 8 ft. post centers. Available in three rich, natural wood-like colors plus the black Horizons steel frame kit. The Horizons frame kit is backed with a five year limited warranty.

Horizons Privacy Fence Panel Kit 12-ft. tall requires pickets and Horizons frames to be cut to length for shorter sections. Recommended power tools: circular saw or 12 in. miter saw and drill for fasteners. The product is bulk packaged per item and grouped together onto oversized wood pallets. Before purchasing, review the items included and look over the installation guide to know if this is a DIY project your team can handle.





**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Wingate Farm Subdivision Modification  
Public Hearing - **UPDATED****

- Public Hearing notice dated May 4, 2021

**Application Documents**

- Application to modify previously approved plan and decision
- Wingate Farm As-built plan dated 2-22-21 by O'Driscoll Land Surveying
- Requests for waivers from 2006 *Subdivision Rules and Regulations*
- NSTAR electrical connection map
- Verizon conduit drawing
- **SAC notes dated 5-25-21 – What does the applicant want?**
- Tetra Tech Wingate Farm punch list dated 10-17-2017, revised 12-7-2017 re: progress on completing the 2005 plan.
- Applicant's response dated 11-13-18 to the above noted Tetra Tech punch list
- Tetra Tech review letter dated 3-23-18 to evaluate the approved subdivision plan for consistency with the current *Subdivision Rules and Regulations* (2006). NOTE – The current regulations were not in effect when the original Wingate Plan and its modification were first permitted.

**Other Documents:**

- Wingate Farm subdivision history
- Wingate Farm Modification Certificate of Action dated 4-8-2005
- Modified Wingate Farm Plan (endorsed 11-8-2005)

NOTE – Although the application materials were provided to Tetra Tech, I did not ask Tetra Tech to prepare another review letter as it would be duplicative of what they previously provided in 2017 and 2018. Steve Bouley will attend the meeting.

**Board Members**

Andy Rodenhiser, Chair  
Robert Tucker, Vice Chair  
Thomas Gay, Clerk  
Matthew Hayes, P.E.,  
Member  
Richard Di Iulio, Member  
Jessica Chabot, Associate  
Member



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
[www.townofmedway.org](http://www.townofmedway.org)

**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**

**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

May 4, 2021

**PUBLIC HEARING NOTICE**

**Modification of a Previously Approved Definitive Subdivision Plan and Decision  
Wingate Farm Subdivision (Wingate Farm Road)  
Tuesday, May 25, 2021**

Pursuant to the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws, and the Planning and Economic Development Board's *Subdivision Rules and Regulations*, notice is given that the **Board will hold a public hearing on Tuesday, May 25, 2021 at 8:30 p.m. to consider the application of Eugene Walsh and Karyl Spiller-Walsh of Medway, MA to modify the previously approved Wingate Farm definitive subdivision plan and subdivision decision.**

The 5.77 acre site (Medway Assessor's parcels 09-037-0000, 09-036-0000, 09-035-0000, and 09-034-0000) is owned by Eugene Walsh and Karyl Spiller-Walsh. The property is located within the Agricultural-Residential I zoning district behind 168 Holliston Street. The original subdivision decision was issued 5-23-2000. That decision was modified 4-28-2005; the corresponding modified Wingate Farm subdivision plan was endorsed 11-8-2005 and recorded in October and November 2007 at the Registry of Deeds. That plan served to divide the property into 4 lots with a permanent private roadway known as Wingate Farm Road.

Considerable work has been undertaken to install the subdivision's infrastructure. However, the specified completion deadline has expired. The primary purpose of the current application is to establish a new deadline for project completion and to consider waivers from certain provisions of the Board's *Subdivision Rules and Regulations* which are now in effect.

The application, subdivision plan, as-built plan, and associated documents are on file at the offices of the Town Clerk and the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. Face coverings are required to enter Town Hall. The documents have also been posted at the Board's web page at:  
<https://www.townofmedway.org/planning-economic-development-board/pages/current-applications-pedb-0>.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's Orders imposing strict limitations on the number of people that may gather inside in one place, no in-person attendance by the public will be permitted at this meeting. Meeting access for the public will be provided via ZOOM; the access instructions for that meeting will be included on the agenda for the May 25<sup>th</sup> meeting.



Members of the public may also watch the meeting on Medway Cable Access - channel 11 on Comcast Cable, channel 35 on Verizon Cable, or on Medway Cable's Facebook page @medwaycable.

Interested persons are invited to review the application and plan, attend the public hearing via ZOOM, and express their views. Questions should be directed to the Planning and Economic Development office at 508-533-3291. Written comments may be forwarded to: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org). All comments will be entered into the record during the public hearing.

**Andy Rodenhiser, Chairman**

Legal advertisement to be published in the *Milford Daily News*:

Monday, May 10, 2021

Tuesday, May 18, 2021

# LAND SUBDIVISION – FORM C-3

RECEIVED TOWN CLERK  
MAR 21 '21 PM 2:25

## **Application/Petition to Amend, Modify or Rescind a a Previously Approved Definitive Subdivision Plan and/or a Subdivision Decision/Certificate of Action**

**Planning & Economic Development Board - Town of Medway, MA**

### **INSTRUCTIONS TO APPLICANT/PETITIONER**

*This Application/Petition is made pursuant to the Planning Board's **Subdivision Rules and Regulations**.  
Please complete this entire Application/Petition.*

- 1. Submit two signed original Applications/Petitions, one copy of the proposed Revised Definitive Subdivision Plan, and one copy of the Stormwater Management Analysis to the Town Clerk who will date stamp both original Applications*
- 2. Provide one original Application/Petition date stamped by the Town Clerk and all other required documents and the appropriate Filing Fee and advance of the Plan Review Fee to the Medway Planning and Economic Development office.*

*The Town's Planning and Engineering Consultants will review the Application/Petition and the proposed Revised Definitive Subdivision Plan. You or your duly authorized Agent/Official Representative are expected to attend the Planning and Economic Development 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.*

\_\_\_\_\_, 3/24 \_\_\_\_\_, 2021 \_\_\_\_\_

**TO:** Medway Planning and Economic Development Board

The undersigned herewith petitions the Town of Medway Planning & Economic Development Board to amend, modify or rescind a previously approved Definitive Subdivision Plan of property located in the Town of Medway and/or to amend, modify or rescind the corresponding Subdivision Decision/ Certificate of Action.

### **ORIGINAL DEFINITIVE SUBDIVISION PLAN INFORMATION**

Plan Title: **Modification to WINGATE FARM Private Way Definitive Subdivision Plan**

Prepared by **Stephen E Poole**

Of: **Consolidate Design Group Inc Hudson MA**

Plan Date (and revision dates): **8/20/04, 11/2004, 12/2004, 2/2005, 3/7/05, 3/30/05, 4/22/05, 9/16/05,**

Approved by the Planning and Economic Development Board on: **4/28/05**

Or constructively approved by Town Clerk's certificate on: \_\_\_\_\_

Approval endorsed by the Planning and Economic Development Board on: **11/8/2005**

Recording information: Date: **2005 Plan Refrnce No. 79 of 2007** **Norfolk**

Subdivision Plan: Book: **35797** Page: **582**

Certificate of Action: Book: \_\_\_\_\_ Page: \_\_\_\_\_

Total Acreage of Land: +/-5.773 Medway Zoning Classification: AR1

The approved plan shows the division of land into 4 building lots numbered **PARCEL ID'S 09-037-0000, 09-036-0000, 09-035-0000, 09-034-0000**

and \_\_\_\_\_ parcels not intended for building thereon to be used as: \_\_\_\_\_

Did the previously approved plan and decision anticipate that the proposed roadways would be?

☒ Permanent private ways  
☐ Town accepted street

Approved Street Names: WINGATE FARM RD

Utilities:

☒ Town water ☐ Private well ☐ Private water  
☐ Town sewer ☒ Private septic ☐ Private sewer

Scenic Road

Does any portion of the subdivision have frontage on a Medway Scenic Road?

☐ Yes ☒ No If yes, please name:

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

### **PRIOR REVISIONS/MODIFICATION TO DEFINITIVE SUBDIVISION PLAN AND/OR DECISION/CERTIFICATE OF ACTION**

Have there been any revisions to the Definitive Subdivision Plan or Decision/Certificate of Action since originally approved? Please explain what was modified, why and give details of approval and recording dates/information. You may attach a separate document.

**Removal of 150' indoor riding facility including 8 tenants and parking area as mitigation to reduce overall impact of development**

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## PETITIONER INFORMATION

Petitioner's Name: Eugene V Walsh and Karyl Spiller-Walsh

Petitioner's Address: 168 Holliston St Medway, MA 02053

Name of Primary Contact: Karyl Spiller Walsh

Telephone: 508-533-8440 FAX: N/A

Email: wingatefarm@hotmail.com

Describe Petitioner's Interest in Subdivision: Owner and resident

Official Representative's Name: Same

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

Email: \_\_\_\_\_

Describe Official Representative's Relationship to Petitioner: \_\_\_\_\_

## ORIGINAL APPLICANT INFORMATION

Applicant's Name: Same

Applicant's Address: \_\_\_\_\_

Name of Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

## PRESENT SUBDIVISION OWNER INFORMATION

*Please complete only if the original applicant and present owner are not the same person or entity*

Present Owner's Name: Same

Address: \_\_\_\_\_

Name of Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

**CONSULTANT INFORMATION**  
*For Proposed Plan Modification – If applicable*

**Engineer:** \_\_\_\_\_ **Dan O'Driscoll Land Surveying, Inc.** \_\_\_\_\_

**Address:** \_\_\_\_\_ **46 Cottage St. Medway, MA 02053** \_\_\_\_\_

**Primary Contact:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **508-533-3314** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Surveyor:** \_\_\_\_\_ **Same** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Primary Contact:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Attorney:** \_\_\_\_\_ **N/A** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Primary Contact:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**SCOPE of CURRENT PETITION**

This is a petition to: (Check all that apply. At least one item must be checked.)

1. N/A **Amend/Modify/Revise** a previously approved Definitive Subdivision Plan

What plan modifications do you propose? Provide a complete description of proposed changes. Attach a separate document if necessary.

**Modification of time for completion only/ extension request. The already subdivided lots are registered deeded and taxed /assessed as approved under the subdivision plan. Please see waiver request for extenuating circumstances relating to extension request. Thank you for your consideration.**

Why does the plan need to be modified?

**Because the term "modification" includes Extension as a definition of the term.**

Title of Proposed Revised Plan: NO CHANGE. THE PLAN IS ALREADY REGISTERED

Prepared by: \_\_\_\_\_

Of: \_\_\_\_\_

Plan Date: \_\_\_\_\_

2. \_\_\_\_\_ **Amend/Modify/Revise** a previously approved definitive subdivision Decision/  
Certificate of Action

What part of the decision needs to be modified? What changes do you propose? Why does the decision need to be modified? Please provide a complete explanation.

3. \_\_\_\_\_ **Rescind** a previously approved Definitive Subdivision Plan and its corresponding  
Certificate of Action.

For what reasons should the Definitive Subdivision Plan and Decision/Certificate of Action be rescinded? Please provide a complete explanation.

## 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 \_\_\_\_\_ to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this application/petition to Amend, Modify or Rescind a Previously Approved Definitive Subdivision Plan and/or Decision/Certificate of Action.

I agree to abide by the current *Rules and Regulations for the Review and Approval of Land Subdivisions*. In submitting this application, I authorize the Planning & Economic Development Board, its staff and agents, to access the site during the plan review and construction process

 3/24/2021  
Signature of Petitioner Date

\_\_\_\_\_  
Signature of Agent/Official Representative

\_\_\_\_\_  
Date

## FEES

Filing Fee = \$750      Advance on Plan Review Fee = \$1,000  
(Please submit 2 separate checks each made payable to: Town of Medway)



## SUBMITTAL DOCUMENTS CHECKLIST

### Town Clerk

- \_\_\_\_\_ One (1) signed original Application/Petition – Form C-3
- \_\_\_\_\_ One (1) copy of proposed Revised Definitive Subdivision Plan (if applicable)
- \_\_\_N/A\_\_\_ One (1) copy of the Stormwater Management Analysis prepared in accordance with Section 5.5.9 of the *Subdivision Rules and Regulations* (if applicable)

### Planning & Economic Development Board

- \_\_\_\_\_ One (1) signed Original Application/Petition – Form C-3  
(Date Stamped by Town Clerk)
- \_\_\_N/A\_\_\_ Three (3) full size sets of the proposed Revised Definitive Subdivision Plan prepared in accordance with Section 5.6 and 5.7 of the *Subdivision Rules and Regulations* (if applicable)
- \_\_\_N/A\_\_\_ One (1) set of the Revised Definitive Subdivision Plan (11" x 17") (if applicable)

### AS-BUILT PLAN SUBMITTED AS PART OF EXTENSION REQUEST

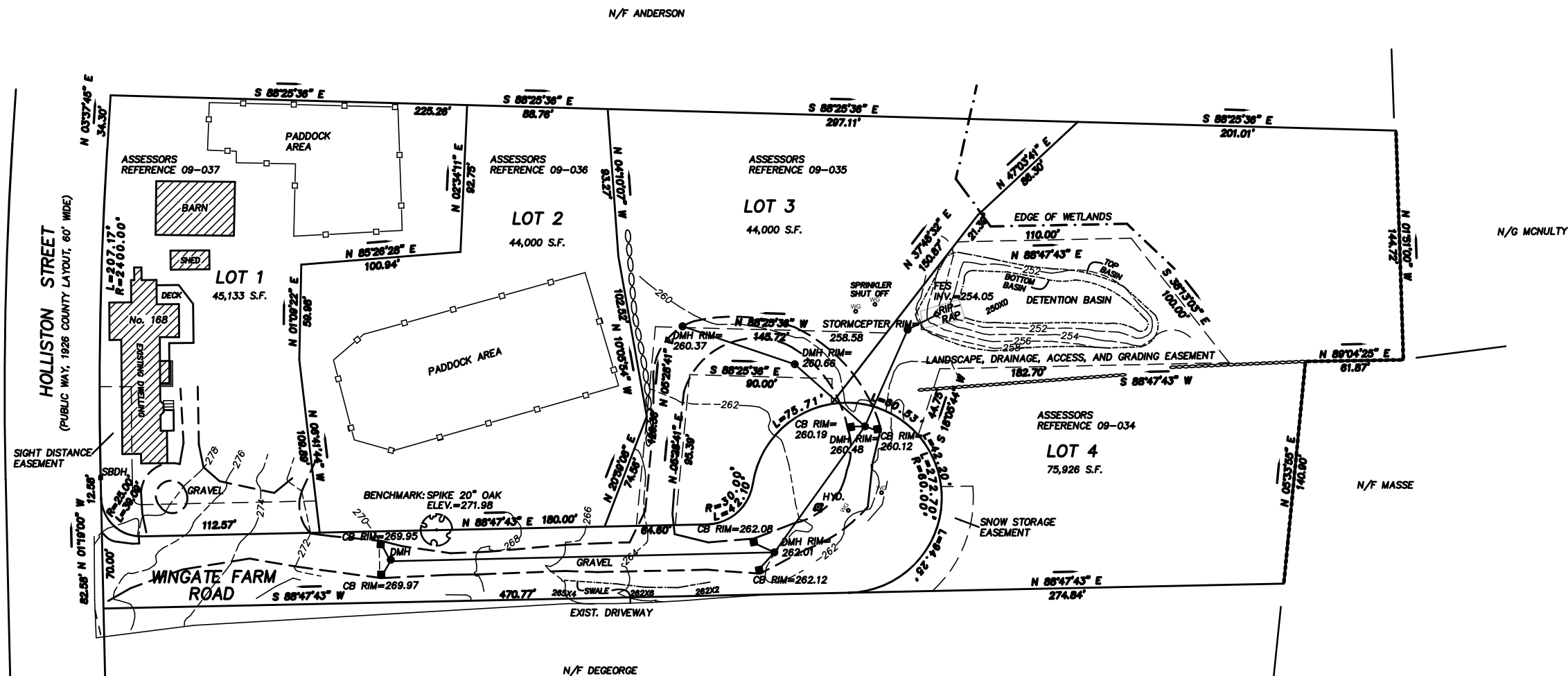
- \_\_\_\_\_ Electronic Version of all application documents. Email or provide a flash drive.
- \_\_\_\_\_ Designer's Certificate – Form D
- \_\_\_\_\_ Certified List of Abutters and present owners of ALL subdivision lots - Form E
- \_\_\_\_\_ Written Request/Justification for Proposed Waivers of *Subdivision Rules and Regulations* (Request Form from Planning and Economic Development office)
- \_\_\_N/A\_\_\_ Two (2) copies of Stormwater Management Analysis prepared in accordance with Section 5.5.9 of the *Subdivision Rules and Regulations* (if applicable)
- \_\_\_N/A\_\_\_ Long Term Operation and Maintenance Plan for drainage and stormwater management facilities
- \_\_\_N/A\_\_\_ 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*
- \_\_\_\_\_ Filing Fee (\$750) - Payable to Town of Medway
- \_\_\_\_\_ Advance of Plan Review Fee (\$1,000) – Payable to Town of Medway

Revised – October 11, 2017



LEGEND

- WG WATERGATE  
CB CATCHBASIN  
DMH DRAIN MANHOLE  
SBDH STONE BOUND DRILL HOLE  
FES FLARED END SECTION  
EXIST. EXISTING  
HYD. HYDRANT  
100X0 EXISTING SPOT GRADE



PREPARED FOR EUGENE & KARYL WALSH  
DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS  
BOOK 35797 PAGE 582  
PLAN REFERENCE: PLAN No. 79 OF 2007  
ZONING DISTRICT: AR-1  
ASSESSORS REFERENCE: 09-037,09-036,09-035,09-034

PROPERTY LINE INFORMATION AND ELEVATIONS REFER TO A PLAN  
ENTITLED "MODIFICATION TO WINGATE FARM A PRIVATE WAY  
DEFINITIVE SUBDIVISION PLAN" DATED AUGUST 20, 2004 AND  
RECORDED AS PLAN No. 64 OF 2007 IN PLAN BOOK 574

I CERTIFY THAT THIS PLAN REFLECTS THE  
RESULTS OF AN ON THE GROUND SURVEY  
PERFORMED BETWEEN JULY 9, 2020 AND SEPT.  
24, 2020.

*Daniel A. O'Driscoll* FEB. 22, 2021  
PROFESSIONAL LAND SURVEYOR DATE



AS-BUILT PLAN  
WINGATE FARM ROAD  
IN  
MEDWAY, MASSACHUSETTS

SCALE: 1"=40' DATE: JANUARY 14, 2021  
REVISED: FEBRUARY 22, 2021

**O'DRISCOLL**  
LAND SURVEYING, Inc.

LAND SURVEYING GPS MAPPING LAND CONSULTING  
48 COTTAGE MEDWAY, MASSACHUSETTS 02053 508-533-3314  
FILE No. 2118



**Project Name: Wingate Farm, Private Way Definitive Subdivision Plan**

**Property Location: 168 Holliston St. Medway, MA 02053**

**Type of Project/Permit: Previously Constructed Subdivision, Completion Request**

**Identify the number and title of the relevant Section of the Subdivision Plan Rules and Regulations from which a waiver is sought.**

Section 6.1.3

**Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested. (Please see underlined, italicized passages for waiver request)**

**6.1.3** An extension of time to complete the ways and improvements within the subdivision may be granted by the Board if there are mitigating circumstances.....**"At least ninety (90) days prior to the expiration of the three (3) year approval period,** the Applicant and/or owner may request in writing to the Board an extension of time, if necessary, to complete the construction of subdivision roadways, etc. The developer shall submit a written request to the Board outlining the mitigating circumstances necessitating such extension request. **"An extension request shall constitute a modification of the approved Definitive Subdivision Plan and shall be processed in accordance with Section 6.2 herein. Any modification is subject to the Rules and Regulations in effect at the time the modification is sought. Prior to approving any extension of time, the Board will review and revise the amount of the bond deposit or other surety and the Applicant shall provide a new or revised security instrument prior to the Board's vote to approve the requested extension. An extension shall not exceed one (1) year."** Additional extensions after the first may be applied for but not until at least nine (9) months have expired on the extension in effect. "

**What aspect of the Regulation do you propose be waived?**

Please see underlined, italicized passages within 6.1.3 shown above.



## **What do you propose instead?**

We propose to move forward as called out in the balance of section 6.1.3 which states ;

***"An extension of time to complete the ways and improvements within the subdivision may be granted by the Board if there are mitigating circumstances"... "the Applicant and/or owner may request in writing to the Board an extension of time, if necessary, to complete the construction of subdivision roadways, etc. The developer shall submit a written request to the Board outlining the mitigating circumstances necessitating such extension request"...***

## **Explain/justify the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.**

Following the approval, certification, and registration of the approved definitive subdivision plan, we were able to immediately complete almost all of the roadway installation and lot preparation as-approved, and within the approval period. This was including the detention pond installation, installation of water pipes, hydrants, drainage etc. Roadway base, lot preparation and grading. Remaining items as seen on Tetratex punch list from 10/2017 and revised 12/17 are addressed in our response from 2018.

Shortly after completing construction to that extent, the financial crash of 2008 occurred. This crash was the first of several extenuating circumstances that necessitated us halting completion of the project at that time. We personally had been greatly effected by the financial crisis of 2008/2009. Specifically we suffered the unforeseen loss of a secure 30-year Corporate Vice President position of the primary breadwinner of the family, as the company which he worked for collapsed and closed suddenly during the financial crisis. The second financial hardship was the unfortunate inability to collect on a personal loan which he had extended to the President of that company just prior to the crash, which was upwards of \$100,000.00. The combination of the loss of that money and the unforeseen loss of income at that time was financially devastating. This left us unable to continue work on the project. The State of Massachusetts recognized the effects of the financial crash. This finding gave a blanket 6 year additional extension to the approval of all such plans. Later as the State's special extension came to an end, we again were not able to make the final improvements to the roadway prior to the expiration of time. Still recovering from the financial devastation of that period, we then faced several serious health conditions.

The serious illnesses that both of us faced are the next of the extenuating circumstances which prevented the ability to complete the approved project at that time.

Applicant Karyl Spiller Walsh first underwent a surgery that lead to complications. Shortly after, she was then diagnosed with kidney cancer which had spread requiring several rounds of chemotherapy and a surgery was performed with removal of a kidney, the spleen, and many lymph nodes. Gene Walsh also suffered a catastrophic injury during this time in a freak accident. This required multiple facial and cranial reconstructive surgeries and months of recovery. These medical issues were very difficult to overcome and prevented us from dealing with anything outside of that issue for quite some time.

These causes are the primary extenuating circumstances which kept us from finishing the project until we came to the board in 2017. Since 2017, we have moved slowly forward due to the lack of clear process for an expired yet already installed subdivision. Over the 4 years since we have sought to complete the final steps of the project, we have continued to pay taxes on the registered deeded lots, which are assessed as approved building lots by The Town of Medway.

### **What is the estimated value/cost savings to the applicant if the waiver is granted?**

The actual cost of reengineering the project which is already installed is unknown. NO PREEXISTING CONDITIONS are in place as the project has been nearly completed. We own the recorded deeded already subdivided lots which are assessed by The town as full value marketable building lots which we have paid taxes on right along.

### **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 development is already installed, and follows and embodies many of the ideals of the 2009 Medway Master Plan Goals and Objectives for Land Use such as Goal 1: (page 26) ....**"Medway should... encourage the continuation of forest, farmland uses to maintain the present rural character which is important to Medway residents. Our bylaws, rules, and regulations need to encourage the preservation of roadside views of fields, stone walls, fence-row vegetation, shade trees, and other reminders of Medway's agricultural heritage. We must maintain vegetation and wildlife corridors."**

As called out in The Medway Master Plan, this subdivision maintains the agricultural use of the front portion of the parcel, which has been used as a farm in The Town of Medway since 1813 thus directly preserving Medway's agricultural heritage. The roadway design is minimally invasive, with a pervious design. It features a naturalized detention pond, a design which became an example of desired detention pond development in The town of Medway. The plan seeks to maintain a wooded nature with many mature shade trees, and features vistas and stone walls that are being preserved.

**What is the impact on the development if this waiver is denied?**

The inability to complete an already approved, taxed, and installed subdivision.

**What are the design alternatives to granting this waiver?**

The waiver relates to an extension of time to complete an already approved, taxed, and installed subdivision. There is no design alternative.

**Why is granting this waiver in the Town's best interest?**

This waiver is in the Town's best interest because the already approved, taxed, and installed subdivision embodies several goals of The 2009 Medway Master plan.

**If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?**

The savings to the Town of Medway if the waiver is granted would be any monies sought to be recovered by the applicant.

**What mitigation measures do you propose to offset not complying with this particular Rule/Regulation?**

The reduction of impact by eliminating the 150' long steelframe multiuse building.



### **What is the estimated value of the proposed mitigation measures?**

The loss of an income property with 8 tenants paying \$1500 per month each plus additional fees. The residential aspect of this approved building would be maintained in form of a house instead.

**Other Information?** The lots in this subdivision are approved, recorded, and deeded. They have been taxed/assessed as full value approved building lots by the Town of Medway since the approval.

**Waiver Request Prepared By:** Karyl Spiller Walsh

**Date:** 3/24/21

**Questions?? - Please contact the Medway PED office at 508-533-3291.**

**Updated 10-23-18**



**Project Name: Wingate Farm, Private Way Definitive Subdivision Plan**

**Property Location: 168 Holliston St. Medway, MA 02053**

**Type of Project/Permit: Previously Constructed Subdivision, Completion Request**

**Identify the number and title of the relevant Section of the Subdivision Plan Rules and Regulations from which a waiver is sought.**

Section 6.2.1

**Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested. (*Please see underlined, italicized passages for waiver request*)**

**6.2.1** The Board, on its own motion or on the petition of the Applicant or any person interested, shall have power to modify or amend its approval of a subdivision, *or to require a change in a plan as a condition of its retaining the status of an approved plan. All of the provisions of the Subdivision Control Law and these Rules and Regulations relating to the submission and approval of a plan of a subdivision shall, so far as apt, be applicable to the approval of the modification or amendment of such approval and to a plan which has been changed under this section. Any modification is subject to the Rules and Regulations in effect at the time of the modification is sought.*

**What aspect of the Regulation do you propose be waived?**

Please see underlined, italicized passages within 6.2.1 shown above.

**What do you propose instead?**

We petition the Board to ammend and extend the approval of the Subdivision as recorded to allow for completion. Modify only the approval period of the approved recorded and taxed lots.



**Explain/justify the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.**

\*Please see list of extenuating circumstances from Waiver request 6.1.3. These causes are the primary extenuating circumstances which kept us from finishing the project until we came to the board in 2017. Since 2017, we have moved slowly forward due to the lack of clear process for an expired yet already installed subdivision. Over the 4 years since we have sought to complete the final steps of the project, we have continued to pay taxes on the registered deeded lots, which are assessed as approved building lots by The Town of Medway.

**What is the estimated value/cost savings to the applicant if the waiver is granted?**

The cost of the installed subdivision.

**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 development is already installed, and follows and embodies many of the ideals of the 2009 Medway Master Plan Goals and Objectives for Land Use such as Goal 1: (page 26) ....**"Medway should... encourage the continuation of forest, farmland uses to maintain the present rural character which is important to Medway residents. Our bylaws, rules, and regulations need to encourage the preservation of roadside views of fields, stone walls, fence-row vegetation, shade trees, and other reminders of Medway's agricultural heritage. We must maintain vegetation and wildlife corridors."**

As called out in The Medway Master Plan, this subdivision maintains the agricultural use of the front portion of the parcel, which has been used as a farm in The Town of Medway since 1813 thus directly preserving Medway's agricultural heritage. The roadway design is minimally invasive, with a pervious design. It features a naturalized detention pond, a design which became an example of desired detention pond development in The town of Medway. The plan

seeks to maintain a wooded nature with many mature shade trees, and features vistas and stone walls that are being preserved.

**What is the impact on the development if this waiver is denied?**

The inability to complete an already approved, taxed, and installed subdivision.

**What are the design alternatives to granting this waiver?**

There is no design alternative because the Subdivision is already installed.

**Why is granting this waiver in the Town's best interest?**

This waiver is in the Town's best interest because the already approved, taxed, and installed subdivision embodies several goals of The 2009 Medway Master plan.

**If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?**

It is up to The Town of Medway to determine the savings or cost avoidance by granting the waiver.

**What mitigation measures do you propose to offset not complying with this particular Rule/Regulation?**

The reduction of impact by eliminating the 150' long steelframe multiuse building.

**What is the estimated value of the proposed mitigation measures?**

The loss of an income property with 8 tenants paying \$1500 per month each plus additional fees.

**Other Information?** The lots in this subdivision are approved, recorded, and deeded. They have been taxed/assessed as full value approved building lots by the Town of Medway since the approval.

**Waiver Request Prepared By:** Karyl Spiller Walsh

**Date:** 3/24/21

**Questions?? - Please contact the Medway PED office at 508-533-3291.**

**Updated 10-23-18**



**Project Name: Wingate Farm, Private Way Definitive Subdivision Plan**

**Property Location: 168 Holliston St. Medway, MA 02053**

**Type of Project/Permit: Previously Constructed Subdivision, Completion Request**

**Identify the number and title of the relevant Section of the Subdivision Plan Rules and Regulations from which a waiver is sought.**

Section 6.3.1

**Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested. (*Please see underlined, italicized passages for waiver request*)**

**6.3.1** The Board, on its own motion or on the petition of the Applicant or any person interested, shall have power to rescind its approval of a subdivision. The following shall constitute sufficient reasons for the Board to rescind its approval of a Definitive Subdivision Plan in accordance with the provisions of M.G.L., Chapter 41, Section 81-W.

a) Failure of the Applicant to present the revised plans and other required submittals to conform to the conditions or modifications required in the Certificate of Approval, within ninety (90) days of said approval, for the Board's endorsement.

b) Failure of the Applicant to record the endorsed Definitive Subdivision Plan with the Registry of Deeds within a six (6) month period of its endorsement.

*c) Failure of the Applicant to perform within the three (3) year completion period (unless otherwise specified in the Certificate of Approval and approved performance agreement) or to request an extension thereof in accordance with the provisions of Section 6.1.2 herein. This may result in the Board's notifying the Inspector of Buildings that no additional building permits shall be issued in said development.*

**What aspect of the Regulation do you propose be waived?**

Please see underlined, italicized passages within 6.3.1 c) shown above relating to the extension period referred to in accompanying waiver requests. We are proposing an extension and have submitted the AS-BUILT plan relating to the extension.

**What do you propose instead?**

We petition the Board to ammend and extend the approval of the Subdivision as recorded to allow for completion.

**Explain/justify the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.**

\*Please see list of extenuating circumstances from Waiver request 6.1.3. These causes are the primary extenuating circumstances which kept us from finishing the project until we came to the board in 2017. Since 2017, we have moved slowly forward due to the lack of clear process for an expired yet already installed subdivision. Over the 4 years since we have sought to complete the final steps of the project, we have continued to pay taxes on the registered deeded lots, which are assessed as approved building lots by The Town of Medway.

**What is the estimated value/cost savings to the applicant if the waiver is granted?**

The cost of the subdivision

**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?**

N/A

**What is the impact on the development if this waiver is denied?**

The inability to complete an already approved, taxed, and installed subdivision.

**What are the design alternatives to granting this waiver?**

The waiver relates to an extension of time to complete and already approved, taxed, and installed subdivision. There is no design alternative.

**Why is granting this waiver in the Town's best interest?**

This waiver is in the Town's best interest because the already approved, taxed, and installed subdivision embodies several goals of The 2009 Medway Master plan.

**If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?**

It is up to The Town of Medway to determine the savings or cost avoidance to the Town by granting the waiver.

**What mitigation measures do you propose to offset not complying with this particular Rule/Regulation?**

The reduction of impact by eliminating the 180' long steelframe multiuse building.

**What is the estimated value of the proposed mitigation measures?**

The loss of an income property with 8 tenants paying \$1500 per month each plus additional fees.

**Other Information?** The lots in this subdivision are approved, recorded, and deeded. They have been taxed/assessed as full value approved building lots by the Town of Medway since the approval.

