

**Tuesday April 7, 2020**  
**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</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>Absent with Notice</b>

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, no in-person attendance of members of the public will be permitted at this meeting. Members of the public who wish to watch the meeting may do so, on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable’s Facebook page @medwaycable.

**ALSO PRESENT IN ZOOM MEETING:**

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Steve Bouley, Tetra Tech Consultant
- Amy Sutherland Recording Secretary
- Barbara Saint Andre, Director of Community and Economic Development

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

**Permitting Legislation:**

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

- Communication dated April 3, 2020 from KP Law.
- Full text of H4598 (Chapter 53 of the Acts of 2020)
- Emails dated April 6, 2020 between Barbara Saint Andre and KP Law Attorney Carolyn Murray about the new legislation.

Barbara Saint Andre was present. She explained some of the components of recent legislation passed by the Legislature on April 2 and signed by the Governor on April 3. There are a number of PEDB public hearings that were opened prior to March 10, 2020 when the Governor enacted the State of Emergency due to COVID-19. Planning boards are allowed to continue the hearings for such applications under Section 17(d). However, the Board was also made aware that the language in Section 17 of the Special legislation, Chapter 53 of the Acts of 2020 is inconsistent. Under the legislation, all matters can be continued until the State of Emergency concludes which now expires May 4, 2020. This date could change. She reported it is the recommendation of Town Counsel to take the conservative approach and follow the literal letter of the law and not hold hearings previously opened until the State of Emergency is rescinded.

The Board is in agreement about moving forward with the items which have decisions ready to be rendered. The other applications will be put on hold until after the State of Emergency.

**EVERGREEN VILLAGE MULTI-FAMILY SPECIAL PERMIT, MAJOR SITE PLAN AND SCENIC ROAD WORK PERMIT CONTINUED PUBLIC HEARING:**

The Chairman opened the continued hearing for Evergreen Village. Applicant Maria Varrichione and project engineer Ron Tiberi were in attendance via ZOOM.

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

- Series of emails re: payment in lieu of sidewalk construction
- Updated sidewalk construction estimate dated 3-25-20 from Tetra Tech
- April 4, 2020 email from Maria Varrichione regarding the affordable housing unit.
- Revised landscape plan sheets L-1 through L-2 provided by McCarthy Engineering of Leominster.
- Revised draft decision dated April 6, 2020.

All parties were in receipt of the draft decision.

The Board members discussed the emails regarding the sidewalk. Tetra Tech provided a revised estimate in the amount of \$7,874.00 for a sidewalk length of 135 ft. The change in the amount reflects a different type of curbing for the sidewalk work that would be undertaken with these funds, that being a stretch on the south side of Milford Street/Route 109 that will be installed this summer. This was suggested by DPW Director Dave D'Amico. This estimate was dated March 25, 2020. The applicant communicated that she is amendable to making this contribution into the sidewalk fund which is indicated in the email from Ms. Varrichione dated March 25, 2020.

Mr. Tiberi explained the revisions which were made to the landscaping plan as requested at the last meeting. The fence line was pulled back. It tapers back 3 ft.

The Board reviewed the decision. Member Di Iulio would like the decision include language to specify which unit will be the affordable housing unit within the development.

Abutters Mr. & Mrs. Long, 19 B Evergreen Street were present as part of the Zoom meeting. They voiced their concern over the overall project with traffic concerns. It is their hope that the Board will hold off on this vote until the pandemic is over and more members of the public can voice their concerns.

**The Board began its review of the revised draft decision.**

The following were noted in the decision:

Page 4: Notation #9 about payment in lieu if sidewalk construction in the amount of \$7,874.

Page 4: Notation #11 Updated landscape design plans, sheets L1-L3 dated April 2, 2020.

**Findings:**



**On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted by Roll Call to approve the findings and revisions as noted in yellow highlight.**

**Roll Call Vote:**

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>nay</b>
<b>Matt Hayes</b>	<b>aye</b>

**Waivers:**

**On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by Roll Call to approve the waivers as written.**

**Roll Call Vote:**

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>nay</b>
<b>Matt Hayes</b>	<b>aye</b>

**Discussion of Conditions:**

The applicant communicated that she is fine with the affordable housing requirement but for marketing purposes she does not want to specify the exact location of the unit. She did speak with the LIP Coordinator at the Mass Department of Housing and Community Development. From their perspective there is no preference whether the affordable unit have 2 or 3 bedrooms. The representative responded that if it was a larger project then the location would need to be specified. The applicant is aware that the LIP program is a long process. She is fine with the recommendation to include language that the affordable will be located in the first triplex building.

Page 19: There was a condition added about a community mailbox which will need a shelter around it and DRC approval.

There is language in the Order of Conditions from the Conservation Commission in regard to the snow storage location.

**Decisions and Conditions:**

**On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted by Roll Call to approve the decision and conditions as written and revised.**

**Roll Call Vote:**

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>nay</b>
<b>Matt Hayes</b>	<b>aye</b>

The Board discussed authorizing one member to sign the decision on behalf of the Board.

**Signing of Decision:**

**On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted by Roll Call to authorize Tom Gay to sign the decision.**

**Roll Call Vote:**

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>

**Close Hearing:**

**On a motion made by Tom Gay and seconded by Matt Hayes, the Board voted by Roll Call to close the hearing.**

**Roll Call Vote:**

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>

**CHOATE TRAIL WAY SUBDIVISION AND SCENIC ROAD WORK PERMIT:**

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

- Letter dated 3-9-20 from Connorstone Engineering with revised subdivision plan.
- Revised subdivision plan dated 3-9-20.
- Tetra Tech Review letter dated 3-26-20
- PGC Associates review letter dated 3-30-20.
- Annotated Existing Conditions Plan showing trees larger than 12” to be removed.
- Revised draft decision dated April 3, 2020.
- Email from abutter Amy Jordan dated April 7, 2020.

The Chairman opened the continued hearing for the Choate Trail Way Subdivision and Scenic Road Work Permit.

The Board was made aware the applicant was not present in the Zoom meeting.

Abutter Amy Jordan, 40 Highland Street was present. Also Joanna Madge of 38 Highland Street was present.

The draft decision was presented to the Board. The Board is not comfortable discussing the decision without the applicant present. It was suggested that the hearing be continued to a date after the State of Emergency. The recommended date was May 12, 2020 at 7:00 pm.

**Continuation:**

**On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted by Roll Call to continue the hearing for Choate Trail Way Subdivision and Scenic Road Work Permit to May 12, 2020 at 7:00 pm.**

**Roll Call Vote:**

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>

**MINUTES:**

**March 24, 2020:**

**On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted by Roll Call to approve the minutes from the March 24, 2020 meeting.**

**Roll Call Vote:**

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>

**OTHER BUSINESS:**

**Forest Road Street Acceptance:**

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

- Email from Assistant Town Administrator Allison Potter requesting that the PEDB review and provide a report to the BOS re: the “lay out” of Forest Road.
- Land Court Subdivision Plan (1989-1991)
- Map of Forest Road Subdivision
- Letter dated 2015 from Susy Affleck-Childs to Attorney Paul Kolovos for developer Paul Rivard.
- February 2020 emails with Dave D’Amico about Forest Road.

Barbara Saint Andre was present at the Zoom meeting. She explained that the Board of Selectmen discussed laying out Forest Road as a public way at its meeting last night. The Board of Selectmen have scheduled a public hearing for April 21, 2020. The Board of Selectmen need a recommendation from the Planning and Economic Development Board.

Susy Affleck-Childs reported that there is a bond of \$6,425.00. Mr. Rivard is in Florida. He has no intention of finishing the punch list prepared by Tetra Tech in 2015. The neighbors are pushing to have this street accepted. Does the Board want to retain the bond funds and place them in the subdivision bond default account? The Town meeting is scheduled for May 11, 2020 when the street acceptance vote can occur. This date could change depending on what happens with COVID-19.

The Board would like to continue with this and get this street off the unaccepted street list. Member Gay indicated he had driven the street and it is in better shape than he would have expected considering its age.

**On a motion made by Tom Gay, and seconded by Bob Tucker, the Board voted by Roll Call Vote to recommend the Board of Selectmen layout Forest Road as a public way in its entirety.**

**Roll Call Vote:**

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>

Further discussion on bond seizure will be on the agenda for next PEDB meeting on Tuesday, April 14, 2020.

**William Wallace Plan Endorsement:**

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

- Revised Site Plan dated March 24, 2020, presented for endorsement
- Special Permit Decision dated January 28, 2020.
- Performance Security Covenant signed April 3, 2020.
- Collections of emails with Lee Smith of KP Law re: WWV legal documents
- Verification dated April 6, 2020 from Treasurer/Collector that taxes are current for 274 Village Street.

The Board is informed that there is an email note from Steve Bouley dated April 6, 2020 verifying that the revised site plan complies with the decision's conditions for plan revisions. The DRC comments have also been addressed and reflected in the revised site plan.

It is recommended to vote to endorse the plan for William Wallace.

**On a motion made by Rich Di Iulio, seconded by Tom Gay, the Board voted by Roll Call Vote to endorse the plan dated 3-24-20 for William Wallace and have Member Gay sign the plan on behalf of the Board.**

**Roll Call Vote:**

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>

**OTHER ITEMS:**

**Williamsburg Way:**

There has been a request from Mr. Yorkis for an inspection and punch list for Williamsburg Way. Steve Bouley is scheduled to go out to site on April 10, 2020 and do a site inspection and will create a punch list. This list will be shared with Mr. Yorkis by Facetime. Consultant Bouley will take photos and videos to review the list. That report can be reviewed at the next meeting on April 14<sup>th</sup>.

### **FUTURE PUBLIC HEARINGS:**

Susy Affleck-Childs reported that there are 2 hearings scheduled for the April 14<sup>th</sup> meeting. Pursuant to the recent legislation, the Board may continue those hearings. She had communicated with Medway Mill owner John Green and he would like the hearing to get started. Susy also communicated with Gareth Orsmond, attorney for Medway Place Shopping Plaza. As the stormwater analysis work is still underway, he was amenable to continuing the hearing.

**MEDWAY MILL SITE PLAN (156 MAIN STREET)** - Pursuant to the recent legislation, the Board decided to continue the hearing for the Medway Mill Site Plan to May 12, 2020 at 7:30 pm.

#### **Continuation:**

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted by Roll Call to continue the hearing for Medway Mill Site Plan (156 Main Street) to May 12, 2020 at 7:30 pm.**

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

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>

### **MEDWAY PLACE SHOPPING PLAZA SITE PLAN:**

#### **Continuation:**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board is voted by roll call vote to continue the hearing for Medway Place Shopping Plaza Site Plan for May 12, 2020 at 8:30 pm.**

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

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>

### **FUTURE MEETING:**

- Tuesday, April 14, 2020

**ADJOURN:**

**On a motion made by Tom Gay and seconded by Rich Di Iulio, the Board voted by Roll Call vote to adjourn the meeting.**

**Roll Call Vote:**

<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>

The meeting was adjourned at 9:04 pm.

Prepared by,  
Amy Sutherland  
Recording Secretary

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



**April 7, 2020**

**Medway Planning & Economic Development Board  
Special Meeting**

**Permitting Legislation**

- Communication dated April 3, 2020 from KP Law summarizing the recently approved legislation pertaining to permitting during the COVID-19 emergency
- Full text of H4598 (Chapter 43 of the Acts of 2020) as passed by the Legislature on April 2<sup>nd</sup> and signed by the Governor on April 3<sup>rd</sup>.
- Emails dated April 6, 2020 between Barbara Saint Andre and KP Law Attorney Carolyn Murray about the new legislation and some difficulty with its implementation for projects already in the public hearing process. This is important because it could affect the Board's next steps for the Choate Trail Subdivision and Evergreen Village projects.



**April 7, 2020**

**Medway Planning & Economic Development Board  
Special Meeting**

**Permitting Legislation**

- Communication dated April 3, 2020 from KP Law summarizing the recently approved legislation pertaining to permitting during the COVID-19 emergency
- Full text of H4598 (Chapter 43 of the Acts of 2020) as passed by the Legislature on April 2<sup>nd</sup> and signed by the Governor on April 3<sup>rd</sup>.



## Land Use Permitting Deadline Extensions: Municipal Relief Legislation (Chapter 53 of the Acts of 2020) April 3, 2020

Cities and towns have faced numerous challenges resulting from the novel coronavirus COVID-19 outbreak. City and town halls are closed to the public, there is limited staffing of public offices, and there are social distancing advisories, all resulting in significant concerns as to how Land Use Boards and Commissions can proceed during this unprecedented time. As detailed in our March 21, 2020 eUpdate, “Responses To Frequently Asked Questions Arising In the Land Use Context, In Light of the COVID-19 Virus Outbreak”, there are important deadlines that must be adhered to in a land use permitting context.

On April 2, 2020, both houses of the General Court approved, and on April 3, 2020 Governor Baker signed, a new law giving some reprieve to Land Use boards regarding applications, hearings and permits. Chapter 53 of the Acts of 2020, “An Act to Address Challenged Faced by Municipalities and State Authorities Resulting from COVID-19” (Act). We have summarized the highlights of the new law below. In general, Section 17 of the Act temporarily extends certain statutory deadlines for action by “Permit Granting Authorities” due to the current State of Emergency. It applies to the conduct of public meetings, public hearings, or other actions taken by local boards and commissions serving in a quasi-judicial (i.e., adjudicatory) capacity. In light of these deadline extensions, we have updated our March 21, 2020 eUpdate, referenced above, and this updated guidance can be found on our website, at <http://www.k-plaw.com/covid-19-resources/>.

### Definitions and Applicability:

- “Permit” is defined as “a permit, variance, special permit, license, amendment, extension or other approval issued by a permit granting authority pursuant to a statute, ordinance, bylaw, rule or regulation, whether ministerial or discretionary”
- “Permit Granting Authority” is defined as “a local, district, county or regional official, or a local, district, county or regional multi-member body, that is authorized to issue a permit.”

**Filing of an Application for a Permit:** Notwithstanding any contrary provision of state or local law, the Act allows for the **electronic filing of applications** for a permit either through an electronic website or as attachments to an electronic mail sent to **the city or town clerk**. These electronic applications are deemed duly filed as of the date

**THE LEADER IN PUBLIC SECTOR LAW**

of the filing if certified as received by the city or town clerk. Certification of receipt may be via e-mail or other electronic means to the applicant, and must be provided electronically if the permit application is submitted electronically and the applicant requests an electronic receipt. Note that a permit granting authority may still contest the completeness of an application at the time of filing if the application is ultimately denied by the permit granting authority or the permit is ultimately appealed by the applicant.

**Opening a Hearing:** Any requirement of a statute, ordinance, bylaw, rule, or regulation that a hearing commence within a specific period of time after the filing of an application or request for permit approval shall be suspended as of March 10, 2020, and the suspension of that time will continue through to 45 days after the termination of the State of Emergency, or as of a date otherwise prescribed by law, whichever is later.

**Tolling of Existing Permits:** A permit in effect or existence as of March 10, 2020, is tolled and shall not lapse or otherwise expire during the State of Emergency. Additionally, any time period for meeting a deadline within a permit or for performance of a condition of the permit, shall toll during the State of Emergency.

**Constructive Approval:** No permits shall be constructively approved due to the failure of the permit granting authority to act within the time required by a statute, ordinance, bylaw, rule or regulation during the State of Emergency, so long as the permit granting authority acts on the permit application within 45 days after the termination of the State of Emergency or by a date otherwise prescribed by law, whichever is later.

**Scheduling/Rescheduling Hearings:** The Chair of a permit granting authority may schedule or reschedule on one or more occasions, a hearing or decision deadline on a permit application, whether or not a quorum of the body is present, to a date not more than 45 days after the termination of the State of Emergency or after a date otherwise prescribed by law, whichever is later. Notice of any rescheduled date shall be provided to the applicant at the applicant's address, and to the general public by posting electronically on the website of the city or town clerk.

**Recording at the Registry of Deeds:** If a permit is required to be recorded with the registry of deeds or filed with registry district of the land court within a certain period of time after its issuance, either to remain in force and effect or as a condition to exercising the permit, the period of time for recording the permit shall be suspended during such time as the relevant registry of deeds or registry district of the land court is closed or restricting public in-person access. Additionally, the failure to record the permit shall not preclude the permit holder from applying for, obtaining and commencing construction activities pursuant to other required permits and approvals such as a building permit.

**Pending Applications:** A hearing on a pending permit application which has been opened by a permit granting authority before March 10, 2020, shall be automatically tolled and continued to the first hearing date of the permit granting authority following the termination of the State of Emergency (provided said meeting must be within 45 days of the termination of the State of Emergency) or to a date otherwise prescribed by law, whichever is later.

**Revocation, Modification or Extension of a Permit:** Where applicable law or regulation allows a permit granting authority to revoke or modify a permit, a permit granting authority may proceed with a permit revocation or

modification, subject to applicable notice and hearing requirements. However, during the State of Emergency, and for 60 days after the State of Emergency is terminated, no permit shall be revoked or modified where the permit holder fails to exercise or otherwise commence work because of the State of Emergency, or started work on or before March 10, 2020 but stopped as a result of the State of Emergency.

Additionally, at the discretion of the permit granting authority and for good cause shown, the permit granting authority, or its Chair (with or without a quorum), may provide a permit holder with a reasonable, further extension of time to exercise or otherwise commence work pursuant to the permit.

**Remote or Virtual Meetings:** The Act codifies the Governor's March 10, 2020 Order titled "[Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20](#)", allowing permit granting authorities to conduct meetings and public hearings remotely, during the State of Emergency, in accordance with the Governor's Order as it may be amended. We previously provided guidance on the specific requirements to comply with such Open Meeting Law requirements during this time of an emergency for meetings and hearings, which is available online [here](#).

**Decisions:** A permit granting authority may issue decisions on permit applications for which duly held public hearings or meetings have been held and may not prohibit any permit granting official from issuing permits, including but not limited to, demolition or building permits.

**Summary:** While the Act provides some welcome relief to land use permitting boards, committees and commissions in these uncertain times, we expect that individual boards or permitting officials may still have questions about the scope and extent of the Act's application to particular permitting matters. We are always available to assist our communities in navigating these complex issues for new or pending applications or projects in your community.