**Waiver Request Prepared By:** Karyl Spiller Walsh

**Date:** 3/24/21



**Questions?? - Please contact the Medway PED office at 508-533-3291.**

**Updated 10-23-18**

168 HOLLISTON ST. MEDWAY

WINGATE FARMS

W.O. 1600360

Sales Representative: DON DOMIN LEE

Electrician: SCOTT HARWELL 508-269-8990

Switch Size: \_\_\_\_\_



Overhead



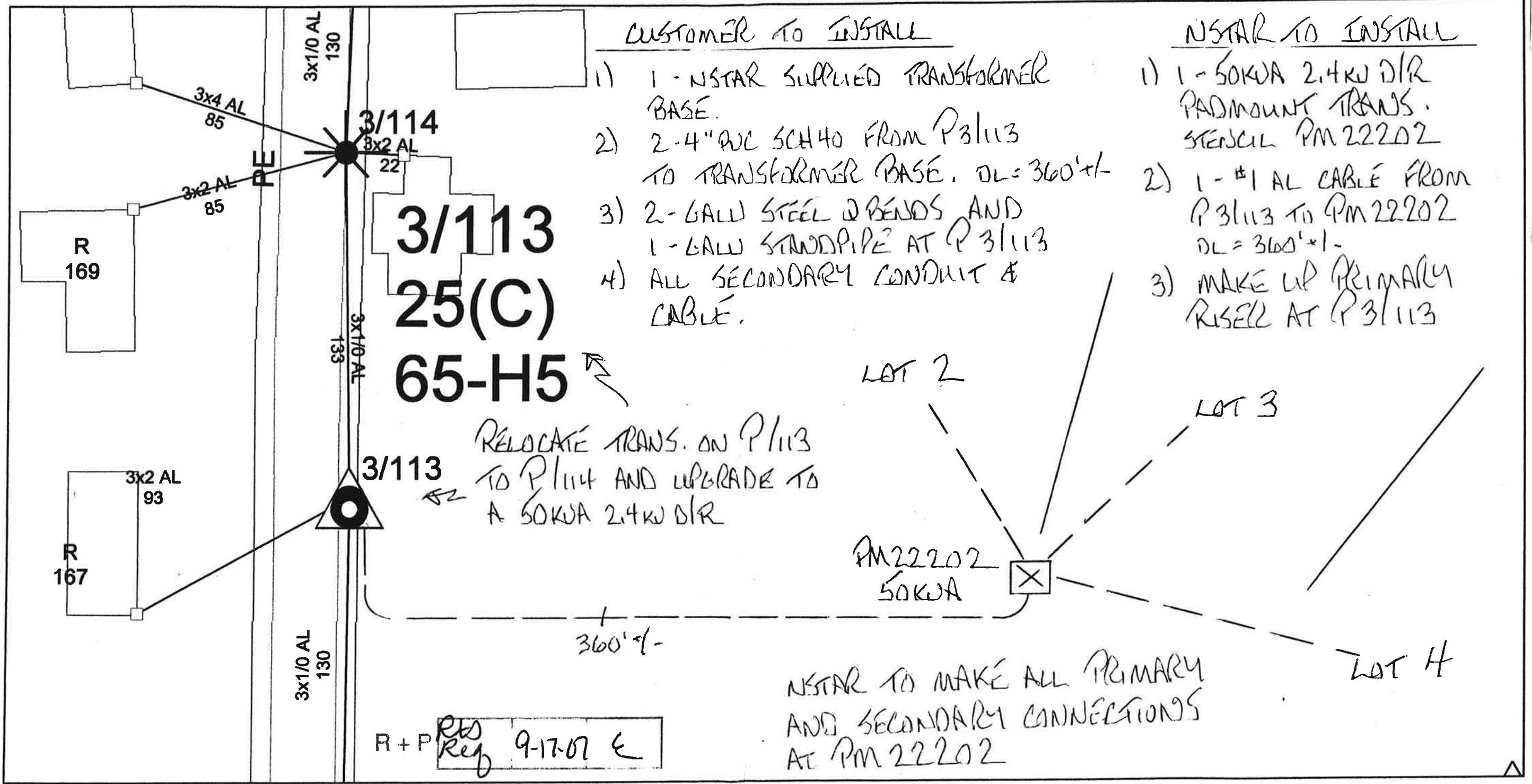
Underground

Circuit Number:

65-H5

Purchase Order Number: \_\_\_\_\_

Secondary Sheet Number: \_\_\_\_\_



Extra Cost  
Man-Hours:

Overtime

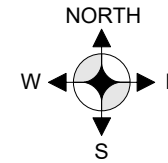
Tree  
Trimming

Rock  
Holes

# EXHIBIT 'A'

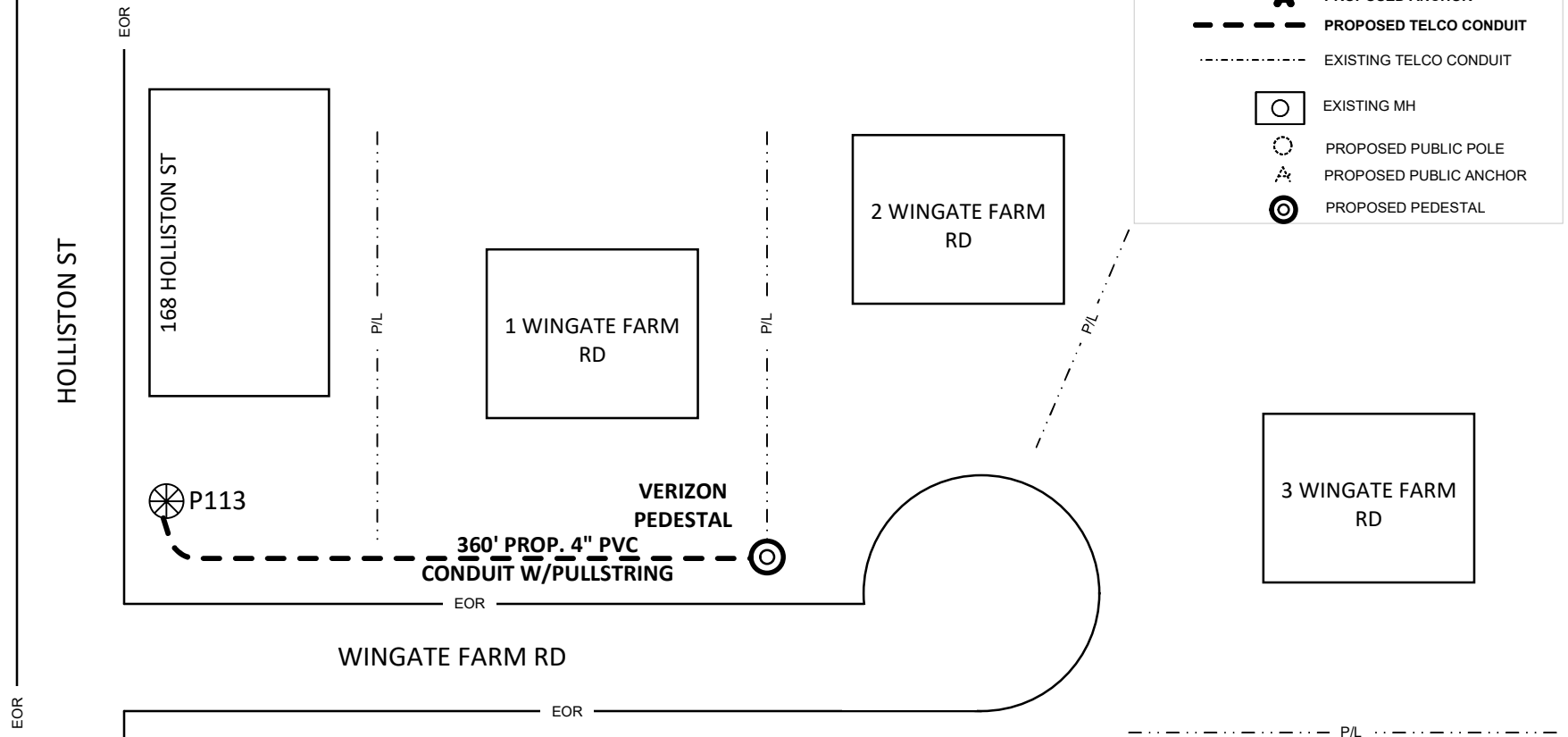
**NOT TO SCALE**

**The exact location of said Easement Area to be determined by and to become permanent upon the erection of the facilities thereof by the Grantees.**



## LEGEND:

..... P/L	PROPERTY LINE
—— EOR	EDGE OF ROAD
	EXISTING POLE
	EXISTING ANCHOR
	EXISTING PUSH BRACE
	POLE TO BE REMOVED
	EXISTING ANCHOR TO BE REMOVED
	PROPOSED POLE
	PROPOSED ANCHOR
--- TELCO	PROPOSED TELCO CONDUIT
--- TELCO	EXISTING TELCO CONDUIT
	EXISTING MH
	PROPOSED PUBLIC POLE
	PROPOSED PUBLIC ANCHOR
	PROPOSED PEDESTAL



## CONST. NOTE:

CONTRACTOR TO PLACE 4" CONDUIT AND SWEEP UP AT PEDESTAL LOCATION, CONTINUE WITH 1 1/4" SERVICE CONDUIT. ALL CONDUIT MUST CONTAIN PULLSTRING. VERIZON TO PLACE PEDESTAL. CONTRACTOR MUST CONTACT VERIZON CONTRACT WORK INSPECTOR PRIOR TO BACKFILLING TRENCH.



## Wingate Farm Modification - What does the applicant want?

SAC notes – May 25, 2021

1. Establish a new project completion deadline of June 30, 2023.
2. Not apply any of the standards of the *2005 Subdivision Rules and Regulations* to the completion of the subdivision since so much of the infrastructure is already completed/in the ground.
3. Specific waivers from the following administrative sections of the *2005 Subdivision Rules and Regulations*
  - *Section 6.1.3* which authorizes the Board to extend the time to complete the subdivision infrastructure if there are mitigating circumstances. The request for an extension is to be made at least 90 days prior to expiration of the approval period. Any extension constitutes a plan modification which is subject to the Subdivision Rules and Regulations in effect at the time the modification is sought.
  - *Section 6.2.1* which requires that modifications to a plan have to meet the *Subdivision Rules and Regulations* in effect at the time the modification is sought.
  - *Section 6.3.1* which specifies that the Board may rescind its approval of an approved subdivision plan if it is not completed within the 3 year or the applicant requests an extension.
4. Things they do not wish to complete per the original plan.
  - Installation of swales along each side of the proposed roadway
  - Install a stop sign at Wingate Farm Road and Holliston Street
  - Installation of intersection warning sign on Holliston Street – where was this to be locate??
  - The total number of granite markers originally specified
  - Provide documentation of cleaning of drainage system. Not needed as system has been sealed.
5. Things that remain to be completed per original plan/decision
  - Landscaping for western edge of detention basin will be completed as part of “finish” phase after house construction on Lot #3.
  - Installation of electrical/telephone/cable
  - Install street sign
  - Paving
  - As-built plan

NOTE – It is the applicant’s intent to sell Lots 3 & 4 and have that buyer complete the above noted construction work. The top coat of the road will not be installed until the houses are built on Lots 3 and 4. The applicant understands that performance security will need to be provided in order for the Board to authorize lot releases for the sale of and building on Lots 3 & 4.

---

**To:** Susan Affleck-Childs – Medway Planning and Economic Development Board Coordinator

**Cc:**

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**From:** Steven M. Bouley, P.E. – Tetra Tech  
Frank Guthman III – Tetra Tech



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**Date:** October 20, 2017 (Revised December 7, 2017)

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**Subject:** Wingate Farms Punch List

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On August 25, 2017 and October 19, 2017 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) conducted a punch list inspection of the Wingate Farms private subdivision in Medway, MA. The site was inspected and a punch list and bond estimate generated of outstanding items which have not yet been completed by the Applicant. This punch list shall supersede previous punch lists conducted for the site.

#### **TT 12/7/17 Update**

On December 7, 2017 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) met with the property owners/applicants regarding outstanding items remaining on previous punch lists. This punch list shall supersede previous punch lists conducted for the site. Text shown in gray represents information contained in previous correspondence while new information is shown in black text.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "Subdivision Modification Plan, Wingate Farm, A Private Way Definitive Subdivision Plan", dated August 20, 2004, revised September 16, 2005, prepared by Consolidated Design Group, Inc. (CDG)
- A Certificate of Action titled "Certificate of Action, Wingate Farm Definitive Subdivision Plan – Modification" dated April 28, 2005, PEDB endorsement on April 28, 2005.
- VHB Inspection Reports dated December 12, 2006, December 15, 2006, December 19, 2006 and December 27, 2006.

#### **Punch List**

1. The existing roadway gravel requires replacement. We recommend removing four inches (or as necessary to remove all organic matter) of material over the entire square footage of the roadway and replacing with clean gravel material as specified in the Plans. Final depth of "T-Base" recycled asphalt material shall be 10" as shown on the Plans. (See Photo 1-4)
  - **TT 12/7/17 Update:** TT and the applicant agreed that removal of approximately 2" of existing material will be necessary to remove all organic matter and groundcover root systems.

2. The applicant has not installed the detention basin overflow weir. Additionally, the basin and outlet pipe rip-rap is overgrown and requires maintenance. (See Photo 5-7)
  - TT 12/7/17 Update: TT misread the approved plan, existing overflow weir meets the approved plan. The applicant has planted trees on the overflow weir but it does not appear they will affect the performance of the basin. This item has been addressed to our satisfaction.
3. The applicant has not installed proposed basin landscaping. (See Photo 5)
  - TT 12/7/17 Update: Although trees have been planted throughout the basin area, landscaping as shown on the approved plan has not been planted.
4. The applicant has not installed proposed swale along each side of the proposed roadway. (See Photo 8)
  - TT 12/7/17 Update: This item remains outstanding
5. It is unclear if proposed "Rip-Rap Sump" and appurtenant 8" ductile iron pipe has been installed.
  - TT 12/7/17 Update: This item remains outstanding
6. The existing drainage system requires cleaning prior to release.
  - TT 12/7/17 Update: This item remains outstanding
7. We recommend the applicant resurvey the roadway layout prior to construction to determine proposed limits of work. It appears a tree and possible boulders remain within the layout at approximate STA 5+50. Additionally, survey will be required for final as-built of the property.
  - TT 12/7/17 Update: This item remains outstanding
8. It is unclear if proposed Elec/Tel/Cable service has been installed.
  - TT 12/7/17 Update: TT has confirmed that elec/tel/cable has not been installed. This item has been added to the bond estimate.
9. The applicant has not installed the proposed street sign and stop sign. (See Photo 9)
  - TT 12/7/17 Update: This item remains outstanding
10. The applicant has not installed proposed intersection warning signage on Holliston Street and it does not appear a sufficient sight line exists for vehicles exiting the proposed driveway taking a left onto Holliston Street. A crest in Holliston Street exists approximately 200 feet north of the site driveway limiting sight lines. (See Photo 10-12)
  - TT 12/7/17 Update: This item remains outstanding

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) 786-2200.

P:\21583\143-21583-17009 (WINGATE FARMS REVIEW)\CONSTRUCTION\PUNCH LIST\MEMO\_WINGATE FARMS PUNCH LIST\_2017-12-07.DOC



Photograph 1



Photograph 2



Photograph 3



Photograph 4





Photograph 5



Photograph 6





Photograph 7



Photograph 8



Photograph 9



Photograph 10





Photograph 11



Photograph 12





**TETRA TECH**

**Bond Estimate  
Wingate Farms  
Medway, Massachusetts  
December 7, 2017**

Marlborough Technology Park  
100 Nickerson Road  
Marlborough, MA 01752  
Tel 508.786.2200 Fax 508.786.2201

DESCRIPTION	QUANTITY	UNIT	UNIT COST <sup>1</sup>	ENGINEERS ESTIMATE
Remove Existing Gravel (2")	61	CY	\$35.00	\$2,135
Additional Clearing & Grubbing	0.10	AC	\$20,000.00	\$2,000
Roadway Gravel (Reclaimed Asphalt)	1,555	SY	\$6.00	\$9,330
Fine Grading & Compacting	1,104	SY	\$4.00	\$4,416
Maintenance - Detention Basin	1	LS	\$1,000.00	\$1,000
Landscaping - Detention Basin	1	LS	\$3,000.00	\$3,000
Earthwork - Swales	82	CY	\$28.00	\$2,296
Loam Borrow - Swales	98	CY	\$48.00	\$4,704
Seeding - Swales	491	SY	\$2.00	\$982
Rip-Rap Sump	1	LS	\$500.00	\$500
8" Ductile Iron Culverts	100	FT	\$60.00	\$6,000
Clean Drainage System	1	LS	\$2,500.00	\$2,500
Elec/Tel/Data Ductbank	1	LS	\$16,500.00	\$16,500
Traffic Signage	3	EA	\$200.00	\$600
Bounds-Stone	6	EA	\$450.00	\$2,700
Bounds-Iron Rod	23	EA	\$100.00	\$2,300
SWPPP/Stormwater Inspections	1	LS	\$1,500.00	\$1,500
As-Built Plans	552	LF	\$5.00	\$2,760
Legal Services	1	LS	\$3,000.00	\$3,000
<b>Subtotal</b>				<b>\$68,223</b>
<b>25% Contingency</b>				<b>\$17,056</b>
<b>Total</b>				<b>\$85,279</b>

**Notes:**

<sup>1</sup>Unit prices are taken from the latest information provided on the MassDOT website and have been updated since our previous bond estimate submission. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 12/2016 - 12/2017. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

**11/13/18 Applicant Response to Most Recent WINGATE FARM Punch List previously revised 12/7/17:**

To: Susan Affleck-Childs – Medway Planning and Economic Development Board Coordinator

Cc:

From: Steven M. Bouley, P.E. – Tetra Tech

Frank Guthman III – Tetra Tech

Date: October 20, 2017 (Revised December 7, 2017)

Subject: Wingate Farms Punch List

TT 12/7/17 Update On December 7, 2017 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) met with the property owners/applicants regarding outstanding items remaining on previous punch lists. This punch list shall supersede previous punch lists conducted for the site. Text shown in gray represents information contained in previous correspondence while new information is shown in black text.

✓ **Beneath each item is the applicant response as of 11/13/18**

Punch List

1. The existing roadway gravel requires replacement. We recommend removing four inches (or as necessary to remove all organic matter) of material over the entire square footage of the roadway and replacing with clean gravel material as specified in the Plans. Final depth of “T-Base” recycled asphalt material shall be 10” as shown on the Plans. (See Photo 1-4)

• TT 12/7/17 Update: TT and the applicant agreed that removal of approximately 2” of existing material will be necessary to remove all organic matter and groundcover root systems

✓ **APPLICANT RESPONSE: The applicant agrees as stated above, approximately 2” removal of organic matter etc.**

2. The applicant has not installed the detention basin overflow weir. Additionally, the basin and outlet pipe rip-rap is overgrown and requires maintenance. (See Photo 5-7)

• TT 12/7/17 Update: TT misread the approved plan, existing overflow weir meets the approved plan. The applicant has planted trees on the overflow weir but it does not appear they will affect the performance of the basin. This item has been addressed to our satisfaction.

✓ **APPLICANT RESPONSE: The applicant agrees as stated above the weir is installed etc.**

3. The applicant has not installed proposed basin landscaping. (See Photo 5)

• TT 12/7/17 Update: Although trees have been planted throughout the basin area, landscaping as

shown on the approved plan has not been planted

- ✓ **APPLICANT RESPONSE:** The Western Edge of Detention Pond will be completed as part of the finish phase as to not disturb plantings during building on Lot #3.

4. The applicant has not installed proposed swale along each side of the proposed roadway. (See Photo 8)

- TT 12/7/17 Update: This item remains outstanding

- ✓ **APPLICANT RESPONSE:** The current condition of the roadway includes significant natural swales along 200 + feet of the roadway.

5. It is unclear if proposed "Rip-Rap Sump" and appurtenant 8" ductile iron pipe has been installed.

- TT 12/7/17 Update: This item remains outstanding

- ✓ **APPLICANT RESPONSE:** Fieldstone Rip Rap and 8" ductile pipe have been installed at time of detention pond construction and installation of storm water system. VHB reviewed the system during installation.

6. The existing drainage system requires cleaning prior to release.

- TT 12/7/17 Update: This item remains outstanding

- ✓ **APPLICANT RESPONSE:** Drainage System manholes etc are currently covered/sealed until road height is complete to prevent any buildup or contamination. Detention Pond has been cleaned annually most recently completed October of 2018.

7. We recommend the applicant resurvey the roadway layout prior to construction to determine proposed limits of work. It appears a tree and possible boulders remain within the layout at approximate STA 5+50.

Additionally, survey will be required for final as-built of the property.

- TT 12/7/17 Update: This item remains outstanding

- ✓ **APPLICANT RESPONSE:** Roadway Construction is currently at 85% completion. Remaining tree in roadway layout has been removed. On site stones will be used as landscaping features during final phase.

8. It is unclear if proposed Elec/Tel/Cable service has been installed.

- TT 12/7/17 Update: TT has confirmed that elec/tel/cable has not been installed. This item has been added to the bond estimate.

- ✓ **APPLICANT RESPONSE:** Yes elec/tel/cable has not been installed, however the permit has already been paid to do so and recently discussed installation with Eversource November 8<sup>th</sup> 2018.



9. The applicant has not installed the proposed street sign and stop sign. (See Photo 9)

- **TT 12/7/17 Update:** This item remains outstanding

- ✓ **APPLICANT RESPONSE:** The proposed street sign shall be installed upon completion. No stop sign is currently proposed.

10. The applicant has not installed proposed intersection warning signage on Holliston Street and it does not appear a sufficient sight line exists for vehicles exiting the proposed driveway taking a left onto Holliston Street. A crest in Holliston Street exists approximately 200 feet north of the site driveway limiting sight lines. (See Photo 10-12)

- **TT 12/7/17 Update:** This item remains outstanding

- ✓ **APPLICANT RESPONSE:** Applicant requests a waiver for the installation of the road entering sign due to the drastically reduced car trips by changing lot 3 to a single family dwelling from the previously approved use. Also the planning of similar signage approved for Timbercrest would compete/excessive signage at this placement. Sight Distance has already been approved by VHB Engineering and the MPEDB including the former approved use of an agricultural/commercial building that would have had several large truck deliveries etc. As well as approval by the zoning board for a 140 unit 40B project which shares a similar line of sight.



March 23, 2018

Ms. Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator  
Medway Town Hall  
155 Village Street  
Medway, MA 02053

**Re: Wingate Farm  
Private Way Definitive Subdivision Review  
168 Holliston Street  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above-mentioned Project at the request of the Town of Medway Planning and Economic Development Board (Board). The proposed Project is a four-lot private subdivision on approximately 5.5 acres in Medway, MA. Proposed Project includes maintaining existing house (168 Holliston Street), constructing additional houses on lots generated by the subdivision as well as appurtenant private roadway, utilities, and drain infrastructure.

TT is in receipt of the following materials:

- A plan (Plans) set titled "Subdivision Modification Plan, Wingate Farm, A Private Way Definitive Subdivision Plan", dated August 20, 2004, revised September 16, 2005, prepared by Consolidated Design Group, Inc. (CDG).
- A stormwater management report (Stormwater Report) titled "Drainage Summary, Wingate Farms, 168 Holliston Street, Medway, Massachusetts" dated October 6, 2004, revised February 8, 2005, prepared by CDG.
- A Certificate of Action titled "Wingate Farm Definitive Subdivision Plan – Modification" dated April 28, 2005.
- Daily Construction Reports, various dates, prepared by VHB.

The Plans, Stormwater Report and accompanying materials were reviewed for conformance with Chapter 100 of the Town of Medway PEDB Rules and Regulations (Regulations), MA DEP Stormwater Management Standards (Stormwater Standards), additional applicable town standards and good engineering practice. Review of the project for zoning and wetland related issues was not completed as these reviews are conducted by separate consultants/town agencies.

**The following items were found to be inconsistent with current Town of Medway PEDB Definitive Subdivision Review Regulations (Chapter 100). Reference to applicable regulation requirement is given in parentheses following each comment.**

- 1) Existing and proposed watershed maps have not been provided in the Stormwater Report. (Ch. 100 §5.5.9.b)
- 2) A map of proposed drainage areas tributary to catch basins has not been included in the Stormwater Report. (Ch. 100 §5.5.9.c)
- 3) A summary of soil types at the site has not been provided. (Ch. 100 §5.5.9.f)
- 4) The applicant has not provided proposed catch basin grate calculations. (Ch. 100 §5.5.9.i)

- 5) Calculations for all culverts proposed have not been provided. Culvert analysis of the rip-rap sump and 8" ductile iron pipe culvert has not been included in the drainage analysis. (Ch. 100 §5.5.9.j)
- 6) The Long-Term Operation and Maintenance (O&M) Plan does not appear to meet current Stormwater Standards. Furthermore, Stormceptor unit has not been included in the plan. (Ch. 100 §5.5.10)
- 7) The applicant has not provided test pit information. However, exfiltration is not considered in the design of the "wetland pond" and therefore test pitting will only be required to confirm soil types for proposed roof drain infiltration. (Ch. 100 §5.5.10.1)
- 8) The applicant has not provided sight distance calculations for proposed intersection with Holliston Street. (Ch. 100 §5.5.13)
- 9) An ANRAD determination from Medway Conservation Commission has not be supplied by the applicant, wetlands exist on site. (Ch. 100 §5.5.14)
- 10) The existing conditions plan does not contain locations of free-standing trees with a diameter of one-foot (1') or greater at twenty-four inches (24") above grade. (Ch. 100 §5.7.6)
- 11) Vertical datum has not been noted on the Plans. The applicant requested a waiver from similar regulation (Ch. 100 §3.3.2.16) and based on the waiver request it can be assumed vertical elevations are in NGVD 29 datum, not the required NAVD 88 datum. (Ch. 100 §5.6.3)
- 12) Wetland buffer zones per the Massachusetts Wetlands Protection Act have not been shown on the Plans. (Ch. 100 §5.7.7)
- 13) Lot shape factor lines have not been included for each lot. (Ch. 100 §5.7.14)
- 14) List of waivers should include items related to the submission of a definitive subdivision plan (Ch. 100 §5.7.16)
- 15) Sewage disposal system has not been shown for Lot 2. (Ch. 100 §5.7.19)
- 16) The applicant has not supplied test pit data. (Ch. 100 §5.7.22)
- 17) Applicant has included O&M Plan on the Plans. However, inspection and maintenance requirements do not meet current Stormwater Standards. (Ch. 100 §5.7.23.e)
- 18) Street lights have not been proposed. (Ch. 100 §5.7.28)
- 19) The applicant has not supplied a Stormwater Pollution Prevention Plan (SWPPP). (Ch. 100 §5.7.33)
- 20) The Plans show house footprints at forty feet (40') by sixty feet (60'). Proposed houses should be shown with a footprint of forty feet (40') by eighty feet (80'). (Ch. 100 §5.7.36)
- 21) The applicant shall provide statement on plans that proposed septic facilities will be approved by Medway Board of Health prior to house construction, see regulation for wording. (Ch. 100 §7.6.2.e)
- 22) The applicant has not stated spare conduit on the "Typical Driveway Section" detail. (Ch. 100 §7.6.2.h)
- 23) The applicant has proposed an eighteen-foot (18') traveled way. In past projects the Medway Fire Chief has required a twenty-foot (20') way for proper access to all lots with emergency vehicles. (Ch. 100 §7.9)



- 24) The applicant has proposed minimum horizontal centerline radii of less than the required one-hundred fifty feet (150'). (Ch. 100 §7.9.2.b)
- 25) The applicant has proposed property line radius at intersection of Holliston street right-of-way of less than the required twenty-eight-foot (28') minimum. Proposed edge of pavement radius is also less than the required forty-foot (40') minimum. (Ch. 100 §7.9.2.d)
- 26) Sight distances have not been shown on the Plans. (Ch. 100 §7.9.3)
- 27) The applicant has proposed a private way that is less than the required fifty feet (50'). (Ch. 100 §7.9.4.a)
- 28) The applicant has proposed portions of the proposed private way at less than minimum 2% grade. (Ch. 100 §7.9.5.a)
- 29) We recommend the applicant consult with Medway Fire Chief to determine if proposed turnaround is sufficient for emergency vehicles. (Ch. 100 §7.9.6.d)
- 30) The applicant has proposed a gravel roadway, Regulations require hot mix asphalt paving. (Ch. 100 §7.9.7.h)
- 31) The applicant has not proposed vertical granite curbing at intersection with Holliston Street. (Ch. 100 §7.10.1)
- 32) The applicant has not proposed curbing along the entire length of the subdivision roadway. (Ch. 100 §7.10.2)
- 33) Street trees have not been proposed. However, the applicant proposes to retain as many mature trees as possible as part of the Project. (Ch. 100 §7.19.2)
- 34) The applicant has not proposed street lighting. This regulation has been waived in the past and driveway lights required at each driveway opening. (Ch. 100 §7.21)
- 35) Areas of snow removal should be shown on the Plans. Snow should not be placed in stormwater BMP's. (Ch. 100 §7.27.2)

**The following items were found to not be in conformance with MA DEP Stormwater Management Standards and/or Town Stormwater Regulations.**

MA DEP Stormwater Management Standards

- 36) Peak rate for the one-hundred (100) year event is greater in the post-development condition. (Standard 2)
- 37) The applicant has not submitted a construction term erosion control plan or SWPPP. (Standard 8)
- 38) The O&M Plan provided does not meet minimum criteria as stated in the Stormwater Standards. (Standard 9)
- 39) The applicant has not submitted necessary documentation for prohibition of illicit discharges at the site. (Standard 10)

PEDB Stormwater Regulations (Ch. 100 §7.7)

- 40) We recommend the applicant provide narrative and checklist of how the Project meets each of the ten (10) Stormwater Standards. (Ch. 100 §7.7.2.a)

- 41) Post-development runoff and volume is greater than pre-development for the twenty-five (25) and one-hundred (100) year storm events. (Ch. 100 §7.7.2.d)
- 42) Detention basins should be located on their own parcels, not on individual house lots. Proposed detention basin is located within Lot 4, maintenance and access easement has been provided. (Ch. 100 §7.7.2.p)
- 43) The applicant is proposing using eight-inch (8") ductile iron pipe for driveway culverts, potentially due to cover issues. Regulations require reinforced concrete pipe. (Ch. 100 §7.7.4.b)

Town Stormwater Bylaw (Article XXVI)

- 44) We recommend the applicant provide a narrative documenting compliance with "*Article XXVI Stormwater Management and Land Disturbance*" of the Town of Medway General Bylaws.

General Stormwater Comments

- 45) The applicant has not supplied drainage figures. Figures are essential to cross-referencing proposed HydroCAD analysis with areas on the site.
- 46) Discharge points from the site have not been shown. These points are essential to understanding and comparing pre- vs. post-development runoff analyses.

These comments are offered as guides for use during the Town's review and additional comments are likely to be generated during the course of review. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

Very truly yours,



Steven M. Bouley, P.E.  
Senior Project Engineer

P:\21583\143-21583-17009 (WINGATE FARMS REVIEW)\DOCS\WINGATEFARM-PEDBREV(2018-03-23).DOCX

## **Original Wingate Farm Definitive Subdivision Plan**

Certificate of Action (5-23-2000)

Plan Date (11-20-1997, last revised 5-25-2000) – Prepared by Consolidated Design Group

Plan endorsed (8-22-2000)

Plan recorded (11-16-2002 in Plan Book 501, pages 653 – 661)

## **Plan Modification**

Certificate of Action (4-28-2005; recorded 11-9-2007, Book 25288, pages 100 – 123).  
Project to be completed within 3 years of plan endorsement date

Plan date (8-20-2004, last revised 9-16-2005)

Plan endorsed (11-8-2005).

Plan recorded (10-11-2007 in Plan Book 574, Page 64) – Sheet #3

Plan recorded (11-9-2007 in Plan book 575, Page 78) – Sheet #1

Covenant (10-20-2007; recorded 11-9-2007, Book 25288, pages 94-99)

## **Project Completion**

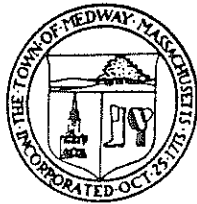
Modified Plan Endorsement Date (11-8-2005) plus 3 years per decision → 11-8-2008 deadline

MA Permit Extension Act (+ 4 years)

11-8-2008 completion deadline plus 4 years → 11-8-2012 deadline for completion

*Updated 12-6-17/sac*





*Wingate Farm  
Definitive Plan  
Modification*

TOWN OF MEDWAY

APR 29 2005

TOWN CLERK

## TOWN OF MEDWAY

### Planning Board

155 Village Street  
Medway, Massachusetts 02053

Daniel J. Hooper, Chairman  
Matthew J. Hayes, P.E., Vice-Chairman  
Alan DeToma, Clerk  
Karyl Spiller-Walsh  
Eric Alexander

*April 28, 2005*

### **CERTIFICATE OF ACTION** **WINGATE FARM DEFINITIVE SUBDIVISION PLAN - MODIFICATION** *(Approved with Waivers and Conditions)*

- I. APPLICANT:** Eugene and Karyl Walsh  
Medway, MA
- II. LOCATION:** The 5-acre parcel is located at 168 Holliston Street in the ARI zoning district.
- III. PROJECT HISTORY:** On May 23, 2000, the Medway Planning Board approved with waivers and conditions, the original Wingate Farm Definitive Subdivision Plan. It was endorsed on August 22, 2000. That plan provided for the subdivision of an approximately 5 acre parcel into 4 lots to be serviced by a 530 foot, single-access public road with a 60' cul-de-sac radius, 22' paved width within a 45' right of way, with a 5.5' sidewalk on one side of Wingate Farm Road. The plan, originally dated November 20, 1997 and last revised May 25, 2000, was prepared by DeSimone Survey Service, Inc. of Medway, MA.
- IV. DISCLOSURE:** Karyl Walsh is a member of the Medway Planning Board. During the Planning Board's review of this application, she recused herself, as a Planning Board member, from the public hearings and Board deliberations on this project. Eugene Walsh and their daughter Rachel Walsh represented the application and plan before the Planning Board. On occasion, Ms. Walsh would answer questions regarding the proposed modification.
- V. DESCRIPTION OF PROPOSED MODIFICATION:** The proposed modification to the Wingate Farm Definitive Subdivision Plan includes changes in the design and construction of the subdivision's roadway and drainage system. The road is to become an 18-foot T-Base fabricated permanent private way without curbing or sidewalks. The detention pond design has been modified to include a more naturalized shape. No change is proposed in the number or configuration of the previously approved lots. However, the Applicant plans to construct a 12,000 sq. foot horseback-riding arena on Lot #3 instead of using that lot for a single family home.

**VI. PROCEDURAL SUMMARY:** With respect to the proposed modification to the *Wingate Farm Definitive Subdivision Plan*, the Planning Board hereby certifies that:

- A. on August 27, 2004, it received an application from Eugene and Karyl Walsh of Medway, MA to modify the previously approved, endorsed and recorded Wingate Farm Definitive Subdivision Plan;
- B. the proposed modification to the Wingate Farm Definitive Subdivision Plan, originally dated August 20, 2004 and last revised April 22, 2005, and the drainage study dated September 1, 2004 were prepared by the Consolidated Design Group of Hudson, MA;
- C. on September 15, 2004, the Planning Board submitted a copy of the proposed modification to the Wingate Farm Definitive Subdivision Plan to the Medway Board of Health, which has not provided a written report on the plan. This is deemed as approval as more than forty-five (45) days have elapsed since the date the plan was distributed to the Board of Health;
- D. on September 15, 2004, the Planning Board circulated a copy of the proposed plan modification to the Board of Selectmen, Board of Assessors, Building Inspector/Zoning Enforcement Officer, Conservation Commission, Department of Public Services, Design Review Committee, Disability Commission, Fire Department, Police Department, Tree Warden and the Water/Sewer Department and requested their review and comments;
- E. on October 12, 2004, the Planning Board commenced a public hearing on this plan. The public hearing was duly noticed in the *Milford Daily News* on September 27 and October 4, 2004. Abutter notice was sent by certified mail on September 24, 2004. The Planning Board continued the public hearing to October 26, November 23, and December 14, 2004, and to January 11, February 8 & 22, March 22, April 12 and 26, 2005 when it was closed at the applicant's request;
- F. on November 23, 2004, the Planning Board approved the Applicant's request to extend the deadline for Planning Board action from November 25, 2004 to January 14, 2005. On October 26, 2004, the deadline was further extended to January 15, 2005. On January 11, 2005, the deadline was extended to February 28, 2005. On February 22, 2005, the deadline was extended to April 30, 2005. In each case, the Applicant requested the deadline extension.

**VII. PUBLIC HEARING SUMMARY:** The Planning Board conducted the public hearing over the course of ten (10) meetings during which the application and all related materials were presented and reviewed. 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.

***Modification to Wingate Farm Definitive Subdivision Plan – Consolidated Design Group.***

Original Date – August 20, 2004  
Revised – November 8, 2004  
Revised – December 28, 2004  
Revised – February 7, 2005  
Revised – March 7, 2005  
Revised – March 30, 2005  
Revised – April 22, 2005

***Wingate Farm Drainage Study – Prepared by Consolidated Design Group***

Original Date - April 2, 2004

Revised – October 6, 2004

Revised – November 10, 2004

Revised - January 3, 2005

***Operation and Maintenance Plan – Stormwater Management Facilities – Wingate Farm***

Original Date – October 6, 2004

Revised - November 10, 2004

Revised – January 3, 2005

Revised – February 8, 2005

***Citizen Comment Letters – None***

***Citizen/Resident Testimony – None***

***Medway Departmental/Board Review Comments***

Fire Chief Wayne Vinton – February 20, 2005 memo

Fire Chief Wayne Vinton – March 7, 2005 memo

Fire Chief Wayne Vinton – April 12, 2005 memo

Fire Chief Wayne Vinton – April 25, 2005 memo

Police Safety Officer Jeffrey Watson – March 22, 2005 memo

***Engineering Review Letters – VHB, Inc.***

Mark Louro, P.E. – September 30, 2004 re: 8-20-04 plans & 4-2-04 drainage study

Mark Louro, P.E. – November 19, 2004 re: 11-8-04 revised plans

Mark Louro, P.E. – January 19, 2005 re: 12-28-04 revised plans

Mark Louro, P.E. – February 17, 2005 re: 2-7-05 revised plans

Mark Louro, P.E. – March 17, 2005 re: 3-7-05 revised plans

Mark Louro, P.E. – April 10, 2005 re: 3-30-05 revised plans

***Plan Review Letters – PGC Associates***

Gino Carlucci, Jr. October 12, 2004 re: August 20, 2004 plans

Gino Carlucci, Jr. April 25, 2005

***Notes of VHB meetings with Applicant - None***

***Supplemental Applicant Submittals***

Letter from Steve Poole, Consolidated Design Group – November 22, 2004 requesting a series of waivers from the *Subdivision Rules and Regulations*

Letter from the Walsh family – November 23, 2004 in support of waiver requests

Letter from the Walsh family – April 26, 2005 re: sidewalk construction waiver

Information from Aggregate Industries – March 22, 2005 re: T-Base product

***Other Information***

ZBA Opinion – October 20, 2004 re: Applicant's request for special permit and variance



### ***Responses to VHB Engineering Review Letters***

Steve Poole, Consolidated Design Group, Inc. - February 14, 2005 letter in response to VHB's plan review letter of January 19, 2005

Steve Poole, Consolidated Design Group, Inc. - April 1, 2005 letter in response to VHB's plan review letter of March 17, 2005.

Steve Poole, Consolidated Design Group, Inc. - April 22, 2005 letter in response to VHB's plan review letter of April 10, 2005.

### ***VIII. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS***

– The proposed modification to the Wingate Farm Definitive Subdivision Plan necessitates waivers from the following sections of the *Medway Planning Board Subdivision Rules and Regulations*, as revised October 1999 and further amended in April 2000.

**Section 4.1.2** – “Unless otherwise specified, all work and materials used in the work to be done shall conform with the Commonwealth of Massachusetts, 1988 edition and of the Massachusetts Highway Department Standard Specifications for Highway and Bridges, hereinafter referred to as the Standard Specifications, as amended and included hereinafter.”

**Description** – The roadway authorized in 2000 by the original subdivision plan was intended to be a public way. With this plan modification, the Applicant requests permanent private way designation for Wingate Farm Road. The applicant seeks private way status because they plan to construct the roadway using considerably reduced roadway standards in an effort to develop a rural, agricultural enclave vs. a typical suburban subdivision. Private way status requires the property owner, not the Town, to maintain the road, drainage system and all related infrastructure.

**Finding re: Waiver from Section 4.1.2:** At a duly called and properly posted meeting held on January 11, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.1.2. of the *Subdivision Rules and Regulations* pertaining to conformance with the Mass Highway Department Standard Specifications.

The Planning Board finds that permanent private way designation is appropriate for Wingate Farm Road considering its intended use as access for a 4-lot rural residential horse farm compound. This subdivision is an expansion of an existing farm use. At this time, only two of the lots are planned for residential development; one lot will be used for the owner's existing residence and another lot will be available for new residential construction. A third lot will be used for the existing paddock/outdoor riding ring area, although it may be used in the future for residential development. The fourth lot will be used for the proposed indoor riding arena facility with 8 horse stalls. The Applicant understands that they, not the Town of Medway, are responsible for all roadway and infrastructure maintenance and that future street acceptance by the Town will not occur. Such shall be specified in a required *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* to be recorded and referenced in all property deeds for the subdivision's 4 lots. The Planning Board finds that private way status is not detrimental to the Town of Medway as a private way reduces the financial burden on the Town for routine maintenance and long-term upkeep. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

**Action on Waiver Request re: Section 4.1.2** - At a duly called and properly posted meeting held on January 11, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.1.2. of the Subdivision Rules and Regulations. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.1.2 was approved.

**Section 4.1.8** - Requires that " at the time the street or portion thereof is ready for acceptance and to facilitate acceptance by the Town of Medway, the applicant shall have prepared and certified by a Registered Land Surveyor a "Plan of Acceptance"

**Description** – With a private way, the Town does not accept the road, thus eliminating the need for an official "Street Acceptance Plan." Instead, the Applicant will provide an "As-Built Plan" which will certify that the construction work was done in accordance with the approved modified definitive subdivision plan.

**Finding re: Waiver from Section 4.1.8** – At a duly called and properly posted meeting held on January 11, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.1.8 of the Subdivision Rules and Regulations pertaining to the preparation of a Street Acceptance Plan..

The Planning Board finds that its allowance of a private way makes a Street Acceptance plan unnecessary. An As-Built Plan prepared pursuant to the Rules and Regulations is sufficient. As the Town will not be accepting Wingate Farm Road as a public way, there is no need to prepare the legal street acceptance plan. Instead, the applicant will provide an as-built plan to certify to the Planning Board that the subdivision infrastructure (roadway, drainage system, etc.) was constructed in accordance with the approved modified definitive subdivision plan. (Finding approved by a vote of 4 in favor – 0 opposed.)

**Action on Waiver Request re: Section 4.1.8** - At a duly called and properly posted meeting held on January 11, 2005, a motion was made by Alan DeToma and seconded by Eric Alexander to approve the Applicant's request for a waiver from Section 4.1.8. of the Subdivision Rules and Regulations. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.1.8 was approved.

**Section 4.2 - DESIGN AND CONSTRUCTION STANDARDS – Streets and Roadways**  
To waive all construction standards for a typical roadway and allow the proposed way to be constructed as shown on the drawing included in the approved modified definitive subdivision plan.

**Section 4.2.2.2 – Alignment** - The minimum horizontal centerline radii of a minor street shall be one-hundred fifty feet (150').

**Description** – The plan modification shows one horizontal curve with a 141' radius. Use of this radius at this particular curve is to maximize preservation of existing mature trees on the parcel.

**Findings** - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.2.2.2 of the *Subdivision Rules and Regulations* pertaining to roadway alignment.

The Planning Board finds that the preservation of existing trees is in the best interest of the Town. The Applicant has adjusted the plan to align the radii elsewhere on the site to comply. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

**Action on Waiver Request re: Section 4.2.2.2** - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Matthew Hayes to approve the Applicant's request for a waiver from Section 4.2.2.2 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.2.2 was approved

**Section 4.2.3.1 – Width** - *The minimum width of any minor or secondary street right-of-way, including dead-end streets, will be fifty feet (50'), except for streets in non-residential zoned areas where the minimum right-of-way will be sixty feet".*

**Description** – The roadway created by the original definitive subdivision plan in 2000 was approved with a 45' right of way. The Applicant seeks to maintain the same forty-five foot (45') right-of-way and eliminate the unusual bulge in the ROW at the Holliston Street entrance to the subdivision.

**Findings** - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.2.3.1 of the *Subdivision Rules and Regulations* pertaining to width of the street right-of-way.

The Planning Board finds that a 45' right of way for Wingate Farm Road is sufficient for the scale of the neighborhood and suitable for the road's use as a private way providing access only to the existing house at 168 Holliston Street and the 3 new lots. There appears to be no possibility for further roadway extension and consequently, the volume of expected use would be low. The 45' right of way provides for the same site distance as was previously approved in 2000. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

**Action on Waiver Request re: Section 4.2.3.1** - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Alan DeToma and seconded by Eric Alexander to approve the Applicant's request for a waiver from Section 4.2.3.1 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.3.1 was approved.

**4.2.4.3 - Grade** – *"... At the intersection of street right-of-way lines, there shall be provided in a residential subdivision a leveling (fixed slope) area of at least one hundred feet (100') with a maximum grade of one percent (1%) ..."*



**Description** – The Applicant proposes a vertical curve on Wingate Farm Road that transitions from 2% to 4% within the first 100 feet of Holliston Street.

**Findings** - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.2.4.3 of the *Subdivision Rules and Regulations* pertaining to the grade of the fixed slope area.

The Planning Board finds that this change conforms more closely to the existing grade and allows for a flatter grade along the remainder of the roadway length. The 2% grade slightly reduces the sight lines along Holliston Street. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

**Action on Waiver Request re: Section 4.2.4.3** - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Alan DeToma and seconded by Matthew Hayes to approve the Applicant's request for a waiver from Section 4.2.4.3 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper). The waiver request re: Section 4.2.4.3 was approved.

**4.2.6.7 – “Roadway Construction - Pavement Width - “... The minimum width of a minor street and dead end street shall be twenty-six feet (26').”**

**Description** – The previously approved definitive subdivision plan was authorized for a 22-foot wide asphalt paved roadway. The Applicant now proposes an 18-foot T-Base fabricated roadway with a 4-foot grass swale on each side of the roadway.

**Findings** – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.2.6.7 of the *Subdivision Rules and Regulations* pertaining to pavement width.

The Planning Board finds that the reduced roadway width from the standard 26 feet to 18 feet is adequate to serve the riding arena, stable and single family homes and will provide for acceptable emergency vehicle access when needed. A 4-foot grass swale on each side of the roadway provides for an additional eight (8) feet of width in emergency situations. The reduced width is reasonable considering the expected low volume of use. Fire Chief Wayne Vinton has determined that the roadway plan meets all requirements for emergency vehicle access. With the reduced roadway width, the development will appear to be more farm related as compared to a typical subdivision. The reduced width allows the roadway to be somewhat flexible in its alignment to minimize tree loss during construction and maintain the rural character of the area. The equestrian compound would help to preserve Medway's agricultural tradition. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

**Action on Waiver Request re: Section 4.2.6.7** - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Matthew Hayes to approve the Applicant's request for a waiver from Section 4.2.6.7 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.6.7 was approved.

**4.2.6.8 – “Roadway Construction - Paving Material - “ Pavement for roadways in subdivisions shall be Class I bituminous Concrete Pavement Type I-I. . . . .”**

**Description** – The Applicant wishes to use T-Base, a recycled asphalt material for the roadway construction in lieu of bituminous concrete pavement.

**Findings** – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant’s request for a waiver from Section 4.2.6.8 of the *Subdivision Rules and Regulations* pertaining to pavement construction materials.

- A. The Planning Board finds that this surface is suitable to the subdivision’s planned horse related environment. The T-Base material will provide a surface that is compatible with the riding of horses. It is very similar in appearance to a typical farm road, which is the atmosphere the applicant seeks to achieve. *(Finding approved by a vote of 4 in favor – 0 opposed.)*
- B. The Planning Board finds that the information and testimonial provided by the Applicant regarding the T-Base material, its use and maintenance is inconclusive given the potential long-term use of the roadway for a 4 lot residential subdivision. *(Finding approved by a vote of 4 in favor – 0 opposed.)*

**Action on Waiver Request re: Section 4.2.6.8** - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Matthew Hayes and seconded by Eric Alexander to approve the Applicant’s request for a waiver from Section 4.2.6.8 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper). The waiver request re: Section 4.2.6.8 was approved.

**SECTION 4.2.7 – CURBS and BERMS** – “Vertical granite curbing shall be installed at intersection roundings, cul-de-sac entrances, catch basins (including transitions) and curb/driveway openings. The curb shall be installed with concrete block on both sides. Bituminous concrete Cape Cod style berms of six inches (6”) in height having a four inch (4”) reveal and twelve inches (12”) in width shall be provided along each side of the roadway where vertical granite curbing is not required.”

**Description** - The original subdivision approved in 2000 authorized the use of Cape Cod berm curbing. The applicant now seeks approval of a roadway design with no curbing along the edge of the roadway.

**Findings** - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant’s request for a waiver from Section 4.2.7 of the *Subdivision Rules and Regulations* pertaining to curbs and berms.

The Planning Board finds that with proper maintenance of the roadway and drainage systems, the absence of curbing is not detrimental to the subdivision’s stormwater management design. With the

use of grass swales and T-Base as the roadway materials, curbing is not needed. The alternative use of swales will channel the water to the catch basins. The sides of the swales will be bermed to prevent water from overtopping the swales. *(Finding approved by a vote of 3 in favor – 1 opposed (Hooper).)*

**Action on Waiver Request re: Section 4.2.7** - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.2.7 of the Subdivision Rules and Regulations. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper). The waiver request re: Section 4.2.7 was approved.

**4.2.8 – "CURB CUTS** – " Driveways shall be at least ten (10) feet wide and have a vertical granite curb return at the roadway of three feet (3') in radius. The maximum residential curb cut shall be 20 feet, measured at the gutter line from start of radius to end of radius and commercial curb cut 32 ft."

**Description** – The Applicant requests a waiver from all requirements regarding the construction of driveway curb cuts for each lot.

**Findings** - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.2.8 of the Subdivision Rules and Regulations pertaining to curb cuts.

The Planning Board finds that granite curb returns at the driveways are unnecessary as the roadway is to be constructed without curbing. The roadway is continuous through the riding arena/stable area. The driveways serving each lot conform to the 20' width requirement. *(Finding approved by a vote of 4 in favor – 0 opposed.)*

**Action on Waiver Request re: Section 4.2.8** - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Matthew Hayes and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.2.8 of the Subdivision Rules and Regulations. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper). The waiver request re: Section 4.2.8 was approved.

**4.2.9.1 – "SIDEWALKS** - Sidewalks shall be constructed within the subdivision, and shall have pedestrian ramps to conform to the latest regulations of the Americans with Disabilities Act and State Building Code. "

**4.2.9.2 – "SIDEWALKS** - The sidewalks shall extend the full length of the street and around the entire perimeter of the cul-de-sac, with curb cuts at both sides of the cul-de-sac entry, and shall be five feet – six inches (5'6") on one side along a minor street. They shall also be provided along any Town street for the entire length of frontage of the applicant on said street including any lots separated from the subdivision within five (5) years prior to the submission of the Subdivision Plan.



**Description** – The original definitive subdivision plan was approved with a waiver to provide a 5.5 foot sidewalk on only one side of Wingate Farm Road. The Applicant now seeks a waiver from all sidewalk requirements.

**Findings** – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.2.9.1 and 4.2.9.2 of the *Subdivision Rules and Regulations* pertaining to sidewalks.

The Planning Board finds that minimal expected use of Wingate Farm Road by vehicular traffic and with only one additional residence proposed for construction at this time, the need for sidewalks is reduced. Given the alignment and cross section of the proposed roadway, sidewalk construction on Wingate Farm Road is not feasible. Wingate Farm Road will adequately serve pedestrian and horse traffic. This shared use of roads by vehicles, horses and pedestrians is typical in a rural area. Sidewalk construction along the parcel's frontage on the east side of Holliston Street is not feasible at this time. In lieu of the required sidewalk construction, the Applicant will provide a payment to the Town of Medway of \$5,500 in lieu of sidewalk construction along the 550 foot length of Wingate Farm Road. *(Finding approved by a vote of 4 in favor – 0 opposed.)*

**Action on Waiver Request re: Section 4.2.9.1 and 4.2.9.2** - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Matthew Hayes and seconded by Eric Alexander to approve the Applicant's request for a waiver from Sections 4.2.9.1 and 4.2.9.2 of the *Subdivision Rules and Regulations*, conditioned on a \$5,500 payment in lieu of sidewalk construction. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.9.1 and 4.2.9.2 was approved.

**Section 4.9.1 – "STREET LIGHTS** - High efficiency street lights shall conform to the type and style in general use in the Town of Medway . . ."

**Description** - The Applicant requests a waiver from all street light regulations and proposes use of residential style post lights on each lot.

**Findings** – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.9.1 of the *Subdivision Rules and Regulations* pertaining to street lights.

The Planning Board finds that street lighting in conformance with the *Rules and Regulations* is not necessary due to the low volume of residential use during the evening and the primarily daytime use of the riding arena. The applicant proposes use of residential style post lights on each lot. This will be included in the *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* *(Finding approved by a vote of 4 in favor – 0 opposed.)*

**Action on Waiver Request re: Section 4.9.1** - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.9.1 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.9.1 was approved.

**Section 4.11.1 – “Street Trees** – *Deciduous street trees shall be planted on each side of each street in the subdivision, except in those locations where the Board has approved certain trees to be retained which are healthy and are of adequate size and species. Such trees shall be located outside of the right-of-way at approximately sixty foot (60') intervals. Trees shall be at least twelve feet (12') in height, two inches (2") in caliper measured four feet (4') above the approved grade.”*

**Description** - The Applicant requests a waiver from all street planting requirements as the parcel is heavily wooded.

**Findings** – At a duly called and properly posted meeting held on April 28, 2005, the Medway Planning Board made the following Findings regarding the Applicant’s request for a waiver from Section 4.11.1 of the *Subdivision Rules and Regulations* pertaining to street trees.

The Planning Board finds that street tree planting in conformance with the *Rules and Regulations* is not necessary due to the existing highly wooded nature of the lot. The applicant has made a concerted effort to preserve trees wherever possible on the site. The plan includes extensive landscaping around the detention pond on Lot #4. To protect the existing wooded areas, a 30’ selective cutting zone will be added to the perimeter of Lots 2, 3 and 4 and shown on the plan. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

**Action on Waiver Request re: Section 4.11.1** - At a duly called and properly posted meeting held on April 28, 2005, *a motion was made by Matthew Hayes and seconded by Eric Alexander to approve the Applicant’s request for a waiver from Section 4.11.1 of the Subdivision Rules and Regulations. The motion was approved by a vote of 4 in favor and 0 opposed.* The waiver Request re: Section 4.11.1 was approved.

## **IX. GENERAL FINDINGS & MITIGATION PLAN**

Compared to the original Wingate Farm Definitive Subdivision Plan approved in 2000, the proposed modified subdivision plan has less impact on the parcel and surrounding properties. The revised subdivision design reflects the rural, agricultural character that the Applicant seeks to achieve and which the Town of Medway wishes to encourage. With substantial tree preservation, there is less clearing and less visual impact on abutting neighbors. The redesign of the stormwater detention pond results in a more naturalized appearance that complements the site’s topography. The pond will also provide an attractive wetland area and enhance the natural beauty of the highly wooded land. The use of lower impact construction standards for the road and stormwater infrastructure in creating this residential/equestrian compound will help preserve and enhance an existing horse farming area, maintain rural character, and promote stormwater infiltration. The status of Wingate Farm Road as a private way reduces the financial burden on the Town of Medway for maintenance and upkeep. The Applicant’s intended use of two lots for horse farming activities instead of for single-family house development, lessens the immediate fiscal burden on the Town.

## ***Mitigation Plan***

1. In lieu of constructing a sidewalk on Wingate Farm Road, the Applicant shall provide \$5,500 to the Town of Medway for sidewalk construction in the community.
2. The Applicant shall fund the preparation of a professional independent review/analysis of the roadway construction and drainage system maintenance one year after completion as determined by the Town's Consulting Engineer.

*At a duly called and properly posted meeting held on April 28, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the above described General Findings and Mitigation Plan regarding the proposed modification to the Wingate Farm Definitive Subdivision Plan, dated August 20, 2004, and last revised April 22, 2005. The motion was approved by a vote of 4 in favor and 0 opposed.*

**X. DECISION** – At a duly called and properly posted meeting of the Medway Planning Board held on April 28, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the proposed modification to the Wingate Farm Definitive Subdivision Plan, dated August 20, 2004 and last revised April 22, 2005 with Conditions as specified herein and with Waivers from the following sections of the Subdivision Rules and Regulations: 4.1.2, 4.1.8, 4.2.2.2, 4.2.3.1, 4.2.4.3, 4.2.6.7, 4.2.6.8, 4.2.7, 4.2.8, 4.2.9.1, 4.2.9.2, 4.9.1, and 4.11.1. The motion was approved by a vote of 3 in favor (Alexander, DeToma, & Hayes) and 1 opposed (Hooper). The modification to the Wingate Farm Definitive Subdivision Plan, dated August 20, 2004 and last revised April 22, 2005 is hereby approved.

## ***XI. CONDITIONS***

### **Specific Conditions**

1. It is expressly understood that this subdivision is authorized for no more than 4 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 municipal services as shown on the definitive subdivision plan, to the satisfaction of the Planning Board within three (3) years of the date of endorsement of the plan.
3. Plan Revisions - Prior to endorsement, ALL plan sheets shall be revised to include the following references:
  - a. *Modification to Wingate Farm – Private Way Definitive Subdivision Plan*
  - b. Present and future owners are subject to the *Declaration of Protective Covenants & Restrictions Governing Wingate Farm*, to be recorded with the definitive subdivision plan.
  - c. Plan Book, Page and Date of recording of the original Wingate Farm Definitive Subdivision Plan at the Norfolk County Registry of Deeds



The plan shall be also revised to address all Conditions as specified in this Certificate and in the following documents attached hereto and made a part hereof:

- d. VHB's letter dated April 10, 2005;
- e. Memorandum dated March 22, 2005 from Safety Officer Jeffrey Watson regarding required signage.

The Applicant shall provide such revised plan to the Planning Board and the Town's Consulting Engineer for review and approval. All comments and conditions must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning Board before the Board will endorse the plans.

- 4. *Selective Cutting Zone* – The plan shall be revised to show a thirty-foot (30') Selective Cutting Zone on the perimeter of lots 2, 3 and 4. In the Selective Cutting Zone, no disturbance shall occur other than for the installation of the approved drainage system and underground utilities. In addition, living and growing vegetation shall be retained and may not be removed except for the installation of the approved drainage system and underground utilities. Dead or damaged vegetation may be removed from the Selective Cutting Zone.
- 5. *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* - Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* (which shall apply to all present and future owners of the property included on this subdivision plan) to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, such *Declaration* shall:
  - a. include a requirement for the installation of light posts on each lot and may include other requirements as deemed appropriate by the Applicant;
  - b. state that the Applicant shall retain ownership of Wingate Farm Road and shall be responsible for the upkeep and maintenance of the roadway and stormwater management system;
  - c. state that upon conveyance by the Applicant of Lot 1, the ownership and responsibility for the maintenance of Wingate Farm Road and the stormwater management system shall be transferred to a Wingate Farm Homeowners Association to consist of the owners of Lots 1, 2, 3 and 4. The lot owners' rights to enforce maintenance under Chapter 84, Section 12 of MGL shall not be abrogated;
  - d. include the minimum maintenance responsibilities as specified in the Operations and Maintenance Plan for the roadway and stormwater management system as indicated on Sheet 8 of 8.
- 6. *Status and Ownership of Wingate Farm Road* – It is understood that Wingate Farm Road shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept Wingate Farm Road as constructed pursuant to this modified definitive subdivision plan. It is further understood that the applicant, Eugene and Karyl Walsh, shall have exclusive ownership of the 45' right-of-way of Wingate Farm Road in its entirety. The road shall be established as a separate parcel. The deed for the road shall clearly state that adjacent property to the south of 168 Holliston Street shall not have any use or frontage rights to Wingate Farm Road unless a new definitive subdivision plan is submitted to the Planning Board for approval under the Subdivision Control Law.

7. *Lot Deeds* – Prior to endorsement, the Applicant shall provide copies of the proposed lots deeds to the Planning Board for its review, comment, amendment and approval. The deeds shall indicate the Applicant's initial ownership of the roadway and all easements shown on the subdivision plan. The deeds conveying lots 2, 3 and 4 shall be clear that the owners have the right to use and pass on Wingate Farm Road, but do not have any ownership interest in or maintenance responsibility for the road or the stormwater management system. However, the deeds shall specify that a Homeowners Association is to be created to own and maintain the road and drainage system upon conveyance of Lot 1. Each deed shall refer to and be accompanied by a Lot Plan to be recorded with each deed. The Lot Plan shall depict all easements and the Selective Cutting zone. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall refer to the *Declaration of Protective Covenants and Restrictions Governing Wingate Farm*.
8. *Easements* – Prior to endorsement, the Applicant shall provide the Planning Board with a copy of the document pertaining to each easement shown on the definitive subdivision plan.
9. *Maintenance of Roadway and Stormwater Management System* – The use of T-Base product for the roadway surface and the absence of any curbing on the roadway necessitate more frequent maintenance and upkeep of the road and stormwater management system. The Applicant's compliance with the Operations and Maintenance Plan shall be monitored during construction observation/inspections by the Town's Consulting Engineer.

The Applicant shall contract for a professional, independent review/analysis of the roadway construction and drainage system to be conducted after one year of use (*as determined by the Town's Consulting Engineer*) to demonstrate to the Town the merits and pitfalls of the alternative construction method. The cost for such study shall not exceed \$1,200. The Applicant will deposit the funds to an escrow account established with the Town of Medway prior to the Board's approval of any Release of Covenant for building permit purposes.

The Applicant shall provide for snow plowing, sanding and full maintenance of Wingate Farm Road and all related stormwater management infrastructure throughout the entire construction process and in perpetuity thereafter until Lot 1 is conveyed, at which time a Homeowner's Association shall be established and become responsible. The rights of lot owners to enforce maintenance under Chapter 84, Section 12 shall not be abrogated

10. *Lot Development* – Prior to the issuance of any building permits for lots 2, 3 and 4, all subdivision construction work as specified in the plan shall be completed, or the Applicant shall provide sufficient security to ensure its completion in the form of a deposit of money in a bank account with the Town of Medway. The amount of said deposit shall be established by the Planning Board and shall be based on an estimate provided by the Town's Consulting Engineer of the amount that would be required for the Town of Medway to complete the work if the Applicant failed to do so.
11. *Sidewalk Construction* – In lieu of constructing approximately 550 feet of sidewalk along Wingate Farm Road, the Applicant shall contribute to the Town of Medway, within one year of the date of plan endorsement, an amount equal to \$5,500 as estimated by VHB, Inc., the Town's Consulting Engineer, based on the most recent average statewide price published by the Massachusetts Highway Department for sidewalk construction, said funds to be used by the Town of Medway for sidewalk construction in the community.

12. *T-Base Specifications* – Prior to plan endorsement, the plan shall be revised to include a detailed T-Base specification as provided by the manufacturer.

### **General Conditions**

13. *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.
14. *Payment of Balance of Fees* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan 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 provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision.
15. *Establishment of Security Account* - Prior to endorsement, the Applicant shall establish a passbook savings account (*with the Town of Medway*) at an area financial institution into which the Applicant shall place a deposit of money 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.
16. The Applicant shall specifically reserve to itself/himself/herself ownership of the fee in Wingate Farm Road and all easements shown on the definitive subdivision plan in any deeds or other conveyances or transfers pertaining to Lots 2, 3 and 4. At such time as Lot 1 is conveyed, the fee in Wingate Farm Road and all easement shall then be conveyed to a Wingate Farm Home Owners Association.
17. *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 municipal services as specified in the approved definitive subdivision plan. Reference to the *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 municipal services shall be installed to the satisfaction of the Planning Board within three (3) years of the date of plan endorsement.
18. *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 Subdivision 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 Subdivision 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.

19. *Construction Observation* - The Applicant agrees to construction observation inspections by the Town's Consulting Engineer and shall pay construction observation fees to the Town of Medway for such inspections. The amount shall be determined by the Planning Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Medway Planning 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 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 to the Planning Board.
20. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the easements, the *Subdivision Covenant, and Declaration of Protective Covenants and Restrictions Governing Wingate Farm* with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Planning 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. The Planning Board shall not authorize any Lot Releases to allow the issuance of building permits until the Applicant has provided proof or verification of recording with the Norfolk County Registry of Deeds.
21. 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 (archinfoshape 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.
22. *Security Payments* - 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 passbook account in an amount equal to 100% of the bond amount approved by the Medway Planning Board to cover the cost of all uncompleted construction improvements and infrastructure maintenance.
23. *Proof of Taxes Paid* - Prior to the Planning 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 are current to that date for all property included in this subdivision.
24. *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 (archinfoshape 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.

41. *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.

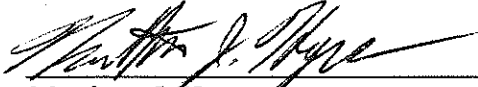
This decision is subject to appeal in accordance with M.G.L. ch. 41, section 81BB within 20 days after his decision is filed with the Town Clerk.

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**MEDWAY PLANNING BOARD**


Approved April 28, 2005

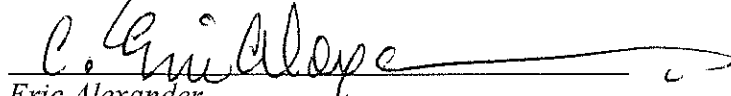
**AYE**

  
Matthew J. Hayes

**NAY:**

  
Daniel J. Hooper, Chairman

  
Alan DeToma

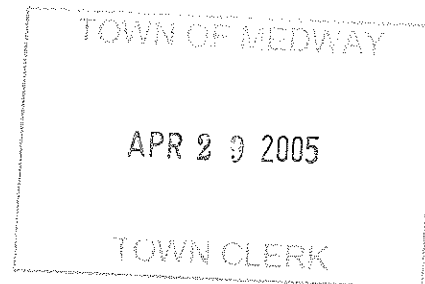
  
Eric Alexander

**Date Signed:** 4/28/2005

**Attest:** Susan E. Affleck-Childs  
Susan E. Affleck-Childs, Planning Board Assistant

4-28-05  
Date

**Date Filed with the Town Clerk:**



**Certified Mail Copy to:** Eugene and Karyl Walsh  
168 Holliston Street

Date: 4-29-05

Certified Mail #: 7004 1350 0004 9766 0040

**Copies To:** Greg Balukonis, Town Administrator  
Susan Bouchard, Disability Commission  
David D'Amico, Public Services  
Ron Dolloff, Tree Warden  
Bill Fisher, Board of Health  
Mark Flaherty, Water/Sewer Board  
Britt Hall, Assessors  
Gary Jacob, Design Review Committee  
Al Pater, Treasurer/Collector  
Robert Speroni, Inspector of Buildings/Zoning Enforcement Officer  
David Travalini, Conservation Commission  
Wayne Vinton, Fire Chief  
Jeffrey Watson, Police Safety Officer  
Gino Carlucci, PGC Associates  
Mark Louro, VHB Engineering  
Steve Poole, Consolidated Design Group



# SUBDIVISION MODIFICATION PLAN WINGATE FARM A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN

FOR REGISTRY USE ONLY

## LIST OF WAIVERS

- SECTION 3.3.2.16- TO ALLOW THE USE OF THE 1929 NGVD DATUM IN LIEU OF THE NAVD 88 DATUM AS THE 1929 DATUM WAS USED PREVIOUSLY.
- SECTION 4.1.2- TO ALLOW FOR A MODIFICATION OF THE STANDARD ROADWAY CROSS-SECTION & MASS. HIGHWAY STANDARDS, AS ON THE APPROVED DRAWINGS, AND TO ALLOW FOR A PRIVATE WAY DESIGNATION OF THE MINOR ROADWAY.
- SECTION 4.1.8- TO ALLOW FOR AN AS-BUILT PLAN IN LIEU OF A STREET ACCEPTANCE PLAN AND ALLOW FOR THE ROADWAY TO BE MAINTAINED AS A PRIVATE WAY BY THE ABUTTERS.
- SECTION 4.2- TO WAIVE ALL CONSTRUCTION STANDARDS FOR A TYPICAL ROADWAY AND ALLOW THE PROPOSED WAY TO BE CONSTRUCTED AS SHOWN ON THE APPROVED DRAWING. SPECIFIC EXCLUSIONS ARE:
- 4.2.2.2-ELIMINATE THE MINIMUM CENTERLINE RADIUS OF THE ROADWAY AND ALLOW THE ROAD LAYOUT AS SHOWN.
  - 4.2.3.1-REDUCE THE ROADWAY RIGHT OF WAY FROM FIFTY (50) FEET TO FORTY FIVE (45) FEET THROUGHOUT THE ROADWAY.
  - 4.2.4.3-ELIMINATE THE REQUIREMENT FOR A SEPARATE LEVELING AREA AND ALLOW IT TO BE INCORPORATED IN THE VERTICAL CURVE.
  - 4.2.6.7-REDUCE THE ROADWAY WIDTH FROM 26'-0" TO 18'-0" WITH TWO (2) 4'-0" GRASS SWALES.
  - 4.2.6.8-ALLOW THE USE OF A RECYCLED ASPHALT MATERIAL FOR THE ROADWAY SURFACE IN LIEU OF FULL BITUMINOUS PAVEMENT.
  - 4.2.7 - ELIMINATE THE REQUIREMENT FOR CURBING ALONG THE EDGE OF THE ROAD.
  - 4.2.8 - ELIMINATE THE CURB CUT REQUIREMENTS.
  - 4.2.9.1 & 2 - ELIMINATE THE REQUIREMENT FOR SIDEWALKS.
- SECTION 4.9.1 - TO ALLOW FOR NO STREET LIGHTING.
- SECTION 4.11.1 - WAIVE THE REQUIREMENT FOR STREET TREES AS THE SITE HAS MANY MATURE TREES THAT WILL REMAIN AFTER CONSTRUCTION.