We will continue to keep you updated on additional developments in the face of this rapidly evolving pandemic. A reminder that we have established a **Coronavirus "hotline"**, at [coronavirusinfo@k-plaw.com](mailto:coronavirusinfo@k-plaw.com). A dedicated team of our attorneys is available through this "hotline" e-mail address to answer the most frequently-asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries. In some instances, you may be referred to your primary or land use contact, and you should of course feel free to contact these attorney(s) directly with COVID-19 related questions.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

Chapter 53,  
of the Acts of 2020

T H E   C O M M O N W E A L T H   O F   M A S S A C H U S E T T S

*In the One Hundred and Ninety-First General Court*

AN ACT TO ADDRESS CHALLENGES FACED BY MUNICIPALITIES AND STATE  
AUTHORITIES RESULTING FROM COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to make certain changes in law in response to a public health emergency, each of which is immediately necessary to carry out to accomplish important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 9 of chapter 39 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 13 to 14, the word "thirtieth" and inserting in place thereof the following words:- 30 except in the event of an emergency that poses an immediate threat to the health or safety of persons or property that prevents the completion of the business of the delayed town meeting on or before June 30 if the governor has declared a state of emergency with respect to such emergency.

SECTION 2. Subsection (a) of section 10A of said chapter 39, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- Notwithstanding any general or special law, charter provision or by-law to the contrary, during and for a period of 5 days after the termination of any weather-related, public safety or public health emergency, the town moderator or person designated to perform the duties of town moderator may, in consultation with local public safety or public health officials and the board of selectmen, recess and continue a town meeting previously called pursuant to a warrant issued pursuant to section 10 to a time, date and place certain; provided, however, that any such recess and continuance period shall not exceed 30 days. The moderator or person designated to perform the duties of town moderator may renew the declaration of recess and continuance period for up to 30 days at a time but not more than 30 days following the date of rescission of a state of emergency declared by the governor. If a town does not have a moderator, the board of selectmen may recess and continue town meeting in accordance with this paragraph.

SECTION 3. Said section 10A of said chapter 39, as so appearing, is hereby further amended by striking out subsection (c).



SECTION 4. Said section 10A of said chapter 39, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) Within 10 days after the initial declaration of recess and continuance of a town meeting pursuant to this section, a local public safety or public health official designated by the board of selectmen shall submit a report to the attorney general providing the justification for the declaration.

SECTION 5. The first paragraph of section 31 of chapter 44 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following 2 sentences:- If the declared emergency prevents the adoption of an annual budget by a town or district by the June 30 preceding the start of the fiscal year, the board of selectmen, town council or district commissioners shall notify the director and the director may approve expenditures, from any appropriate fund or account, of an amount sufficient for the operations of the town or district during the month of July not less than 1/12 of the total budget approved by the town or district in the most recent fiscal year pursuant to a plan approved by the board of selectmen, town council or district commissioners and such authority shall continue for each successive month while the emergency continues to prevent the adoption of a budget. The director may promulgate and revise rules or regulations regarding the approval of emergency expenditures described in this section and accounting with regard to such expenditures.

SECTION 6. Notwithstanding any general or special law to the contrary, if the adoption of an annual budget in a city, town or district is delayed beyond June 30, 2020, as a result of the governor's March 10, 2020 declaration of a state of emergency or the outbreak of the 2019 novel coronavirus, also known as COVID-19, the director of accounts of the department of revenue may authorize the appropriation from the available balance of the city's, town's or district's undesignated fund balance or "free cash" certified by the director under section 23 of chapter 59 of the General Laws as of July 1, 2019, as a funding source for the city's, town's or district's fiscal year 2021 expenditures, including, but not limited to, any such undesignated fund balance in an enterprise fund or special revenue account. The director of accounts may promulgate and revise rules or regulations regarding the implementation of this section.

SECTION 7. Notwithstanding section 31 of chapter 44 of the General Laws, section 23 of chapter 59 of the General Laws or any other general or special law to the contrary, a city, town or district may amortize over fiscal years 2021 to 2023, inclusive, in equal installments or more rapidly, the amount of its fiscal year 2020 deficit resulting from the outbreak of the 2019 novel coronavirus, also known as COVID-19, as described in the governor's March 10, 2020 declaration of a state of emergency, including, but not limited to, any

such deficit in an enterprise fund or special revenue account. The local appropriating authority as defined in section 21C of said chapter 59 and, in the case of a district, the prudential committee or commissioners, or as otherwise defined in the General Laws, shall adopt a deficit amortization schedule in accordance with the preceding sentence before setting the city's, town's or district's fiscal year 2021 tax rate. The commissioner of revenue may issue guidelines or instructions for reporting the amortization of deficits authorized by this section.

SECTION 8. Notwithstanding any general or special law to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the governor's March 10, 2020 declaration of a state of emergency, for fiscal year 2021, a city or town may expend from each revolving fund, established under section 53E1/2 of chapter 44 of the General Laws an amount not to exceed the amount authorized to be expended in fiscal year 2020 until the city or town adopts an annual budget for fiscal year 2021 at which time, the legislative body of the city or town shall also vote on the total amount that may be expended from each revolving fund in fiscal year 2021.

SECTION 9. Notwithstanding section 8 of chapter 61 of the General Laws, section 14 of chapter 61A of the General Laws, section 9 of chapter 61B of the General Laws or any other general or special law, charter provision, ordinance or by-law to the contrary, during and for a period of 90 days after the termination of the governor's March 10, 2020 declaration of a state of emergency, all time periods within which any municipality is required to act, respond, effectuate or exercise an option to purchase shall be suspended.

SECTION 10. (a) Notwithstanding any general or special law to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the governor's March 10, 2020 declaration of a state of emergency, for fiscal year 2020, the chief executive officer of a city or town, as defined in clause Fifth B of section 7 of chapter 4 of the General Laws, or a district may extend:

(i) for the purposes of the first paragraph of section 57 of chapter 59 of the General Laws, the date May 1 to a date not later than June 1, 2020;

(ii) for the purposes of the seventh and eighth paragraphs and the tenth and eleventh paragraphs of section 57C of said chapter 59, the date May 1 to a date not later than June 1, 2020;

(iii) for the purposes of the seventh paragraph of said section 57C of said chapter 59, the date April 1 to a date not later than June 1, 2020; and

(iv) for the purposes of the third paragraph of said section 59 of said chapter 59, the date April 1 to a date not later than June 1, 2020.

(b) Notwithstanding said sections 57, 57C and 59 of said chapter 59 or any other general or special law to the contrary, if municipal offices are closed as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, or the governor's March 10, 2020 declaration of a state of



emergency on the date that a tax payment, abatement or exemption application is due, the due dates shall not be extended except pursuant to this section.

SECTION 11. Notwithstanding section 57, 57A and 57C of chapter 59 of the General Laws, section 2 of chapter 60A of the General Laws or any other general or special law to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, or the governor's March 10, 2020 declaration of a state of emergency, the chief executive officer of a city or town, as defined in clause Fifth B of section 7 of chapter 4 of the General Laws, or the prudential committee or commissioners of a district may waive the payment of interest and other penalty in the event of late payment of any excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or other charge added to a tax for any payments with a due date on or after March 10, 2020 and made after its respective due date but before June 30, 2020. Notwithstanding the forgoing, a city or town shall not terminate an essential service of a resident, including, but not limited to, water, trash collection or electricity, for nonpayment of taxes or fees with a due date on or after March 10, 2020, made after its respective due date but before June 30, 2020, if the nonpayment resulted from a demonstrated inability to pay due to circumstances related to the outbreak of COVID-19 or the governor's March 10, 2020 declaration of a state of emergency; provided that the inability to pay shall include a demonstrated financial hardship of a resident, which may include, but not be limited to, loss of employment, serious illness of someone within the home or death of someone within the home.

SECTION 12. Notwithstanding chapter 62C of the General Laws, all returns and payments for the 2019 calendar year otherwise due on April 15, 2020, under section 6 of said chapter 62C, shall be due on July 15, 2020.

SECTION 13. Notwithstanding any general or special law to the contrary, during the governor's March 10, 2020 declaration of a state of emergency, an establishment licensed to sell alcoholic beverages or only wines and malt beverages on-premises may sell wine or malt beverages only for off-premises consumption subject to the following conditions: (i) the wine or malt beverage shall not be sold to a person under 21 years of age; provided, however, that any delivery of wine or malt beverages for off-premises consumption shall not be made without verification that the person receiving the order has attained 21 years of age; (ii) the wine shall be sold in its original, sealed container and the malt beverage shall be sold in a sealed container; (iii) the wine or malt beverage shall be sold as part of the same transaction as the purchase of food; provided, however, that any order that includes wine or malt beverages shall be placed not later than the hour of which the establishment is licensed to sell alcohol or 12:00 midnight, whichever time is earlier; and (iv) a customer shall be limited to 192 ounces of malt beverage and 1.5 liters of wine per transaction.

SECTION 14. (a) Notwithstanding any general or special law to the contrary, subsections (b) and (c) of section 91 of chapter 32 of the General Laws shall not apply in calendar year 2020 to the following 2 categories of persons for hours worked and earnings received during the governor's March 10, 2020 state of emergency:

(i) any person who has been retired and who is receiving a pension or retirement allowance, pursuant to said chapter 32 or any other general or special law, from the commonwealth or a county, city, town, district or authority; or

(ii) any person whose employment in the service of the commonwealth or a county, city, town, district or authority has been terminated, pursuant to said chapter 32 or any other general or special law, by reason of having attained an age specified in said general or special law or by the rules and regulations of any department or agency of the commonwealth or a county, city, town, district or authority without being entitled to any pension or retirement allowance.

These 2 categories of persons may, during the state of emergency and subject to all other laws, rules and regulations governing the employment of persons in the commonwealth or a county, city, town, district or authority, be employed in the service of the commonwealth or a county, city, town, district or authority, including as a consultant or independent contractor or as a person whose regular duties require that such person's time be devoted to the service of the commonwealth, county, city, town, district or authority during regular business hours.

(b) This section shall not apply to individuals retired under a general or special law on disability.

SECTION 15. Notwithstanding section 7.08 of chapter 156D of the General Laws or any other general or special law to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19 and the declaration of a state of emergency issued on March 10, 2020, for the duration of said state of emergency and 60 days thereafter, a public corporation, as referenced in said section 7.08 of said chapter 156D and otherwise consistent with the other provisions of said section, may conduct an annual or special meeting of the shareholders solely by means of remote communication.

SECTION 16. Notwithstanding any general or special law or any bylaw of the corporation to the contrary, for the duration of the governor's March 10, 2020 state of emergency and 60 days thereafter and unless the articles of organization provide otherwise, the board of directors of a corporation defined in section 2 of chapter 180 of the General Laws may: (i) provide notice of a meeting of the board of directors: (A) only to those directors it is practicable to reach; and (B) in any practicable manner; (ii) cancel a meeting of the members, as defined in section 2 of said chapter 180, with notice of cancellation given in any practicable manner; (iii) allow a director



or officer to continue to serve during the governor's March 10, 2020 state of emergency and until the director's or officer's successor is elected, appointed or designated; provided that directors and officers whose term is extended pursuant to this section shall continue to serve until the director's or officer's successor takes office, despite the expiration of a director's or officer's term; (iv) allow a director to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating are able to simultaneously communicate with each other during the meeting; (v) allow members at a meeting of the members to vote in person or by proxy; provided that any member voting by proxy shall be considered present at the meeting for purposes of any quorum requirement; (vi) appoint successors to any of the officers, directors, employees or agents; (vii) relocate the principal office or designate alternative offices; and (viii) allow members to participate in any meeting of members by remote participation, even if not physically present at the meeting. Participation by remote communication at any meeting of the members shall constitute presence at such meeting only if: (i) reasonable measures are implemented to verify that each person deemed present and permitted to vote at the meeting by means of remote communication is a member or proxyholder; (ii) reasonable measures are implemented to provide such members and proxyholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read or hear to the proceedings of the meeting substantially concurrently with such proceedings, pose questions and make comments, regardless of whether the members can simultaneously communicate with each other during the meeting; and (iii) if any member or proxyholder votes or takes other action at the meeting by means of remote communication, a record of such vote or other action shall be maintained by the corporation.

Directors who participate in a meeting of the board of directors pursuant to this section shall constitute a quorum. In a corporation with members, the corporation shall notify the members, as soon as reasonably practicable, of any action taken by the board of directors pursuant to this section.

SECTION 17. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Permit", a permit, variance, special permit, license, amendment, extension, or other approval issued by a permit granting authority pursuant to a statute, ordinance, bylaw, rule or regulation, whether ministerial or discretionary.

"Permit granting authority", a local, district, county or regional official or a local, district, county or regional multi-member body that is authorized to issue a permit.

(b) Notwithstanding any general or special law, rule, regulation, charter, ordinance or by-law to the contrary, during the governor's March 10, 2020 declaration of a state of emergency:

(i) an application for a permit shall be deemed duly filed and accepted as of the date of the filing by the applicant if filed with and certified as received by the city or town clerk if a municipality, or with the secretary or other official established by law to receive such applications if a county or regional entity. Notwithstanding the foregoing, a permit granting authority may contest the completeness of an application at the time of filing if the application is ultimately denied by the permitting board on other grounds or if the permit is ultimately appealed by the applicant. An application for a permit may be filed electronically, through an electronic submission website established by the permit granting authority or through attachment of the requisite forms and supplemental materials to electronic mail sent to the clerk, secretary or official. Certification of receipt for purposes of this paragraph may be provided electronically to the applicant and shall be provided electronically if the permit application is submitted electronically and electronic certification of receipt is requested by the applicant;

(ii) a requirement of a statute, ordinance, bylaw, rule or regulation that a hearing commence within a specific period of time after the filing of an application or request for approval of a permit shall be suspended as of March 10, 2020; provided, however, that the applicable period shall resume 45 days after the termination of the state of emergency, or by a date otherwise prescribed by law, whichever is later;

(iii) a permit in effect or existence as of March 10, 2020, including any deadlines or conditions of the permit, shall not lapse or otherwise expire and the expiration date of the permit, or time period for meeting a deadline or for performance of a condition of the permit, shall toll during the state of emergency;

(iv) no permit shall be considered granted, approved or denied, constructively or otherwise, due to a failure of the permit granting authority to act within the time required by a statute, ordinance, bylaw, rule or regulation; provided, however, that the permit granting authority acts within 45 days of the termination of the state of emergency or by a date otherwise prescribed by law, whichever is later; provided further, that the applicant and permit granting authority may agree to alternative timing in writing;

(v) notwithstanding the time periods by which a permit is to be heard or acted upon, a permit granting authority may, by a declaration of its chair, schedule or reschedule on 1 or more occasions the hearing or decision deadlines on a permit application; provided, however, that the chair may make such declaration whether or not a quorum is present to vote on such matter; provided further, that no such date or deadline is rescheduled for more than 45 days after the termination of the state of emergency or after a date



otherwise prescribed by law, whichever is later. The chair shall provide written notice of any applicable rescheduled dates or deadlines to the applicant at the applicant's address and to the general public by posting electronically on the website of the city or town clerk or the website of the county or regional entity;

(vi) if a permit is required to be recorded with the registry of deeds or filed with registry district of the land court, as applicable, for the county or district in which the property subject to the permit is located, within a certain period of time after its issuance in order to remain in force and effect or as a condition to exercising the permit: (A) the period of time for recording the permit shall be suspended during such time that the relevant registry of deeds or registry district of the land court is closed or subject to rules and procedures restricting public in-person access; and (B) the failure to record the permit shall not preclude the permit holder from applying for, obtaining and commencing construction activities pursuant to other required permits and approvals, including, but not limited to, a building permit; provided, however, that such a building permit may be issued and, if issued, shall be considered duly issued pursuant to section 6 of chapter 40A of the General Laws; and

(vii) a hearing on a pending application for a permit opened by a permit granting authority before March 10, 2020, which has not been concluded as of March 10, 2020 or has been continued by the permit granting authority as of March 10, 2020, shall be automatically tolled and continued to the first hearing date of the permit granting authority following the termination of the state of emergency or to a date otherwise prescribed by law, whichever is later; provided, however, that the date is not later than 45 days from of the termination of the state of emergency or the date otherwise prescribed by law, whichever is later.

(c) Nothing in this section shall affect the ability of a permit granting authority, subject to applicable notice and hearing requirements, to revoke or modify a permit if that permit or the law or regulation under which the permit was issued authorizes the modification or revocation thereof; provided, however, that the permit granting authority shall not revoke or modify the permit where the permit holder fails as a result of the state of emergency to exercise or otherwise commence work pursuant to the permit or where such work commenced on or before March 10, 2020 but has stopped as a result of the state of emergency or actions taken by an agency or political subdivision of the commonwealth in reliance thereon. The limitations set forth in this subsection shall apply as long as the state of emergency is in effect and for a period of 60 days following the termination of the state of emergency; provided, however, that a permit holder shall be entitled to a further extension of reasonable length to exercise or otherwise commence work pursuant to the permit at the discretion of the permit granting authority for

good cause shown; provided further, that the chair of any permit granting authority may grant such further extension whether or not a quorum is present to vote on the matter.

(d) Notwithstanding section 20 of chapter 30A of the General Laws, a permit granting authority, during the state of emergency, may conduct meetings and public hearings remotely, consistent with the governor's March 12, 2020 order entitled, "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20", as the order may be amended, supplemented or replaced.

(e) Nothing in this section shall preclude or prohibit a permit granting authority from issuing decisions on permit applications for which duly held public hearings or meetings have been held or preclude or prohibit any building commissioner, inspector of buildings or other permit granting official, as applicable, from issuing permits, including, but not limited to, demolition or building permits.

(f) Notwithstanding any general or special law to the contrary and without limiting the foregoing, this section shall apply to the conduct of public meetings, public hearings or other actions taken in a quasi-judicial capacity by all local boards and commissions.

SECTION 18. Nothing in this act shall be construed or implemented in such a way as to modify a requirement of law necessary to retain federal delegation to, or assumption by, the commonwealth of the authority to implement a federal law or program.

SECTION 19. Sections 2 to 4, inclusive, shall take effect as of March 10, 2020.

House of Representatives, April 2, 2020.

Preamble adopted,

*Paul J. Donato*, Speaker.

In Senate, April 2, 2020.

Preamble adopted,

*William T. Timothy*, President.

House of Representatives, April 2, 2020.

Bill passed to be enacted,

*Paul J. Donato*, Speaker.

In Senate, April 2, 2020.

Bill passed to be enacted,

*William T. Timothy*, President.

April 3, 2020.

Approved, at 12 o'clock and 23 minutes, P. M.

*Charles D. Baker*  
Governor.