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN BOOK 17,559 / PAGE 147 AND PLAN NO. 653 OF 2002 RECORDED IN PLAN BOOK 501 APPROVAL DATED 5/23/2000.

## INDEX TO DRAWINGS:

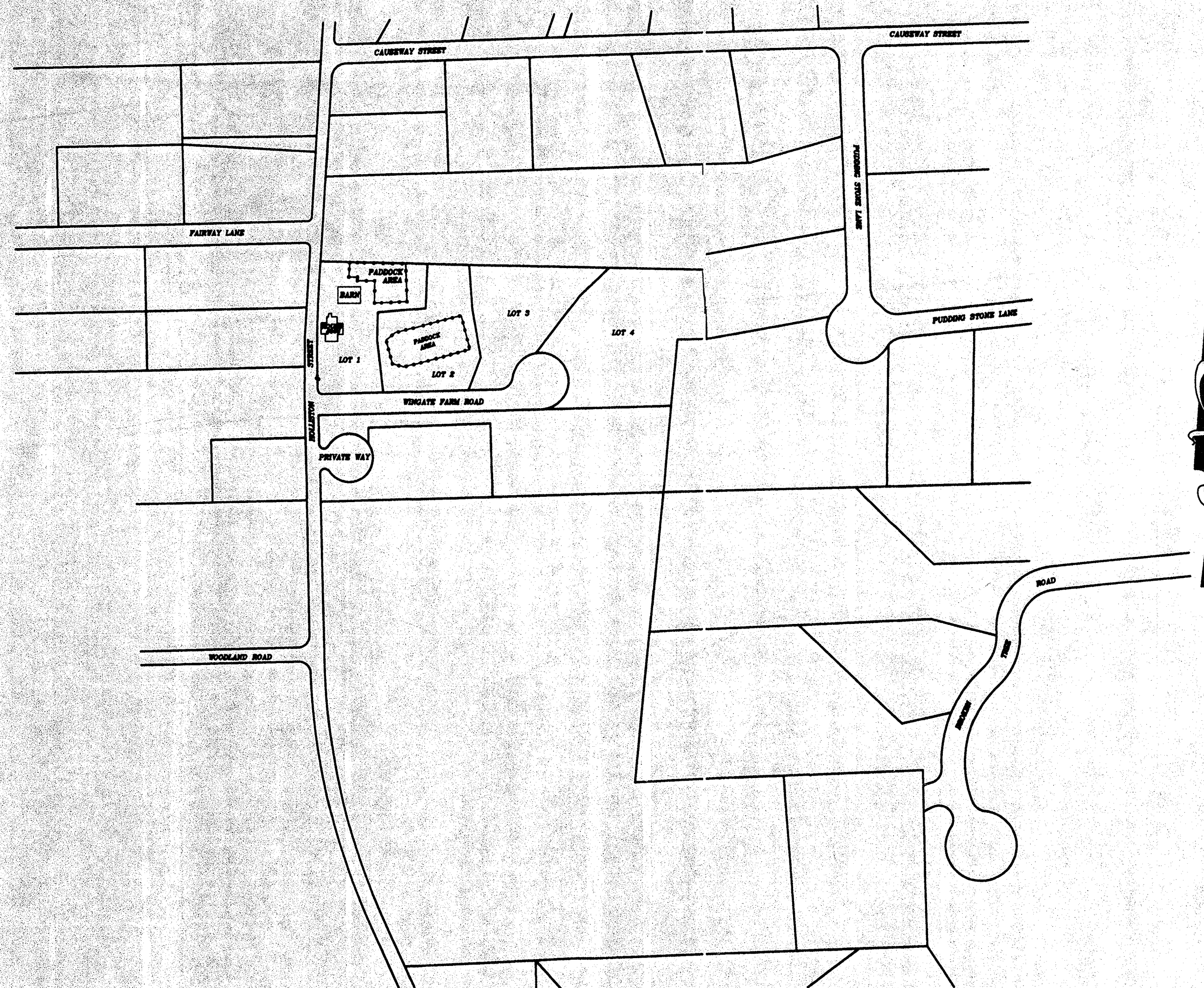
- SHEET 1 OF 8 - COVER SHEET
- SHEET 2 OF 8 - EXISTING CONDITIONS PLAN
- SHEET 3 OF 8 - PROPERTY PLAN
- SHEET 4 OF 8 - TOPOGRAPHIC PLAN
- SHEET 5 OF 8 - ROAD PROFILE
- SHEET 6 OF 8 - CONSTRUCTION DETAILS
- SHEET 7 OF 8 - CONSTRUCTION DETAILS
- SHEET 8 OF 8 - CONSTRUCTION DETAILS

LOCATED IN  
MEDWAY, MASSACHUSETTS

OWNERS: EUGENE AND KARYL WALSH  
168 HOLLISTON STREET MEDWAY, MA  
(508)-533-8440

PREPARED BY:  
CONSOLIDATED DESIGN GROUP, INC.  
21 MAIN STREET SUITE 9 HUDSON, MA  
(978) 562-5581

AUGUST 20, 2004  
REVISED: NOVEMBER 8, 2004  
DECEMBER 28, 2004  
FEBRUARY 7, 2005  
MARCH 7, 2005  
MARCH 30, 2005  
APRIL 22, 2005  
SEPTEMBER 16, 2005



LOCUS MAP  
1" = 200'

APPROVED BY:  
MEDWAY PLANNING BOARD

*[Signature]*  
*[Signature]*  
*[Signature]*

APPROVAL DATE:

APRIL 28, 2005

ENDORSEMENT DATE:

APR 28 '05

NOTE: 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.

*[Signature]*  
ANTHONY M. DELLORCO ~ P.L.S.

DATE: 9-30-05



*[Signature]*  
STEPHEN E. POOLE ~ P.E.



I, TOWN CLERK OF THE TOWN OF MEDWAY, RECEIVED AND RECORDED, FROM THE PLANNING BOARD, APPROVAL OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20) DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT EXECUTED BY EUGENE AND KARYL WALSH DATED \_\_\_\_\_ AND TO BE RECORDED HEREWITH.

## ZONING REFERENCE

ASSESSORS MAP 7-4, PARCELS 7-31  
7/31-2, 7/31-3, 7/31-2B  
ZONING DISTRICT: AR-1

## ZONING DISTRICT - MINIMUM REQUIREMENTS

MINIMUM AREA REQUIREMENT-44,000 S.F.  
MINIMUM FRONTAGE REQUIREMENT-180 FEET  
MINIMUM FRONT YARD SETBACK-35 FEET  
MINIMUM SIDE YARD SETBACK-15 FEET  
MINIMUM REAR YARD SETBACK-15 FEET  
STREET DESIGNATION-MINOR



MEDWAY PLANNING BOARD  
APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW REQUIRED.  
*[Signature]*  
*[Signature]*

APPROVAL DATE:  
APRIL 28, 2005

ENDORSEMENT DATE:  
*Nov 9 05*

RESERVED FOR REGISTRY USE

N/F MCKENSIE

N/F LOBISSER

N/F RHODES

N/F DOWDEL

N/F PIANTEDOSI

N/F MANSKE

FAIRWAY LANE  
(PUBLIC-50' WIDE)

N/F HOWLETT

N/F MARTINO

N/F RICHARDS

N/F BLAISDELL

N/F GUILMARTIN

N/F MCNULTY

N/F MASSE

N/F CHOATE

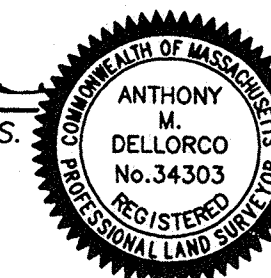
N/F DEGEORGE

N/F ANDERSON  
LOT AREA = 162,455.5 SqFt±

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE  
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS  
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT  
EXECUTED BY EUGENE AND KARYL WALSH DATED \_\_\_\_\_  
AND TO BE RECORDED HERewith.

NOTE: 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.

*[Signature]*  
ANTHONY M. DELLORCO ~ P.L.S.  
DATE: 9-30-05



OWNER/ APPLICANT

EUGENE AND KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING  
AR-1

LOT REQUIREMENTS  
AREA=44,000 S.F.  
FRONTAGE=180'  
FRONT SETBACK=35'  
SIDE SETBACK=15'  
REAR SETBACK=15'  
SHAPE FACTOR=22.0

EXISTING CONDITIONS PLAN  
MODIFICATION TO WINGATE FARM  
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN  
IN

MEDWAY, MASS.

SCALE: 1"= 40' DATE: AUGUST 20, 2004

\*PREPARED BY:  
Consolidated Design Group Inc.

CIVIL ENGINEERS  
21 Main St. Hudson, MA. 01749  
(978) 562-5581

SHEET NO. 2 OF 8

I TOWN CLERK OF THE TOWN OF MEDWAY  
RECEIVED AND RECORDED FROM THE PLANNING  
BOARD APPROVAL OF THIS PLAN AND NO APPEAL  
HAS BEEN TAKEN FOR TWENTY (20) DAYS NEXT  
AFTER RECEIPT AND RECORDING.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

NO.	DATE	DESCRIPTION	BY
6.	9-16-05	TOWN COMMENTS	SEP
5.	4-22-05	TOWN COMMENTS	SEP
4.	3-7-05	TOWN COMMENTS	SEP
3.	2-7-05	TOWN COMMENTS	SEP
2.	12-28-04	TOWN COMMENTS	SEP
1.	11-08-04	TOWN COMMENTS	SEP



MEDWAY PLANNING BOARD  
APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW REQUIRED.

*[Signature]*  
*[Signature]*  
*[Signature]*

APPROVAL DATE:

APRIL 28, 2005

ENDORSEMENT DATE:

Nov 8 '05

RESERVED FOR REGISTRY USE

N/F GUILMARTIN

N/F MCNULTY

N/F MASSE

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE  
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GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT  
EXECUTED BY EUGENE AND KARYL WALSH DATED \_\_\_\_\_  
AND TO BE RECORDED HERewith.

NOTE: 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.

*[Signature]*  
ANTHONY M. DELLORCO ~ P.L.S.  
DATE: 9-30-05



OWNER/ APPLICANT

EUGENE AND KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

PROPERTY PLAN  
MODIFICATION TO WINGATE FARM  
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN  
IN

MEDWAY, MA

SCALE: 1"= 40' DATE: AUGUST 20, 2004

PREPARED BY:  
Consolidated Design Group Inc.

CIVIL ENGINEERS  
21 Main St. Hudson, MA. 01749  
(978) 562-5581

SHEET NO. 3 OF 8

N/F MCKENSIE

N/F MANSKE

FAIRWAY LANE  
(PUBLIC-50' WIDE)

N/F HOWLETT

N/F MARTINO

N/F RICHARDS

N/F BLAISDELL

HOLLISTON STREET  
(COUNTY LAYOUT - 1962)  
60' WIDE

N/F LOBISSER

N/F RHODES

N/F DOWDEL

N/F PIANTEDOSI

N/F ANDERSON

LOT 1  
LOT AREA = 45,133 S.F.  
S.F.=21.96

LOT 3  
LOT AREA = 44,000 S.F.  
S.F.=22.14

LOT 4  
LOT AREA = 75,926 S.F.  
S.F.=20.83  
PARCEL 31-2B

LOT 2  
LOT AREA = 44,000 S.F.  
S.F.=18.52  
PARCEL 31-2

SELECTIVE CUTTING ZONE  
(TYP. - SEE COVENANT)

ACCESS EASEMENT  
13,056± SQ. FT.

LANDSCAPE, DRAINAGE,  
ACCESS & GRADING  
EASEMENT  
15,204± SQ. FT.

SELECTIVE CUTTING ZONE  
(TYP. - SEE COVENANT)

WINGATE FARM ROAD

N/F DEGEORGE

N/F CHOATE

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED  
SUBDIVISION RECORDED IN THE NORFOLK COUNTY REGISTRY  
OF DEEDS IN BOOK 17,559 / PAGE 147 AND PLAN NO. 653  
OF 2002 RECORDED IN PLAN BOOK 501 APPROVAL DATED 5/23/2000.

NO.	DATE	DESCRIPTION	BY
7.	9-16-05	TOWN COMMENTS	SEP
6.	4-22-05	TOWN COMMENTS	SEP
5.	3-30-05	ADDED BOUNDS AND EASEMENT	SEP
4.	3-7-05	TOWN COMMENTS	SEP
3.	2-7-05	TOWN COMMENTS	SEP
2.	12-28-04	TOWN COMMENTS	SEP
1.	11-08-04	REVISED RIGHT OF WAY	SEP



MEDWAY PLANNING BOARD  
APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW REQUIRED.  
*[Signature]*  
*[Signature]*  
*[Signature]*

APPROVAL DATE:  
APRIL 28, 2005

ENDORSEMENT DATE:  
*Nov 8 '05*

RESERVED FOR REGISTRY USE

ZONING DISTRICT  
AR-1

LOT REQUIREMENTS  
AREA=44,000 S.F.  
FRONTAGE=180'  
FRONT SETBACK=35'  
SIDE SETBACK=15'  
REAR SETBACK=15'  
SHAPE FACTOR=22.0

N/F GUILMARTIN

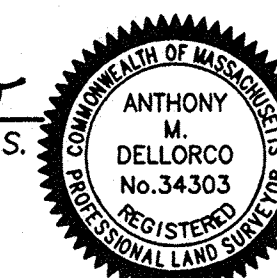
N/F MCNULTY

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REGISTERS OF DEEDS OF THE  
COMMONWEALTH OF MASSACHUSETTS.

*Anthony M. Dellorco*  
ANTHONY M. DELLORCO ~ P.L.S.

DATE: 9-30-05



TOPOGRAPHIC PLAN  
MODIFICATION TO WINGATE FARM  
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN

IN  
MEDWAY, MASS.

SCALE: 1"= 40' DATE: AUGUST 20, 2004

PREPARED BY:  
**Consolidated Design Group Inc.**  
CIVIL ENGINEERS  
21 Main St. Hudson, MA. 01749  
(978) 562-5581

NO.	DATE	DESCRIPTION	BY
8.	9-16-05	TOWN COMMENTS	SEP
7.	4-22-05	TOWN COMMENTS	SEP
6.	3-30-05	TOWN COMMENTS	SEP
5.	3-7-05	TOWN COMMENTS	SEP
4.	2-7-05	TOWN COMMENTS	SEP
3.	12-28-04	TOWN COMMENTS	SEP
2.	12-3-04	REVISED SITE GRADING	SEP
1.	11-08-04	REVISED RIGHT OF WAY	SEP
NO.	DATE	DESCRIPTION	BY

SHEET NO. 4 OF 8

N/F PIANTEDOSI

N/F DOWDEL

N/F RHODES

N/F LOBISSER

N/F MCKENSIE

N/F MANSKE

FAIRWAY LANE  
(PUBLIC-50' WIDE)

N/F HOWLETT

N/F MARTINO

N/F RICHARDS

N/F BLAISDELL

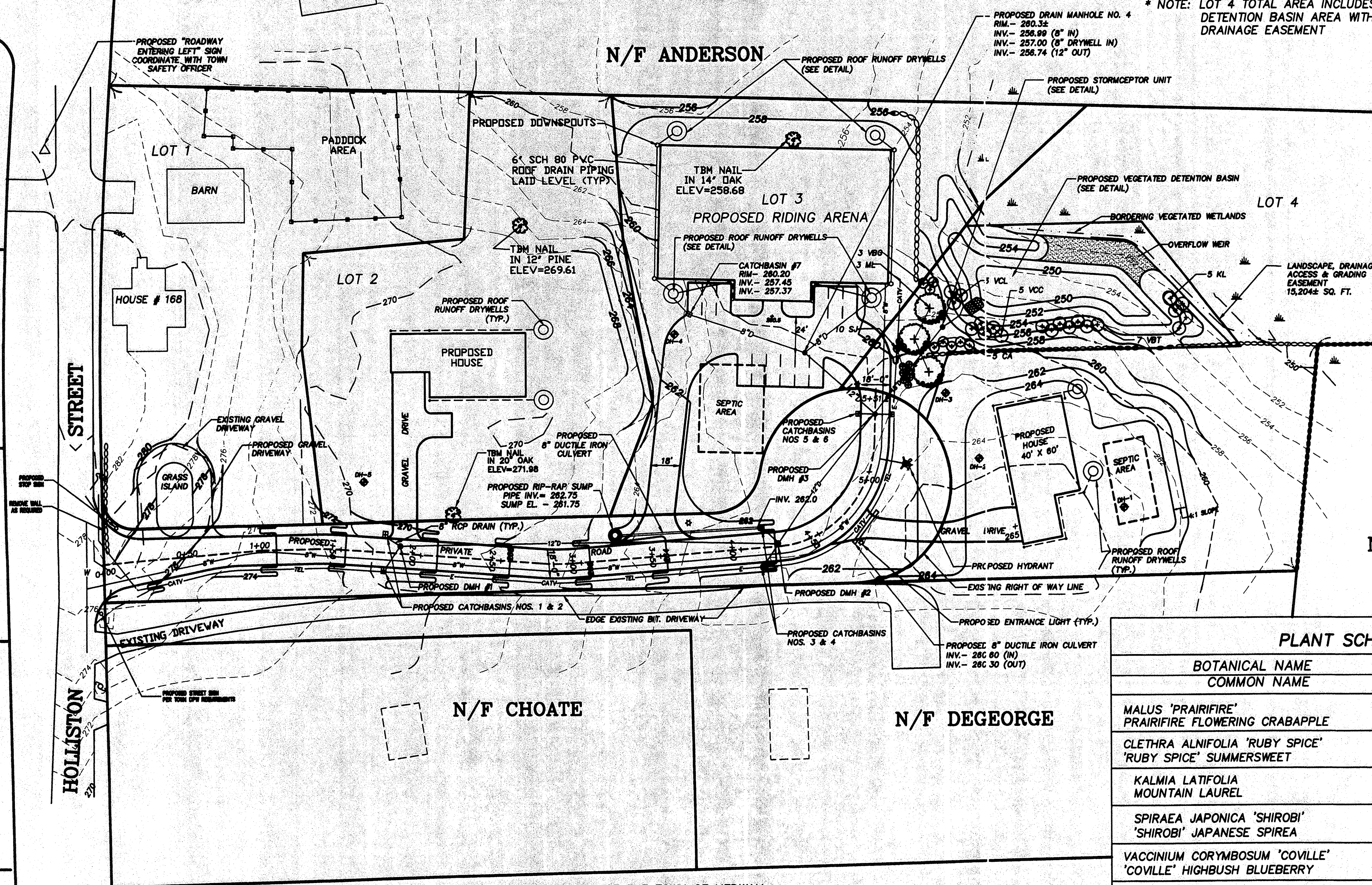
LEGEND

- DH-1 DEEP TEST HOLE
- PROPOSED CATCH BASIN
- PROPOSED DMH
- UTILITY POLE
- HYDRANT
- WATER SERVICE
- PROPOSED DOWNSPOUT WITH ROOF DRAIN PIPING
- WETLAND AREA
- EDGE OF WETLAND
- PROPERTY LINE
- EX. EDGE OF PAVEMENT
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED WALL

AREA SUMMARY

LOT 1- TOTAL AREA- 45,133 SQ.FT.  
(EASEMENT AREA - 4,104 SQ.FT.)  
LOT 2- TOTAL AREA- 44,000 SQ.FT.  
LOT 3- TOTAL AREA- 44,000 SQ.FT.  
(EASEMENT AREA - 13,056 SQ.FT.)  
LOT 4- TOTAL AREA- 75,926 SQ.FT.\*  
(EASEMENT AREA- 16,678 SQ.FT.)  
(WETLAND AREA- 31,344 SQ.FT.)  
ROADWAY- TOTAL AREA- 30,894 SQ.FT.  
TOTAL PROJECT AREA= 239,953± SQ.FT.

\* NOTE: LOT 4 TOTAL AREA INCLUDES  
DETENTION BASIN AREA WITHIN  
DRAINAGE EASEMENT



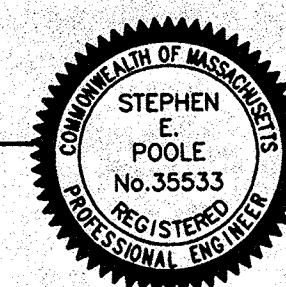
PLANT SCHEDULE

BOTANICAL NAME COMMON NAME	SYM.	SIZE	QUAN.
MALUS 'PRAIRIFIRE' PRAIRIFIRE FLOWERING CRABAPPLE	ML	1½-2" CAL	3
CLETHRA ALNIFOLIA 'RUBY SPICE' 'RUBY SPICE' SUMMERSWEET	CA	#2 POT	5
KALMIA LATIFOLIA MOUNTAIN LAUREL	KL	2-2½' B&B	5
SPIRAEA JAPONICA 'SHIROBI' 'SHIROBI' JAPANESE SPIREA	SJ	#3 POT	10
VACCINIUM CORYMBOSUM 'COVILLE' 'COVILLE' Highbush BLUEBERRY	VCC	#3 POT	5
VACCINIUM CORYMBOSUM 'LATE BLUE' 'LATE BLUE' Highbush BLUEBERRY	VCL	#3 POT	3
VIBURNUM CARLESII KOREANSPICE VIBURNUM	VBC	18-24" B&B	3
VIRBURNUM TRILOBUM (AMERICANUM) WENTWORTH 'WENTWORTH' AMERICAN CRANBERRY BUSH	VBT	2-3' B&B	7

NOTE: OWNER TO PROVIDE EIGHT (8)  
STREET TREES TO BE SITED IN  
FIELD WITH PLANNING BOARD AGENT.  
TREES TO BE RED OAK, NORWAY  
MAPLE OR SUGAR MAPLE WITH A  
MINIMUM TWO (2) INCH CALIPER.

*Stephen E. Poole*  
STEPHEN E. POOLE ~ P.E.

DATE: 9-30-05



I, TOWN CLERK OF THE TOWN OF MEDWAY,  
RECEIVED AND RECORDED, FROM THE PLANNING  
BOARD, APPROVAL OF THIS PLAN \_\_\_\_\_ ON \_\_\_\_\_  
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)  
DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE

OWNER/ APPLICANT  
EUGENE AND KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053



**MEDWAY PLANNING BOARD**  
APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW, REQUIRED.

*[Signature]*  
*[Signature]*  
*[Signature]*

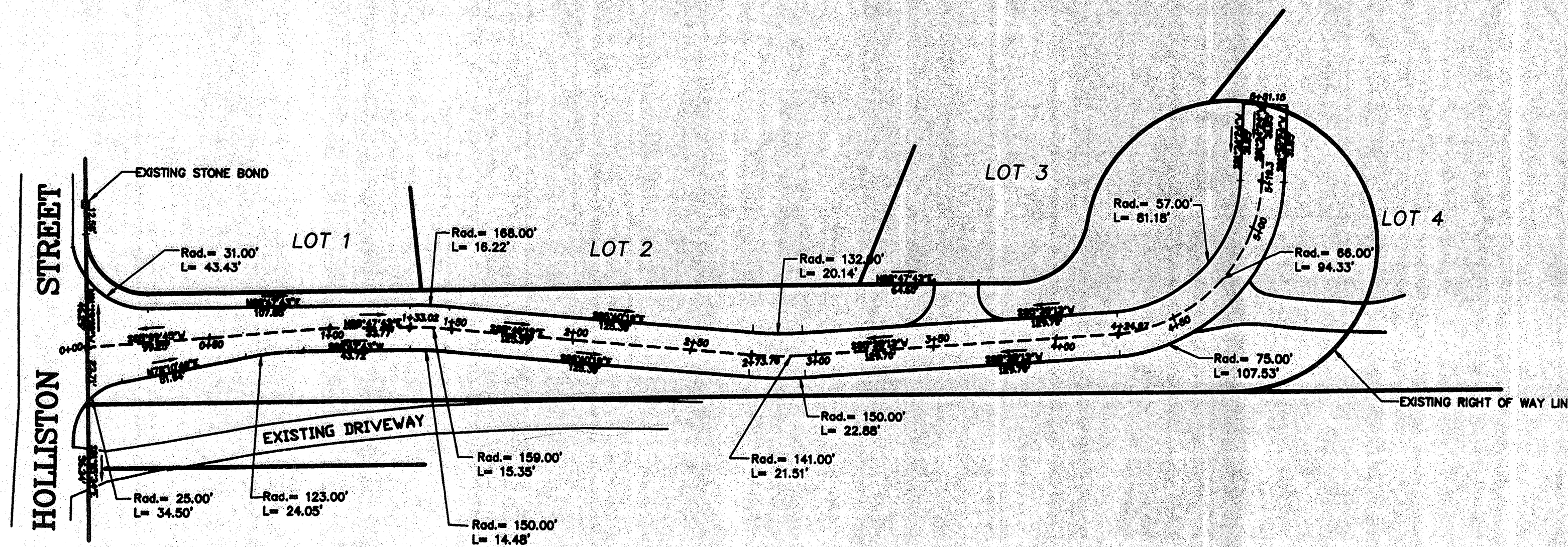
APPROVAL DATE:

APRIL 28, 2005

ENDORSEMENT DATE:

NOV 8 2005

RESERVED FOR REGISTRY USE



# WINGATE ROAD LAYOUT

SCALE 1"=40'

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE  
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS  
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT  
EXECUTED BY EUGENE AND KARYL WALSH DATED \_\_\_\_\_,  
AND TO BE RECORDED HEREWITH.

NOTE: I CERTIFY THAT THIS PLAN HAS BEEN  
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COMMONWEALTH OF MASSACHUSETTS.

*[Signature]*  
ANTHONY J. DELLORCO ~ P.L.S.

DATE: 9-30-05



*[Signature]*  
STEPHEN E. POOLE ~ P.E.

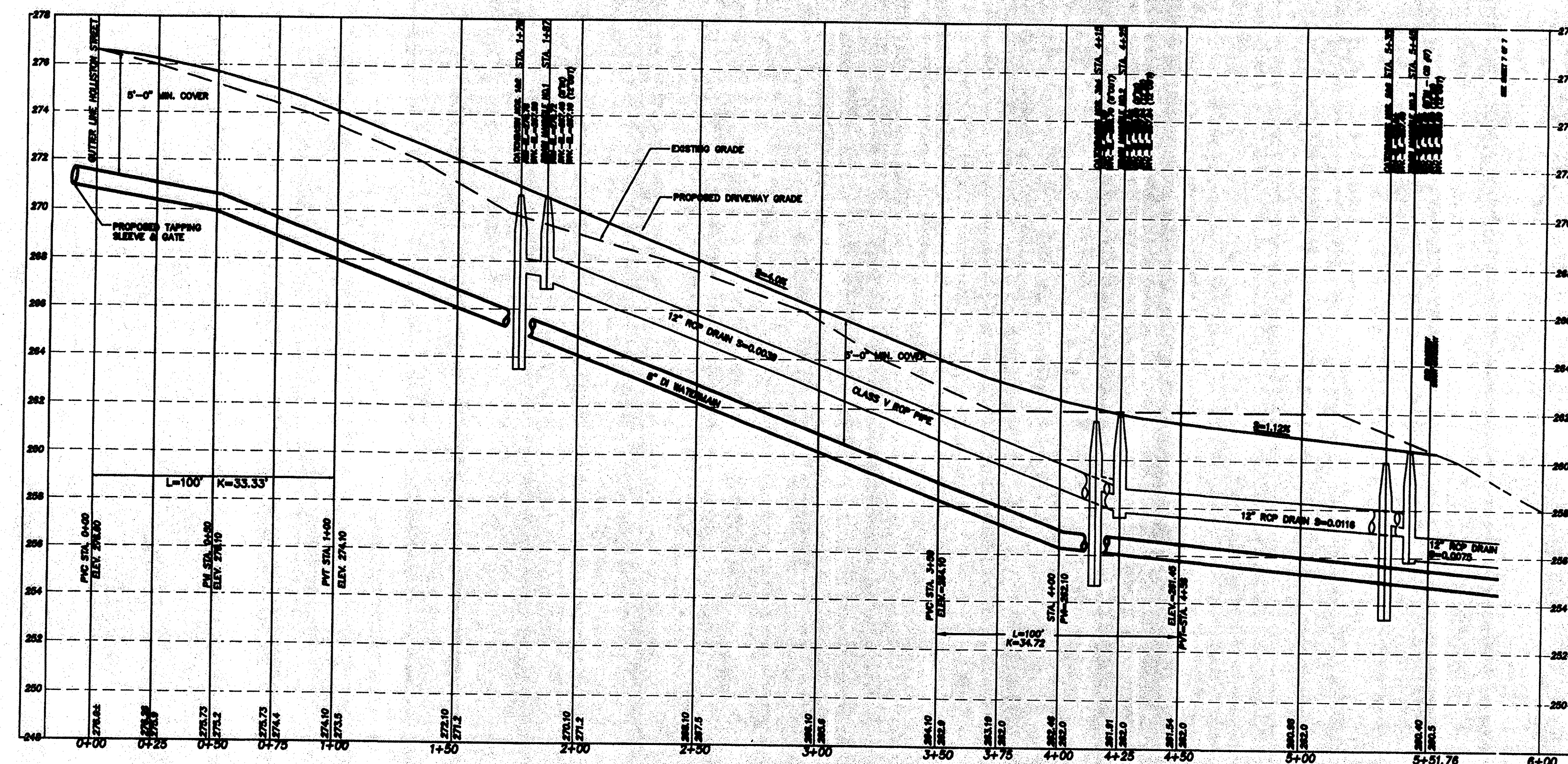
DATE: 9-30-05



I, TOWN CLERK OF THE TOWN OF MEDWAY,  
RECEIVED AND RECORDED, FROM THE PLANNING  
BOARD, APPROVAL OF THIS PLAN ON \_\_\_\_\_  
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)  
DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE



# ROADWAY PROFILE PLAN

SCALE: HORIZ. 1" = 40'  
VERT. 1" = 4'

**OWNER/ APPLICANT**  
EUGENE AND KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

NO.	DATE	DESCRIPTION	BY
7.	9-16-05	TOWN COMMENTS	SEP
6.	4-22-05	TOWN COMMENTS	SEP
5.	3-30-05	REVISED PROFILE & LAYOUT	SEP
4.	3-1-05	TOWN COMMENTS	SEP
3.	2-7-05	TOWN COMMENTS	SEP
2.	12-28-04	TOWN COMMENTS	SEP
1.	11-8-04	REVISED GRADING	SEP