## Susan Affleck-Childs

---

**From:** Carolyn M. Murray <CMurray@k-plaw.com>  
**Sent:** Tuesday, April 07, 2020 1:53 PM  
**To:** Barbara Saint Andre  
**Cc:** Mark R. Reich; Michael Boynton; Susan Affleck-Childs; Bridget Graziano; Stefany Ohannesian  
**Subject:** RE: CONFIDENTIAL Permit hearings

Hi, Barbara,

This very question has sparked quite a bit of discussion and debate internally. In other words, we share your frustration with the inconsistent language of Section 17 of the special legislation, Chapter 53 of the Acts of 2020.

Reading the special legislation, a board is not precluded from holding a hearing on a new application received after March 10 (subparagraph b.v) , may conduct hearings remotely (subparagraph d) and may schedule or reschedule hearings (subparagraph b.v). Although the language regarding hearings opened prior to March 10 is different than the language for hearings not yet opened, I think there is a disconnect. It is nonsensical to me that hearings on new matters can proceed while hearings on previously opened matters must wait. In my opinion, the legislation was intended to give local land use permitting boards relief from the strict statutory deadlines and the discretion to hold hearings remotely, if technologically feasible, regardless of whether those hearings were new hearings or a continuation of previously opened hearings . However, I do recognize that proceeding with a hearing on a matter that was previously opened presents a risk of legal challenge. The conservative approach would be to follow the literal letter of the law and not hold hearings on matters previously opened until the state of emergency is rescinded.

Let me know if you have any further questions.

Thank you,

Carolyn M. Murray, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 654 1726

F: (617) 654 1735

C: (617) 257 9581

[cmurray@k-plaw.com](mailto:cmurray@k-plaw.com)

[www.k-plaw.com](http://www.k-plaw.com)

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

---

**From:** Barbara Saint Andre <bsaintandre@townofmedway.org>  
**Sent:** Tuesday, April 7, 2020 12:57 PM  
**To:** Carolyn M. Murray <CMurray@k-plaw.com>  
**Cc:** Mark R. Reich <MReich@k-plaw.com>; Michael Boynton <mboynton@townofmedway.org>; Susan Affleck-Childs <sachilds@townofmedway.org>; Bridget Graziano <bgraziano@townofmedway.org>; Stefany Ohannesian <sohannesian@townofmedway.org>  
**Subject:** CONFIDENTIAL Permit hearings

CONFIDENTIAL CLIENT ATTORNEY COMMUNICATION

Hi, Carolyn, I am hoping you have an answer to this question. We have a number of public hearings that were opened prior to March 10, 2020; does the ZBA, PEDB, and Conservation have discretion to continue to meet and have hearings at this time remotely using zoom or something else, in light of this below statute? Are the boards allowed to continue considering such applications under Section 17(d)? Please note that PEDB is meeting tonight and has two continued public hearings that were opened prior to March 10<sup>th</sup>. Thanks.

(vii) a hearing on a pending application for a permit opened by a permit granting authority before March 10, 2020, which has not been concluded as of March 10, 2020 or has been continued by the permit granting authority as of March 10, 2020, shall be automatically tolled and continued to the first hearing date of the permit granting authority following the termination of the state of emergency or to a date otherwise prescribed by law, whichever is later; provided, however, that the date is not later than 45 days from of the termination of the state of emergency or the date otherwise prescribed by law, whichever is later.

Aargh! Stay well

**Barbara J. Saint Andre**  
**Director, Community and Economic Development**  
**Town of Medway**  
**155 Village Street**  
**Medway, MA 02053**  
**(508) 321-4918**



**April 7, 2020**

**Medway Planning & Economic Development Board  
Special Meeting**

**Evergreen Village**

- Series of emails re: payment in lieu of sidewalk construction
- Updated sidewalk construction estimate from Tetra Tech dated 3-25-20
- 4-4-2020 email from Maria Varrichione re: affordable housing unit
- Revised landscape plan Sheets L-1 through L-2 provided by McCarty Engineering of Leominster. Note – The landscape architect who originally worked on the plan from WDA Design Group has left that firm and is now working for McCarty.
- Revised draft decision dated 4-6-2020

## Susan Affleck-Childs

---

**From:** David Damico  
**Sent:** Tuesday, March 24, 2020 8:27 AM  
**To:** dreamhomesmv@gmail.com  
**Cc:** Susan Affleck-Childs  
**Subject:** RE: [Town of Medway MA] sidewalk extension by Cumberland Farms (Sent by Maria Varrichione, dreamhomesmv@gmail.com)

Maria,

Unfortunately, TetraTech's price, the State's price, and my price are all the same price. I use a \$100 per foot currently for the work estimated by TetraTech which is about the number you got. You can certainly bid the work out and probably get a better price as a private party. Public pricing is much higher. If you bid the work, you will need to provide a specification approved by TetraTech for the contractors. We will inspect and insure that the work is performed according to specification.

An alternate approach is to donate funds to the sidewalk fund and we'll apply the money to sidewalk work in Town. You can try to make a case for a reduction to maybe \$10,000 based on your situation, but that is entirely up to you and the P&ED Board.

Dave  
Medway DPW Director  
508-533-3275  
Check us out on-line at [www.townofmedway.org](http://www.townofmedway.org)

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

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

From: cmsmailer@civicplus.com [mailto:cmsmailer@civicplus.com]  
Sent: Monday, March 23, 2020 5:08 PM  
To: David Damico  
Subject: [Town of Medway MA] sidewalk extension by Cumberland Farms (Sent by Maria Varrichione, dreamhomesmv@gmail.com)

Hello ddamico,

Maria Varrichione (dreamhomesmv@gmail.com) has sent you a message via your contact form (<https://www.townofmedway.org/user/81/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/81/edit>.

Message:



Hello Dave, I just received the communication from Sue A-Childs regarding side walk. Do you have an estimate of what the cost of that piece you are referring to would be or could I get it bid on? The Mass DOT pricing is significant for a small section of sidewalk so if I can repair an existing one or add to one somewhere at a later date that would be my preference.

Thank you for your time.

## Susan Affleck-Childs

---

**From:** Maria Varrichione <dreamhomesmv@gmail.com>  
**Sent:** Wednesday, March 25, 2020 12:31 PM  
**To:** Susan Affleck-Childs  
**Subject:** Re: Evergreen - Revised sidewalk estimate

I agree with this contribution to fund. Dave's preference is he handle contractors and work on his time line vs another party in the equation. Hopefully the board is agreeable as well.

On Wed, Mar 25, 2020 at 12:25 PM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

--

**Maria Varrichione**  
[dreamhomesmv@gmail.com](mailto:dreamhomesmv@gmail.com)  
Mobile- 508-561-6048  
**RE/MAX Executive Realty**  
Platinum Club, Hall of Fame  
& Lifetime Achievement Award Recipient

**TETRA TECH**

**Sidewalk Estimate  
Evergreen Village  
Medway, Massachusetts  
March 25, 2020**

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
Mobilization	1	LS	\$500.00	\$500
Excavation	44	CY	\$38.00	\$1,672
Gravel Borrow	20	CY	\$45.00	\$900
Fine Grading & Compacting	75	SY	\$6.00	\$450
HMA Binder	8	TON	\$124.00	\$992
Cape Cod Berm	135	FT	\$11.00	\$1,485
Accessible Ramps	7	SY	\$105.00	\$735
HMA Top	6	TON	\$125.00	\$750
Loam	6	CY	\$55.00	\$330
Seed	30	SY	\$2.00	\$60
<b>Total</b>				<b>\$7,874</b>

Notes:

<sup>1</sup>Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 03/2019 - 03/2020. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

<sup>2</sup>Sidewalk quantities based on estimated length of proposed sidewalk along frontage of the property, excluding the roadway opening. HMA Sidewalk Dimensions: Sidewalk Length: 135 ft., Excavation Depth/Width=12 in./7.5 ft., Gravel Depth/Width=8 in./5 ft., Curb Length=135 ft., Sidewalk Width=5 ft., Loam Depth/Width=6 in./2 ft., Seed Width=2 ft.

## Susan Affleck-Childs

---

**From:** Maria Varrichione <[dreamhomesmv@gmail.com](mailto:dreamhomesmv@gmail.com)>  
**Sent:** Saturday, April 04, 2020 5:00 PM  
**To:** Susan Affleck-Childs  
**Subject:** MCHPD

Hi Sue, I heard back and spoke with a Ms Reeaki Hiashi (no idea if spelled correctly) from the Mass Housing Affordable Office. She said where it is such a small community they have no preference on which unit (or whether it is a 2 bedroom or 3 bedroom) be designated as the affordable one, Can we leave the language just that one will be affordable? It would help from a marketing prospective if I don't have to specify the unit number yet. I did ask if she could email me something to that affect but have not received it yet.  
Her direct line if you need to verify is 857-260-6493

--

**Maria Varrichione**  
[dreamhomesmv@gmail.com](mailto:dreamhomesmv@gmail.com)  
Mobile- 508-561-6048  
**RE/MAX Executive Realty**  
Platinum Club, Hall of Fame  
& Lifetime Achievement Award Recipient



1. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INTIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS, RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

2. ALL WORK SHALL CONFORM TO LOCAL, COMMONWEALTH OF MASSACHUSETTS, AND OSHA STANDARDS AND GUIDELINES.
3. LOCATION OF ALL EXISTING AND PROPOSED SERVICES ARE APPROXIMATE AND MUST BE CONFIRMED INDEPENDENTLY WITH LOCAL UTILITY COMPANIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION. ALL UTILITY SERVICE CONNECTION POINTS SHALL BE CONFIRMED INDEPENDENTLY BY THE CONTRACTOR IN THE FIELD PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
4. ALL UTILITY LOCATIONS ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE CONDUITS, PRODUCT PIPING, ETC. PRIOR TO COMMENCEMENT OF EXCAVATION OF ANY TYPE.
5. ALL EXCAVATED UNSUITABLE MATERIAL MUST BE TRANSPORTED TO AN APPROVED DISPOSAL LOCATION.
6. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY "DIG SAFE" (1-888-344-7233) 72 HOURS PRIOR TO ANY EXCAVATION ON THIS SITE. CONTRACTOR SHALL ALSO NOTIFY THE LOCAL DEPARTMENT OF PUBLIC WORKS TO MARK OUT THEIR UTILITIES.
7. THE LIMITS OF WORK SHALL BE CLEARLY MARKED IN THE FIELD PRIOR TO THE START OF CONSTRUCTION OR SITE CLEARING.
8. ALL CONCRETE AND BITUMINOUS PATCH AREAS TO MATCH EXISTING GRADES.
9. SOLID WASTE TO BE DISPOSED OF BY CONTRACTOR IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
10. CONTRACTOR IS RESPONSIBLE FOR ALL EXCAVATION TO BE PERFORMED IN ACCORDANCE WITH CURRENT STANDARDS, AS WELL AS ADDITIONAL PROVISIONS TO ASSURE STABILITY OF CONTIGUOUS STRUCTURES.
11. IN CASE OF DISCREPANCIES BETWEEN PLANS, THE SITE PLAN WILL SUPERCEDE IN ALL CASES. NOTIFY ENGINEER OF RECORD OF ANY CONFLICTS.

UTILITIES ARE PLOTTED FROM FIELD LOCATION AND ANY RECORD INFORMATION AVAILABLE, AND SHOULD BE CONSIDERED APPROXIMATE. OTHER UTILITIES MAY EXIST WHICH ARE NOT EVIDENT OR FOR WHICH RECORD INFORMATION WAS NOT AVAILABLE. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING. ALSO, CALL "DIG-SAFE" AT 1(888)344-7233 3(888)DIG-SAFE.



THE OFFSETS AS SHOWN ON THIS PLAN ARE NOT  
TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES  
OR FOR THE ESTABLISHMENT OF ANY PROPOSED CONSTRUCTION  
UNLESS SAID CONSTRUCTION IS SHOWN HEREON.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE AND PURPOSE FOR THE PARTY STATED HEREON AND SHALL NOT BE USED BY ANY THIRD PARTY WITHOUT THE EXPRESSED WRITTEN PERMISSION OF RONALD TIBERI P.E.

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.

'Buzz Midnight' Butterfly Bush	<i>Buddleia davidii</i> 'Buzz Midnight'	36"	Ht.	B&B
'Blue Chip' Butterfly Bush	<i>Buddleia davidii</i> 'Blue Chip'	36"	Ht.	B&B
'Dark Knight' Bluebeard	<i>Caryopteris x clandonensis</i> 'Dark Knight'	36"	Ht.	B&B
'Golden Mops' Hinoki Cypress	<i>Calliocalyx obtusa</i> 'Golden Mops'	36"	Ht.	B&B
'Pearl Glam' Callicarpa	<i>Callicarpa</i> sp. 'Pearl Glam'	36"	Ht.	B&B
'Ivory Halo' Dogwood	<i>Cornus alba</i> 'Ivory halo'	36"	Ht.	B&B
'Gold Splash' Euonymus	<i>Euonymus fortunei</i> 'Gold Splash'	36"	Ht.	B&B
'Lady Stanley' Rose of Sharon	<i>Hibiscus syriacus</i> 'Lady Stanley'	36"	Ht.	B&B
'Little Quick Fire' Hydrangea	<i>Hydrangea paniculata</i> 'Little quick fire'	36"	Ht.	B&B
'Limelight' Hydrangea	<i>Hydrangea paniculata</i> 'Limelight'	36"	Ht.	B&B
'Sky Pencil' Holly	<i>Ilex crenata</i> 'Sky Pencil'	36"	Ht.	B&B
'Blushing Knock out' Rose	<i>Rosa</i> sp. 'Blushing Knock Out'	36"	Ht.	B&B
'Little Princes' Spirea	<i>Spirea japonica</i> 'Little Princes'	36"	Ht.	B&B
'Blue Muffin' Viburnum	<i>Viburnum dentatum</i> 'Blue Muffin'	36"	Ht.	B&B
'Shasta' Viburnum	<i>Viburnum plicatum</i> tomen. 'Shasta'	36"	Ht.	B&B


Shadow, service berry	<i>Amelanchier canadensis</i> -single stem	36"	Ht.	B&B
Sweet pepperbush	<i>Clethra alnifolia</i>	36"	Ht.	B&B
Sweet fern	<i>Comptonia peregrina</i>	#3 Pot	C.C.	
Grey Dogwood	<i>Cornus racemosa</i>	36"	Ht.	B&B
Red Twig Dogwood	<i>Cornus sericea</i>	36"	Ht.	B&B
Silky Dogwood	<i>Cornus amomum</i>	36"	Ht.	B&B
Fothergilla	<i>Fothergilla major</i>	36"	Ht.	B&B
Mountain pieris	<i>Pieris floribunda</i>	36"	Ht.	B&B
Beach plum	<i>Prunus maritima</i>	36"	Ht.	B&B
Rosebay Rhododendron	<i>Rhododendron maximum</i>	36"	Ht.	B&B
Canada yew	<i>Taxus canadensis</i>	36"	Ht.	B&B
Maple leaf viburnum	<i>Viburnum acerifolia</i>	36"	Ht.	B&B

Qty./Key	Common Name	Botanical Name	Size	Remarks
TREES				
6	Balsam Fir	<i>Abies balsamea</i>	8' Ht.	B&B
3	BP Grey Birch	<i>Betula populifolia</i>	8' Ht.	B&B—Multi—stem
3	CA Pagoda Dogwood	<i>Cornus alternifolia</i>	3" Col.	B&B
2	CC Hornbeam	<i>Carpinus caroliniana</i>	3" Col.	B&B
4	CK 'Cherokee Brave' Dogwood	<i>Cornus florida</i> 'Cherokee Brave'	3" Col.	B&B
2	HT 'Tardiva' Hydrangea	<i>Hydrangea paniculata</i> 'Tardiva' treeform	#1 Spot	Container Grown
3	RM Red Maple	<i>Acer rubrum</i>	3" Col.	B&B
6	GC 'Green Giant' Arborvitae	<i>Thuja x plicata</i> 'Green Giant'	6' Ht.	B&B

SHRUBS					
9	HQ	Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>	24"	Ht. B&B
10	HV	Common Witchhazel	<i>Hamamelis virginiana</i>	24"	Ht. B&B
4	IV	Winterberry	<i>Ilex verticillata</i>	24"	Ht. B&B
7	HP	Golden Cup St. John's Wort	<i>Hypericum Hidcote</i>	24"	Ht. B&B
10	JE	Eastern Red Cedar	<i>Juniperus virginiana</i>	48"	Ht. B&B
6	JH	Creeping Juniper	<i>Juniperus horizontalis</i>	#7 Pot	Container Grown
7	JV	'Taylor' Red Cedar	<i>Juniperus virginiana 'Taylor'</i>	48"	Ht. B&B
10	PH	'Summerwine' Purple Nibark	<i>Physocarpus opulifolius 'Summerwine'</i>	24"	Ht. B&B
4	SY	'Bloomerang' Lilac	<i>Syringa x Bloomerang</i>	#3 Pot	Container Grown
12	VC	Highbush Blueberry	<i>Vaccinium corymbosum</i>	24"	Ht. B&B
13	VO	Arrowwood Viburnum	<i>Viburnum dentatum</i>	36"	Ht. B&B
3	VL	Chicago Lustre® Viburnum	<i>Viburnum dentatum 'Chicago Lustre'</i>	36"	Ht. B&B
5	VO	Highbush cranberry	<i>Viburnum opulus</i>	36"	Ht. B&B

PERENNIALS					
G	HA	'Aureola' Hakone Grass	<i>Hakonechloa macra</i> 'Aureola'	#3 Pot	Container Grown

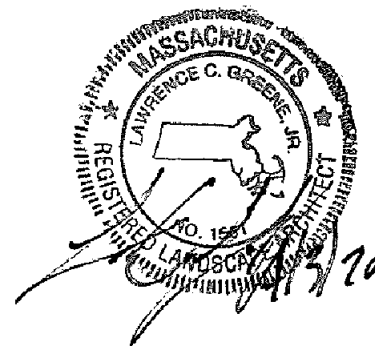
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

  
LAWRENCE GREENE, RLA#1561

04/03/20  
DATE

APPROVED BY PLANNING BOARD

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



REVISIONS		
No.	DATE	DESCRIPTION
1.	09/02/19	Town comments
2.	11/04/19	Town comments
3.	11/25/19	Plan edits
4.	12/31/19	Town comments
5.	01/21/20	Town comments
6.	04/02/20	Town comments

EVERGREEN VILLAGE  
22 EVERGREEN STREET

PREPARED FOR:

SAMPSON POND LLC  
P.O. Box 5  
MEDWAY MA 02053

PREPARED By:

McCARTY ENGINEERING  
42 JUNGLE ROAD  
LEOMINSTER, MA 01453

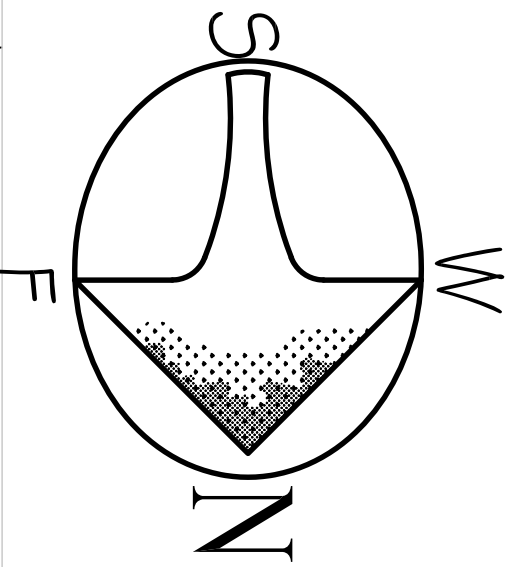
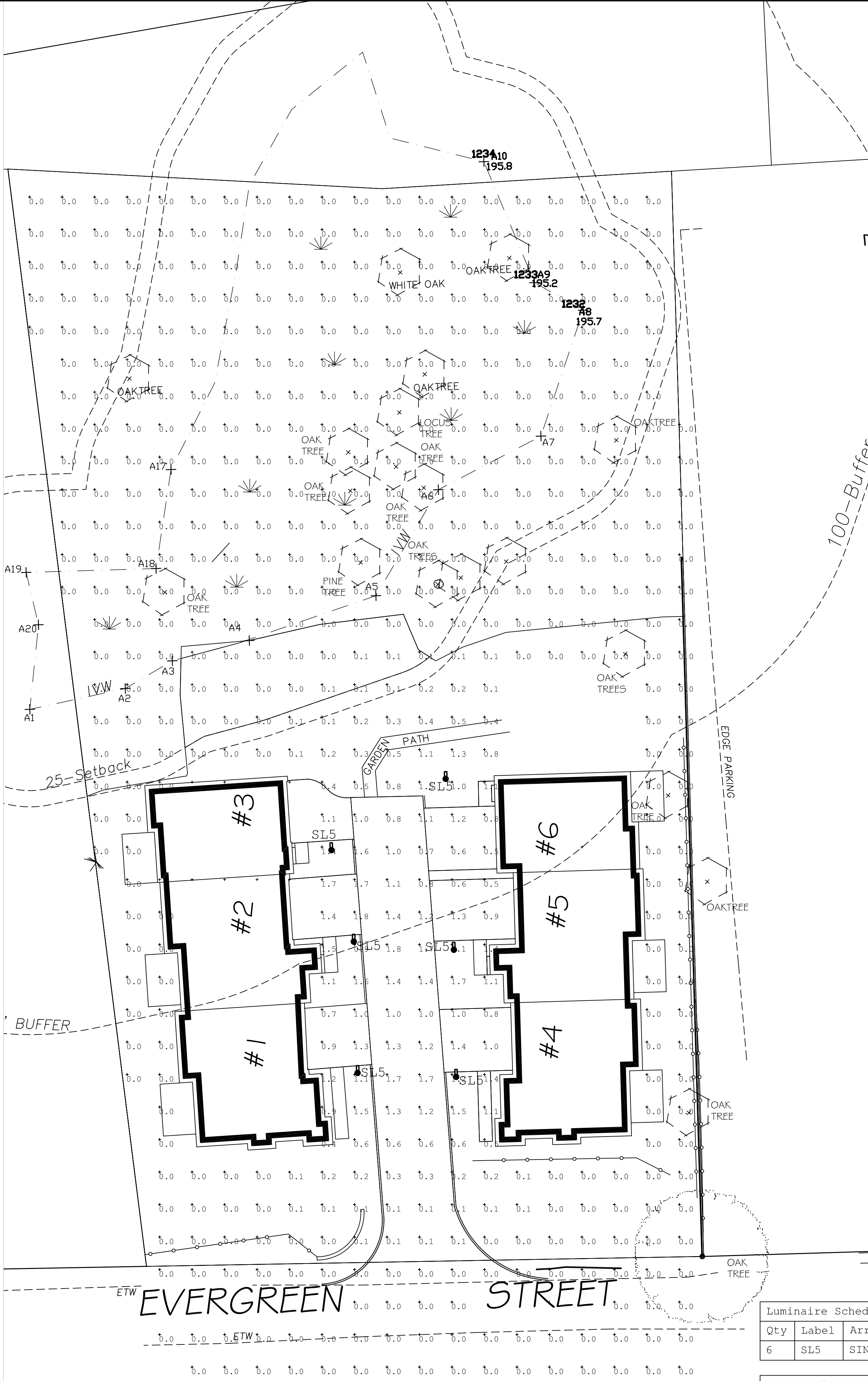
DRAWING SCALE: 1 inch = 20 feet

PROJECT NUMBER: 2616

DATE: SEPTEMBER 2.2019

L-1





JOB NAME: EVERGREEN VILLAGE  
APEX LIGHTING SOLUTIONS  
WORKPLANE/CALC PLANE: AT FINISH GRADE  
MOUNTING HEIGHT: SEE LUMINAIRE SCHEDULE  
APPS: LRE  
SALES: SS

Luminaire Schedule							
Qty	Label	Arrangement	Lumens	Input Watts	LLF	BUG Rating	Description
6	SL5	SINGLE	2885	37.74	0.850	B2-U3-G2	HADCO TX132-G2-B-S-L-CAGE-FINIAL-FASTENER-FINISH-5-PHOTO-NA3 / MOUNTED TO 8FT POLE

Calculation Summary						
Label	Grid Height	Avg	Max	Min	Avg/Min	Max/Min
CalcPts_1	0	0.16	1.8	0.0	N.A.	N.A.
DRIVE LANE		0.89	1.8	0.1	8.90	18.00

DIG SAFE NOTE:

UTILITIES ARE PLOTTED FROM FIELD LOCATION AND ANY RECORD INFORMATION AVAILABLE, AND SHOULD BE CONSIDERED APPROXIMATE. OTHER UTILITIES MAY EXIST WHICH ARE NOT EVIDENT OR FOR WHICH RECORD INFORMATION WAS NOT AVAILABLE. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING. ALSO, CALL "DIG-SAFE" AT 1(888)344-7233 {(888)DIG-SAFE}.



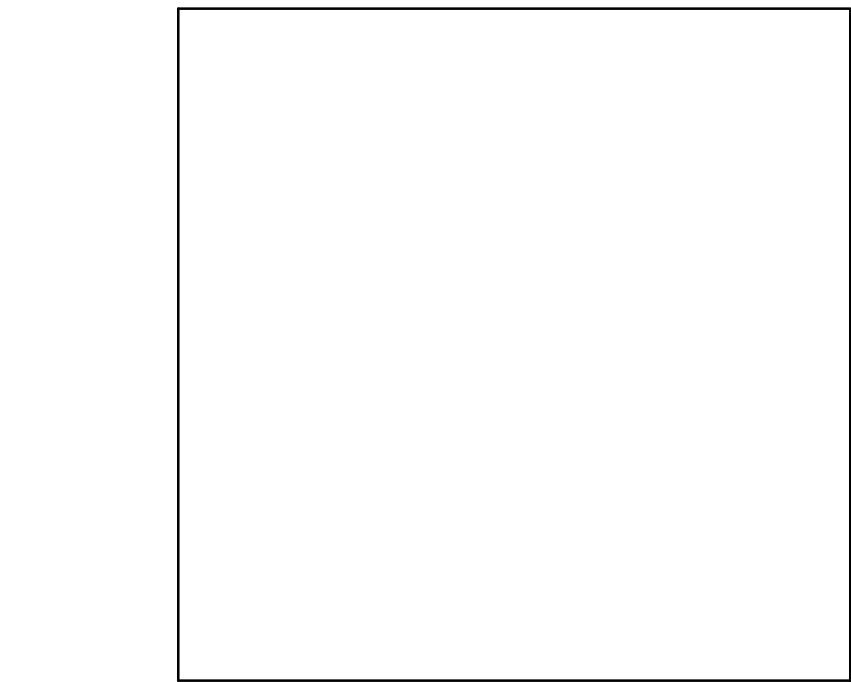
THE OFFSETS AS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES OR FOR THE ESTABLISHMENT OF ANY PROPOSED CONSTRUCTION UNLESS SAID CONSTRUCTION IS SHOWN HEREON.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE AND PURPOSE FOR THE PARTY STATED HEREON AND SHALL NOT BE USED BY ANY THIRD PARTY WITHOUT THE EXPRESSED WRITTEN PERMISSION OF RONALD TIBERI P.E.


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.



PROPOSED STREET LIGHT



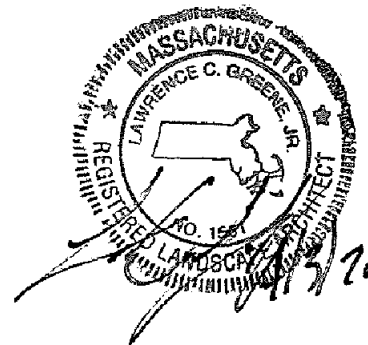
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS

  
LAWRENCE GREENE, RLA#1561

  
DATE

APPROVED BY PLANNING BOARD

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



REVISIONS		
No.	DATE	DESCRIPTION
1.	09/02/19	Town comments
2.	11/04/19	Town comments
3.	11/25/19	Plan edits
4.	04/03/20	Plan edits