**ROADWAY PROFILE PLAN**  
MODIFICATION TO WINGATE FARM  
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN  
IN

**MEDWAY, MASS.**

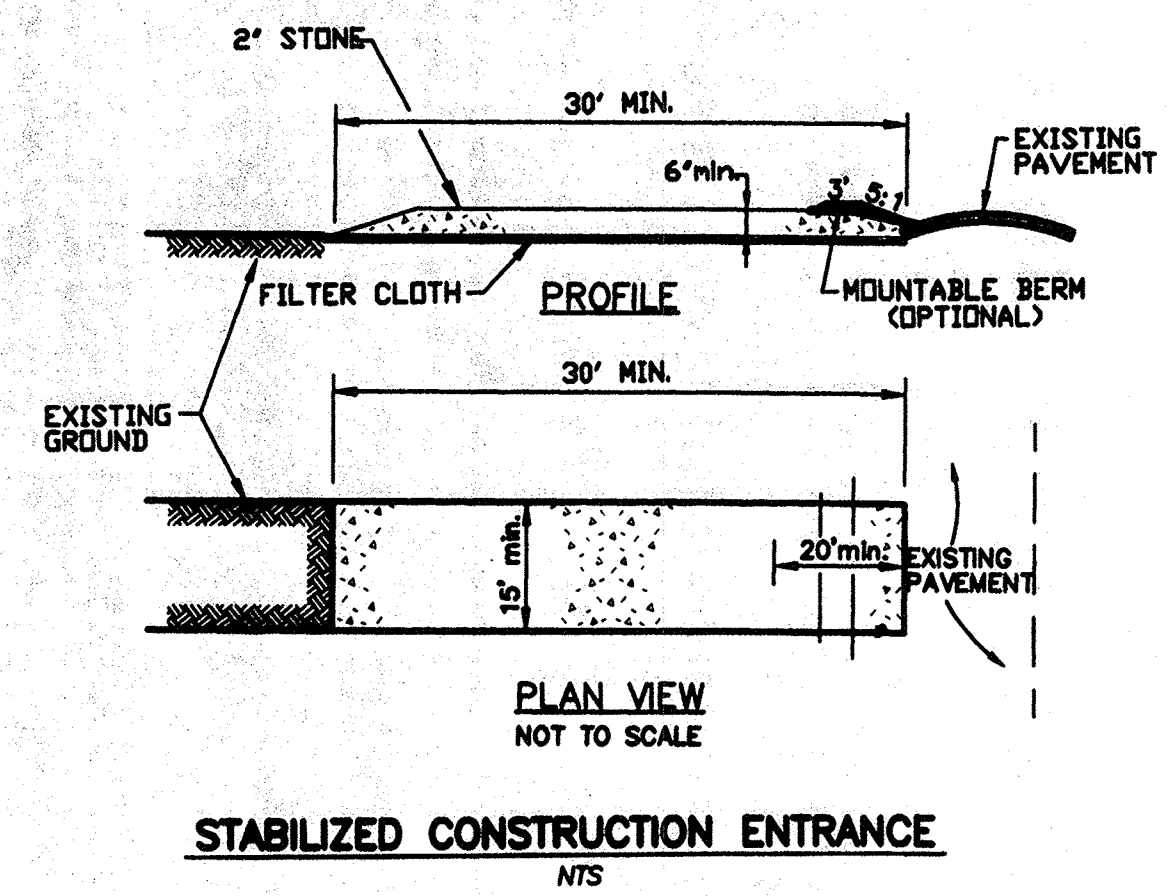
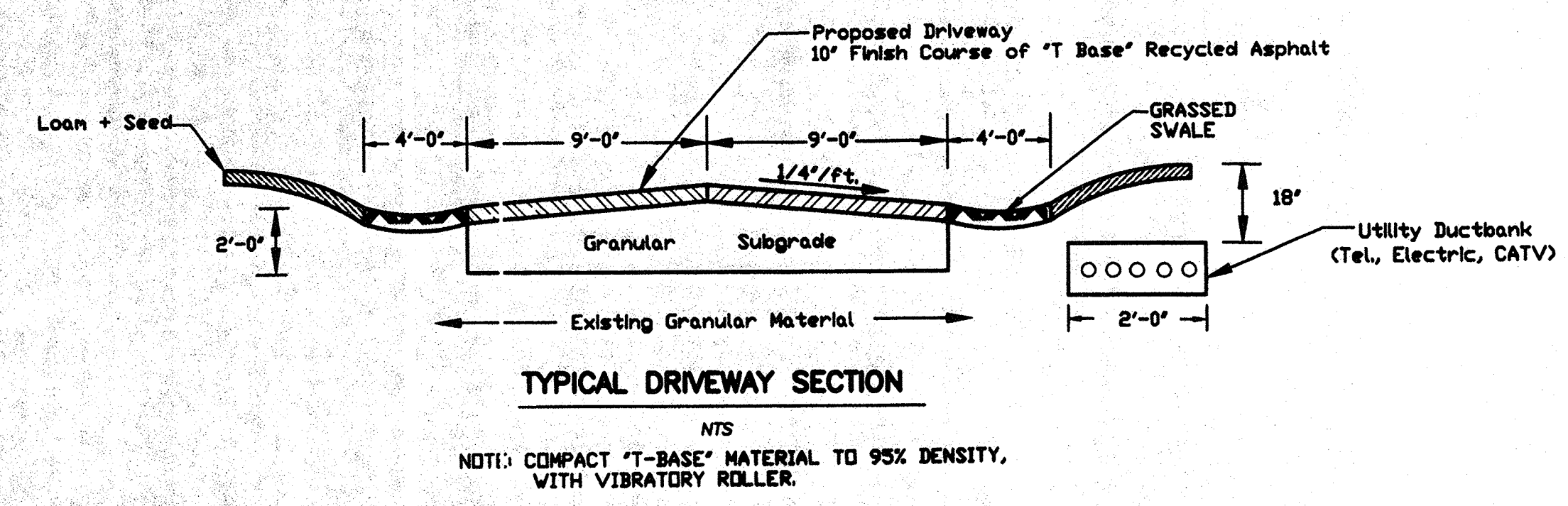
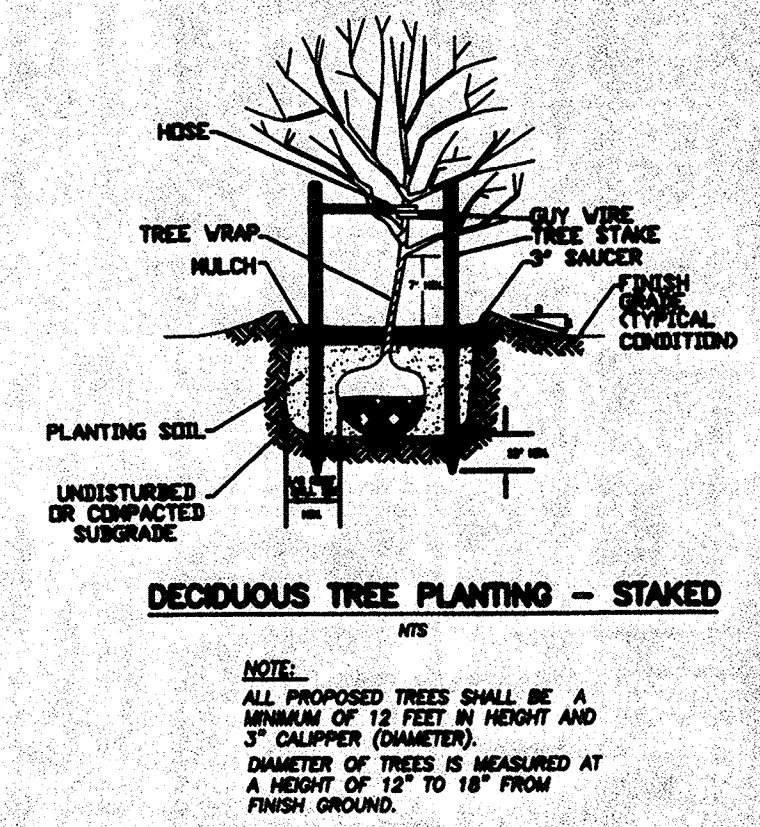
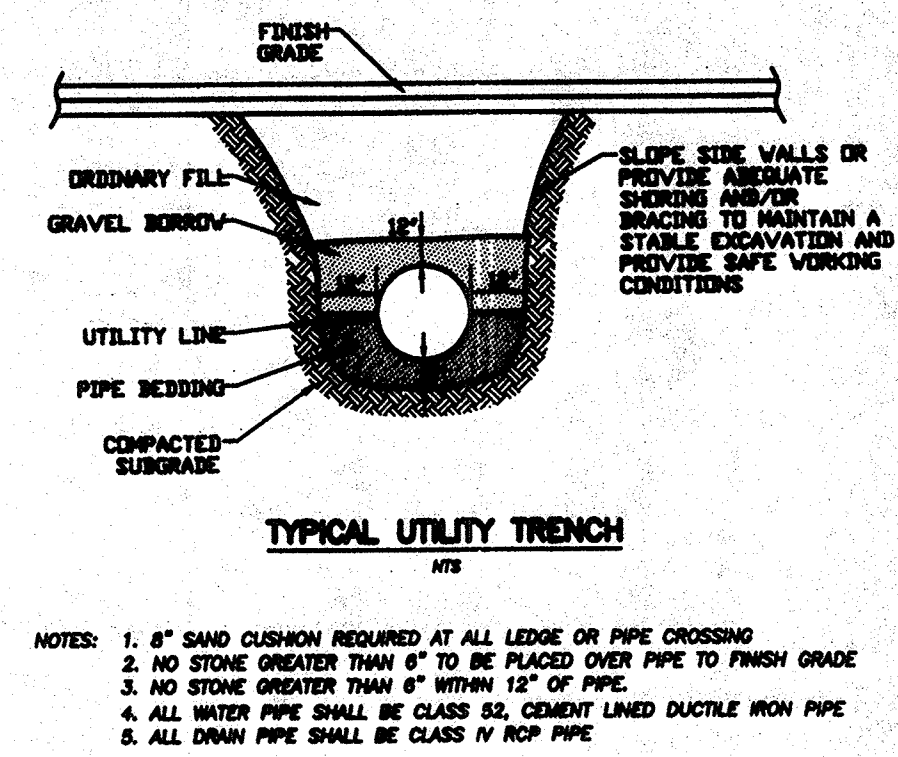
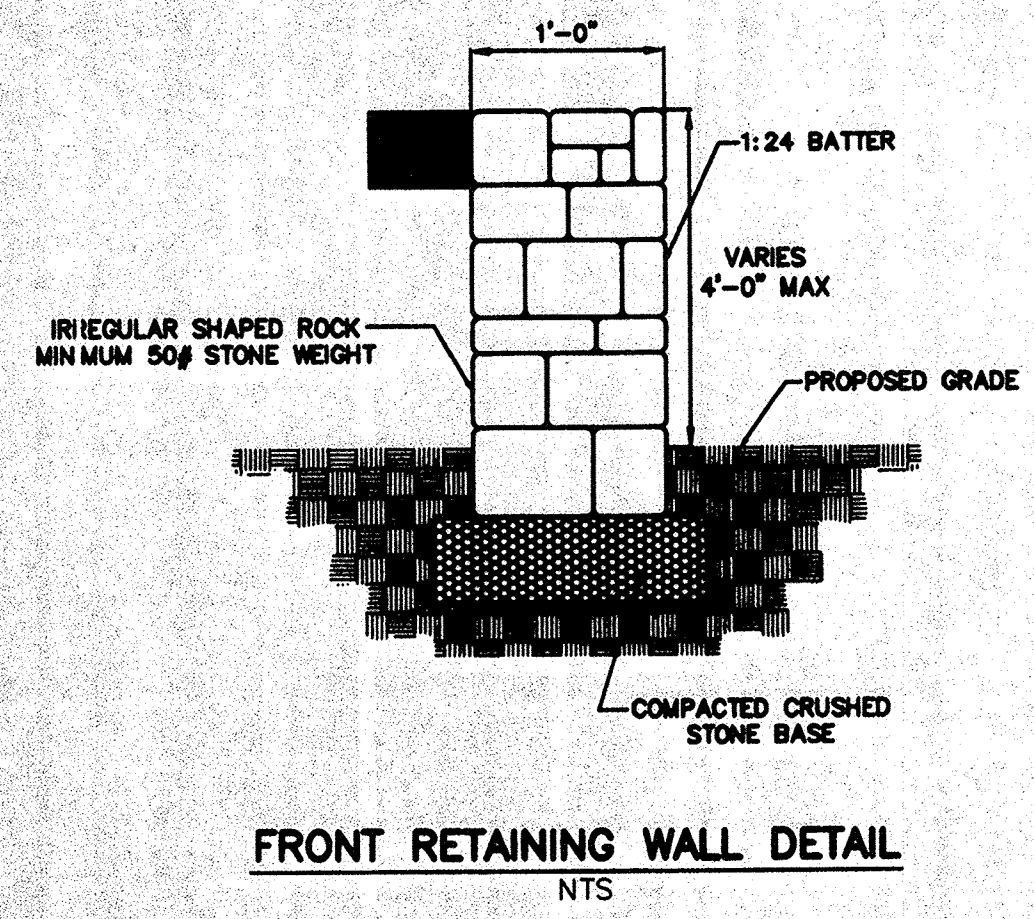
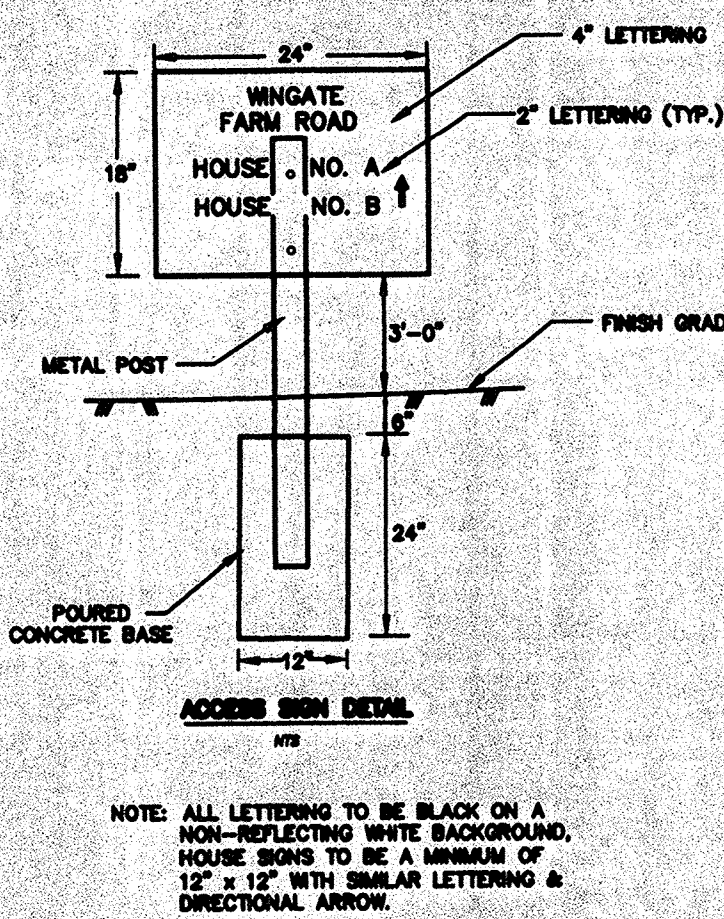
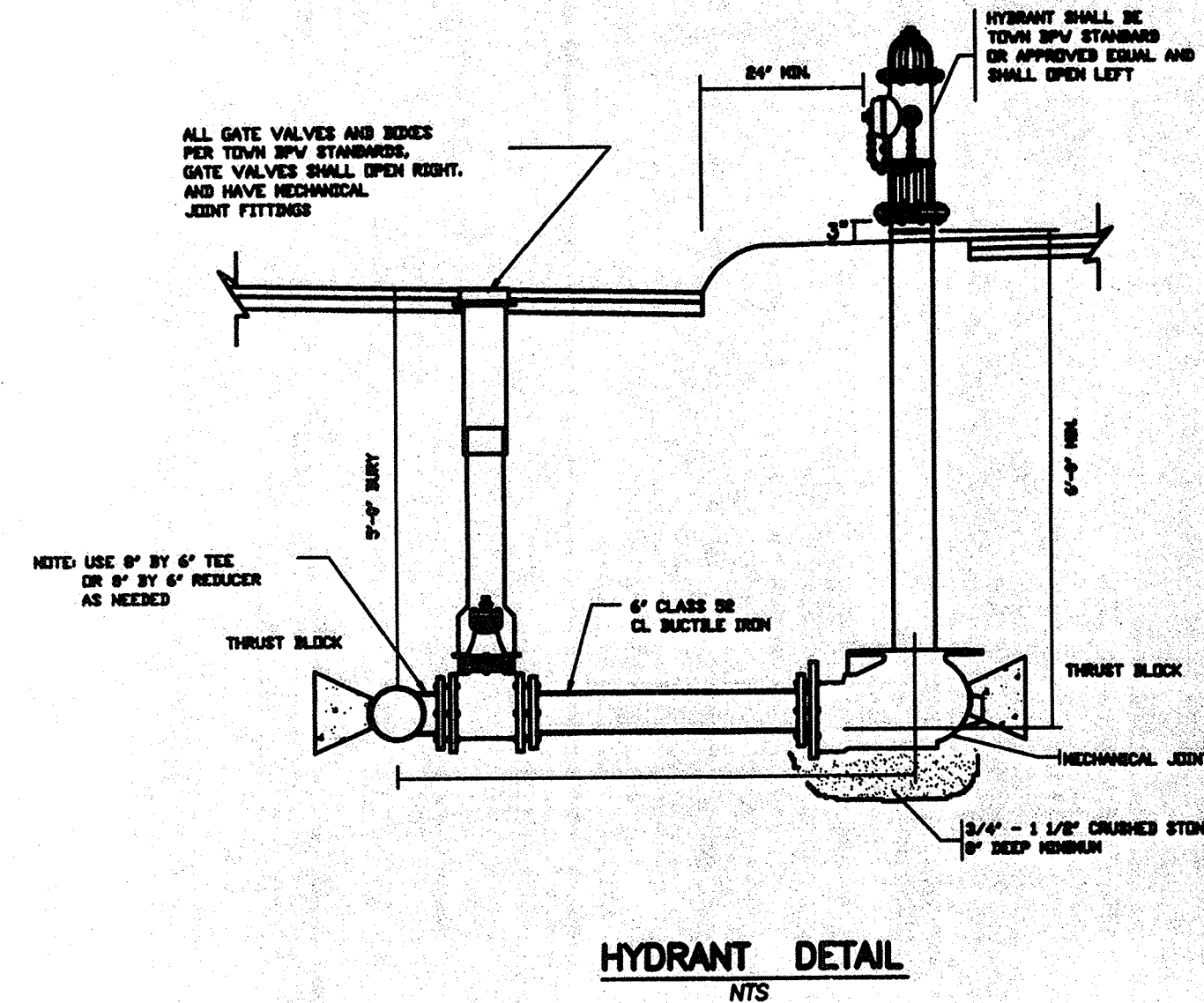
SCALE: AS NOTED DATE: AUGUST 20, 2004

**PREPARED BY:**  
**Consolidated Design Group Inc.**

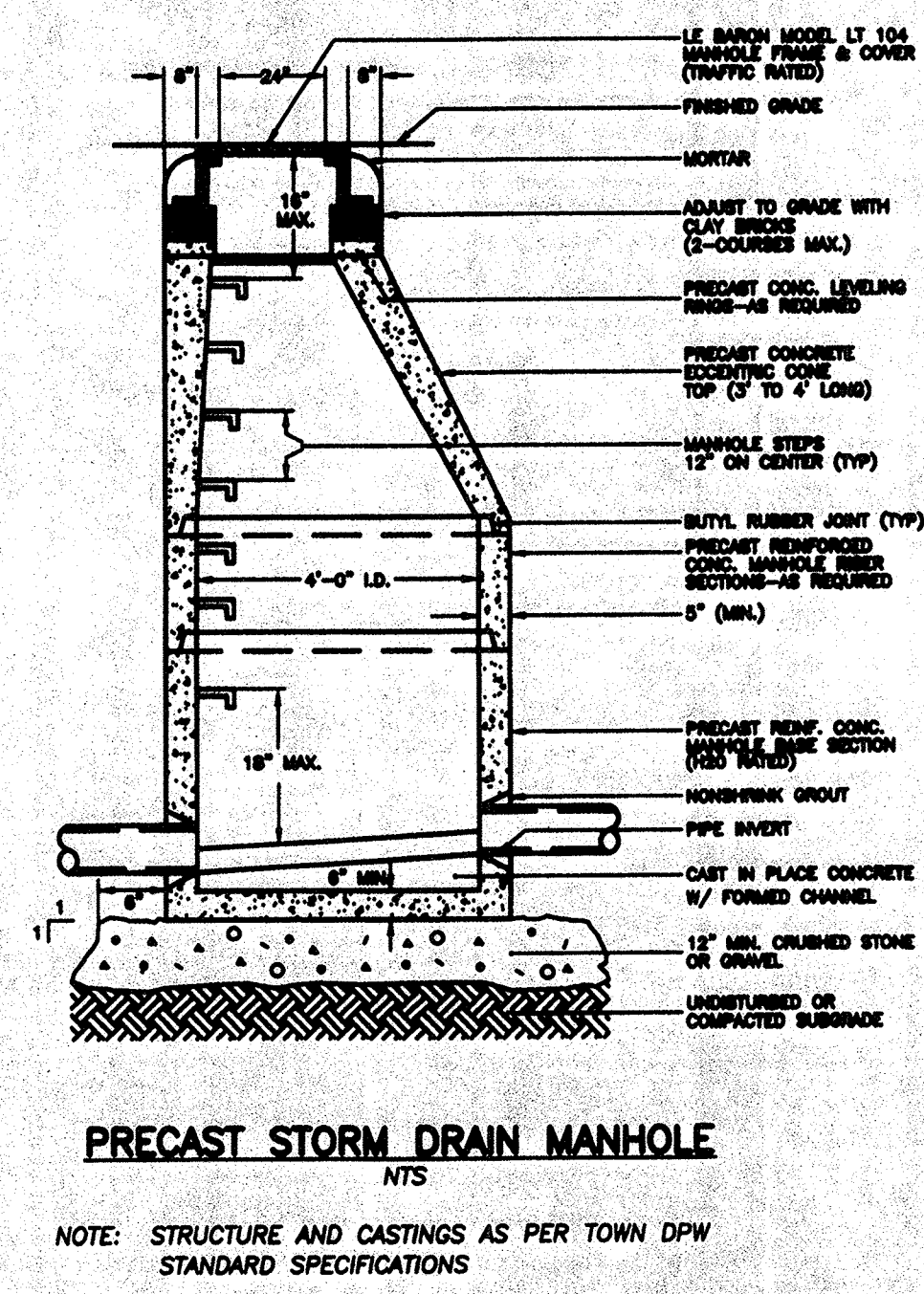
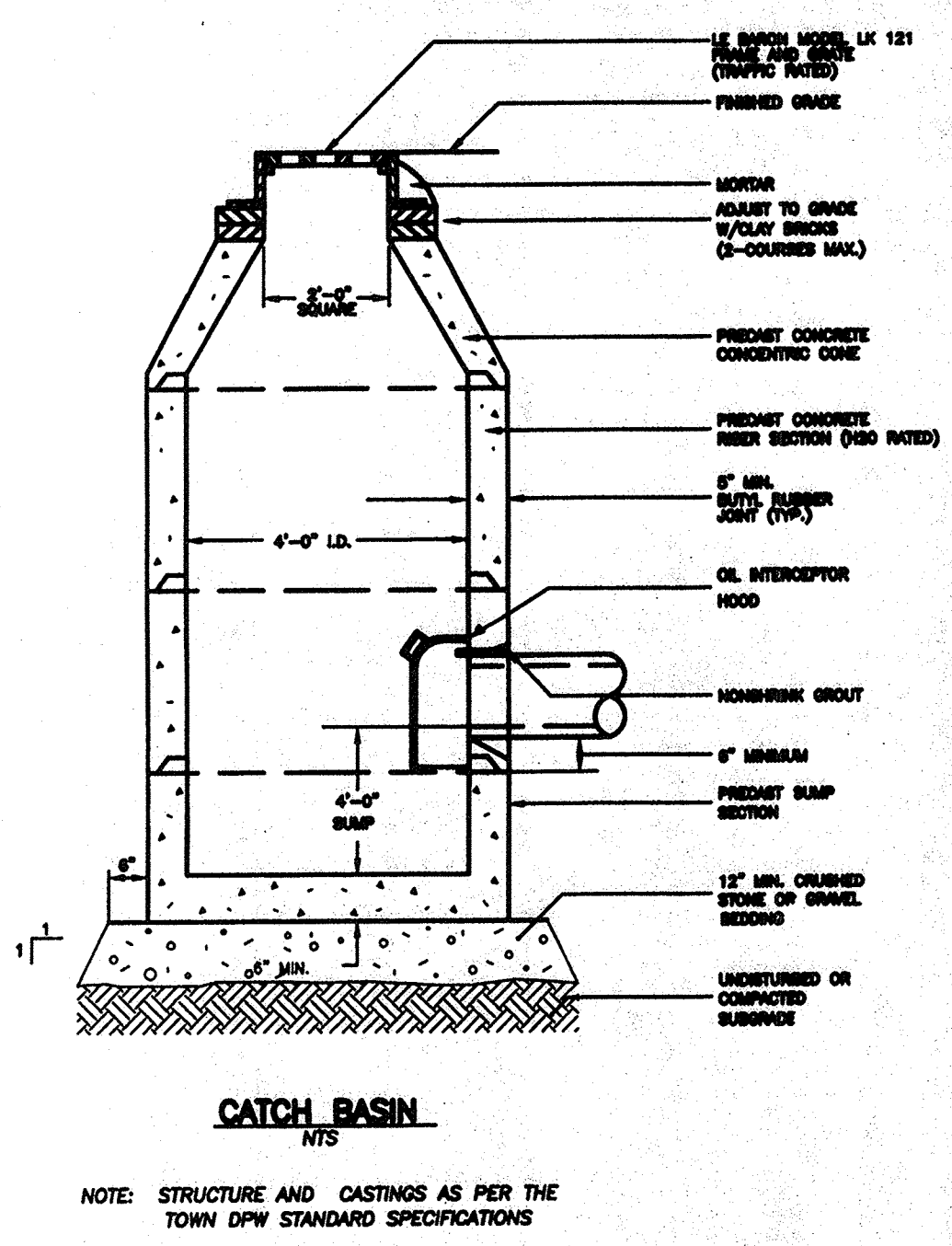
CIVIL ENGINEERS  
21 Main St. Hudson, MA. 01749  
(978) 562-5581

SHEET NO. 5 OF 8





- CONSTRUCTION SPECIFICATIONS:**
- 1) STONE SIZE: USE 2" DIAMETER STONE OR RECLAIMED/RECYCLED CONCRETE EQUIVALENT.
  - 2) LENGTH: RECOMMEND GREATER THAN 30 FEET WHERE PRACTICAL.
  - 3) THICKNESS: NOT LESS THAN 6 INCHES.
  - 4) WIDTH: 15 FEET MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCUR.
  - 5) FILTER CLOTH: SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO THE PLACING OF STONE.
  - 6) SURFACE WATER: ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WILL BE PERMITTED.
  - 7) MAINTENANCE: THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.
  - 8) PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED.
  - 9) REMOVE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO PLACEMENT OF BITUMINOUS BASE COURSE



**MEDWAY PLANNING BOARD**  
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
**APPROVAL DATE:**  
**APRIL 28, 2005**  
**ENDORSEMENT DATE:**  
**NOV 8 2005**

I, TOWN CLERK OF THE TOWN OF MEDWAY, RECEIVED AND RECORDED, FROM THE PLANNING BOARD, APPROVAL OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20) DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

NOTE: 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.

\_\_\_\_\_  
 STEPHEN E. POOLE ~ P.E.  
 REGISTERED PROFESSIONAL ENGINEER  
 COMMONWEALTH OF MASSACHUSETTS  
 No. 35533

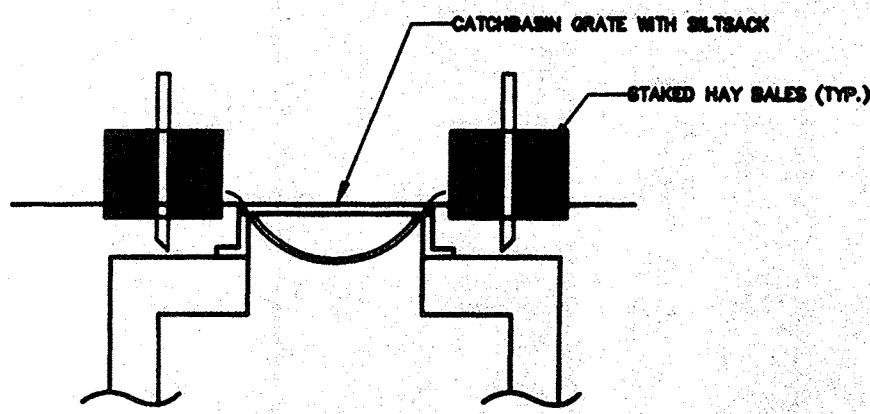
DATE: 9-30-05

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT EXECUTED BY EUGENE AND KARYL WALSH DATED \_\_\_\_\_ AND TO BE RECORDED HERewith.

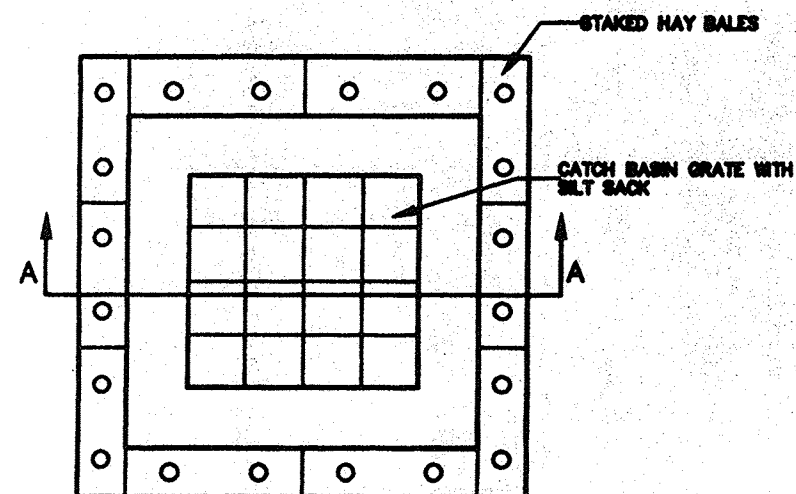
**OWNER/ APPLICANT**  
 EUGENE AND KARYL WALSH  
 168 HOLLISTON STREET  
 MEDWAY, MA 02053

CONSTRUCTION DETAILS MODIFICATION TO WINGATE FARM A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN IN MEDWAY, MASS.			
SCALE: AS NOTED DATE: AUGUST 20, 2004			
PREPARED BY: <b>Consolidated Design Group, Inc.</b>			
CIVIL ENGINEERS 21 MAIN STREET HUDSON, MA 01749 (978) 562-5581			
NO.	DATE	DESCRIPTION	BY
8.	9-16-05	TOWN COMMENTS	SEP
7.	4-22-05	TOWN COMMENTS	SEP
6.	3-30-05	REVISED DETAIL	SEP
5.	3-7-05	TOWN COMMENTS	SEP
4.	2-7-05	REVISED DETAIL	SEP
3.	12-28-04	TOWN COMMENTS	SEP
2.	12-3-04	REVISED DETAIL	SEP
1.	11-8-04	REVISED DETAIL	SEP
JOB NO. WINGATE/DWG/DETAIL #6 SHEET NO. 6 OF 8			

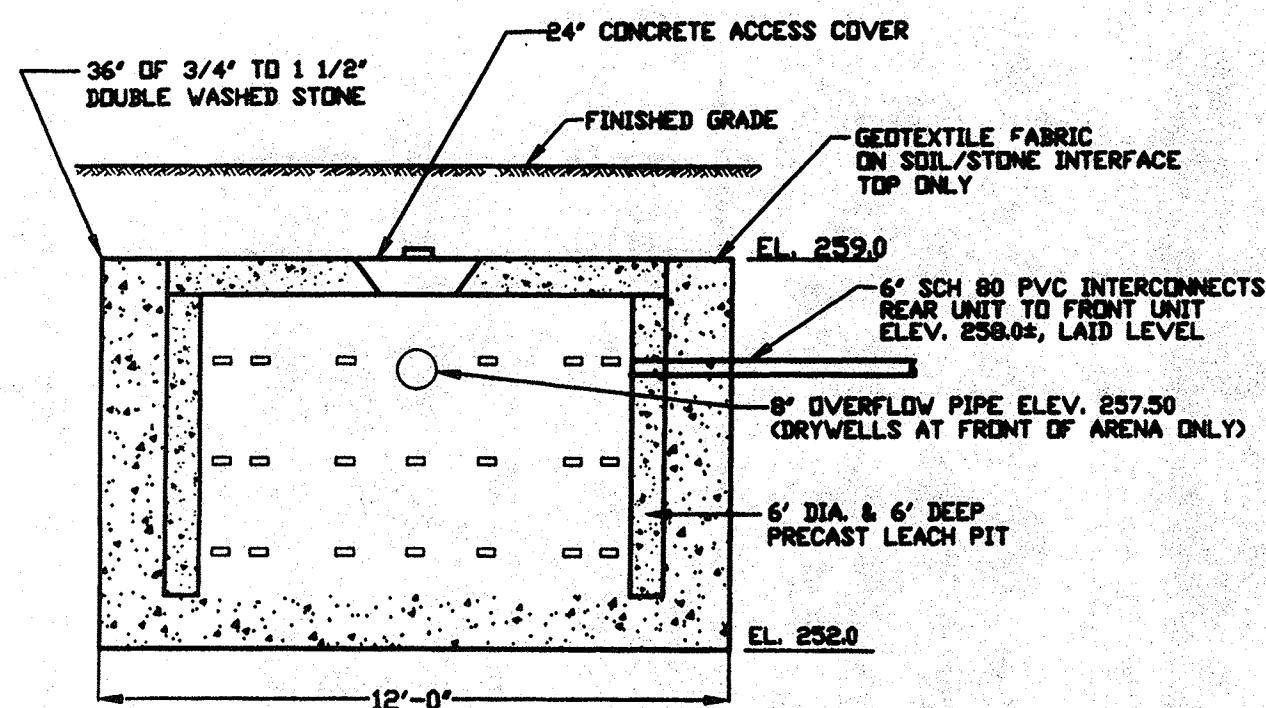




SECTION A-A

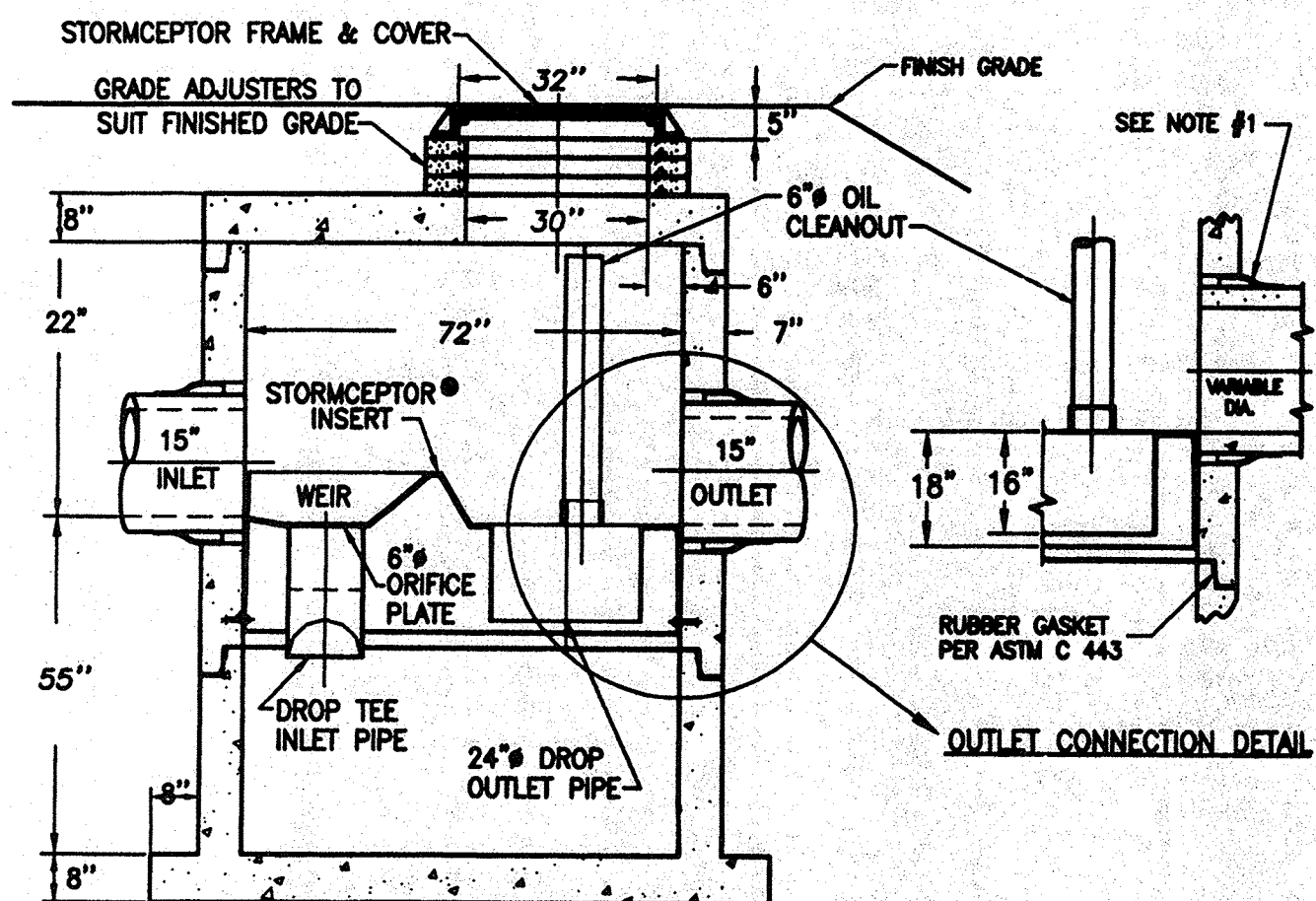


TEMPORARY EROSION CONTROL AT CATCHBASINS  
NTS



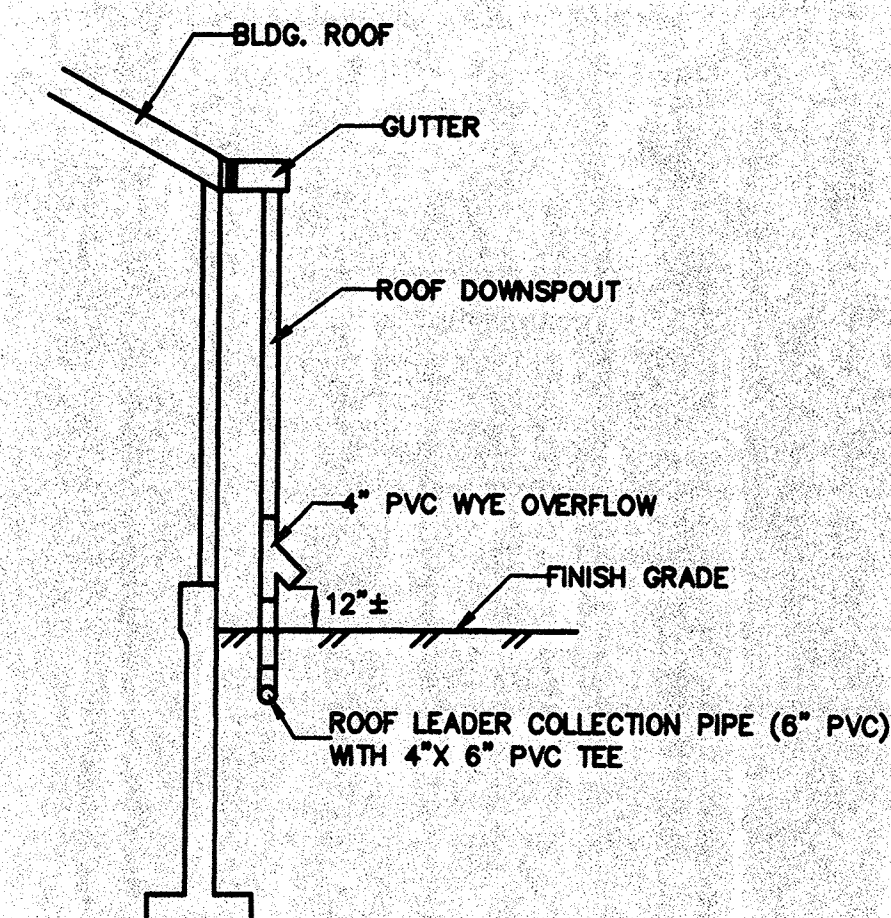
ROOF RUNOFF DRYWELL  
NTS

NOTE: EXCAVATE 12'-0" X 12'-0" HOLE TO ELEV. 252.0±  
SCARIFY BOTTOM & PLACE 1'-0" OF STONE PRIOR  
TO PLACING PRECAST LEACH PIT.



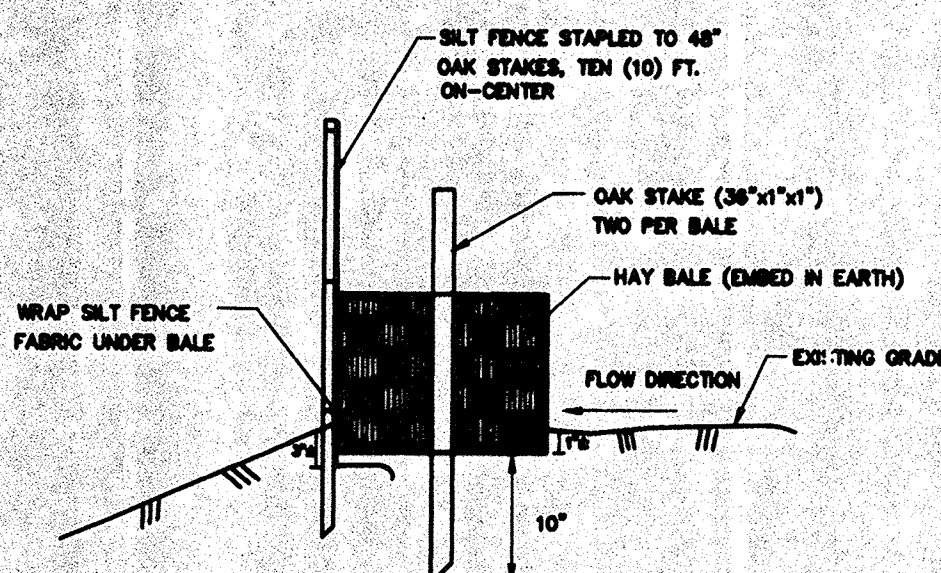
STORMCEPTOR DETAIL  
MODEL-STC900

- NOTE:
1. THE USE OF FLEXIBLE CONNECTIONS IS RECOMMENDED AT THE INLET AND OUTLET WHERE APPLICABLE.
  2. THE COVER SHOULD BE POSITIONED OVER THE OUTLET DROP PIPE AND THE OIL CLEANOUT PIPE.

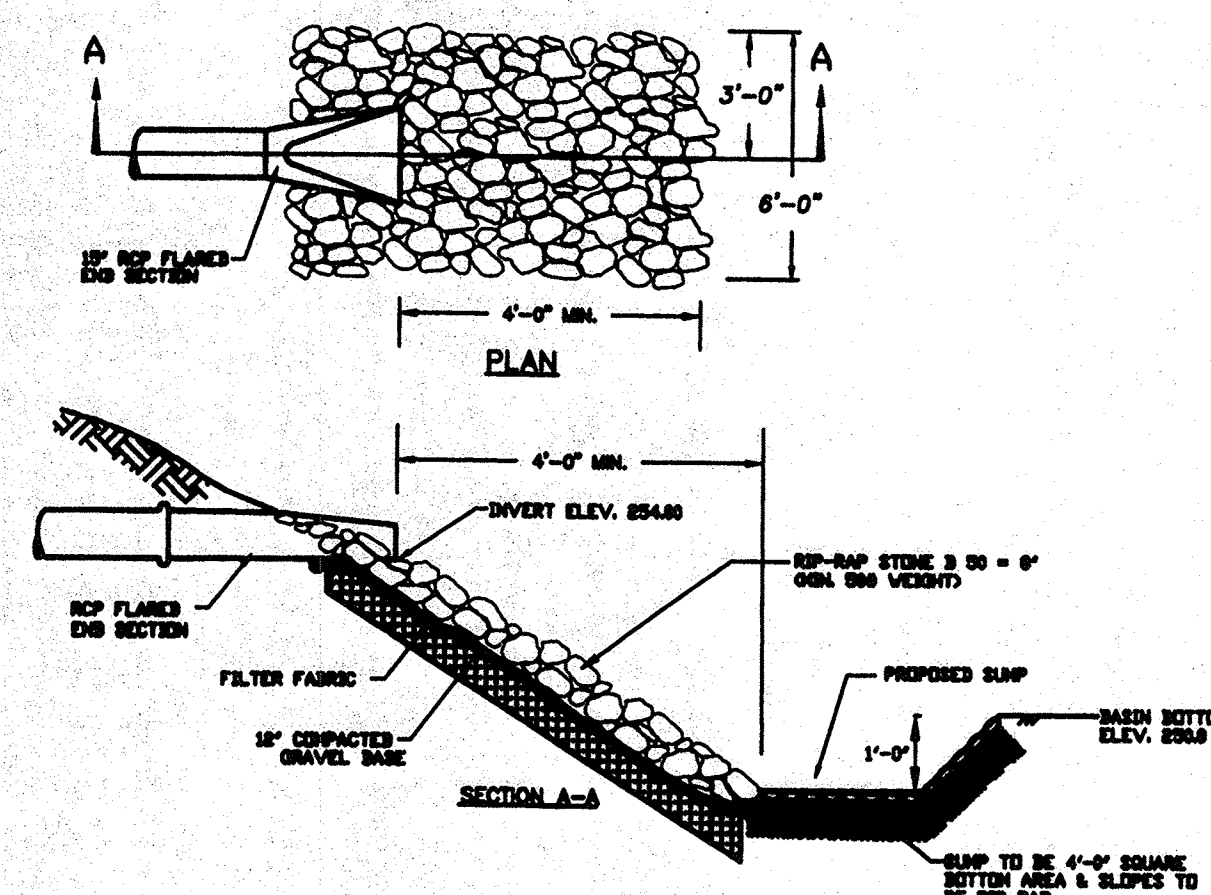


DOWNSPOUT DETAIL

NOTE: ROOF LEADER OVERFLOW TO BE PROVIDED FOR RESIDENTIAL HOUSES ONLY. COLLECTION PIPE (6" PVC) WITH 4"X 6" PVC TEE AT EACH DOWNSPOUT TO BE PROVIDED TO DIRECT FLOW TO DRYWELLS.



HAYBALE/SILT FENCE DETAIL



FLARED END OUTLET  
NTS

# STORMWATER MANAGEMENT REPORT WINGATE FARMS 168 HOLLISTON STREET MEDWAY, MASSACHUSETTS

## INSPECTION REPORT

Inspection Firm: \_\_\_\_\_ Date: \_\_\_\_\_

Inspector Name: \_\_\_\_\_ Components Inspected: \_\_\_\_\_

Signat: \_\_\_\_\_

## SYSTEM MAINTENANCE

Maintenance Firm: \_\_\_\_\_ Date: \_\_\_\_\_

Catchbasins Cleaned: Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: \_\_\_\_\_

Drain Manholes Cleaned: Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: \_\_\_\_\_

Drainlines Inspected: Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: \_\_\_\_\_

Stormceptor Cleaned: Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: \_\_\_\_\_

Leach Pits Cleaned: Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: \_\_\_\_\_

Roadway Cleaned: Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: \_\_\_\_\_

Estimate of Material Removed: \_\_\_\_\_

Other Comments: \_\_\_\_\_

Signat: \_\_\_\_\_

# OPERATION & MAINTENANCE PLAN STORMWATER MANAGEMENT FACILITIES 168 HOLLISTON STREET MEDWAY, MASSACHUSETTS

The proposed project includes stormwater runoff controls associated with a proposed two family house and commercial use building that will require continued maintenance by the property owner. The major components associated with maintenance needs are the stormceptor unit, the infiltration system and the leach pit. These will need to be cleaned periodically as noted below. Cleaning of these structures shall be done by the property owner via a specialty contractor with hydraulic cleaning ability. In addition to the facilities noted below, the property owner should maintain any roof gutters/drains on a regular basis to prevent clogging and carry over of debris into the parking lot / drainage system. The following outlines the major maintenance issues associated with the project:

## Catchbasin Cleaning:

The catchbasins should be cleaned with a hydraulic vacuum system twice per year to remove accumulated solids and debris. At the same time, the drain manholes and drainlines should be opened, inspected and cleaned if needed. Assuming the catchbasins, drain manholes and the drainlines are maintained and cleaning is in accordance with normal standards, the solids removal efficiency should be as required to prevent carry over of solids to the stormceptor and wet detention basin.

## Sediment Trap (Stormceptor):

Maintenance of this system is subject to on-site evaluation and catchbasin type maintenance. Initially, this system should be inspected on a monthly / storm event schedule to note any solids carry over. After the first year of operation, the system should receive quarterly inspections. It is recommended that the stormceptor tank should be cleaned at least twice yearly (Spring & Fall) in conjunction with cleaning of the catchbasins. Assuming that the catchbasins are cleaned as noted, the sediment load to the stormceptor should be minimal. The methodology for inspection should be as per typical catchbasin maintenance and cleaning should consist of hydraulic vacuuming to ensure maximum sediment removal and accurate measurement of solids removed. Oil / Grease removal from the system should be minimal and should also be done in conjunction with solids removal.

## Wet Detention Basin

The stormwater detention basin should be inspected over the first year of operation on a quarterly basis to determine the level of required maintenance. This inspection should be performed by the Owner's Engineer and a report issued to the Town as to any cleaning / maintenance needs of that system. At the same time, the inspection of the other structures should determine any flushing / cleaning needs. This review should also include a review of system maintenance records. As a preliminary schedule, the bottom area should be cleaned once a year to remove accumulated sediments in the sump, or when they reach three (3) inches in depth.

## Leach Pits

The proposed leaching pits are intended to collect roof runoff to provide storage and infiltration for this runoff. As part of this process, some sand and debris will also be collected in this basin. This should be removed periodically, during spring and fall cleanup to maximize infiltration and storage capabilities. The debris / sand can be removed by hand or by means of hydraulic vacuuming by a contractor, at the Owner's option. After cleanup, a clean layer of 3/4" choke stone should be placed on the bottom of the pits to prevent scouring of the bottom and to trap debris above the soil infiltration surface.

## Roadway Maintenance

As the proposed roadway surface is not paved, there will be maintenance required to ensure that the drainage system is not impacted. Primarily, this will require re-grading and compaction of the roadway to prevent ponding, ruts or eroded surfaces. Initially, this is recommended to be done once per year in the spring, after snow melt. The frequency of this work can be increased or decreased based on actual need and experience with the roadway. Interim work between re-grading may include filling, raking and compaction of depressions to prevent excessive silty runoff.

In addition to the road surface, the grass areas will need to be mowed at least monthly. When cutting the grass, mowers should be set to leave at least 2" of grass in the areas to reduce water velocity and increase settling of solids. Any solids accumulation will have to be raked and removed manually to maintain effective use of the swales. Swales should be inspected after all heavy rainfalls to determine the need for this work.

## Maintenance Responsibilities

The maintenance of the Drainage System is the responsibility of the Owners (Homeowner Association). The actual work should be subcontracted to a company that specializes in the cleaning of storm drainage facilities. Inspections should be performed by independent individual such as the design engineer or other experienced individual in the field.

# MEDWAY PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED.

*Stephen E. Poole*  
*Consolidated Design Group, Inc.*  
*City of Medway*

APPROVAL DATE:

APRIL 28, 2005

ENDORSEMENT DATE:

NOV 8, 2005

FOR REGISTRY USE ONLY

I, TOWN CLERK OF THE TOWN OF MEDWAY,  
RECEIVED AND RECORDED, FROM THE PLANNING  
BOARD, APPROVAL OF THIS PLAN ON \_\_\_\_\_  
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)  
DAYS NEXT AFTER RECEIPT AND RECORDING.

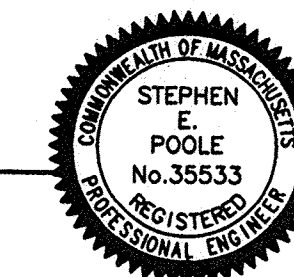
TOWN CLERK

DATE

NOTE: 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.

*Stephen E. Poole*  
STEPHEN E. POOLE ~ P.E.

DATE: 9-30-05



PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE  
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS  
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT  
EXECUTED BY EUGENE AND KARYL WALSH DATED \_\_\_\_\_,  
AND TO BE RECORDED HEREWITH.

## OWNER/ APPLICANT

EUGENE AND KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

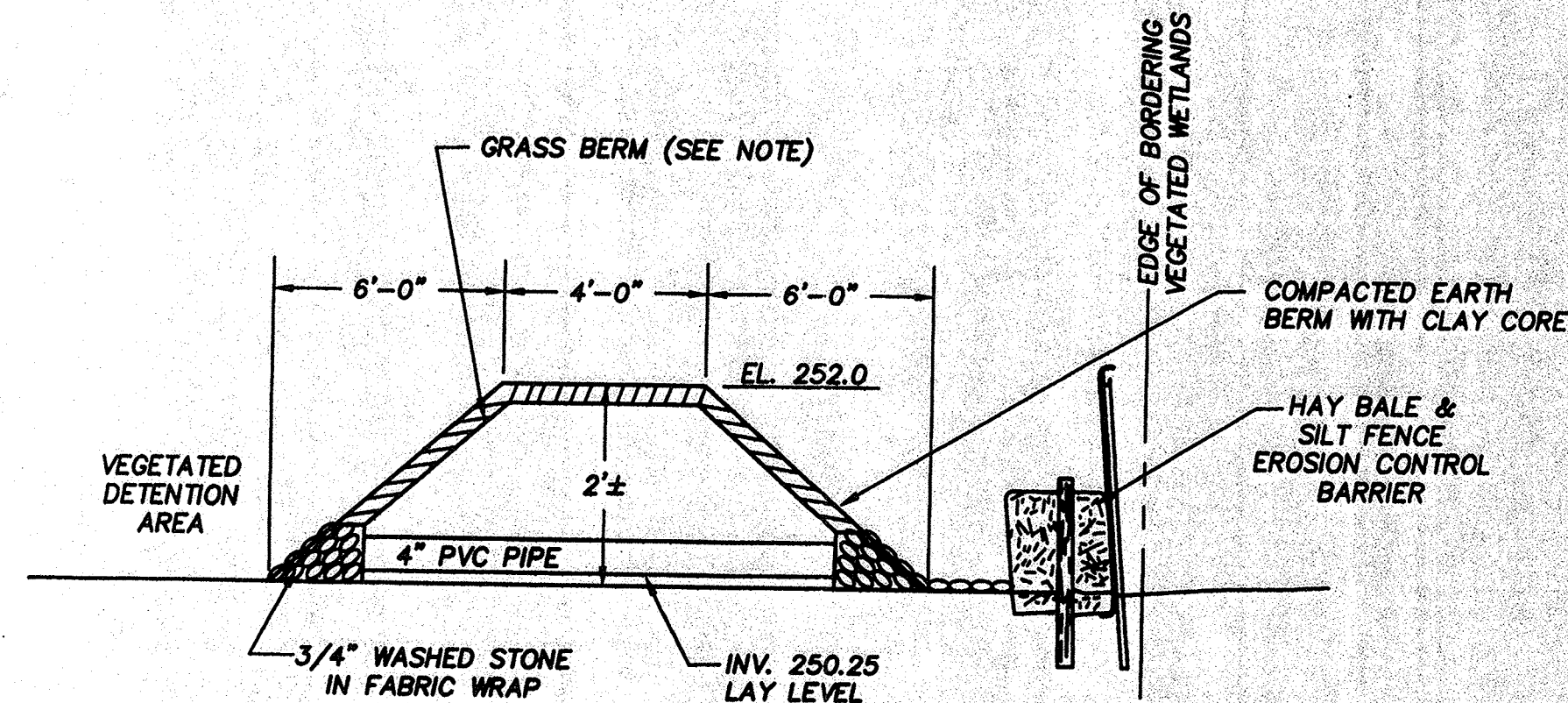
# CONSTRUCTION DETAILS MODIFICATION TO WINGATE FARM A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN IN MEDWAY, MASS.

SCALE: AS NOTED DATE: MARCH 7, 2005

PREPARED BY:  
**Consolidated Design Group, Inc.**  
CIVIL ENGINEERS  
21 MAIN STREET HUDSON, MA 01749  
(978) 562-5581

NO.	DATE	DESCRIPTION	BY
3.	9-16-05	TOWN COMMENTS	SEP
2.	4-22-05	REVISED NOTES	SEP
1.	3-30-05	ADDED NOTES	SEP
NO.	DATE	DESCRIPTION	BY
JOB NO. WINGATE/DWG/DETAIL #7			
			SHEET NO. 7 OF 8

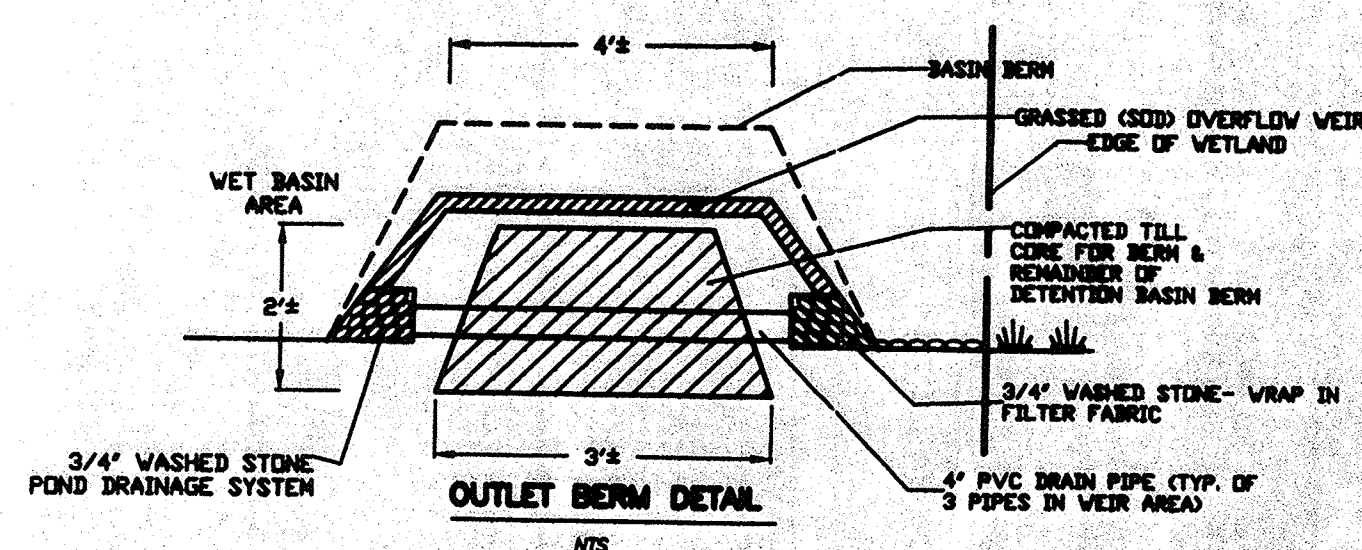




OVERFLOW WEIR DETAIL

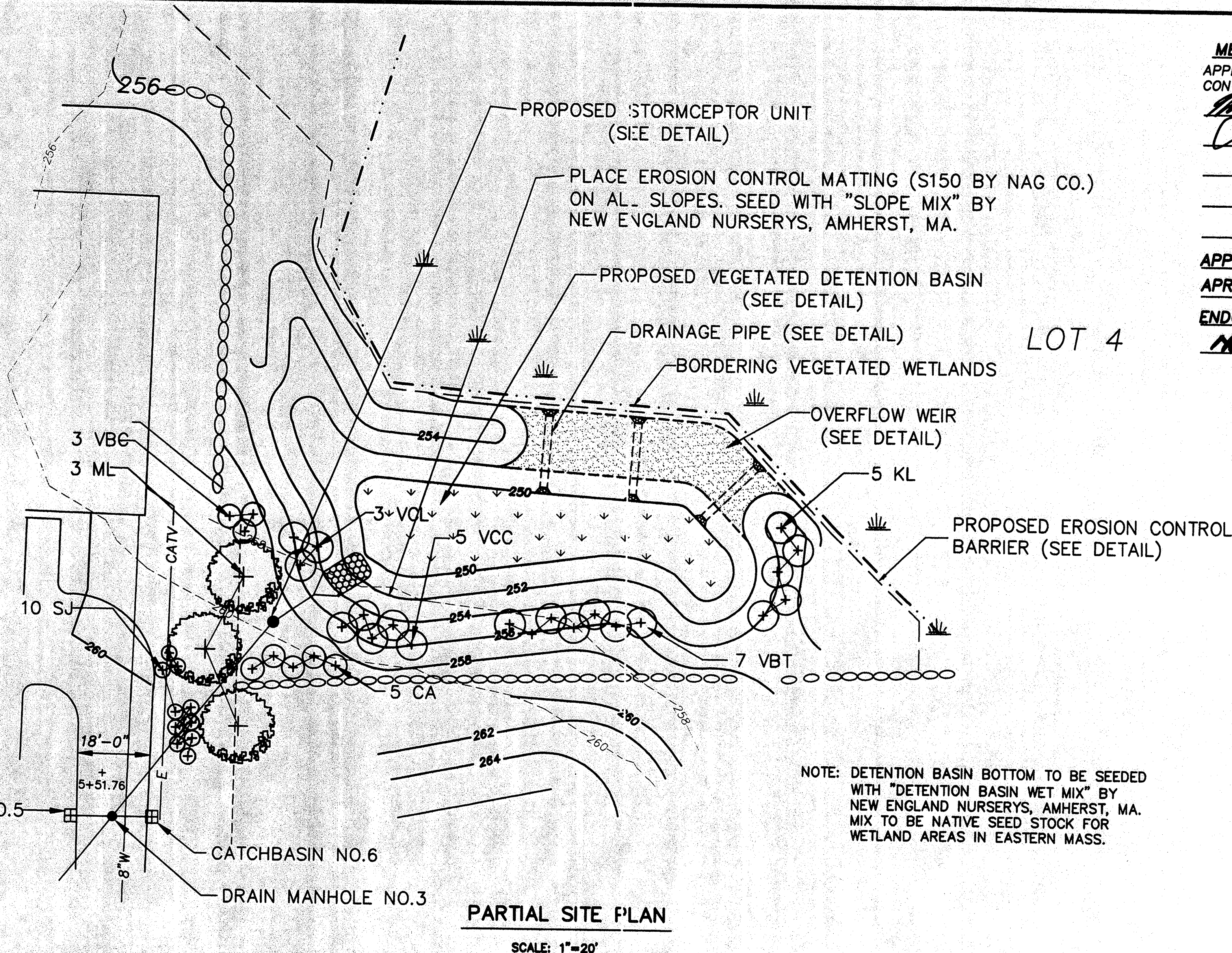
NTS

NOTE: CONTRACTOR TO GRADE BERM 2" BELOW GRADE AND PLACE SOD OVER ALL SIDES.



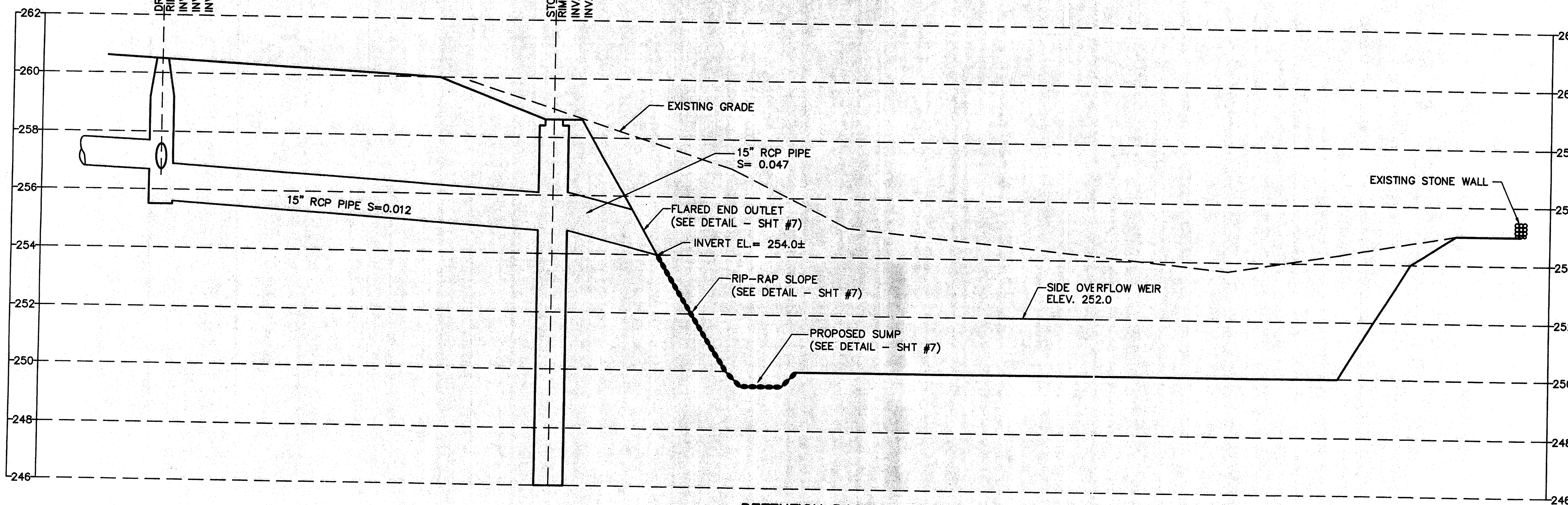
OUTLET BERM DETAIL

NTS



PARTIAL SITE PLAN

SCALE: 1"=20'



DETENTION BASIN SECTION

SCALE: HOR 1"=10'  
VERT 1"=2'

MEDWAY PLANNING BOARD  
APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW REQUIRED.

*Stephen E. Poole*  
City Clerk

APPROVAL DATE:  
APRIL 28, 2005

ENDORSEMENT DATE:  
NOV 8, 2005

FOR REGISTRY USE ONLY

I, TOWN CLERK OF THE TOWN OF MEDWAY,  
RECEIVED AND RECORDED, FROM THE PLANNING  
BOARD, APPROVAL OF THIS PLAN ON \_\_\_\_\_  
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)  
DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

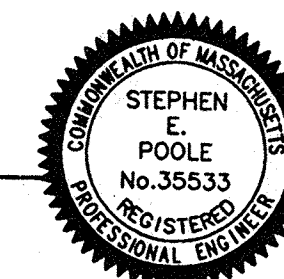
DATE

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE  
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS  
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT  
EXECUTED BY EUGENE AND KARYL WALSH DATED \_\_\_\_\_  
AND TO BE RECORDED HERewith.

NOTE: 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.

*Stephen E. Poole*  
STEPHEN E. POOLE ~ P.E.

DATE: 9-30-05



OWNER/ APPLICANT

EUGENE AND KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

CONSTRUCTION DETAILS  
MODIFICATION TO WINGATE FARM  
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN  
IN  
MEDWAY, MASS.