PROPOSED SITE  
LIGHTING PLAN  
IN  
MEDWAY, MASSACHUSETTS

EVERGREEN VILLAGE  
22 EVERGREEN STREET

PREPARED FOR: SAMPSON POND LLC  
P.O. Box 5  
MEDWAY MA 02053

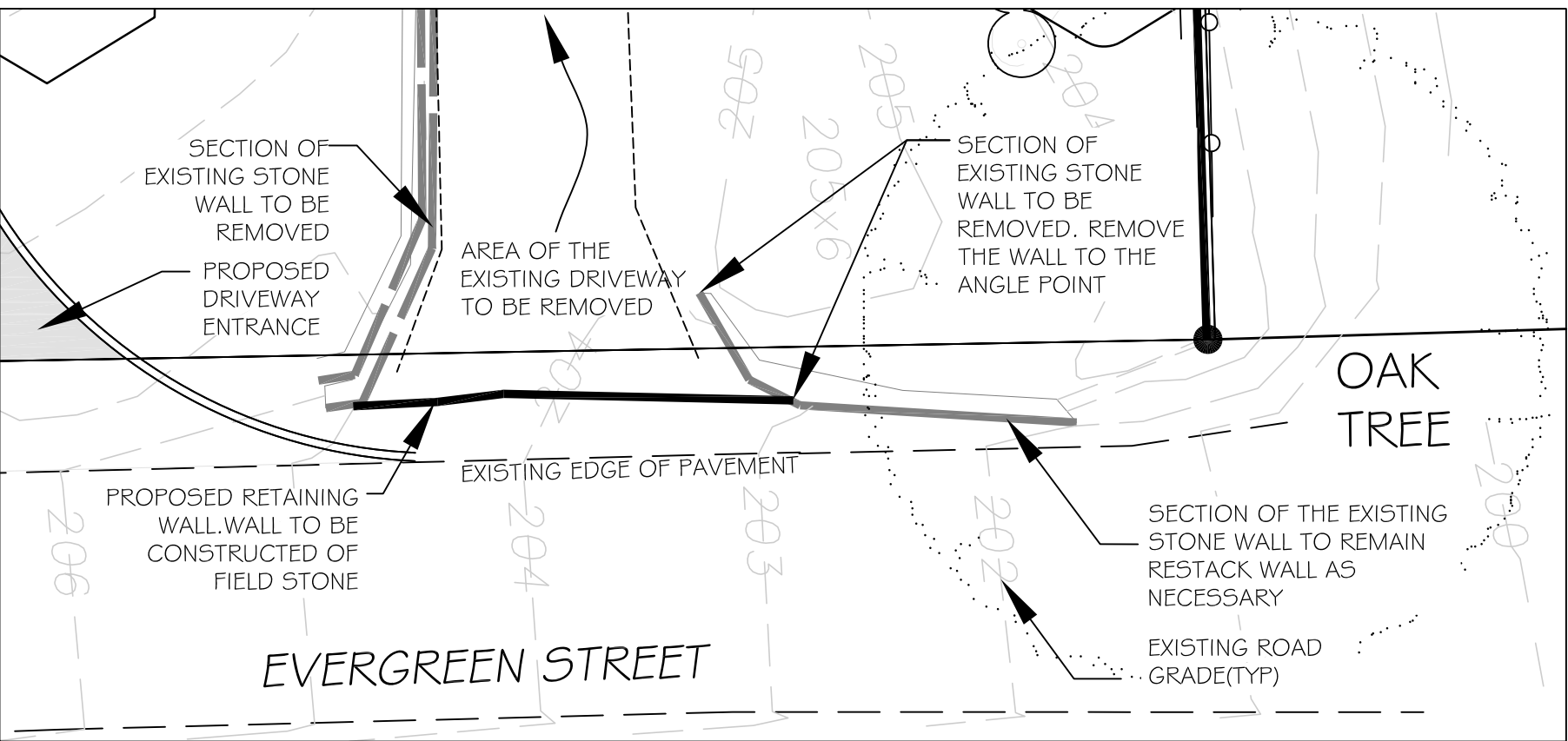
PREPARED By: McCARTY ENGINEERING  
42 JUNGLE ROAD  
LEOMINSTER, MA 01453

DRAWING SCALE: 1 inch = 20 feet

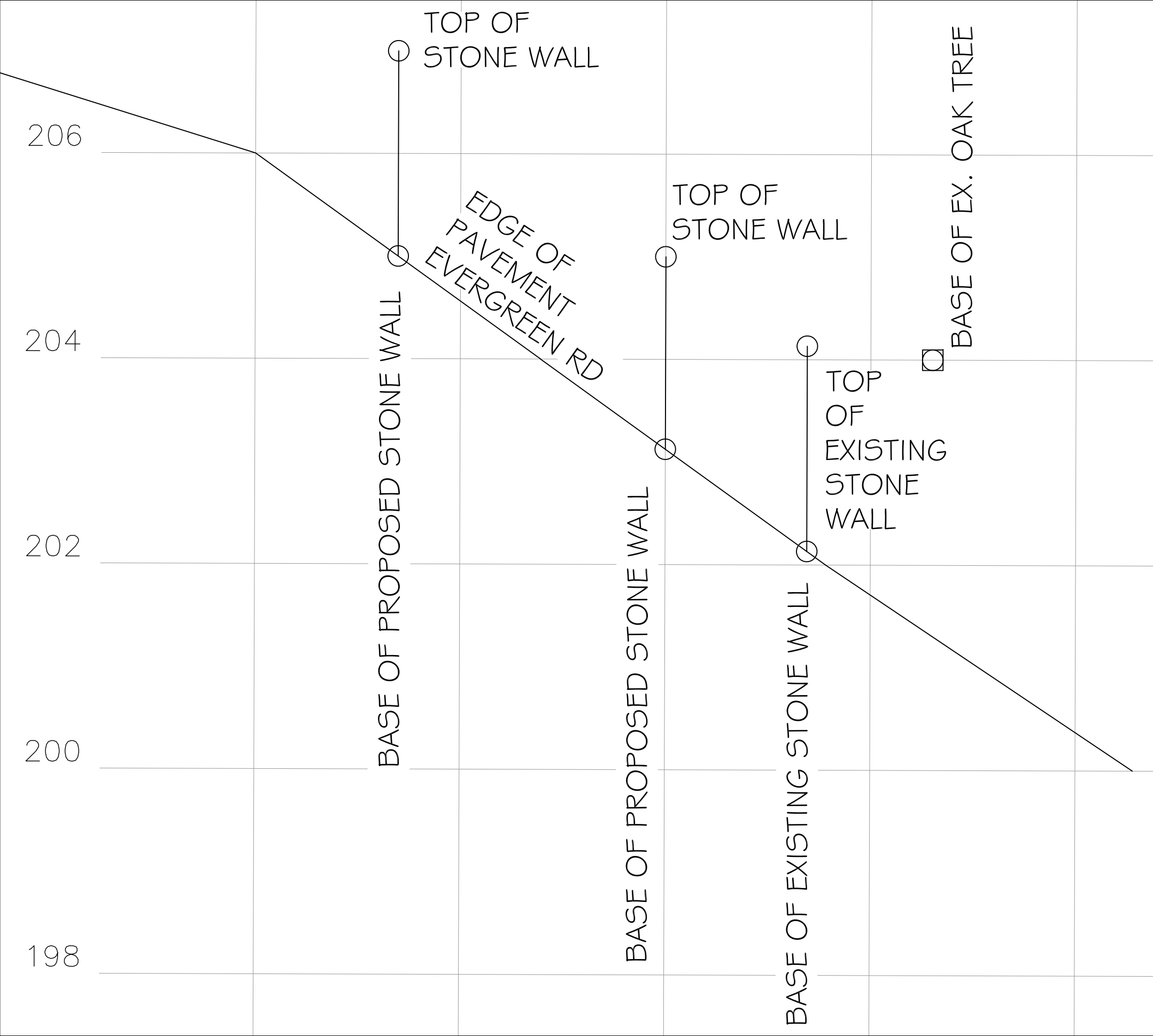
PROJECT NUMBER: 2616

DATE: MARCH 14,2019

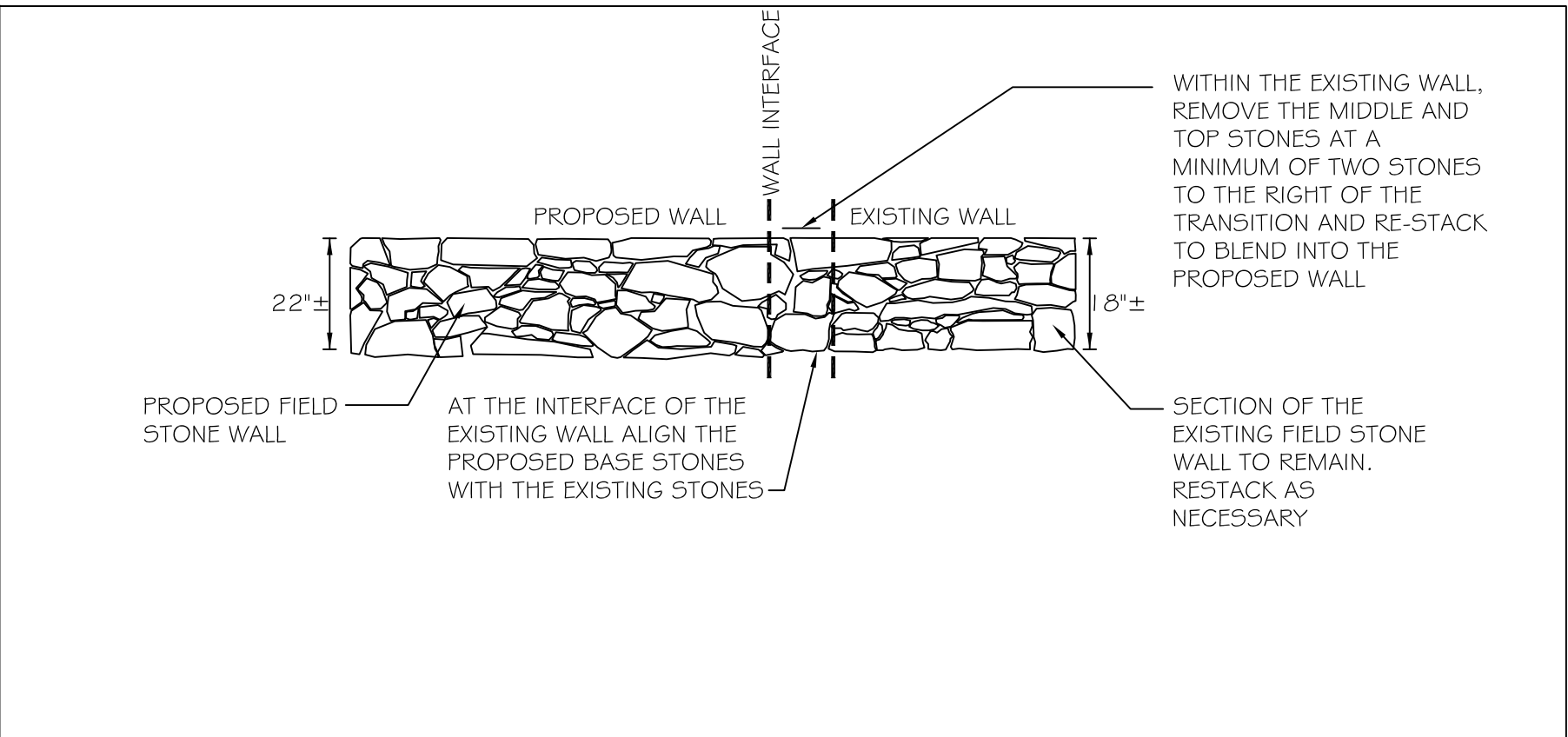




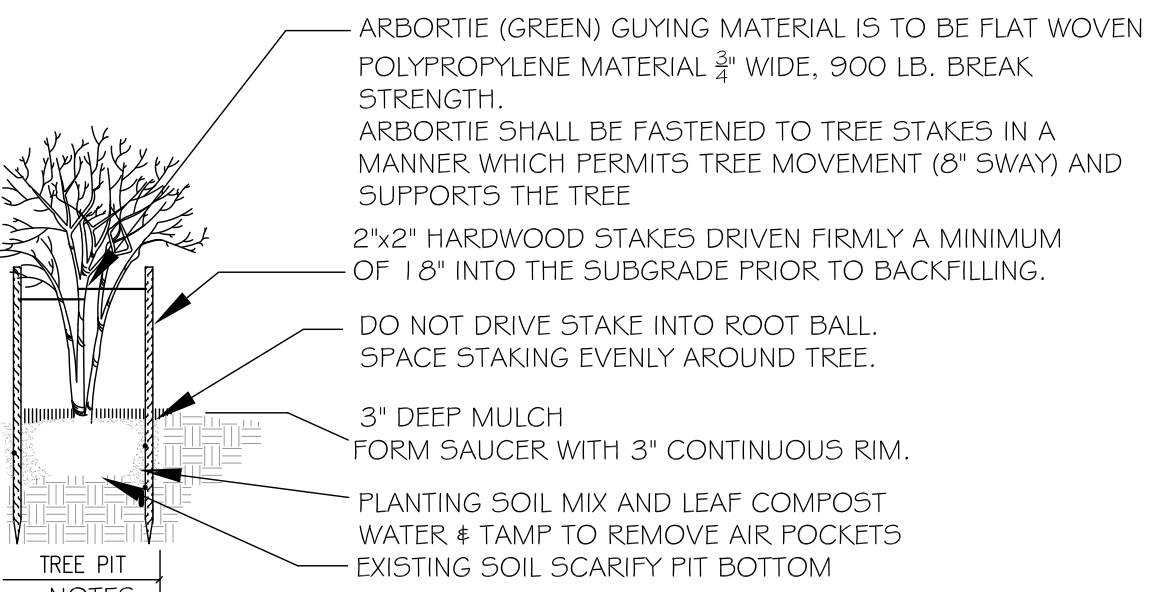
WALL INFORMATION  
SCALE 1"=10'



WALL PROFILE  
SCALE 1"=10'

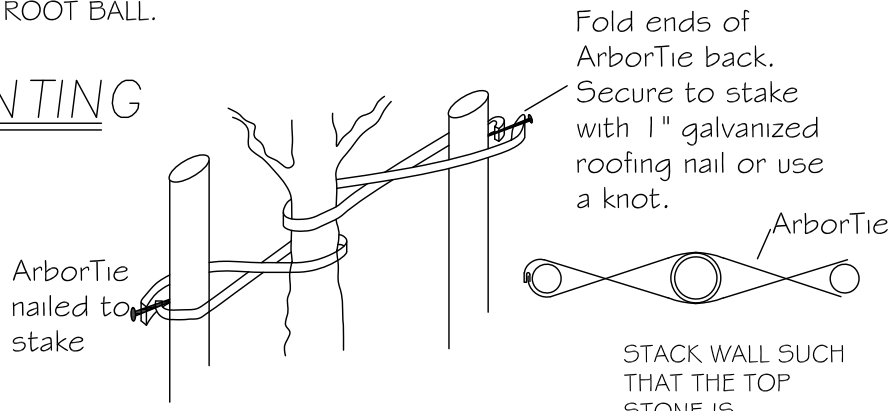


WALL SECTION  
SCALE 1"=10'



- NOTES:
1. STAKE TO MAIN BRANCHES AS NECESSARY FOR FIRM SUPPORT.
  2. PLANT SO THAT TOP OF ROOT BALL IS EVEN WITH THE FINISHED GRADE.
  3. GUY WIRE SHALL NOT TOUCH OR RUB ADJACENT TRUNKS OR BRANCHES.
  4. REMOVE ALL CONTAINERS AND BASKETS FROM ROOT BALL.
  5. REMOVE BURLAP FROM TOP ONE THIRD OF ROOT BALL.
  6. LOOSEN ROOTBALL PRIOR TO PLANTING.

DECIDUOUS TREE PLANTING  
NOT TO SCALE



PLACE STONES SUCH THAT THE FLAT FACE POINTS OUT ORIENT THE LONG PIECES TOWARDS THE INTERIOR OF THE WALL

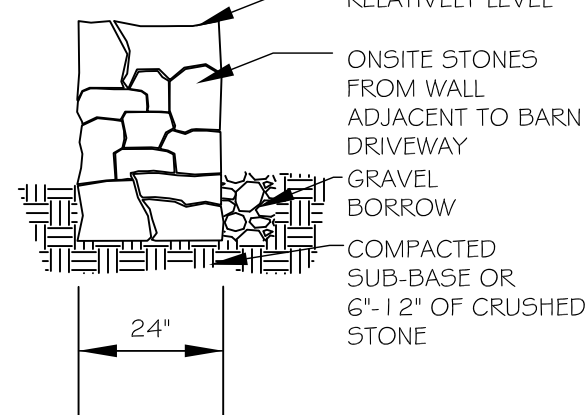
CONTINUE FACE OF WALL 24\"/>

USE LARGER STONES FOR THE BASE STONES

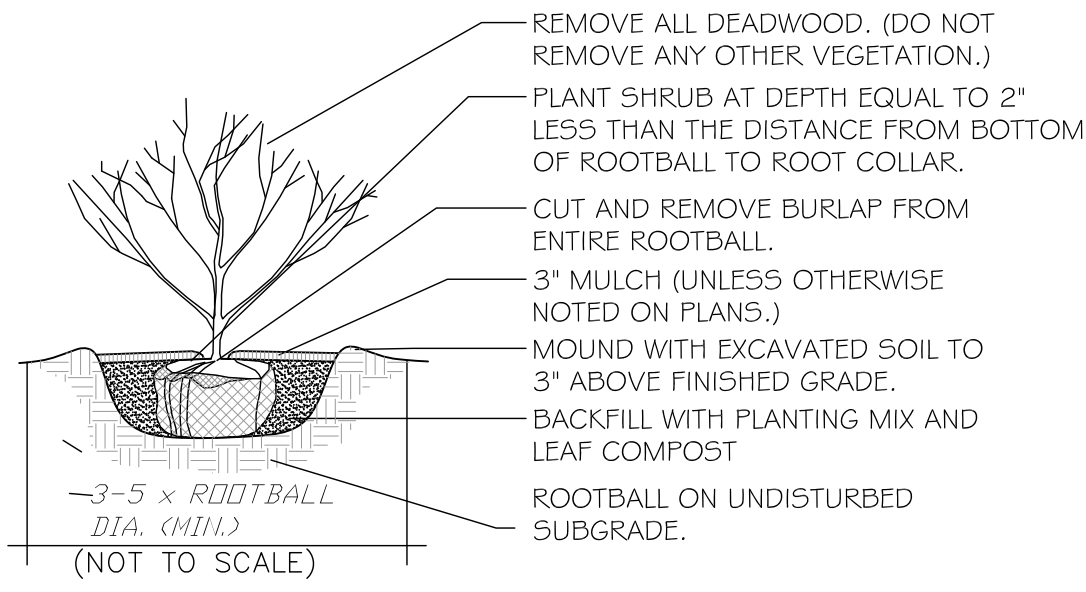
WHEN BEGINNING SECOND COURSES, CHOOSE STONES TO BRIDGE THE FIRST JOINTS OF THE BOTTOM COURSE.

CONTINUE BUILDING IN THE SAME MANNER STACKING THE STONES, STAGGER THE JOINTS

USE SMALLER STONES TO FILL IN THE VOIDS



WALL SECTION  
NOT TO SCALE

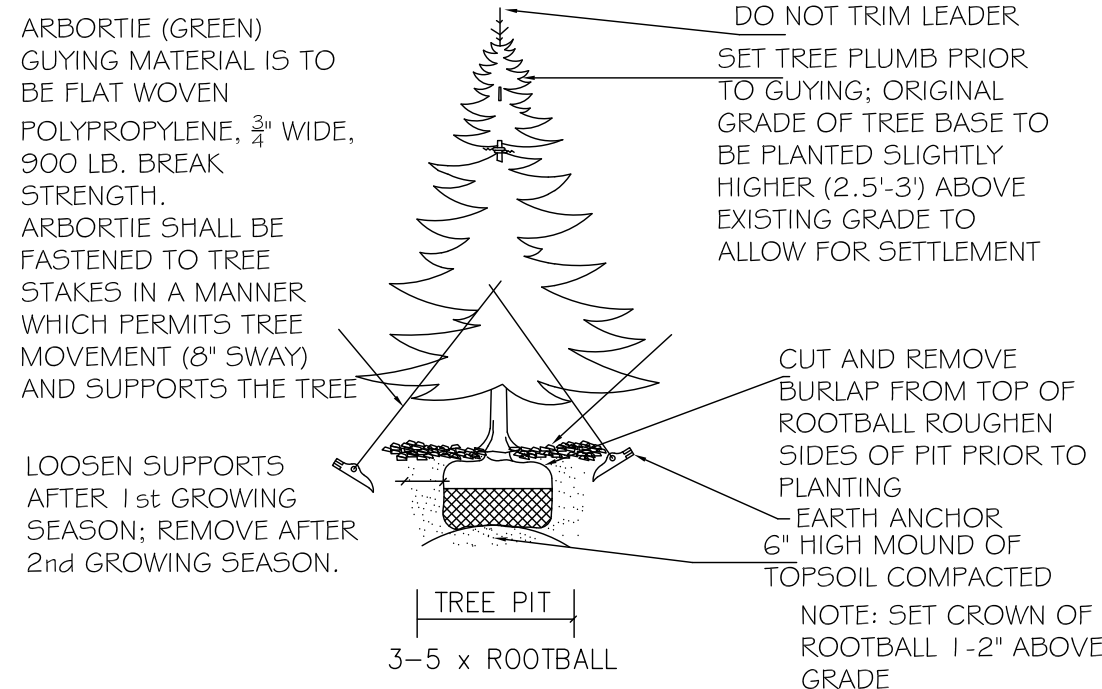


SHRUB PLANTING  
NOT TO SCALE



6-UNIT PEDESTAL MAILBOX  
WITH PARCEL UNIT

NOT TO SCALE



EVERGREEN TREE PLANTING  
NOT TO SCALE

DIG SAFE NOTE:

UTILITIES ARE PLOTTED FROM FIELD LOCATION AND ANY RECORD INFORMATION AVAILABLE, AND SHOULD BE CONSIDERED APPROXIMATE. OTHER UTILITIES MAY EXIST WHICH ARE NOT EVIDENT OR FOR WHICH RECORD INFORMATION WAS NOT AVAILABLE. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING. ALSO, CALL "DIG-SAFE" AT 1(888)344-7233 {(888)DIG-SAFE}.



THE OFFSETS AS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES OR FOR THE ESTABLISHMENT OF ANY PROPOSED CONSTRUCTION UNLESS SAID CONSTRUCTION IS SHOWN HEREON.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE AND PURPOSE FOR THE PARTY STATED HEREON AND SHALL NOT BE USED BY ANY THIRD PARTY WITHOUT THE EXPRESSED WRITTEN PERMISSION OF RONALD TIBERI P.E.

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.



PROPOSED SITE  
LANDSCAPE PLAN  
IN  
MEDWAY, MASSACHUSETTS

EVERGREEN VILLAGE  
22 EVERGREEN STREET

PREPARED FOR: SAMPSON POND LLC  
P.O. Box 5  
MEDWAY MA 02053

PREPARED By: McCARTY ENGINEERING  
42 JUNGLE ROAD  
LEOMINSETER, MA 01453

DRAWING SCALE: variable

PROJECT NUMBER: 2616

DATE: SEPTEMBER 2.2019

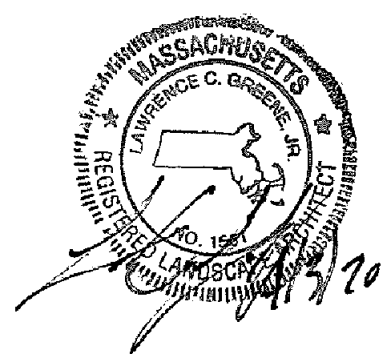
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

LAWRENCE GREENE, RLA#1561

04/07/20  
DATE

APPROVED BY PLANNING BOARD

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



REVISIONS		
No.	DATE	DESCRIPTION
1.	09/02/19	Town comments
2.	11/04/19	Town comments
3.	11/25/19	Plan edits
4.	12/31/19	Town comments
5.	01/21/20	Town comments
6.	04/03/20	Town comments



### **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  
Telephone (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**

REVISED – April 6, 2020

#### ***MULTI-FAMILY HOUSING SPECIAL PERMIT and MAJOR SITE PLAN DECISION***

#### ***Evergreen Village – 22 Evergreen Street with Waivers and Conditions***

**Decision Date:** \_\_\_\_\_

**Name of Applicant/Permittee:** Sampson Pond, LLC

**Address of Applicant:** Sampson Pond, LLC  
PO Box 5  
Medway, MA 02053

**Name/Address of Property Owners:** John T. Shea III and Cynthia Shea  
9 Pine Ridge Way  
Carver, MA 02330

**Site Plan:** Evergreen Village  
Dated September 2, 2019, last revised February 6, 2020  
Prepared by Ron Tiberi, P.E.  
To be further revised as specified herein

**Location:** 22 Evergreen Street

**Assessors' Reference:** Map 48, Parcel 51

**Zoning District:** Agricultural-Residential II  
Multi-Family Housing Overlay District



**I. PROJECT DESCRIPTION** – The Applicant proposes to develop a 6-unit residential condominium community to be known as Evergreen Village on a 1.44 acre property at 22 Evergreen Street (Assessors Map 46, Parcel 51). The development will include construction of two 3-unit, townhouse style buildings; one affordable housing unit will be provided. Access to the development will be from a new, 150’ long permanent private roadway to be known as Balsam Way off of Evergreen Street. Two existing curb cuts will be removed. A total of 12 off-street garaged parking spaces (2 per dwelling unit) will be provided plus there will be additional driveway parking for two vehicles per unit for a total of 24 parking spaces. Sub-surface stormwater management facilities will be installed on site as will landscaping and lighting. Connections will be made to the existing Town sewer and water services in Evergreen Street. Evergreen Street is a designated Medway Scenic Road. Construction work in the Town’s Evergreen Street right of way to create the new curb cut involves reconstructing portions of the existing stone wall along Evergreen Street and pruning and grading around a 32” oak tree.

The proposed use requires a multi-family housing special permit pursuant to Sections 5.6.4 and 3.4 of the Town of Medway *Zoning Bylaw* (the “Bylaw”), site plan review and approval pursuant to Section 3.5 of the *Bylaw* and the Board’s *Site Plan Rules and Regulations* as amended December 3, 2002, and a Scenic Road Work Permit pursuant to the Board’s *Scenic Road Work Rules and Regulations*. The property includes wetland resources and is therefore under the jurisdiction of the Medway Conservation Commission for an Order of Conditions and a Land Disturbance Permit pursuant to Medway General Bylaws, Article XXVI.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on April 7, 2020, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with **CONDITIONS a Multi-Family Housing Special Permit to Sampson Pond, LLC of Medway, MA (hereafter referred to as the Applicant or the Permittee) and to \_\_\_\_\_ with WAIVERS and CONDITIONS as specified herein, a site plan for the development of a six unit, multi-family townhouse condominium community and associated site improvements on the property at 22 Evergreen Street as shown on the plan titled EVERGREEN VILLAGE, dated September 2, 2019, last revised February 6, 2019, to be further revised as specified herein before endorsement and recording.**

The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**Planning & Economic Development Board Member**

**Vote**

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

**II. PROCEDURAL HISTORY**

- A. September 4, 2019 – Scenic Road work permit application filed with the Town
- B. September 16, 2019 – Special permit and site plan applications and associated materials filed with the Board and the Medway Town Clerk.
- C. September 17, 2019 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.