SCALE: AS NOTED DATE: AUGUST 20, 2004

PREPARED BY:  
Consolidated Design Group, Inc.  
CIVIL ENGINEERS  
21 MAIN STREET HUDSON, MA 01749  
(978) 562-5581

NO.	DATE	DESCRIPTION	BY
6.	9-16-05	TOWN COMMENTS	SEP
5.	4-22-05	TOWN COMMENTS	SEP
4.	3-30-05	TOWN COMMENTS	SEP
3.	3-7-05	TOWN COMMENTS	SEP
2.	2-7-05	TOWN COMMENTS	SEP
1.	12-28-04	TOWN COMMENTS	SEP
NO.	DATE	DESCRIPTION	BY
JOB NO. WINGATE/DWG/DETAIL #7			SHEET NO. 8 OF 8





**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Plan Review Estimate – Good Fees,  
Modification to Marijuana Processing  
Special Permit**

- Plan Review fee estimate of \$1700 from HMMH dated May 18, 2021

NOTE –The modification to the special permit pertains to them needing to install an outdoor back-up generator and chiller with sound barrier. This needs a modification because the original decision specified that there would not be an outdoor generator. The public hearing with the PEDB will begin June 8, 2021.



**HMMH**

700 District Avenue, Suite 800  
Burlington, Massachusetts 01803  
781.229.0707  
www.hmmh.com

May 18, 2021

Ms. Susan Affleck-Childs  
Town of Medway  
155 Village Street  
Medway, MA 02053

via email at [sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

Subject: Proposal to review updated noise study for marijuana packaging facility

Reference: HMMH Project No. 312140



Dear Ms. Affleck-Childs:

Harris Miller Miller & Hanson Inc. (HMMH) is pleased to assist the town of Medway with a review of a noise study for additional outdoor equipment proposed for the Good Feels marijuana packaging facility. This letter includes our proposed scope of work, price, and our standard contract terms, which can serve as the basis for our agreement, if you are agreeable.

**Scope of Work**

HMMH will review the site plans and noise study report prepared by Noise Control Engineering. We will evaluate the quality of the noise study and the potential for noise impact in the surrounding neighborhood. We will prepare an email memorandum summarizing our review and conclusions. We will be available to attend one public hearing, currently scheduled for June 8.

**Price**

HMMH is prepared to undertake the above scope of work on a time-and-materials basis for an estimated price of \$1700. We have attached our standard contract terms and conditions. If you would like to use that as a basis for our agreement, please fill out and sign the acceptance section below and return a copy to us. Should additional services be needed, Mr. Menge will be available on a time-and-materials basis at a billing rate of \$280 per hour.

Please feel free to contact me if you have any questions or comments.

Sincerely,

**Harris Miller Miller & Hanson Inc.**

A handwritten signature in black ink that reads "Christopher W. Menge". The signature is fluid and cursive, with the first name "Christopher" and last name "Menge" being clearly legible.

Christopher W. Menge, INCE  
Senior Vice President

cc:

Attachment: HMMH standard contract terms and conditions

# HMMH

Susan Affleck-Childs  
Project No. 312140  
May 18, 2021  
Page 2

This Agreement sets forth the entire agreement between the parties and supersedes any oral or other understanding between them with respect to this project. This Agreement is comprised of the Proposal and its Attachments.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized officers as of the Effective Date.

## Town of Medway

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Harris Miller Miller & Hanson Inc.

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**STANDARD TERMS AND CONDITIONS  
for Professional Services**

1. **TERMS OF OFFER:** These general terms and conditions ("Terms and Conditions") are part of a letter of proposal or other document ("Proposal") specifying a scope of services and budget ("Services") to be performed by Harris Miller Miller & Hanson Inc. ("HMMH") for client named in the Proposal ("Client") and may be provided separately from the Proposal. Regardless of the format, these Terms and Conditions together with the terms on the face of the Proposal collectively constitute an agreement (the "Agreement") between HMMH and Client. Performance of Services by HMMH is subject to and expressly limited to and conditioned on acceptance of these Terms and Conditions. Client's acknowledgement of these Terms and Conditions or issuance of a purchase order for Services, whichever occurs first, shall constitute acceptance of these Terms and Conditions. Additional or different terms and conditions applicable to a project may be specified by HMMH on the face of the Proposal, which terms and conditions will control and in the event of a conflict between the terms and conditions of shall take precedence over these Terms and Conditions. No modification of these Terms and Conditions shall be effective unless in writing and signed by an authorized representative of HMMH.



2. **PROFESSIONAL SERVICES:** Client will pay HMMH for Services as either (i) fixed price, or (ii) time & materials, as specified in the Proposal. Fixed price work shall be invoiced monthly on the basis of the percent of Services completed, rather than on an hours-spent basis. Time & materials work shall be invoiced on the basis of the number of hours expended by each HMMH employee or contractor providing Services on the project, multiplied by the then-current applicable hourly rate for each such employee or contractor. If Client requests additional services outside of those Services set forth in the proposal and HMMH agrees to provide such services, such services will be "Services" hereunder and, unless otherwise agreed to by the parties, Client shall pay for such additional Services on a time & materials basis. HMMH's current rates for each employee classification are set forth below, and HMMH may adjust the standard rates charged to Client for particular employees from time to time:

<u>Employee Classification</u>	<u>Hourly Rates</u>
Supervisory Consultant	\$285.00 - \$325.00
Principal Consultant/Engineer/Scientist	\$210.00 - \$284.00
Senior Consultant	\$145.00 - \$209.00
Senior Programmer/Software Support	\$265.00 - \$280.00
Consultant	\$110.00 - \$144.00
Graphics	\$100.00 - \$140.00
Technical/Staff Assistant/Project Support	\$100.00 - \$140.00
Senior Project Support	\$190.00 - \$200.00

3. **OTHER SERVICES AND COSTS:** Client shall reimburse HMMH for expenses incurred as a result of performing Services as follows:
- HMMH's actual expenses for travel and subsistence, subcontractor services, supplies obtained from third parties, plus ten percent (10%);
  - time spent traveling to and from the location of performance of Services by HMMH personnel will be charged as consulting time at the then-current applicable hourly rate;
  - if HMMH personnel are required to assist Client in litigation activities (e.g., courtroom appearances, time spent giving depositions or expert testimony, providing similar litigation support services), time will be charged as consulting time at the then-current applicable hourly rate, plus a premium as identified in the Proposal; and
  - other expenses, including but not limited to computer processing time, instrument usage, copier, phone and shipping costs shall be provided at HMMH's then-current standard commercial rates (which rates may be updated by HMMH from time to time). Then-current instrument usage rates and other direct cost sheets are provided as applicable.
4. **INVOICING AND PAYMENT; TAXES:** HMMH shall render invoices for all amounts due hereunder on a monthly basis. Client shall pay all invoices in full, in U.S. dollars, within 30 days of the date of such invoice.



Deposits/retainers may be required and will be held until the Services are completed and then applied to the outstanding balance. Any unused portion of any such deposit or retainer will be returned to Client. HMMH will assess a late charge on amounts not paid when due equal to the lesser of 12% per annum (or 1% per month) or the maximum amount permitted by applicable law. Amounts payable hereunder shall not be subject to deduction or set-off by Client for any reason. Client shall be solely responsible for all sales and use taxes, customs duties, fees for permits, and similar charges arising out of or applicable to Services or to tangible or intangible items purchased for use in connection with providing Services (other than with respect to taxes imposed on HMMH's net income.) Any such payments that must be made directly by HMMH shall be reimbursable as costs pursuant to the terms of Section 3.

5. **WARRANTY:** HMMH represents and warrants that the Services shall: (i) conform to the Proposal in all material respects; and (ii) be performed in accordance with generally accepted professional standards, it being understood and agreed that such standards shall not be limited to the optimum practices, methods, or acts, to the exclusion of all others, but rather a spectrum of practices, methods, or acts that experienced professionals would reasonably be expected to employ in performing the Services. The term of this warranty shall start on the day the applicable Services are performed and expire on the date that is ten (10) business days thereafter. In the event of a breach of this warranty, HMMH shall use commercially reasonable efforts to re-perform the applicable Services within a reasonable time period, provided that Client notifies HMMH prior to the end of the warranty term. The foregoing shall be Client's sole and exclusive remedy, and HMMH's sole and exclusive obligation, for a breach of the warranty set forth in this Section 5.
6. **INSURANCE; INDEMNIFICATION:** HMMH carries Workers Compensation and Employers Liability Insurance, Comprehensive General and Auto Liability Insurance, and Professional Errors and Omissions insurance. Certificates of insurance will be furnished on request. Client agrees to indemnify, defend and hold harmless HMMH, its officers, directors, employees and agents (each an "HMMH Indemnitee") against any and all claims, losses, liabilities, suits, costs and expenses (collectively, "Claims") brought by a third party, including reasonable attorneys' fees for defending such Claims, resulting from, arising out of or in connection with HMMH's performance of the Services or any related dealings between HMMH and Client, except to the extent such Claims result from an HMMH Indemnitee's negligence or willful misconduct. Further, if Client or any third party claiming through Client brings such a Claim against an HMMH Indemnitee, Client shall indemnify and hold harmless such HMMH Indemnitee to the extent that the claimed or adjudicated damages are of an amount or type that exceeds or is otherwise excluded by the limitation of liability terms of Section 7.
7. **LIMITATION OF LIABILITY; DISCLAIMER:** HMMH SHALL HAVE NO LIABILITY TO CLIENT, WHETHER ARISING FROM OR RELATED TO THE SERVICES OR ANY OTHER DEALINGS BETWEEN THE PARTIES, FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS OR LOST OPPORTUNITIES. IN NO EVENT SHALL HMMH'S LIABILITY FOR ANY REASON AND UPON ANY CAUSE OF ACTION, INCLUDING, WITHOUT LIMITATION, BREACH OF WARRANTY OR CONTRACT, INDEMNIFICATION, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, OR OTHERWISE, AND WHETHER ARISING AT LAW, IN EQUITY, OR OTHERWISE, EXCEED AN AMOUNT EQUAL TO ONE HUNDRED PERCENT (100%) OF THE TOTAL AMOUNTS PAID TO HMMH BY CLIENT WITH RESPECT TO THE SERVICES GIVING RISE TO THE LIABILITY. IF ANY REMEDY HEREUNDER IS DETERMINED TO HAVE FAILED OF ITS ESSENTIAL PURPOSE, ALL LIMITATIONS OF LIABILITY AND DISCLAIMERS SET FORTH HEREIN SHALL REMAIN IN EFFECT. EXCEPT AS SPECIFICALLY PROVIDED IN SECTION 5, THERE ARE NO WARRANTIES WITH RESPECT TO THE SERVICES OR ANY WORK PRODUCT PROVIDED HEREUNDER, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE OR NONINFRINGEMENT, AND ALL SUCH WARRANTIES ARE EXPRESSLY DISCLAIMED.
8. **FORCE MAJEURE:** HMMH shall not be in default of its obligations to the extent that its performance is delayed or prevented by causes beyond its reasonable control, including but not limited to labor disputes, fire, flood, natural catastrophe, military operations, acts of terrorism, computer or other equipment failure or inability to obtain equipment or supplies.
9. **ANNOUNCEMENTS:** Client shall not use HMMH's name or service marks on any announcements concerning the project for which the Services are performed, or for any promotional or advertising purposes without HMMH's prior written approval.



10. **TERMINATION:** This Agreement shall commence on the date as indicated on the Proposal and shall continue in full force and effect thereafter unless and until terminated in accordance with the provisions of this Agreement or until completion of the Services. In the event of any material breach of this Agreement by either party, the other party may terminate this Agreement by giving thirty (30) days' prior written notice thereof to the non-breaching party; provided, however, that this Agreement shall not terminate at the end of said thirty (30) days' notice period if the party in breach has cured the breach of which it has been notified prior to the expiration of said thirty (30) days. In the absence of a material breach of this Agreement by HMMH, Client may terminate this Agreement by giving HMMH thirty (30) days prior written notice of its election to terminate. In such case, Client agrees to pay HMMH, within fifteen (15) days from date of termination, for all costs and expenses, whether invoiced or work in process, incurred by HMMH up to the effective date of termination.
11. **GOVERNING LAW:** This Agreement shall be governed by the laws of The Commonwealth of Massachusetts (without reference to conflicts of law provisions thereof) and United States Federal law to the extent applicable. Any controversies or claims arising from, or relating to, this Agreement shall be adjudicated exclusively by the courts of the Commonwealth of Massachusetts or federal courts located in The Commonwealth of Massachusetts, and the parties agree that such courts are a convenient forum. Each party irrevocably and unconditionally waives any right it may have to a trial by jury in respect of any such action.
12. **RIGHTS IN WORK PRODUCT:** HMMH shall retain all right, title and interest (including copyrights) in and to all deliverables created and provided to Client hereunder. HMMH hereby grants to Client a royalty-free, nonexclusive, nontransferable license to use and copy such deliverables for Client's internal business purposes, solely with respect to the Services. There are no implied licenses hereunder. Except as specifically set forth above, any transfer of any right, title, or interest in or to any HMMH deliverable or intellectual property, including, without limitation, any improvements or developments thereto, shall be subject to the terms of a separate written agreement between the parties.
13. **CONFIDENTIALITY:** The term "Confidential Information" means all information disclosed by or on behalf of one party to the other party in any manner (including, without limitation, electronically, in writing, orally, or by inspection) such that a reasonable person would understand its confidential or proprietary nature, regardless of whether marked or designated "confidential" or "proprietary," provided that "Confidential Information" does not include information that (a) is known to receiving party at the Effective Date and is not subject to another confidentiality obligation to disclosing party, (b) is publicly known as of or after the Effective Date without breach of this Agreement, or (c) is lawfully and in good faith disclosed to receiving party by a third party who is not subject to a confidentiality obligation to disclosing party. The receiving party acknowledges that the disclosing party is and will remain the sole owner of Confidential Information. During the term of this Agreement and for a period of five (5) years thereafter, receiving party will not disclose the disclosing party's Confidential Information to any third party, and receiving party will not use any Confidential Information of the disclosing party other than for the performance of its rights or exercise of its duties hereunder. If required by law, receiving party may disclose Confidential Information to a governmental authority, provided that reasonable advance notice is given to disclosing party and receiving party reasonably cooperates with Disclosing Party to obtain confidentiality protection of such information.
14. **MISCELLANEOUS:** This Agreement constitutes the complete and exclusive agreement between HMMH and Client with respect to the subject matter hereof, superseding any prior agreements and communications (both written and oral) regarding such subject matter. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions will continue in full force and effect and HMMH and Client agree to replace any invalid provision with a valid provision that most closely approximates the intent and economic effect of the invalid provision. No failure or delay by HMMH or Client in exercising any right or remedy under this Agreement shall operate as a waiver of such right or remedy. Client shall not assign this Agreement, in whole or in part, without the prior written consent of HMMH. Nothing in this Agreement will be construed to imply a joint venture, partnership, or agency relationship between HMMH and Client, and HMMH will be considered an independent contractor when performing Services.





**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**316 Village Street – Multi-Family  
Housing Special Permit Public Hearing**

- Public Hearing Notice
- Special Permit Application
- Project Narrative prepared by the applicant
- 2019 plot plan
- Photo collection
- Proposed floor plan
- Review comments from Susy Affleck-Childs
- Abutter comment email from Adam Rosa, 312 Village Street
- Abutter comment email from Jane Norris, 314 Village Street



**Board Members**

Andy Rodenhiser, Chair  
Robert Tucker, Vice Chair  
Thomas Gay, Clerk  
Matthew Hayes, P.E.,  
Member  
Richard Di Iulio, Member  
Jessica Chabot, Associate  
Member



**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**

**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
[www.townofmedway.org](http://www.townofmedway.org)

May 6, 2021

**NOTICE of PUBLIC HEARING**

**316 Village Street Multi-Family Housing Development Special Permit**

Pursuant to the *Medway Zoning Bylaw*, SECTION 5.6.4 Multifamily Housing and the provisions of Massachusetts General Laws, Chapter 40A, notice is given that the ***Medway Planning and Economic Development Board will conduct a remote public hearing on Tuesday, May 25, 2021 at 9:00 p.m.*** via the ZOOM online meeting platform to consider the application of James Maloney of Hopkinton, MA for approval of a Multi-Family Housing Special Permit for the existing house at 316 Village Street.

The applicant proposes to convert the existing residential building at 316 Village Street into three dwelling units. The property is located in the Village Commercial zoning district and the Multi-Family Overlay District. The .76 acre property (*Medway Assessors Map 58, Parcel 204*) is owned by Brian and Elizabeth Curran and Stephen and Bonny Gray of Medway, MA. The site is bounded on the south by Village Street, on the east by properties owned by Norris Realty Trust and Rossadam, on the north by properties owned by Sullivan and Rehrauermeg, and on the west by properties owned by the Town of Medway and Solariangelo.

The applicant plans to make minor interior alterations to convert the main house into two dwelling units. The existing apartment above the attached garage, previously approved as an accessory family dwelling unit, will function without the accessory family dwelling unit designation. No other construction, changes to infrastructure, or other site improvements are planned. Nine off-street parking spaces are available. Access will be from a single curb cut from Village Street.

The application and associated materials are on file with the Medway Town Clerk and the Community and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 7:30 a.m. to 4:30 p.m. and Fridays from 7:30 a.m. to 12:30 p.m. Face coverings are required to visit Town Hall. Project information is also posted at the Planning and Economic Development web page at <https://www.townofmedway.org/planning-economic-development-board/pages/current-applications-pedb-0>.

The Board encourages online public participation in the hearing via ZOOM. The ZOOM access instructions will be included on the agenda for the May 25<sup>th</sup> meeting which will be posted at: <https://www.townofmedway.org/node/926/agenda/2021>. Members of the public may also watch the meeting on Medway Cable Access - channel 11 on Comcast Cable, channel 35 on Verizon Cable, or on Medway Cable's Facebook page @medwaycable.

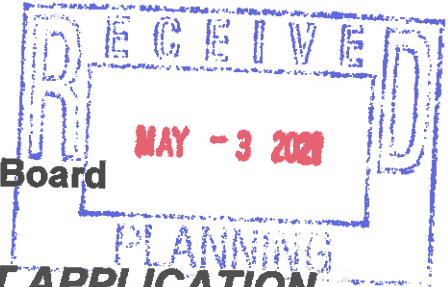
Interested persons or parties are invited to review the application, participate in the public hearing and express their views. Written comments are encouraged and may be forwarded to [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org). All comments will be entered into the record during the public hearing. Please direct any questions regarding this application to the Medway Planning and Economic Development office at 508-533-3291.

*Andy Rodenhiser*

Chairman



RECEIVED TOWN CLERK  
MAY 6 '21 AM 11:23



Planning & Economic Development Board  
Town of Medway, MA

**MULTIFAMILY HOUSING SPECIAL PERMIT APPLICATION**

**INSTRUCTIONS TO APPLICANT/OWNER**

This Application is made pursuant to Section 5.6.4 of the *Medway Zoning Bylaw*. The provisions of Section 8.6 Affordable Housing may also apply depending on the scope of the proposal.

The Town's planning and engineering consultants will review the Application and the proposed Plan and provide review letters to the Planning and Economic Development Board.

A copy of those review letters will be provided to you in advance of the meeting.

You and/or your duly authorized Agent/Official Representative are expected to attend the 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 at hearings may result in a delay in the Board's review of the special permit application.

\_\_\_\_ April 28 \_\_\_\_\_, 2021 \_\_\_\_

**APPLICANT INFORMATION**

Applicant's Name: James Maloney \_\_\_\_\_

Mailing Address: 15 Church St \_\_\_\_\_  
Hopkinton MA 01748 \_\_\_\_\_

Name of Primary Contact: James Maloney \_\_\_\_\_

Telephone: Office: \_\_\_\_\_ Cell: 617 686 4860 \_\_\_\_\_

Email address: Jmaloney67@yahoo.com \_\_\_\_\_

☒ Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

**PROJECT INFORMATION**

Development Name: 316 Village St \_\_\_\_\_

Project Address: 316 Village St, Medway MA \_\_\_\_\_

Plan Title: Sketch of 316 Village St \_\_\_\_\_

Plan Date: 3 May 2021 \_\_\_\_\_

Plan prepared by:  
Name: James Maloney \_\_\_\_\_

Firm:   N/A  

Type of Project:

  X   Renovation of Existing Structure(s)  
How many buildings?   2   Attached \_\_\_\_\_  
Building Dimensions \_\_\_\_\_  
Gross Square Footage of Existing Structure \_\_\_\_\_  
How many residential units presently exist?   2    
How many additional residential units are proposed?   3    
How many affordable units? \_\_\_\_\_

       Construction of an addition to an Existing Structure  
Addition Dimensions \_\_\_\_\_  
Gross Square Footage of Addition \_\_\_\_\_  
How many new residential units are proposed? \_\_\_\_\_  
How many affordable units? \_\_\_\_\_

       Construction of a New Building(s)  
How many buildings? \_\_\_\_\_  
Dimensions of New Building(s) \_\_\_\_\_  
Gross Square Footage of New Building(s) \_\_\_\_\_  
How many new residential units are proposed? \_\_\_\_\_  
How many affordable units? \_\_\_\_\_

       Demolition of any structures on the site? If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_

How many parking spaces presently exist?   9  , (3 garage, 6 outside) \_\_\_\_\_

How many new parking spaces are proposed?   9  , (3 garage, 6 outside) \_\_\_\_\_

What is the existing amount of impervious surface (buildings and paved area) on the property?  
\_\_\_\_\_

How much additional impervious surface is planned?   none   \_\_\_\_\_

Please note that a Stormwater Management and Land Disturbance Permit pursuant to Medway General Bylaws Section 26 may also be needed depending on the scope of the proposed project and the amount of planned land disturbance.

### **PROPERTY INFORMATION**

The subject property is shown on the plan as Medway Assessor's Map #   58  , Parcel #   B:204  

Total Acreage of Land Area:

  .76  

General Description of Property:   316 Village St is a house in Medway, MA 02053. This 3,939 square foot house sits on a 0.76 acre lot and features 7 bedrooms and 4.5 bathrooms.  

Current Use of Property:   Single Family with Accessory Apartment  

Medway Zoning District Classification:   VC



W \_\_\_\_\_

Length of Existing Frontage: \_\_\_\_\_ On what street? \_\_\_ Village \_\_\_\_\_

Setbacks for Existing Structure (if applicable)

Front: \_\_\_\_\_

Side: \_\_\_\_\_

Back: \_\_\_\_\_

Side: \_\_\_\_\_

Is this property pre-existing, non-conforming to the Medway Zoning Bylaw? If yes, how?

\_\_\_ NO \_\_\_

\_\_\_ Special permit for Accessory Apartment

Is the existing structure on this property pre-existing, non-conforming to the Medway Zoning Bylaw? If yes, how? \_\_\_ NO \_\_\_\_\_

Has this property received any previous variances or special permits? \_\_\_ X \_\_\_ Yes \_\_\_ No  
If so, please provide a copy of each decision with this application. Attached

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?

\_\_\_ Yes \_\_\_ No X If yes, please name street: \_\_\_\_\_

Historic District

Is any portion of this property located within a Medway National Register Historic District?

\_\_\_ Yes - Rabbit Hill

\_\_\_ Yes - Medway Village

\_\_\_ X \_\_\_ No

Wetlands

Is any portion of the property within a Wetland Resource Area? \_\_\_ Yes \_\_\_ X \_\_\_

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 Designated Flood Plain? \_\_\_ Yes \_\_\_ X \_\_\_ No

Access to Town Water and Sewer

Is Town water and sewer available in the street on which the proposed project has its frontage? \_\_\_ X \_\_\_ Yes \_\_\_ No

### **PROPERTY OWNER INFORMATION (if not applicant)**

Property Owner's Name: \_\_\_ Steven Grey, Bonny Grey, Elizabeth Curran, Brian Curran \_\_\_\_\_

Mailing Address: \_\_\_ 316 Village St , Medway MA 02053 \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

The owner's title to the land that is the subject matter of this application is derived under deed from: \_\_\_\_\_ to \_\_\_\_\_

dated \_\_\_\_\_ and recorded in Norfolk County Registry of Deeds,  
Book \_\_\_\_\_ Page \_\_\_\_\_ or Land Court Certificate of Title Number \_\_\_\_\_,  
Land Court Case Number \_\_\_\_\_, registered in the Norfolk County Land Registry District  
Volume \_\_\_\_\_, Page \_\_\_\_\_.

### CONSULTANT INFORMATION

**ENGINEER:**

Mailing Address: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

Registered P.E. License #: \_\_\_\_\_

**SURVEYOR:**

Mailing Address: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_

Registered P.L.S. License #: \_\_\_\_\_

**ARCHITECT:**

Mailing Address: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

Registered Architect License #: \_\_\_\_\_

**LANDSCAPE ARCHITECT/DESIGNER:**

Mailing Address: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Office: \_\_\_\_\_ Cell: \_\_\_\_\_

**OFFICIAL REPRESENTATIVE INFORMATION** (if applicable)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

**SIGNATURES**

The undersigned, being the Applicant for approval of a Multifamily Housing Special Permit herewith submits this application and Plan to the Medway Planning and Economic Development Board for review and approval.

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property and proposed development under consideration.


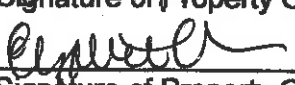
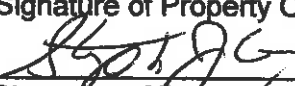

(If applicable, I hereby authorize JAMES MALONEY to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this application.)

I have reviewed Section 5.6.4 Multifamily Housing and Section 8.6 Affordable Housing of the *Medway Zoning Bylaw* and understand and agree to the requirements and responsibilities specified therein.

In submitting this application, I authorize the Board, its consultants and agents, Town staff, and members of the Design Review Committee and Open Space Committee to access the site during the plan review process.

I understand that pursuant to M.G.L. 53G, the Medway Planning and Economic Development Board may retain outside professional consultants to review this application and that I am responsible for the costs associated with such reviews.

I understand that the Planning and Economic Development Board, its agents, staff, consultants, and other Town staff and committees may request additional information which I am responsible for providing to assist them in reviewing the proposed development.

	<u>BRIAN P. CURRAN</u>	<u>6/5/21</u>
Signature of Property Owner	Printed Name	Date
	<u>Elizabeth A. Curran</u>	<u>5/5/21</u>
Signature of Property Owner	Printed Name	Date
	<u>Stephen J. Gray</u>	<u>5/5/21</u>
Signature of Property Owner	Printed Name	Date
	<u>Benny D. Gray</u>	<u>5/5/21</u>
Signature of Property Owner	Printed Name	Date



Signature of Property Owner

Signature of Applicant (if other than Property Owner)

Signature of Agent/Official Representative

Date

3 May 2021

Date

Date

### **MULTIFAMILY HOUSING SPECIAL PERMIT FEES**

#### **Filing Fee - \$500**

*Plus \$25 per proposed dwelling unit up to a maximum of 40 units*

#### **Advance on Plan Review Fee**

*Up to 8 units = \$500*

*9 – 40 units = \$1,000*

***Please submit 2 separate checks each made payable to: Town of Medway***

### **MULTIFAMILY HOUSING SPECIAL PERMIT APPLICATION CHECKLIST**

*To be Completed by Applicant*

- ☒ Multifamily Housing Special Permit Application (2 signed originals) – one for Town Clerk and one for Planning and Economic Development Board
- ☒ Two (2) copies of a *Project Description* – one for the Town Clerk and one for the Planning and Economic Development Board. This description should provide a complete and thorough explanation of what is proposed and must address how the proposed project meets the requirements of Section 5.6.4 Multifamily Housing of the *Medway Zoning Bylaw* including the provision of affordable dwelling units (if applicable), open space and parking.
- ☒ Three (3) full size copies of a Site Plan prepared in accordance with Sections 204-4 and 204-5 of the *Medway Site Plan Rules and Regulations* – one for Town Clerk and two for Planning and Economic Development Board
- ☐ One (1) ledger size (11" x 17") copy of the Site Plan
- ☐ Electronic Version of the Site Plan and all associated application documents. Provide disk or flash drive or email the plan and documents to: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org).
- ☒ Certified Abutters List and mailing labels from the Medway Assessor's office for all property located within 300 feet of the subject property
- ☐ Request(s) for waivers from the *Site Plan Rules and Regulations*. Check with the Planning and Economic Development office for the proper form.
- ☐ One (1) copy of previous variance or special permit decisions for the subject property.

- \_\_\_\_\_ Depending on the size and scope of the project, two (2) copies of a *Stormwater Drainage Calculations/Report* prepared in conformance with Section 204 – 3, 3) of the *Site Plan Rules and Regulations* or two (2) copies of a stormwater drainage analysis report. *Check with Planning and Economic Development office.*
- \_\_\_\_\_ Depending on the size and scope of the project, two (2) copies of a traffic study or analysis. *Check with Planning and Economic Development office.*
- \_\_\_\_\_ One (1) copy of all relevant approvals received to date from other Town boards/committees/departments
- \_\_\_\_\_ Proof of present or pending ownership of all land within the development site.
- \_\_\_\_\_ *Multifamily Housing Special Permit Filing Fee* – Payable to Town of Medway
- \_\_\_\_\_ *Advance of Plan Review Fee* – Payable to Town of Medway

9-19-2018

## **316 Village St Medway MA**

### **Project Description**

The purpose of the Town of Medway Multi Family Overlay district is to further the goals of the Medway Master Plan and the Medway Housing Production Plan to encourage the provision of a diversity of housing types, to promote pedestrian oriented development, to encourage the preservation of older and architecturally significant properties, and to increase the number of affordable housing units by establishing a special permit option to allow for the development of Multi-Family Buildings and Multi-Family Developments within the capacities of existing Town utilities and services.

My reuse of 316 Village Street meets all the goals of the Medway Housing Production Plan. It preserves a large house that dates to the 1800s. That is currently configured as a 7-bedroom 5-bathroom home. The home is located downtown across from the police station, and next to the veterans memorial, it will give occupants the ability to walk to local businesses and the dog park. With the addition of a Kitchen, the sealing of a few interior doors, one extra exterior egress, the house becomes a nice one-bedroom apartment above the garage, and the main house becomes a side by side 2 family with a 2-bedroom apartment and a 3+bedroom apartment. Just by word of mouth to my friends I have a ton of interest in the units, from working class people, a police officer, a nurse, librarian, a firefighter, and two contractors. Most of my potential tenants are single moms or dads who could not otherwise afford to live in a town like Medway and are excited to live in the town and be part of the community.

There will be no change to the size or shape of the existing buildings, this is to preserve the historic character of the building and honestly the building is large enough as currently configured. The rehabilitation of the property will be minimal as well, just the addition of a kitchen, laundry areas for each unit, and electrical upgrades to separate the utilities and provided proper fire alarms in accordance with the new use. There will be no additional paving, as there is already adequate parking, allowing for 2 places for the one bedroom, 2 places for the 2 bedroom, 3 places for the 3 bedroom and 2 visitor places.



**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, SS**

**IN THE MATTER OF:** Gregory Amante  
Petitioner

**Property Owner:** Gregory Amante  
316 Village St.  
Medway, MA 02053

RECEIVED  
OCT 5 2011  
TOWN  
OCT 25, 2011

**OPINION OF THE BOARD**

**REQUEST FOR SPECIAL PERMIT**  
**316 Village St.**

**Hearing:** September 21, 2011

**Decision:** September 21, 2011

**MEMBERS PRESENT:** Joseph F. Mustmanno, Chairman  
David Cole  
Anthony Biocchi  
Carol Gould

**THE WRITTEN OPINION WAS DELIVERED ON SEPTEMBER 21, 2011**

## **OPINION OF THE BOARD**

This is a proceeding of the Zoning Board of Appeals of the Town of Medway, MA (hereinafter the Board) acting under the Zoning By-Laws of the Town of Medway, MA, 02053 and the Massachusetts General Law C40A, as amended, in which the petitioner, Gregory Amante, requests a Special Permit (V.F.2) for an Accessory Family Dwelling Unit at 316 Village St., Medway, MA 02053.

### **Hearing**

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on September 7 and 14, 2011. Notice also was sent to all "parties in interest" and posted in the Town Hall as required by Massachusetts General Laws Chapter 40A, Section 11.

The Public Hearing was held and the record closed on September 21, 2011. At the hearing, no one spoke in of, nor did anyone speak in opposition to the application.

### **Hearing Summary**

The Applicant, Gregory Amante, along with his wife, Lisa Mitchell, came before the Board to request a Special Permit for an Accessory Family Dwelling Unit (V.F.2) at 316 Village St., located within the ARII zoning district. The property was purchased by the Applicant in February, 2010 and the accessory unit had already been constructed. The previous owners had received a Special Permit for the unit and it was occupied by family members as defined in the By-Law. Once sold, the Special Permit became null and void. The Applicant proposes no alterations to the unit. The Applicant stated that in order to re-finance and for adequate homeowner's insurance, the designation of a single-family with an accessory dwelling unit was desired. The Applicant requests the permit to allow their Au Pair occupancy of the unit. However, in the near future, the Applicant's parent may occupy the unit.

### **Findings:**

By vote of 4-0:

1. The petitioner stated the proposed Accessory Family Dwelling Unit would be occupied by an Au Pair who is not a family member.
2. The section V.F.2 of the Zoning By-Law only allows the Board to issue a permit for an Accessory Family Dwelling Unit when that unit can be reasonably expected to be occupied by a person defined in section V.F.2.b.

Amante, Gregory  
316 Village St.  
Page 2

**Dismissed:**

By vote of 4-0:

Based on the foregoing findings, the petition is dismissed without prejudice to representation of the petition upon material change in the proposed occupancy.