- D. September 19, 2019 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. October 1, 2019 - Public hearing notice mailed to abutters by certified sent mail.
- F. September 23 and October 1, 2019 - Public hearing notice advertised in *Milford Daily News*.
- G. October 8, 2019 - Public hearing commenced. The public hearing was continued to November 12, December 10, January 28, February 25, March 5, March 18, March 24, and to April 7, 2020 when the hearing was closed, and a decision rendered.

#### **IV. INDEX OF SITE PLAN/SPECIAL PERMIT DOCUMENTS**

- A. The various applications for the proposed multi-family development at 22 Evergreen Street included the following plans, studies and information that were provided to the Board at the time the application was filed:
  - 1. Multi-Family Housing Special Permit application dated September 4, 2019.
  - 2. Major Site Plan application dated September 4, 2019.
  - 3. Scenic Road Work Permit application dated September 2019
  - 4. Project Narrative received September 4, 2019
  - 5. Requests for Waivers from *Site Plan Rules and Regulations* dated September 4, 2019 prepared by Ron Tiberi, P.E. of Natick, MA
  - 6. *Evergreen Village* site plan dated September 5, 2019 prepared by Ron Tiberi, P.E. of Natick, MA
  - 7. Certified Abutters List from Medway Assessor's office dated August 27, 2019
- B. During the course of the Board's review, revised plans and a variety of other materials were submitted to the Board by the Applicant and its representatives:
  - 1. REVISED Project Narrative dated November 2019, received November 26, 2019
  - 2. Additional Requests for Waivers from *Site Plan Rules and Regulations* dated November 20, 2019 prepared by Ron Tiberi, P.E.
  - 3. *Evergreen Village* site plan dated September 5, 2019, REVISED November 20, 2019 and February 6, 2020, prepared by Ron Tiberi, P.E. of Natick, MA
  - 4. Building Elevations dated September 23, 2019 by Daniel Lewis, Architect of Northborough, MA
  - 5. REVISED Building Elevations dated October 28, 2019 by Daniel Lewis, Architect
  - 6. REVISED Building Elevations and Floor Plans dated November 15, 2019 by Daniel Lewis, Architect
  - 6. Response letters dated December 17, 2019 and February 27, 2020 from project engineer Ron Tiberi to plan review letters from Tetra Tech
  - 7. Proposed Site Landscape Plan dated September 2, 2019 by WDA Design Group, Westborough, MA, last revised January 21, 2020
  - 8. Proposed Site Lighting Plan dated March 14, 2019 by WDA Design Group last revised November 25, 2019.

9. March 25, 2020 email from Maria Varrichione agreeing to a \$7,874 payment (to the Town's Sidewalk Fund) in lieu of sidewalk construction along the project site's Evergreen Street frontage.
  10. April 4, 2020 email from Maria Varrichione regarding affordable housing requirements.
  11. Updated landscape design plans, Sheets L1 – L3 dated April 2, 2020 by McCarty Engineering of Leominster, MA.
- C. Other documentation submitted to the Board during the course of the public hearing:
1. PGC Associates plan review letters dated October 3 and December 4, 2019 and an email dated March 3, 2020
  2. Tetra Tech plan review letters dated October 7 and December 19, 2019 and March 3, 2020
  3. Email communication dated October 2, 2019 from Fire Chief Jeff Lynch
  4. Email and letter dated October 8, 2020 from Jessica and John Grimes of 1 Royal Heights Drive
  5. Email communications dated February 27, 2020 and March 17, 2020 from Medway Police Sergeant Jeffrey Watson
  6. Tree replacement calculation notes dated March 6, 2020 prepared by Planning and Economic Development Coordinator Susan Affleck-Childs
  7. Order of Conditions and Land Disturbance Permit issued by the Conservation Commission on February 17, 2020
  8. Sidewalk construction estimates prepared by Tetra Tech, dated March 19, 2020, revised March 25, 2020.
- V. **TESTIMONY** - In addition to the special permit and site plan review application materials as submitted and provided during the course of its review, the Board heard and received verbal testimony from:
- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Commentary provided throughout the public hearing process.
  - Gino Carlucci, PGC Associates, the Town's Consulting Planner – Commentary provided throughout the public hearing process.
  - Ron Tiberi, PE, project engineer for the Applicant - Commentary provided throughout the public hearing process
  - Maria Varrichione, Applicant
- Abutter Comments During the public hearing**
- Resident at 7 Cottage Street
  - Shelley Pacitto, 19A Evergreen Street
  - Wallace Long, 19B Evergreen Street
  - Jessica Grimes, 1 Royal Heights Drive
  - Kathleen Murray, 17A Evergreen Street
  - Marcy Keith, 3 Cottage Street
  - Mr. Murray, 17B Evergreen Street

**VI. FINDINGS** - The Board, at its meeting on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to approve the following **FINDINGS** regarding the SPECIAL Permit, Site Plan, and Scenic Road Work Permit for the proposed multi-family development at 22 Evergreen Street. The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**MULTIFAMILY HOUSING SPECIAL PERMIT FINDINGS** - The Board makes the following findings in relation to this development's compliance with Section 5.6.4 Multifamily Housing of the Bylaw.

Applicability

- 1) Location - *The site is within the Multi-Family Housing Overlay District (Section 5.6.4) and thus is eligible for the multi-family housing proposal.*
- 2) Traffic capacity – *Evergreen Street is a local street connecting Pond Street with Cottage Street and has sufficient capacity to handle the traffic from the 6 units that are proposed. The 6 units do not rise to the level of triggering the requirement for preparation of a traffic study. Previously, the property included a two-family house so there is a net increase of 4 dwelling units.*
- 3) Parcel size & frontage – *The site consists of 1.44 acres (66,534 sq. ft.) which exceeds the minimum area requirement of 22,500 sq. ft. for the underlying Agricultural Residential II zoning district. The site has 171 ft. of frontage on Evergreen Street, so it meets the minimum 50-foot frontage requirement of Section 5.6.4.B(1) of the Bylaw.*

Dimensional Requirements

- 4) Dimensional Adjustments – *The dimensional requirements of the underlying Agricultural Residential II zoning district apply to the project, as set forth in Table 2 of Section 6 of the Bylaw. The revised plan dated February 6, 2020 shows a front building setback of 35 feet from Evergreen Street; the minimum front setback for the AR-II district is 35. The plan shows side and rear setbacks of 15 feet where the minimum required is 15 feet. The plan indicates that the project complies with maximum building coverage requirements (16.5% provided vs. 30% maximum allowed). There are no impervious standards for the AR-II district; the site will be 29% impervious upon completion of the building and site improvement construction. No dimensional adjustments are needed.*
- 5) Building Height - *The height of the six units will be approximately 38 feet, less than the maximum 40 feet allowed.*

Density

- 6) Density – *Pursuant to the Zoning Bylaw in effect at the time of applications, the maximum possible density for multi-family project is 12 units per whole acre. With 1.44 acres, the site could include a maximum possible 12 dwelling units. Because of the extent of wetland resources on the site, only 6 units are workable. Therefore, the project meets the allowed density.*

Special Regulations

- 7) Affordable housing – *With a project size of 6 units, the development must provide 1 affordable housing unit pursuant to Section 8.6.C. of the Bylaw.*

- 8) Open Space - *A minimum of 15% of the parcel must be open space or yard area. This requirement is met with 75% of the site remaining open due to the extent of the property's wetland resources.*
- 9) Parking spaces - *Two off-street spaces per unit (12 spaces) are the minimum required per Section 5.6.4 E. 3 of the Bylaw and 24 paved, off-street parking spaces are provided, 2 in each garage and the remaining in the driveways.*
- 10) Town water and sewer service - *The project will be served by Town water and sewer service presently located in Evergreen Street.*
- 11) Number of units - *The number of units proposed (6) is less than the 12-unit maximum possible number of units allowed under the Bylaw for a property of this size.*
- 12) Historic Properties – *At the time of this application, there was not a historic building on the site. However, prior to this application, the older 2-family building and barn were demolished following the completion of the 9-month demolition delay process imposed by the Medway Historical Commission.*

#### Decision Criteria

- 13) Meets purposes of Multi-Family Housing section of the Bylaw (Section 5.6.4) and the Site Plan Rules and Regulations - *The project meets the following purposes of the Multifamily Housing section of the Bylaw: (1) provide a diversity of housing types in the form of townhouse style conditions; (2) promote pedestrian oriented development as the subject property is located within an older, walkable neighborhood. It also meets the purpose of the Site Plan Rules and Regulations. The site plan has been reviewed by Town officials, the Consulting Engineer and Consulting Planner to ensure that the health, safety and welfare of Town residents is protected. Impacts on traffic, parking, drainage, environmental quality, community economics and community character were considered.*
- 14) Consistent with the Medway Housing Production Plan - *The development meets the HPP's implementation strategy of encouraging the use of the Multifamily Housing special permit provision of the Bylaw and providing additional options for multi-family housing.*
- 15) Impact on abutting properties and adjacent neighborhoods - *The impact on abutting properties and adjacent neighborhoods has been addressed through vegetative screening, fencing, a rigorous stormwater management system, and the positive aesthetics of the buildings to be constructed.*
- 16) Variety of housing stock - *The development increases the variety of housing stock in the community by providing a total of six townhouse style condominiums to the town's predominantly single-family detached housing supply...*
- 17) Designed to be reflective of or compatible with the character of the surrounding neighborhood - *The surrounding neighborhood includes a mix of housing types including single family, two-family and multi-family residences. Therefore, the proposed development is compatible with the surrounding neighborhood.*

**SPECIAL PERMIT DECISION CRITERIA FINDINGS** – Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed multifamily housing use 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. The Board makes the following findings in accordance with Section 3.4 of the *Bylaw*. In making its determination, the special permit granting authority, in addition to any to any specific factors that may be set forth in other sections of the *Bylaw*, shall make findings on all of the applicable criteria specified below:

- 1) The proposed site is an appropriate location for the proposed use. *The proposed use is a multi-family development within the Multi-Family Housing Overlay District as approved by Town Meeting. Therefore, the proposed use is in an appropriate location.*
- 2) Adequate and appropriate facilities will be provided for the operation of the proposed use. *As documented in the plans and associated materials, and conditioned herein, adequate and appropriate facilities will be provided for the operation of the proposed uses. Town officials, the Town's Consulting Engineer and Consulting Planner have all reviewed the proposed facilities. The project will be serviced by Town water and sewer systems. Private electric and gas utilities will be provided. The stormwater management system has been designed in accordance with the applicable regulations and been approved by the Conservation Commission.*
- 3) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment. *The proposed use adds 6 residential units on a local street off of Main Street. The development has been reviewed by Police Sergeant Jeff Watson and modifications will be made. As conditioned herein, (Specific Condition \_\_) the exit from the site has adequate sight distance and does not create a hazard to abutters, vehicles, or pedestrians. The proposed stormwater management system has been reviewed by the Town's Consulting Engineer and the Conservation Commission and will not present a hazard to the environment.*
- 4) The proposed use will not cause undue traffic congestion or conflicts in the immediate area. *Evergreen Street has the capacity to handle the traffic from the additional 6 residential units. The entrance has been designed for maximum sight distance so the development will not cause undue traffic congestion or conflicts. As conditioned herein (Specific Condition \_\_), the development is not permitted to have additional resident parking on Evergreen Street.*
- 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. *The Applicant has provided documentation reviewed by the Town's Consulting Engineer that its stormwater management plan is adequate to prevent flooding. The development will utilize residential style driveway lanterns. A revised photometric plan documents that there is no light trespass off site. Household refuse will be disposed of by individual waste containers for each household. There will be no detrimental impact on abutters due to odors, dust, noise, vibration, refuse materials or other undesirable environmental impacts.*
- 6) The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district. *The proposed use is within the Multi-Family Housing Overlay District. The surrounding neighborhood includes other multi-family buildings in the neighborhood and thus this development will not alter the character of the neighborhood.*

- 7) The proposed use is in harmony with the general purpose and intent of the *Zoning Bylaw*. *The Multi-Family Housing provisions of the Bylaw were specifically established to encourage this type of use subject to certain conditions to limit adverse impacts. The proposed use is in harmony with the general purpose and intent of the Bylaw.*
- 8) The proposed use is consistent with the goals of the Medway Master Plan. *The proposed use is consistent with the Master Plan goals of identifying housing needs and implementing projects to meet those needs such as increasing housing diversity.*
- 9) The proposed use will not be detrimental to the public good. *As documented in the plans and application, and the findings and conditions of this decision, the proposed use is in accordance with the goals of the Master Plan while protecting against potential adverse impacts. The proposed development has reasonable and appropriate density in a suitable location.*

***For all of the above reasons, the Board finds that the beneficial impacts of the proposed 6-unit townhouse condominium development at 22 Evergreen Street outweigh the effects of the proposed use on the Town and neighborhood.***

**SITE PLAN RULES AND REGULATIONS FINDINGS** – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Board makes the following findings in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, as amended *December 3, 2002*, and Section 3.5 of the *Bylaw*:

- 1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized? *The plan has been thoroughly reviewed by Town officials, the Consulting Engineer and Consulting Planner. There is no backing onto a public way from the subject site, and Evergreen Street is adequate to safely handle the additional traffic from the 6 new housing units. 24 off-street parking spaces are provided.*
- 2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places? *The design and materials of the proposed residential buildings are suitable for the site and use. The designs have been reviewed by the Design Review Committee and modified based on its recommendations. The new buildings do not conflict with the other nearby buildings in terms of character, materials and scale.*
- 3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned. *The buildings include a residential use so there is no outside storage or large intrusive parking lots. Appropriate vegetation is planned on the perimeter of the property to screen the development from abutting residences.*
- 4) Is adequate access to each structure for fire and service equipment provided? *The proposed structures are accessible from the driveway and are located close to the street. The Fire Chief has reviewed the plans which were modified to address his concerns for suitable turnaround at the end of Balsam Way.*



- 5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?
- a) the volume of cut and fill;
  - b) the number of trees to be removed with particular care taken with mature trees and root systems;
  - c) the visual prominence of man-made elements not necessary for safety;
  - d) the removal of existing stone walls;
  - e) the visibility of building sites from existing streets;
  - f) the impacts on waterways and environmental resource areas;
  - g) soil pollution and erosion;
  - h) noise.

*The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and the Conservation Commission. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the residential development. The project has been reviewed for a Scenic Road Work Permit with suitable conditions imposed to preserve the scenic quality of Evergreen Street.*

- 6) Is pedestrian and vehicular safety both on the site and egressing from it maximized? *The proposed use adds 6 residential units on a local street. As conditioned herein (Specific Condition # \_\_\_) the egress from the site has adequate sight distance and does not create a hazard to abutters, vehicle, or pedestrians.*
- 7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site? *The site includes historic stone walls along the Evergreen Street frontage which are subject to Scenic Road work permit review and protection. A pre-existing building on the premises was demolished prior to this application after completing the 9-month demolition delay order instituted by the Medway Historical Commission.*
- 8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town? *The lighting plan was reviewed by the Board's Consulting Planner and Engineer. The planned site lighting is residential in scale and minimizes light pollution. Per the photometric plan, there is no light spillage off site.*
- 9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? *The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures. The limit of work is reasonable. The size of the project has been reduced over the course of review from 7 to 6 dwelling units. The wetland resources are protected through an Order of Conditions issued by the Medway Conservation Commission.*

**VII. WAIVERS** – At its April 7, 2020 meeting, the Board, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.



## **SITE PLAN SUBMITTAL REQUIREMENTS/PLAN CONTENTS**

- 1) **Section 204 – 3. Planning Board Submittals A. 7.** - A written *Development Impact Statement* shall be provided which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts.

*The Applicant did not submit a Development Impact Statement with the site plan application due to the relatively small size of the proposed 6-unit condominium development. The submitted Project Narrative provides a brief overview of the project's impacts on the community. A Traffic Impact Assessment is not needed as the small size of the development does not trigger this requirement. **The Board approves this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 2) **Section 204 – 4. Standards for Site Plan Preparation, B.** - The site plan shall be drawn at a scale of one (1) inch equals forty (40) feet or such other scale that has been approved in advance by the Planning Board and that clearly and adequately represents the proposed improvements. *The submitted plans are drawn at a scale of 1" = 20 feet. Although this does not meet the standard, the Board's consulting engineer has reviewed the plan and found it to be suitable and sufficient to adequately present the project. **The Board approves this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 3) **Section 204 – 5 Site Plan Contents. C. Existing Conditions. 3)** 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. *As requested by the Board, a tree inventory was prepared to document the existence of 18 trees more than 18" in diameter scattered throughout the site. It was prepared by applicant Maria Varrichione with assistance from Steve Bevilacqua, a certified arborist with Tree Timber Corporation of Canton, MA. **The Board approves this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

## **SITE PLAN DEVELOPMENT STANDARDS**

- 1) **Section 205-2 Design Standards**

G. Ground floor facades shall have arcades, display windows, entry areas, canopies, awnings or other such features with pleasing aesthetics along no less than sixty (60) percent of their horizontal length.

H. Buildings shall have architectural features that provide visual interest at the pedestrian scale and incorporate local character with detailing that is conservative in color and has a village feel, thus avoiding massive aesthetic effects.

*These particular design standards were established to apply primarily to commercial development. The building elevations show that the residential units have some of these features, but not along 60% of the façade. This standard is not possible to achieve as the garages comprise at least 50% of the width of each dwelling unit. **The Board approves this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 1) **Section 205 – 3 B. Internal Site Driveways 3.** - Driveways should intersect the road at an angle of ninety (90) degrees.

*The Applicant has requested a waiver from this requirement and plans instead to have Balsam Way intersect with Evergreen Street at a ninety-three degree angle. This size variation is slight, is more suitable to the shape of this particular parcel and aligns better with the site configuration. This has been reviewed by the Board's Consulting Engineer who did not object to this variation. **The Board approves this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 2) **Section 205 – 3 D. Sidewalks** - Where no pedestrian ways exist, the applicant shall create pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, and other surrounding uses providing safe access to the nearest existing pedestrian facility or sidewalk.