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 diagram received by it, 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.

  
\_\_\_\_\_  
Joseph F. Musmanno, Chairman  
\_\_\_\_\_  
David Cole  
\_\_\_\_\_  
Anthony Biocchi  
\_\_\_\_\_  
Carol Gould



RENEY, MORAN, & TIVNAN

REGISTERED LAND SURVEYORS

75 HAMMOND STREET - FLOOR 2

WORCESTER, MA 01610-1723

PHONE: 508-752-8885

FAX: 508-752-8895

RMT@HSTGROUP.NET

A Division of H. S. & T. Group, Inc.

## MORTGAGE INSPECTION PLAN

NAME STEPHEN J. GRAY & BONNY GRAY & ELIZABETH A. CURRAN & BRIAN CURRAN

LOCATION 316 VILLAGE STREET

MEDWAY, MA

SCALE 1" = 50'

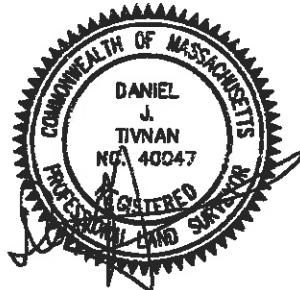
DATE 10/15/2019

JOB #10-337-19

### REGISTRY NORFOLK

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINES (UNLESS OTHERWISE NOTED IN DRAWING BELOW).

NOTE: NOT DEFINED ARE ABOVEGROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE 90A, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.



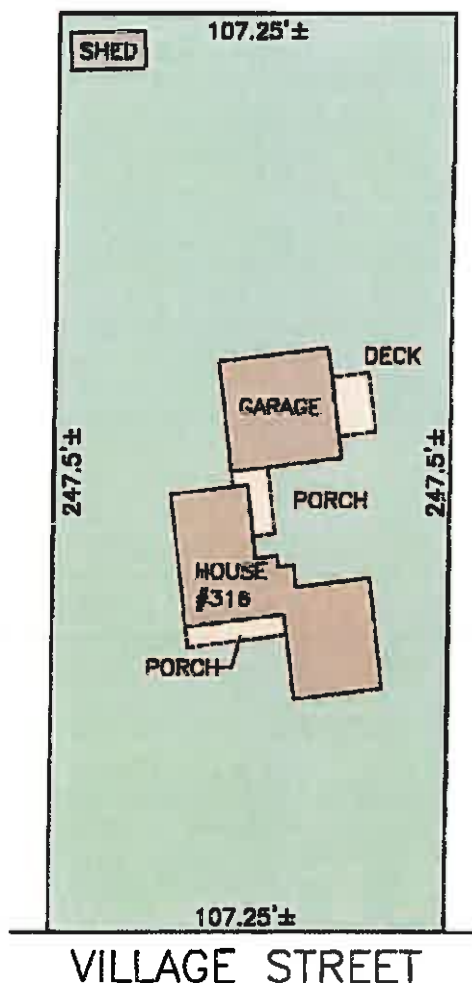
DEED BOOK/PAGE 29472/347

PLAN BOOK/PLAN DEED/ASSESSORS

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FEMA MAP:

143E DTD 7/17/2012

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY FEMA AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.



REQUESTING OFFICE: CROWLEY & CUMMINGS, LLC  
REQUESTED BY:

DRAWN BY: MM  
CHECKED BY:

RENEY, MORAN, & TIVNAN

REGISTERED LAND SURVEYORS

75 HAMMOND STREET - FLOOR 2

WORCESTER, MA 01610-1723

PHONE: 508-752-8885

FAX: 508-752-8895

RMT@HSTGROUP.NET

A Division of H. S. & T. Group, Inc.

## MORTGAGE INSPECTION PLAN

NAME STEPHEN J. GRAY & BONNY GRAY & ELIZABETH A. CURRAN & BRIAN CURRAN

LOCATION 316 VILLAGE STREET

MEDWAY, MA

SCALE 1" = 50'

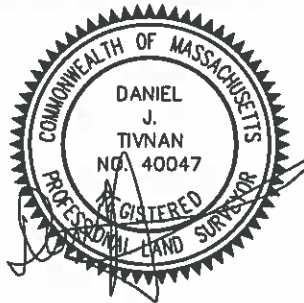
DATE 10/15/2019

JOB #10-337-19

### REGISTRY NORFOLK

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINES (UNLESS OTHERWISE NOTED IN DRAWING BELOW).

NOTE: NOT DEFINED ARE ABOVEGROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.



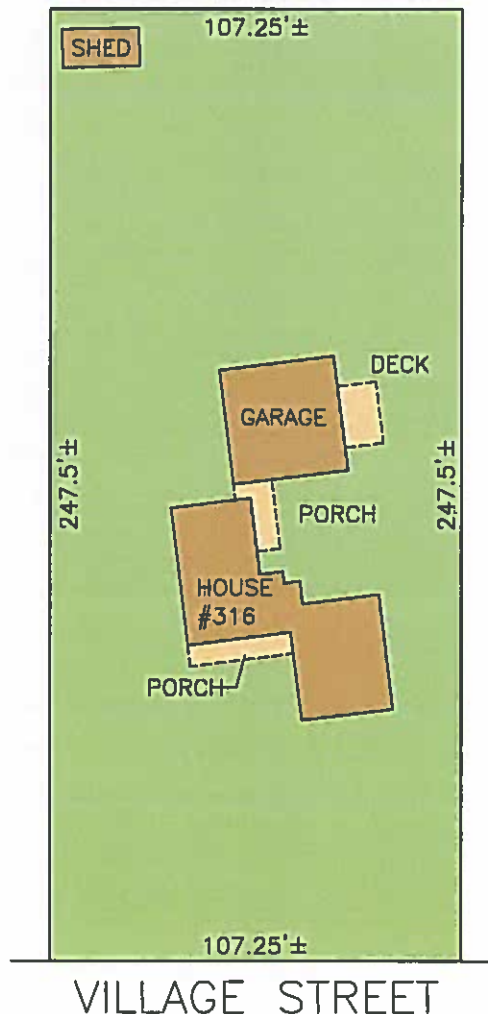
DEED BOOK/PAGE 29472/347

PLAN BOOK/PLAN DEED/ASSESSORS

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FEMA MAP:

143E DTD 7/17/2012

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY FEMA AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.











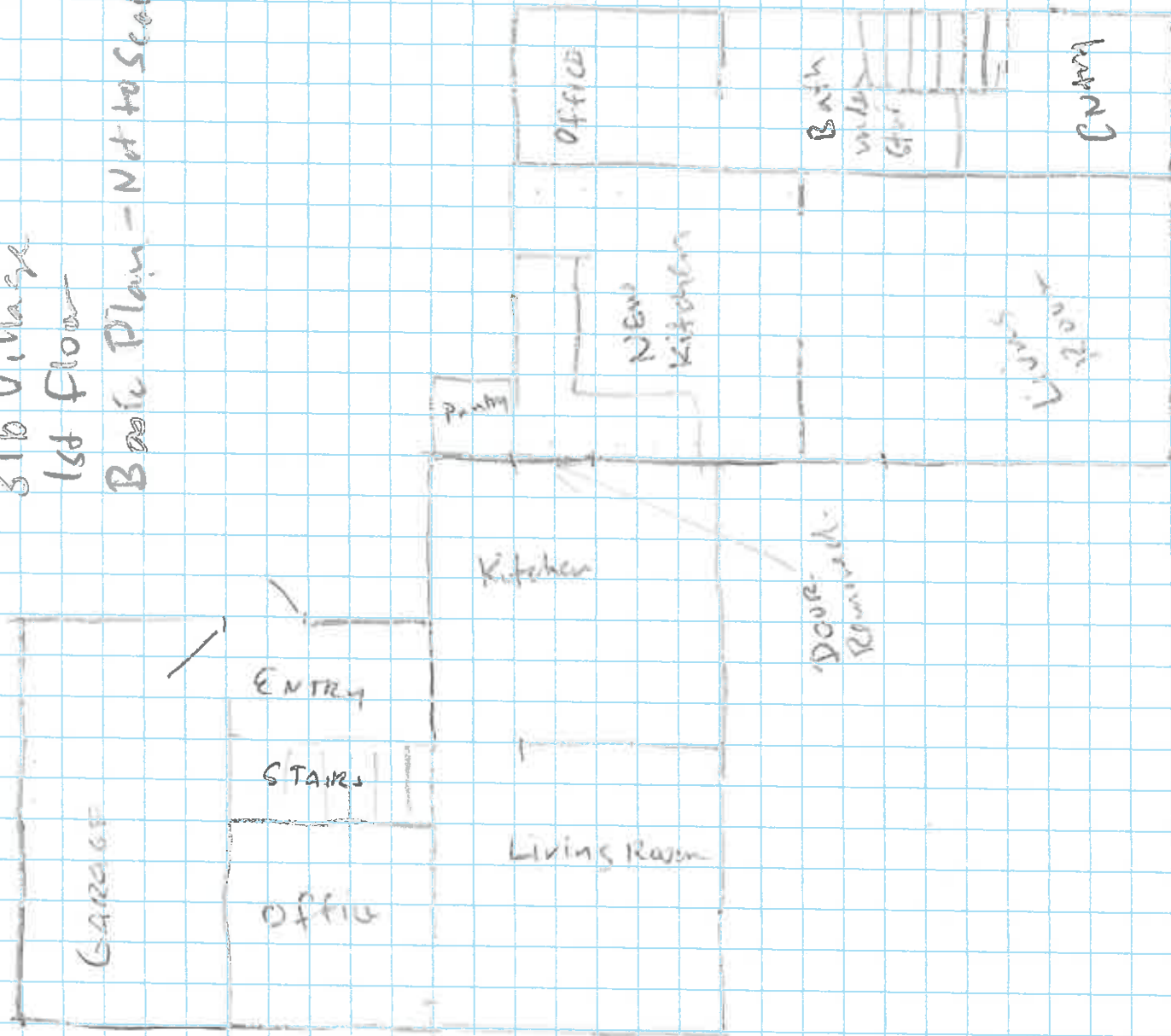






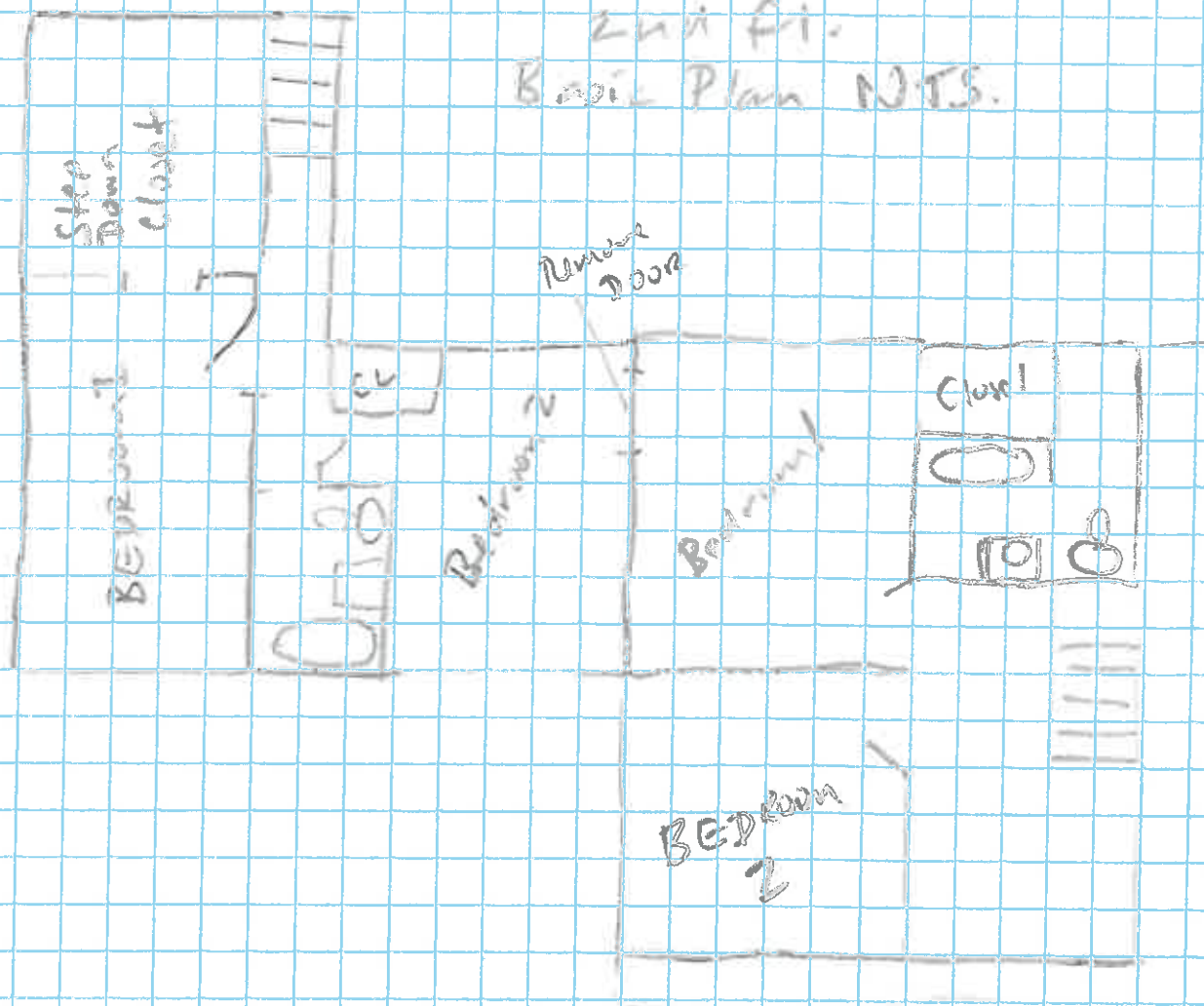
316 Village  
1st Floor

Basic Plan - Not to Scale





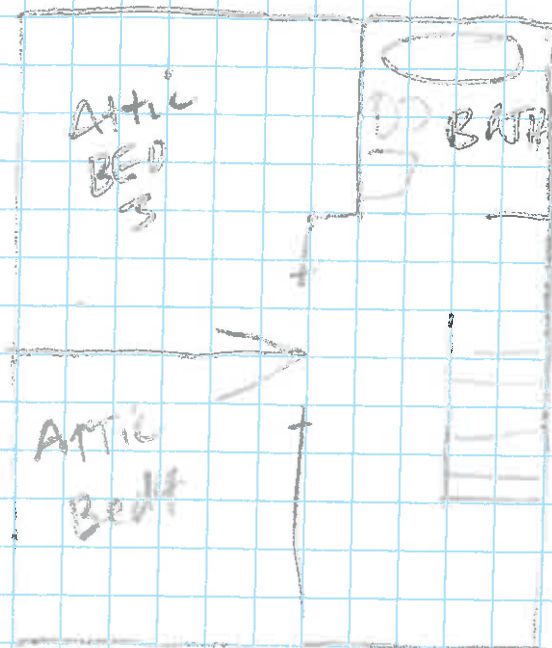
316 V. Way  
2nd fl.  
Basic Plan N.T.S.



216 Village St

3rd FL

Basic Plan



Susan E. Affleck-Childs

Planning and Economic  
Development Coordinator



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: sachilds@  
townofmedway.org  
www.townofmedway.org

**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**  
**PLANNING AND ECONOMIC**  
**DEVELOPMENT OFFICE**

**Memorandum**

May 21, 2021

TO: Planning and Economic Development Board Members  
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator  
RE: Multi-family special permit for 316 Village Street

I have reviewed the application for a multi-family special permit for a 3 unit residential development in the existing building at 316 Village Street. The house presently includes 7 bedrooms and 4.5 bathrooms. The applicant, James Maloney of Hopkinton, MA, proposes to convert the existing residential building at 316 Village Street into three dwelling units.

The property is located in the Village Commercial zoning district and the Multi-Family Overlay District. The .76 acre property (*Medway Assessors Map 58, Parcel 204*) is presently owned by Brian & Elizabeth Curran and Stephen & Bonny Gray of Medway, MA. The applicant is the buyer on a purchase and sales agreement. According to the Assessor's office, the vintage of the building is 1860.

The applicant plans to make minor interior alterations to convert the main house into two dwelling units. There is an existing apartment above the attached garage which was approved as an accessory family dwelling unit by the ZBA in 2011. Under the new ownership, that space will function as one of the three dwelling units, without the accessory family dwelling unit designation. No other construction, changes to infrastructure, or other site improvements are planned. Access will be from a single curb cut from Village Street.

**ZONING**

1. The property is located within the Multi-Family Overlay District and the proposal is for a conversion of the existing house. Thus the property is eligible for a multi-family special permit.
2. The site has 107.25' of frontage on Village, more than the minimum 50' requirement.
3. The provided plot plan from 2019 does not specify the front, rear and side setbacks but upon analysis of the plot plan, it is clear that the building meets the minimum 20' front setback, and 10' side and rear setback requirements of the Village Commercial district.
4. The bylaw requires that the building height not exceed 40'. I cannot determine what the building height is. However, I believe the intent of that language pertains to the height of new construction, not to the height of an existing structure.



5. Density – The density shall not exceed 8 dwelling units per whole acre. For a lot under one acre in size such as this one, the density of a multi-family building shall not exceed its relative portion of an acre. As the property is .76 acres, the maximum possible number of units that could be approved is 6. The applicant is proposing 3.
6. The project does not need to comply with the Town's Affordable Housing Requirement as the number of units (3) does not trigger its applicability.
7. There shall be open space or yard area equal to at least 15% of the parcel's total area. Although the plot plan does not specify an amount, it is very clear from casual analysis that more than 15% of the site is yard area.
8. Parking – The bylaw requires at least 2 parking spaces per unit. There are nine existing parking spaces, 3 in the garage and 6 outside.
9. Site Plan – A site plan has not been provided as no new site improvements are proposed.

## Susan Affleck-Childs

---

**From:** A Rosa <adamrosa11@gmail.com>  
**Sent:** Sunday, May 16, 2021 9:59 AM  
**To:** Planning Board  
**Subject:** Opposition to 316 Village Street Request

Hi All,

Hope you are well. I am writing in regards to an abutter notice received with regards to turning the single family residence at 316 village street into a 3 family residence.

I live at 312 Village street, a property that directly abutts the backyard of 316, with my wife and 3 months old baby boy. We have lived here for the last 6 years, putting a lot of time and money into the upkeep and improvement of the property, including taking care of overgrown town property, left unmaintained, at the corner of village and cottage (the area outside of our tree line, simply because we take pride in the town).

I am concerned why the town would be considering increasing the value of one home while simultaneously decreasing the value of surrounding properties. This house never went on the open market, and if it had, given the current real estate market, would have no problem selling fast. There is a big difference between a beautiful single family home with in-law vs. a 3 family with inconsistency in residents. The biggest difference is 3 times the neighbors and eyeballs that look directly into my bedroom.

That may not have been as big of a concern had i not dealt with one of the most traumatic experiences of my life with the prior residence of 316 village street. Approximately 4 years ago, i caught one of the owners of that property after they had broken into my home at 2 AM on a Tuesday night. When i chased them out, they ran right into the backyard that i will now potentially have to worry about 2/3 new sets of neighbors rotating between every few years. I moved to town and close to the police station because of the safety and school ratings for my future family, so this was a shock to me and to the police obviously. After the event, i had to get security lighting and cameras installed, and quiet frankly still wake up in a sweat every once in a while.

We bought this home because of the property, and beautiful surrounding homes, despite all of the work needed to it, because we knew if we elevated to those around us, we would not be wasting our money. There is no need to take this home and convert it, except for the benefit of the one individual looking to buy it. I understand everyone is trying to do what is best for them. But there are 6 homes surrounding 316 that would NOT benefit in anyway from this.

I hope that the inconveniences of the neighbors are considered. This does not need to be converted, if put on the open market, would sell immediately. My wife and I will strongly consider selling if this is passed as the privacy of the property in which we live will forever be compromised. I genuinely hope that it is not something that we have to do as we love this town and would like to see our child grow up here.

Thank you for your consideration.

Adam and Courtney Rosa, residents of 312 Village Street.

--

Adam Rosa

## Susan Affleck-Childs

---

**From:** Jane Norris <strounierr@verizon.net>  
**Sent:** Monday, May 17, 2021 8:17 PM  
**To:** Planning Board

To the members of the planning board –

I am writing in response to the Abutter Notice of Public Hearing for 316 Village Street.

My husband and I bought 314 Village Street almost 27 years ago. We were attracted to Medway as it reminded us of our hometowns. And we loved our neighborhood as there were only two homes and with that only two families.

When we moved here, the in-law apartment at 316 Village Street was in the process of being built. At the time, we had two elderly mothers and appreciated that our neighbors were taking care of their parents. It was my understanding that the permit for the in-law apartment was contingent on that it would never be used for rental property.

When my husband died 15 years ago, I considered moving as I too have a large antique home. I decided against it as the lure of only having two neighbors was ideal. The thought of having three families moving into 316 Village Street is quite upsetting. The peace and quiet of our current situation will be a thing of the past.

I strongly urge you to not approve this Special Permit.

Jane Norris

314 Village Street





**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Tetra Tech Construction Reports**

- William Wallace Village Report #10 (5-12-21)
- Salmon/Willows Report #67 (5-18-21)
- Salmon/Willows Report #68 (5-20-21)



**May 25, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Lot Release**

- Collection of email communications with paralegal Elizabeth Bessette re: a lot release for 31 Broad Acres Farm Road
- Release of Covenant for 31 Broad Acres Farm Road

## Susan Affleck-Childs

---

**From:** Susan Affleck-Childs  
**Sent:** Wednesday, May 19, 2021 10:52 AM  
**To:** Elizabeth Bessette  
**Subject:** RE: [Town of Medway MA] 31 Broad Acres Farm Road Lot 37 (Sent by Elizabeth Bessette, ebessette@alavibraza.com)

Hi Elizabeth.

Thanks for sending along the lot release for 31 Broad Acres Farm Road.

The next meeting is Tuesday, May 25th. I will add this matter to that agenda for the Board's consideration.

Assuming the Board approves, I will have their signatures notarized.

Best regards,

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
sachilds@townofmedway.org

-----Original Message-----

From: Elizabeth Bessette [mailto:ebessette@alavibraza.com]  
Sent: Wednesday, May 19, 2021 9:56 AM  
To: Susan Affleck-Childs <sachilds@townofmedway.org>  
Subject: RE: [Town of Medway MA] 31 Broad Acres Farm Road Lot 37 (Sent by Elizabeth Bessette, ebessette@alavibraza.com)

Hi Susan -

Please see the attached release. When is the next meeting?

\*\*\* PLEASE NOTIFY AND CONFIRM WITH US IMMEDIATELY prior to your attendance if you are feeling sick, are subject to a recommended voluntary or mandatory quarantine or self-isolation period, have traveled from any of the CDC Level 2 or 3 warning countries within the last 14 days and have had any known contact with any third person that would fall under said categories.\*\*\* <https://wwwnc.cdc.gov/travel/notices>

\*\*The only parties that should attend the closing must be signing clients and attys. No child, pets or family members not involved with the transaction are allowed at the closing table\*\*



Elizabeth Bessette  
Sr. Real Estate Paralegal  
Milford Office:  
284 Main Street  
Milford, MA 01757  
Boston Office:  
20 Park Plaza, Suite 432  
Boston, MA 02116  
Direct:  
T: (508) 686-5902  
F: (508) 686-5962  
Email: ebessette@alavibraz.com  
Office:  
T: 877-552-2529 (877-55-ABLAW)  
F: (877) 318-3192

All firm locations can be reached  
toll-free at 877-55-ABLAW

Due to an alarming amount of wire fraud, please be sure to call our office and verbally confirm any and all wiring instructions received, prior to initiating any wire. We Do Not Accept or Request Changes to Wiring Instructions Via Email. ☐ Consider the environment. Please don't print this e-mail unless you really need to.

THE INFORMATION CONTAINED IN THIS ELECTRONIC MESSAGE AND ANY ATTACHED DOCUMENT(S) IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT(S), YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND WE REQUEST THAT YOU IMMEDIATELY DELETE ALL COPIES OF THE MESSAGE AND ANY AND ALL ATTACHMENT(S), IF ANY. FURTHERMORE, ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE AND ANY ATTACHMENT(S) IN ANY WAY OR MANNER IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (877) 552-2529 OR BY ELECTRONIC MAIL. THANK YOU IN ADVANCE FOR YOUR COOPERATION AND COMPLIANCE. EMAILS SENT OR RECEIVED SHALL NEITHER CONSTITUTE ACCEPTANCE OF CONDUCTING TRANSACTIONS VIA ELECTRONIC MEANS NOR SHALL CREATE A BINDING CONTRACT IN THE ABSENCE OF A FULLY SIGNED WRITTEN CONTRACT.

-----Original Message-----

From: Susan Affleck-Childs <sachilds@townofmedway.org>  
Sent: Monday, May 10, 2021 12:53 PM  
To: Elizabeth Bessette <ebessette@alavibraz.com>  
Subject: RE: [Town of Medway MA] 31 Broad Acres Farm Road Lot 37 (Sent by Elizabeth Bessette, ebessette@alavibraz.com)

Dear Elizabeth,

Glad to help. This happens quite often.

Attached is a sample lot release. Please prepare a lot release for 31 Broad Acres Farm Road and send it to me for the Planning Board's consideration. I will include it on the agenda for the next meeting after receipt from you.

Please let me know if you have any questions.

Best regards,

Susy

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
sachilds@townofmedway.org

-----Original Message-----

From: cmsmailer@civicplus.com [mailto:cmsmailer@civicplus.com]  
Sent: Monday, May 10, 2021 10:54 AM  
To: Susan Affleck-Childs <sachilds@townofmedway.org>  
Subject: [Town of Medway MA] 31 Broad Acres Farm Road Lot 37 (Sent by Elizabeth Bessette, ebessette@alavibraza.com)

Hello sachilds,

Elizabeth Bessette (ebessette@alavibraza.com) has sent you a message via your contact form (<https://www.townofmedway.org/user/201/contact>) at Town of Medway MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofmedway.org/user/201/edit>.

Message:

Good morning,

Our office is working with the sellers of the above property. The title exam is back and there is a missing release of covenant for our clients lot.

Can you please advise if this has been released and possibly just not recorded? If it has not been released please let us know what the next steps are to obtain.

thank you

***Release of Restrictive Subdivision 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 37 (also known as 31 Broad Acres Farm Road) on a plan entitled *Country View Estates Definitive Subdivision Plan of Land* in Medway, MA, dated August 7, 1999 and prepared for Owner/Applicant Greg Whelan by DeSimone & Associates, which is recorded with the Norfolk County Registry of Deeds as Plan Number 829 of 1999 in Plan Book 471 is hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in a Subdivision Covenant between the Medway Planning Board and Greg Whelan, Trustee of Broad Acres Management Trust recorded with the Norfolk County Registry of Deeds on December 8, 1999 in Book 13897, Page 303.

Executed under seal this \_\_\_\_\_ day of May, 2021

*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 \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_

\_\_\_\_\_,  
members of the Medway Planning and Economic Development Board, proved to me through satisfactory evidence of identification, which was a Massachusetts Drivers License and personal knowledge, 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:





**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Plan Review Estimate – Phytopia, Inc.**  
**Marijuana Cultivation/Processing**  
**Special Permit, Major Site Plan Review,**  
**Reduced Parking Special Permit, and**  
**Groundwater Protection Special Permit**

- Plan Review fee estimate of \$6,222 from Tetra Tech dated 5-14-21

NOTE – This public hearing with the PEDB will begin June 8, 2021. Conservation will handle an Order of Conditions and a Land Disturbance Permit.



May 14, 2021

Ms. Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator  
155 Village Street  
Medway, MA 02053

**Re: 6 Industrial Park Road  
Site Plan Review  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (PEDB) (the Client) for professional engineering services associated with the above-mentioned Project review in Medway, Massachusetts (the Project). The objective of our services is to review the site plan package and provide comments as they relate to latest Town of Medway Rules and Regulations Chapter 200 – Submission and Review of Site Plans (Site Plan Regulations), the groundwater protection district criteria and sound engineering practice. We have excluded from our scope, the review of the application package as it relates to Town of Medway Zoning By-Laws which will be conducted by a separate consultant. Stormwater will be reviewed as part of the Notice of Intent Process with the Medway Conservation Commission.

## Scope of Services

The following specifically describes the Scope of Services to be completed:

### Task 1 Site Visit

- A. Perform one (1) site visit to review the site and its surroundings.
- Budget Assumption: 1 Visit  
2 hours @ \$161/hr = \$322  
Total = \$322

### Task 2 Design Review

- A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item 2.C below.
- Budget Assumption: 1 hour @ \$161/hr = \$161  
1 hour @ \$116/hr = \$116  
Total = \$277
- B. Review the proposed Plans against the Site Plan Regulations, the groundwater protection district criteria and sound engineering practice and incorporate comments into review letter in Item 2.C below.
- Budget Assumption: 6 hours @ \$161/hr = \$966  
8 hours @ \$116/hr = \$928  
Total = \$1,894
- C. Prepare a letter summarizing findings for presentation to the Town of Medway PEDB.
- Budget Assumption: 4 hours @ \$161/hr = \$644  
2 hours @ \$116/hr = \$232  
Total = \$876

- D. Coordinate with applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Plans will require additional funds.

- Budget Assumption: 4 hours @ \$161/hr = \$644  
4 hours @ \$116/hr = \$464  
Total = \$1,108

### Task 3 Meetings

- A. Participate in three (3) hearings/meetings with the Town of Medway PEDB.
- Budget Assumption: 3 Meetings @ 3 hours per meeting = 9 Hours  
9 hours @ \$161/hr = \$1,449  
Total = \$1,449

### Budget

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech's and existing Town of Medway then current contract rates. Direct expenses will be billed at a fixed fee of five (5) percent of labor costs. We suggest that you establish a budget identified below 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 quality, completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

Task	Task Description	Budget
Task 1	Site Visit	\$322
Task 2	Design Review	\$4,155
Task 3	Meetings	\$1,449
	<b>Labor Subtotal</b>	<b>\$5,926</b>
	Expenses (5%)	\$296
	<b>Total</b>	<b>\$6,222</b>

### Schedule and Conditions

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 practices to complete the work described within the Client's schedule. We are not responsible for delays in performance caused by circumstances beyond our control or that could not have been anticipated or prevented.

To signify your acceptance of this Agreement, please sign and return one copy and the retainer to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra Tech, Inc. (ENGINEER) and Town of Medway Planning and Economic Development Board (CLIENT). The Agreement is subject to the attached Engineering, Environmental, and Transportation Statement of Terms and Conditions. The price is valid for 60 days from the date of this letter.

We appreciate the opportunity to provide these services, and we look forward to working with you. Please contact us if you have any questions or require additional information.

Very truly yours,



Sara J. White, P.E.  
Project Manager



Sean P. Reardon, P.E.  
Vice President

Date Approved by Medway PEDB \_\_\_\_\_

Certified by:

\_\_\_\_\_  
Susan E. Affleck-Childs  
Medway PEDB Coordinator

\_\_\_\_\_  
Date





**May 25, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Elect Officers and Appoint Committee  
Representatives & Liaisons**

- Memo from Susy Affleck-Childs dated May 20,  
Collection listing officers and boards/committees

Susan E. Affleck-Childs  
Planning and Economic  
Development Coordinator



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: sachilds@  
townofmedway.org  
www.townofmedway.org

**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**  
**PLANNING AND ECONOMIC**  
**DEVELOPMENT OFFICE**

May 20, 2021

TO: Planning & Economic Development Board Members  
FROM: Susy Affleck-Childs  
RE: Board Reorganization - Board/Committee Officers, Representatives and Liaisons

It is that time of year for the PEDB to select PEDB officers and members to serve on or function as liaisons to other Town boards and committees for Fiscal Year 22 (July 1, 2021 – June 30, 2022). Please review the lists below and be prepared to discuss your interests at the May 25, 2021 meeting.

***PEDB Officers***

Chair  
Vice-Chair  
Clerk

***PEDB Representatives and Liaisons***

**Presently Assigned**

**FY 22**

***The PEDB has official representation on the following committees.***

*This involves regular attendance at meetings.*

Community Preservation Committee	Matt Hayes	_____
Design Review Committee	Tom Gay	_____
	(Rich Di Iulio alt.)	_____
Economic Development Committee	Rich Di Iulio	_____
Open Space & Recreation Plan Update Task Force	Matt Hayes	_____
Sign Bylaw Review Task Force	Tom Gay	_____
Town Bylaw Review Committee	Tom Gay	_____
Master Plan Committee	Jess Chabot	_____

***Board/Committee Liaisons – Regular meeting attendance not required***

Affordable Housing Committee & Trust	Andy Rodenhiser	_____
Agricultural Commission	Bob Tucker	_____
Board of Assessors	Andy Rodenhiser	_____
Board of Health	Andy Rodenhiser	_____
Board of Water/Sewer Commissioners	Andy Rodenhiser	_____
Capital Improvements Planning Committee	Matt Hayes	_____
Conservation Commission	Bob Tucker	_____
Energy & Sustainability Committee	Bob Tucker	_____
Finance Committee	Bob Tucker	_____
Historical Commission	Matt Hayes	_____
Open Space Committee	Rich Di Iulio	_____
Redevelopment Authority	Andy Rodenhiser	_____
SWAP	Rich Di Iulio	_____
Town Manager/Board of Selectmen	Andy Rodenhiser	_____
Zoning Board of Appeals	Jess Chabot	_____

***Other Groups***

Medway Business Council	Andy Rodenhiser	_____
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