*The Applicant has requested a waiver from this requirement because there are no sidewalks on Evergreen Street and the surrounding neighborhood does not have sidewalks. However, Section 3.5.4 Procedures for Site Plan Review, I. 3 of the Zoning Bylaw requires the provision of sidewalks along the entire frontage of properties subject to site plan review. As this is a Bylaw requirement and not a Site Plan Regulation, the Board does not have the authority to waive that requirement. Therefore, the Board denies this Waiver Request. An alternative to sidewalk construction is a Payment in Lieu or sidewalk construction elsewhere in the community which is addressed in **Specific Condition # \_\_\_\_\_ herein.***

- 3) **Section 205 – 4 Drainage and Stormwater Management. B.** Test pits and percolation tests must be performed to support infiltration calculations and assumptions related to the Stormwater Management Design.

*The Applicant has requested a waiver from the requirement for conducting percolation tests. Instead, test pits and soil evaluations have been performed as per MA Department of Environmental Protection stormwater policy standards and industry norms. Rawls infiltration rates were used for the drainage analysis and stormwater design. The Board's consulting engineer is satisfied that the analysis and design were appropriately developed. **The Board approves this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 4) **Section 205 – 6 H. Curbing** – The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

The Applicant has requested a waiver from the requirement for granite curbing for the roadway and driveways and has proposed the use of bituminous berm instead. This is a residential setting, not a commercial development. Granite curb will be used at the roundings of the new roadway (Balsam Way) into the site from Evergreen Street. The use of bituminous curbing is more compatible with the surrounding neighborhood. There is no curbing at all on adjacent Evergreen Street. ***The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 5) **Section 205 – 6 I. Travel Lanes** - Travel lanes in the parking area shall be a minimum of twenty-four (24) feet wide.

The Applicant has requested a waiver from this requirement and proposes instead to have a 22' wide roadway (travel lane). A reduced roadway width will promote reduced vehicular speed, speed, reduce the amount of impervious surface, lessen the extent of site grading, and contribute to a more compact, village appearance. The Fire Chief has reviewed the plan and has not provided any comments or concerns about the roadway width. ***The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 6) **Section 205 – 9 C. Parking Areas** - Internal landscape planted divisions (*islands and peninsulas*) shall be constructed within all parking lots to provide shading and buffering. At least one deciduous tree of a minimum two and one-half (2 1/2) inches caliper in diameter shall be provided for every six (6) parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. This requirement may be waived in lieu of the preservation of existing trees subject to approval by the Planning Board.

The Applicant has requested a waiver from this regulation to not install shade trees over parking areas. In this project, the “parking areas” are the driveways to each individual dwelling unit. Instead, the Applicant will plant additional trees around the property and along the western boundary of the property as a buffer area as shown on the Landscape Plan. ***The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 3) **Section 205-9. F. Landscaping - 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. The replacement trees may be placed on or off site as recommended by the Board.

*A tree inventory performed by applicant Maria Varrichione and Steve Bevilacqua of Tree Timber Corporation of Canton, MA found that there are 18 trees over 18” in diameter on the 1.44 acre site; one 22” diameter oak tree needs to be removed as part of site preparation. Using the standard formula of tree radius<sup>2</sup> x 3.14 to calculate the amount of tree area, removal of this tree triggers a required total of 380 sq. inches of tree replacement.*

According to the revised landscape plan dated January 21, 2020, prepared by WDA Design Group of Westborough, MA, 29 new deciduous and evergreen trees of at least 3" caliper will be planted. 29 three-inch caliper trees x 7 sq. inches per tree = 203 square inches of tree replacement plantings to be installed throughout the site including the area adjacent to the wetland resource portion of the property. In addition, 110 miscellaneous shrubs will be planted throughout the site along building foundations, in the front lawn area adjacent to Evergreen Street, and along the eastern and western boundaries with adjacent properties to provide suitable screening and buffering. **The Board approves this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.**

**VIII. CONDITIONS** The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this site plan complies with the *Bylaw*, Section 3.4 (Special Permits) and Section 5.6.4 (Multi-Family Housing), and is consistent with *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. The Board's issuance of a special permit and site plan approval is subject to the following conditions:

**SPECIFIC CONDITIONS OF APPROVAL**

- A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
1. The maximum number of dwelling units to be developed under this special permit shall be 6. The maximum number of bedrooms for the development shall be 16.
  2. The tract(s) of land on which this multi-family development will be located shall not be altered or used except:
    - a) as granted by this special permit;
    - b) substantially as shown on the site plan entitled *Evergreen Village*, dated September 5, 2019, last revised February 6, 2020 prepared and compiled by Ronald Tiberi, P.E to be modified as specified herein; and
    - c) in accordance with subsequent approved plans or amendments to this special permit.
  3. The tract of land and buildings comprising the Evergreen Village development shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided.
- B. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan entitled *Evergreen Village*, dated September 5, 2019, last revised February 6, 2020 prepared and compiled by Ronald Tiberi, P.E including landscape plans by WDA Design Group of Westborough, MA as revised by McCarty Engineering of Leominster, MA, and architectural and building plans by Daniel Lewis Architect, of Northborough, MA shall be further revised to reflect all Conditions and required revisions, including those as follows, and shall be

submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the "Plan"*.) Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.

- C. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the February 6, 2020 Evergreen Village site plan set shall be revised as follows:
1. Include the list of APPROVED Requests for Waivers. Revise the text size and/or line weight to ensure the Waiver language can be properly read. Remove reference to waivers from Adaptive Use Overlay District regulations.
  2. Revise the signature box to include a line for plan endorsement date
  3. Add a reference to the Stormwater Pollution and Prevention Plan (O & M plan) for Construction to the Plan Index
  4. Include a new plan revision date
  5. Add a Registry box and incorporate whatever other formatting is needed for the plan to be recordable at the Norfolk County Registry of Deeds.
  6. Add language that the development is subject to a performance security Covenant to be executed by the Board and recorded with the special permit and plan.
  7. Add language for the Town Clerk to document that no appeals were filed.
  8. Add reference to McCarty Engineering of Leominster, MA for landscape plan.
- D. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the February 6, 2020 Evergreen Village site plan set.
1. Include a sheet providing the Stormwater Pollution Prevention Plan (O & M plan) for Construction.
  2. Detail and notes shall be provided to describe the dimensions and composition of the Garden Path at the end of Balsam Way.
  3. Add a datum reference (NAVD 88) to the plan set.
  4. Depict the location of the official "open space" areas.
  5. Add a Registry box and whatever other formatting is needed on each sheet for the full plan set to be recordable at the Norfolk County Registry of Deeds.
  6. The Cheney Engineering Existing Conditions shall be updated to specify the NAVD 88 benchmark information in NOTES and a revised date.
  7. Information to depict regrading of the land to the west of the proposed roadway to establish better sight distance for egressing traffic.
  8. Add a detail to Sheet D-2 for the stone wall/fence to be installed along the western boundary of the property.
  9. Detail Sheet D-3 shall be revised to delete the detail for bituminous machined berm and replace it with a detail for Cape Cod berm.
  10. The notes on Sheets S-3 and S-4 regarding proposed retaining wall shall be revised to refer to the wall section detail included on Sheet L-1.
  11. The Existing Conditions Plan Sheet S-1 originally dated March 2, 2019 shall be revised to remove the building and barn which have been razed and

are no longer located on the premises. The date on Sheet S-1 shall be revised accordingly.

12. Remove reference to split rail fence wherever it appears in the plan set
13. Add a detail or clarification on the composition and design of the ornamental wall planned for the east side of Balsam Way off of Evergreen Street.
14. Add the Storm Water Pollution Plan within the Storm Water Report for Evergreen Village, 22 Evergreen Street, Medway, MA by Ronald Tiberi, dated February 6, 2020 as a sheet in the plan set. Add this item to the Plan Index on the cover sheet of the plan set.

E. ***Other Documentation*** - Prior to plan endorsement, the Applicant shall provide the following additional documentation to the Board:

1. Copy of the Performance Security Covenant to be executed by the Permittee and the Board in a form acceptable to the Board and suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
2. Copy of a sample deed to be used to convey each dwelling unit for review, comment, amendment and approval by Town Counsel. The deed shall clearly state that the Evergreen Village Condominium Trust shall own and be responsible for the maintenance and upkeep of development's private roadway (Balsam Way), the stormwater management system, and all other infrastructure.

F. ***Recording of Plans and Documents***

1. The Plan of Record associated with this special permit is titled *Evergreen Village*, dated September 5, 2019, last revised February 6, 2020 prepared and compiled by Ronald Tiberi, P.E including landscape plans by WDA Design Group of Westborough, MA and architectural and building plans by Daniel Lewis Architect., of Northborough, MA to be further revised as specified herein.
2. No site preparation shall begin on the site and no building permit shall be issued before the following documents are recorded at the Norfolk County Registry of Deeds:
  - a) This special permit decision with the Plan of Record endorsed by the Board
  - b) Performance Security Covenant with the Board
3. The following documents which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds prior to the issuance of the first occupancy permit for the development.
  - a) Evergreen Village Condominium Master Deed
  - b) Declaration of Trust of the Evergreen Village Condominium Association
4. Within thirty days of recording, the Permittee or its assigns or successors shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that the specified documents have been duly recorded or

supply another alternative verification that such recording has occurred.

G. ***Open Space/Yard Area***

1. At least 15% of the site shall be retained as open space and/or yard area in perpetuity. This is an ongoing obligation of the Evergreen Village Condominium Association. This area shall be unpaved but may be landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area may include a play area or other communal recreational space, subject to plan modification requirements.

H. ***Sidewalk Construction/Replacement on Evergreen Street*** – Pursuant to Section 3.5.4. I. Procedures for Site Plan Review of the *Zoning Bylaw*, sidewalks shall be provided along the entire frontage of properties subject to site plan review. The property's frontage along Evergreen Street does not presently include sidewalks and the roadway's narrow width limits its capability to include sidewalks. In lieu of sidewalk construction, the Applicant has agreed to make a payment to the Town's Sidewalk Fund in the amount of \$7,874 as calculated by the Board's Consulting Engineer as the amount needed for the Town to construct 135 linear feet of 5' wide asphalt sidewalk with Cape Cod berm and accessible ramps. The funds shall be held in the Town's Sidewalk Fund for use to construct sidewalks elsewhere in the community. The funds shall be paid to the Town before any occupancy permit is issued or by \_\_\_\_\_, whichever occurs sooner.

I. ***Affordable Housing***

1. In accordance with the *Bylaw*, Section 8.6 Affordable Housing, 1 dwelling unit within Evergreen Village shall be "Affordable" and comply with the requirements for inclusion on the Town's Subsidized Housing Inventory as maintained by the MA Department of Housing and Community Development (DHCD). All provisions of Section 8.6 shall apply to Evergreen Village. To fulfill its affordable housing responsibilities under the *Bylaw*, the Permittee shall provide one affordable housing unit.
2. Within 180 days after the Decision and Plan are recorded at the Norfolk County Registry of Deeds, the Permittee shall apply to DHCD's Local Initiative Program (LIP) for inclusion of the proposed Affordable Housing Unit as a Local Action Unit on the Town's Subsidized Housing Inventory and thereafter shall diligently pursue DHCD approval of the LIP/Local Action Unit Application. Prior to submitting the LIP Application to DHCD, the Permittee shall meet with the Medway Board of Selectmen and the Medway Affordable Housing Committee and Trust for purposes of securing their support for the LIP/LAU application including the proposed marketing plan and local preference guidelines.
3. The Affordable Housing Unit shall be subject to a perpetual affordable housing deed rider, in a form acceptable to DHCD, to be recorded at the Norfolk County Registry of Deeds with the deed for the affordable housing unit as required by LIP. The Affordable Housing Unit shall be sold and resold in accordance with the provisions of the affordable housing deed rider.



4. One Affordable Housing Unit shall to be located within the development as required by DHCD for approval of the project's LIP application. The location of the affordable housing unit shall comply with the provisions of Section 8.6 Affordable Housing of the *Bylaw*, F. Location and Comparability of Affordable Housing Units. The location and size of the affordable housing unit must be approved by DHCD. Upon direction by DHCD or request of the Permittee (*without effect to the Subsidized Housing Inventory eligibility*), the Board shall permit a change in the location of the Affordable Housing Unit. In the event that DHCD does not approve of the project's eligibility under the Subsidized Housing Inventory, the Permittee shall work diligently with the Town to take any action necessary to ensure the unit is included on the Town's Subsidized Housing Inventory.
5. Affordable Housing Regulatory Agreement – If and to the extent that DHCD approves the Affordable Housing Unit pursuant to 760 CMR 56.04(7) and 56.05 (10)(b), the Permittee shall prepare or cause to be prepared and submit to DHCD, before an occupancy permit is issued for the first dwelling unit, an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Permittee (DTRT, LLC or its successors/assigns) and the Massachusetts DHCD. After such submittal to DHCD, the Permittee shall diligently pursue DHCD approval of the Regulatory Agreement. Upon execution, the Regulatory Agreement shall be recorded at the Norfolk County Registry of Deeds. To the extent approved by DHCD, the Affordable Housing Unit shall be subject to the Regulatory Agreement and shall be sold and resold in accordance with its provisions.
6. The Permittee shall select and compensate a Lottery Agent to prepare the LIP/Local Action unit application and Regulatory Agreement and manage the marketing and initial sale of the Affordable Housing Unit. Any such Lottery Agent must meet DHCD's experience requirements so that the Affordable Housing Unit may be counted on the Town's Subsidized Housing Inventory. The Permittee and/or the Evergreen Village Condominium Trust shall identify such Lottery Agent to the Board and any changes thereto.
7. DHCD shall oversee the initial sale of the Affordable Housing Unit pursuant to the LIP/LAU program in conjunction with the selected Lottery Agent.
8. The ongoing Monitoring Agent for the affordable unit shall be DHCD. The Board hereby names the Town of Medway Affordable Housing Trust, if approved by DHCD, as an additional Monitoring Agent for the sale and resale of the Affordable Housing Unit.
9. The Evergreen Village Condominium Master Deed and all legal documents related to the Affordable Housing Unit shall include language to specify:
  - a) the unit number of the designated Affordable Housing Unit;
  - b) that the Affordable Housing Unit shall be sold to income eligible persons or households that meet the income restrictions;
  - c) that the local preference criteria for the sale and re-sale of the

Affordable Housing Unit shall be in accordance with the Massachusetts Department of Housing and Community Development Local Initiative Program or other applicable state housing program

- d) that the Affordable Housing Unit is eligible for inclusion on the Town's Subsidized Housing Inventory;
- e) that the Affordable Housing Unit is subject to a use restriction; and
- f) that the Affordable Housing Unit shall not be encumbered for any financing purposes beyond the original mortgage amount without the express advance written permission of the Monitoring Agent.

10. Timing of construction of affordable unit

- a) No building permit for the second building shall be issued until the Board of Selectmen has approved the Affordable Housing Regulatory Agreement and the Permittee has submitted it to DHCD.
- b) The occupancy permit for the 4<sup>th</sup> market rate unit shall not be issued until the Affordable Housing Regulatory Agreement is approved by DHCD and recorded with the Norfolk County Registry of Deeds and before the affordable unit is determined to be occupiable by the Building Commissioner.

11. Comparability of construction of affordable housing units

- a) The Permittee shall construct the affordable housing unit to be indistinguishable from other units in the development from the exterior including the provision of garages and parking spaces. The units shall be equivalent to the market-rate units in terms of design, quality of construction and workmanship, mechanical, plumbing, heating and cooling systems, roofing, insulation, windows and energy efficiency.
- b) The affordable housing units shall contain complete living facilities and include an equivalent quantity of cabinets, countertops, appliances, lighting, kitchen and bathroom plumbing fixtures, closets, and washer/dryer hookups, and heating and air conditioning equipment to those provided for market rate units. The affordable units shall contain good quality and highly durable interior finishes, flooring, lighting and plumbing fixtures that are consistent with contemporary standards for new housing and installed with equivalent workmanship to the market rate units.
- c) Product and system warranties for the affordable housing units shall be equivalent to those supplied for market rate units.

J. **Tree Preservation** – The tree inventory included on the Existing Conditions plan identified a total of 18 trees of 18" or larger in diameter located on the subject property; one 22" tree is approved for removal during construction.

- 1. The Applicant and its contractors shall not remove any of the remaining 17 trees during site preparation and construction of infrastructure and the buildings.

- a) The 17 trees shall be clearly identified in the field and verified by the Town's consulting engineer before site preparation and construction commences.
  - b) If any of the 17 identified 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)*.
  - c) In lieu of tree planting, the applicant may contribute 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.
2. The Applicant has agreed to prune the 32" tree in the Town's right of way on Evergreen Street. Such pruning shall occur under the guidance of the Medway Tree Warden and Police Department Safety Officer.
- K. **Community Mailbox** - It is anticipated that the U.S. Postal Service will require the use of a standard community mailbox kiosk vs. mail delivery to each individual dwelling unit. Before installation, the Applicant is required to provide the Board with information on the proposed location for such a community mailbox change and the design for a shed enclosure for the kiosk, to be reviewed and approved by the Design Review Committee.
- L. **Ownership/Maintenance of Site Improvements**
1. The stormwater drainage facilities, and all other infrastructure shall be owned and maintained by the property owner. It is the intent of the Board that these facilities shall not be accepted by the Town of Medway.
  2. The Board requires that the following aspects of the development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of same:
    - a) Parking areas
    - b) Stormwater management facilities

- c) Internal Sidewalks
  - d) Snowplowing/sanding
  - e) Landscaping
  - f) Light posts
- L. **Building Permits** - The Board authorizes the Building Department to issue a building permit for the triplex building comprised of units 4, 5 and 6 so that construction can occur during construction of the approved roadway and site infrastructure improvements.
- M. **Occupancy Permits** - Before the Board will authorize an occupancy permit for any of the units in the first triplex building (Units 4, 5 and 6), the following items, at a minimum, must be installed and inspected and approved by the Board:
- a) Roadway area gravel sub-base
  - b) Roadway area binder course
  - c) Drainage system completed to the proposed outfall with frame and grates set to binder grade, as well as stormwater basins, swales, infiltrations systems or any other stormwater management facilities.
  - d) As-built plan of each stormwater basin and forebay and all critical elevations and details of the associated structures, pipes and headwalls.
  - e) All regulatory signs as specified on the approved Plan.
  - f) Stop line pavement markings if required
  - g) Provisions for fire prevention and protection. Private water main/ service to be constructed, installed and functional.
- N. **Patios** – To not increase stormwater runoff, any future patios shall be fabricated with pervious paving materials.
- O. **Parking** – The plan includes two off-street parking spaces per unit (12 spaces total). Regular on-street parking of the occupants of the dwelling units on Balsam Way and Cottage Street shall not be permitted.
- P. **Scenic Road Work Permit** – This project is also subject to a Scenic Road Work Permit issued by the Board. As a condition of this Decision, the Permittee shall comply fully with the requirements of that Scenic Road Work Permit.
- Q. **Underground Utilities** - All electric, telephone, cable TV, and other utilities shall be located underground.
- R. **Water Use and Conservation**
- 1. The development is relying on the Town's public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
    - a. private well water for landscape irrigation
    - b. rain-gauge controlled irrigation systems
    - c. low flow household fixtures
    - d. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
  - 2. The Permittee shall not use Town water for irrigation of the site's lawn and

landscaping. A private well may be installed pursuant to application and receipt of necessary permits from the Board of Health.

- S. **Fire Protection** – This project is subject to local, state and federal fire codes.
- T. **Addresses** – The Balsam Way addresses for the 6 condominium dwellings shall be as determined by the Medway Assessor's office upon consultation with the Medway Fire and Police Departments.
- U. **Development Signage** – Any future development signage for this project shall comply with the sign regulations of the *Bylaw* and is subject to review by the Design Review Committee.
- V. **Stormwater Management During Construction** – Construction is subject to the Storm Water Pollution Plan within the Storm Water Report for Evergreen Village, 22 Evergreen Street, Medway, MA by Ronald Tiberi, dated February 6, 2020.
  - 1. This document shall be included in all construction contracts, subcontracts and specifications dealing with the proposed work. The applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the Construction Period Operation and Maintenance Plan.
  - 2. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Construction Meeting.
  - 3. Prior to the Pre-Construction Meeting and commencement of any activity on the site, the erosion control plan included in the endorsed plan set and the limit of work lines shall be staked. The location of erosion controls shall be adjusted, if necessary, during the first erosion control inspection.
  - 4. Immediately after installation of erosion controls, the Applicant shall notify the Board's consulting engineer to schedule a follow-up inspection to ensure that erosion controls and limits of work have been properly located and installed. No work shall be conducted until the Board's consulting engineer has inspected and approved the installation of the erosion controls.
  - 5. It shall be the responsibility of the Applicant to conduct monitoring, maintenance and repair of erosion control measures, as well as to take any other additional measures necessary to control erosion from the site. The erosion control measures designated on the site plan shall be considered a minimum standard for compliance.
  - 6. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the planned construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site.
- W. **Stormwater Management - Post Construction**
  - 1. The Applicant 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 Board.

2. The stormwater drainage system, water and sewer systems shall be maintained by the Applicant, its successors and assigns, and shall not be dedicated to the Town. It is the intent of the Board and the Applicant that these systems shall not be accepted by the Town.
3. The Permittee and its successors and assigns shall maintain the stormwater management system in accordance with the Operations and Maintenance Plan within the Storm Water Report for Evergreen Village, 22 Evergreen Street, Medway, MA by Ronald Tiberi, dated February 6, 2020.
4. The applicant shall submit annual reports of inspections and maintenance of all stormwater management structures included in the site plan to the Board and the Medway Department of Public Works Compliance Officer starting one year after the Certificate of Site Plan Completion is issued.
5. In the event a management company is engaged by the owner, the stormwater maintenance and operation plan shall be incorporated by reference in the management contract.
6. In the event that the Applicant, its successors and assigns, or its agent fail 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 or any unit therein to secure such payment.

- X. **Order of Conditions** – As a component of this development, the Permittee shall comply fully with the Order of Conditions and the associated Land Disturbance Permit issued by the Medway Conservation Commission on March 17, 2020.

### **GENERAL CONDITIONS OF APPROVAL**

- A. The term “Applicant” and “Permittee” as used in this decision and permit refers to the owner, any successor in interest, title or successor in control of the property referenced in the applications, supporting documents and this decision and permit. The Board shall be notified in writing within 30 days of all transfers of title of any portion of the property that take place prior to issuance of a Certificate of Site Plan Completion.
- B. **Fees** - Prior to plan endorsement by the Board, the Permittee shall pay:

1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
2. any construction inspection fee that may be required by the Board; and
3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

The Permittee's failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.

C. ***Other Permits*** – This permit does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.

D. ***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 Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.

1. ***Construction Time*** - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement and construction deliveries shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays and federal and/or state legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as painting, installation of drywall, flooring, etc.
2. Prior to commencing any work on the site, the Permittee shall install a stone construction entrance (tracking pad) not less than 20' wide and not less than 30' in length, of a stone size averaging 1" to 4".
3. The Permittee 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.
4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that 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 Permittee 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.

5. The Permittee 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.
6. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
7. *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.
8. *Noise* - Construction noise shall not exceed the noise standards as specified in the Medway General Bylaws and the *Bylaw*, 7.3 Environmental Standards, as may be amended.
9. *Stormwater Management* – During construction, the Applicant shall maintain the site and installed stormwater management facilities in accordance with Storm Water Pollution Plan within the Storm Water Report for Evergreen Village, 22 Evergreen Street, Medway, MA by Ronald Tiberi, dated February 6, 2020.

E. ***Landscape Maintenance***

1. The site's landscaping shall be maintained in good condition throughout the life of the 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.
2. Within 60 days after two years after the last occupancy permit is issued, the Town's Consulting Engineer or the Building Commissioner 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. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Building Commissioner/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

F. ***Snow Storage and Removal***

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Bylaw*.
2. The Applicant shall inform snow removal operators of the approved locations for on-site snow storage.

3. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.
- G. ***Right to Enter Property*** – To the extent permitted by law, Board members, its staff, consultants or other designated agents of the Town shall have the right to enter upon the subject property to inspect the site at any time, to ensure continued compliance with the terms and conditions of this special permit and the endorsed plan.
- H. ***Construction Oversight*** - Inspection of infrastructure and utility construction, installation of site amenities including landscaping by the Town's Consulting Engineer and review of legal documents by Town Counsel is required. -
1. Construction Account
    - a) Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare bond estimates, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
    - b) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
    - c) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Applicant.
  2. Pre-Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Applicant shall meet with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent, the site contractors, and Applicant's project engineer for a pre-construction meeting. The construction schedule and procedures for inspections shall be reviewed.
  3. The Department of Public Works 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 and the sewer and water connection permits.
  4. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection.

Failure of the Permittee to provide these reports may be reason to withhold building or occupancy permits.

**I. On-Site Field Changes**

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the *Bylaw* nor conflict with a specific condition of the decision. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

**J. Plan Modification**

1. Proposed modifications (not including on-site field changes) to the endorsed plan shall be subject to review by the Board.
2. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from an approved site plan shall be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification and such approval is provided in writing by the Board.
4. The request for a *Modification* to a previously approved plan shall be subject to the same application and review process including a public hearing including the payment of plan modification filing fee and plan review fee and all costs associated with another public hearing including legal notice advertising. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Permittee. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.



**K. Plan Compliance**

1. The Permittee shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto.
2. The Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. The Conditions of Approval are enforceable under Section 3.1. F. of the *Bylaw* (non-criminal disposition).

**L. Performance Security**

1. *Covenant* - Prior to plan endorsement, the Permittee shall sign a *Covenant*, on a form provided by the Board, to be reviewed and approved by Town Counsel, to secure construction of the roadway, stormwater management facilities and related infrastructure and site improvements as specified in the approved Plan. Reference to the *Covenant* shall be noted on the cover sheet of the Plan. The *Covenant* shall specify that no unit may secure a building permit until such services are completed or an alternative form of security is provided. The *Covenant* shall specify that the roadway (excluding unit driveways) and all infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Board within three years of the date of plan endorsement. The *Covenant* shall be recorded at the Norfolk County Registry of Deeds at the same time the Decision and Plan are recorded.
2. *Alternative Performance Security*
  - a) At such time as the Permittee wishes to secure a building permit, the security provided by the *Covenant* shall be replaced by one of the types of performance guarantees set forth in M.G.L. Ch. 41, Section 81U, which method or combination of methods may be selected and from time to time varied by the Applicant, in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector and Town Counsel. The performance guarantee shall be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
    - 1) the date by which the Permittee shall complete construction
    - 2) a statement that the agreement does not expire until released in full by the Board
    - 3) procedures for collection upon default.
  - b) *Amount* - The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the roadway and installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Decision and Plan that remain unfinished at the time the performance guarantee estimate is prepared if the Permittee failed to do so. The security amount shall be approved by the Board based on an estimate

provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. 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 services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency. A performance security agreement shall be executed by the Permittee, the Board and the selected surety.

3. *Adjustment of Performance Guarantee* – At the Permittee's written request, the amount of the performance guarantee may be reduced from time to time over the course of the construction project by vote of the Board upon the partial completion of the roadway 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 on the approved Plan 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 Mass Department of Transportation. 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 cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. 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: the estimate of the Town's Consulting Engineer of the cost to complete the work; plus a 30% contingency. The Board may authorize up to three reductions in the amount of performance security however, the Board shall not reduce the performance security below \$40,000.
4. *Final Release of Performance Security* - Final release of performance security is contingent on project completion.

M. ***Project Completion***

1. Special permit approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause.
2. The approved site plan shall be completed by the Permittee or its assignees within three years of the date of plan endorsement. Upon receipt of a written request by the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.

3. Prior to issuance of the occupancy permit for the sixth dwelling unit, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the Permittee shall:
  - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and
  - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.
- N. ***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.
- O. ***Conflicts*** – If there is a conflict between the site plan and the Decision's Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the *Bylaw*, the *Bylaw* shall apply.

## **IX. APPEAL**

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

In accordance with G.L. c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does

so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

**Medway Planning and Economic Development Board  
Evergreen Village MULTI-FAMILY SPECIAL PERMIT, MAJOR SITE PLAN DECISION  
and SCENIC ROAD WORK PERMIT  
22 Evergreen Street**

Approved by the Medway Planning & Economic Development Board: \_\_\_\_\_

Certified by \_\_\_\_\_

**COPIES TO:** Michael Boynton, Town Administrator  
Stephanie Carlisle, DPW Compliance Officer  
David D’Amico, Department of Public Works  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Mike Fasolino, Deputy Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department  
Maria Varrichione, Sampson Pond LLC  
John and Cynthia Shea  
Ron Tiberi, P.E.  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates



**April 7, 2020**

**Medway Planning & Economic Development Board  
Special Meeting**

**Choate Trail Subdivision**

- Letter dated 3-9-20 from Connorstone Engineering with revised subdivision plan
- Revised subdivision plan dated 3-9-20
- Tetra Tech Review letter dated 3-26-20 re: revised plan
- PGC Associates review letter dated 3-30-20 re: revised plan
- Annotated Existing Conditions Plan showing trees larger than 12" to be removed
- Revised draft decision dated April 3, 2020



## CONNORSTONE ENGINEERING, INC.

10 SOUTHWEST CUTOFF, SUITE #7  
NORTHBOROUGH, MASSACHUSETTS 01532  
TEL: (508) 393-9727 • FAX: (508) 393-5242

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

March 9, 2020

**Re: 42 Highland Street (Choate Trail Way)  
Revised Definitive Subdivision Plans**

Dear Ms. Affleck-Childs:

On behalf of the applicant please find the enclosed plans related to the definitive subdivision application for Choate Trail Way. The plans have been revised based upon discussions at the previous Planning Board meeting.

Tree Mitigation:

The revised plans have been updated to include mitigation for the proposed scenic road tree removal. The plans have been modified slightly to protect the existing 14-inch Hickory on the right side of the entrance.

- 12" Dead Tree – no replacement required
- 5" Maple – to be transplanted
- 5" Maple – to be transplanted
- 26" Oak – 38 replacement trees required (3" caliper)
- 7" Maple – to be transplanted
- 9" Maple – to be transplanted
- 14" Hickory – to be protected (removal not required)
- Total replacement required = 38 Trees

Proposed Mitigation Measure	Replacement Tree Equivalent
Preserve an existing 12" Maple along Highland Street. The tree is outside the right of way, but will be preserved and protected. If the replacement formula were applied to this tree it would require 8 replacement trees.	8 Trees
Buffer Restoration Area. Pre-existing disturbance of the inner 25 foot buffer to be planted with a mix of native shrubs Total shrubs = 30 (2:1 shrub to tree ratio)	15 Trees
Trail Buffer Plantings. Proposed planting buffer between the walking trail and the abutting residential property. Plantings to include native shrubs Total shrubs = 30 (2:1 shrub to tree ratio)	15 Trees

Total replacement tree equivalent = 38 Trees



Trail Connection:

The proposed walking trail connection has been provided on the plans. The trail will be located along the side of Lot 4 and consists of a 5 foot wide trail within a 15' wide easement. An easement over the sidewalk area has also been provided to access the trail entrance.

Other Plan Revisions:

The plans have also been revised based upon Conservation Commission comments and earlier Planning Board Comments these include:

Planning Board items:

- Switching the sidewalk to the east side of the road to reduce the limit of tree removal and earthwork toward the wetlands.
- Show the electric utility pole with overhead wires to the site and then underground connection.
- Specified the curbing type at the cul-de-sac as sloped granite.
- Added the street name as Copper Drive.

Conservation Commission Items:

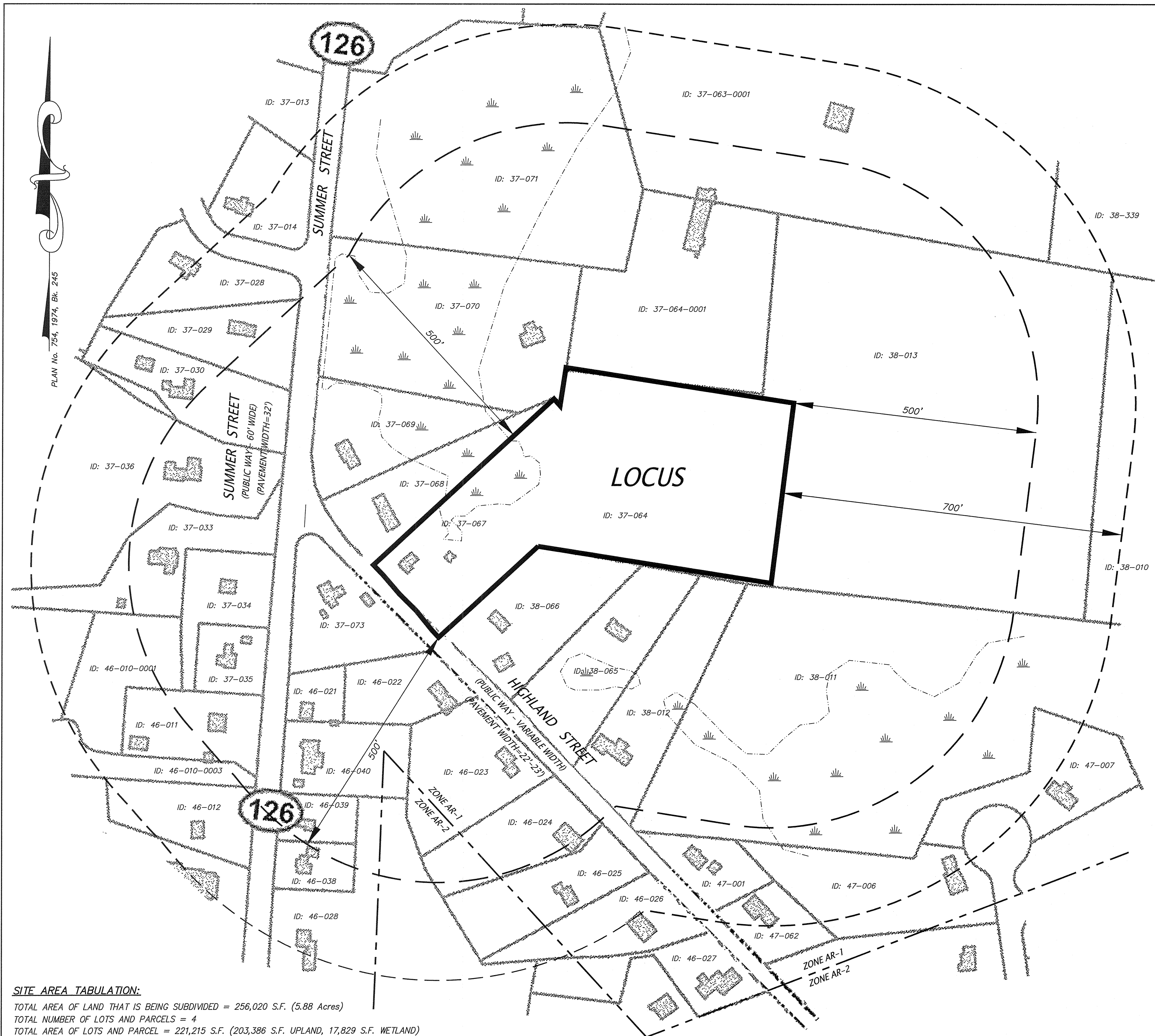
- Modifying the wetland delineation (delete flag #10).
- Modify the erosion barrier detail to compost sock rather than straw wattles, and the limit of barriers on Lot 2 to correspond with the buffer zone limits.
- Note snow storage plowing away from wetland buffers toward the right shoulder.
- Note the existing house has been removed.
- Add a temporary sediment trap on Lot 4.
- Specify the side slope near the wetland to be seeded with a native conservation seed mix.

Should you have any questions please contact our office at 508-393-9727.

Sincerely,  
Connorstone Engineering, Inc.



Vito Colonna, PE



**SITE AREA TABULATION:**  
TOTAL AREA OF LAND THAT IS BEING SUBDIVIDED = 256,020 S.F. (5.88 Acres)  
TOTAL NUMBER OF LOTS AND PARCELS = 4  
TOTAL AREA OF LOTS AND PARCEL = 221,215 S.F. (203,386 S.F. UPLAND, 17,829 S.F. WETLAND)  
TOTAL AREA DEDICATED FOR STREET PURPOSES = 34,805 S.F.  
TOTAL AREA NOT INCLUDED FOR STREETS, LOTS OR PARCELS  
DEDICATED FOR DRAINAGE, SEWER, OR UTILITY EASEMENTS = 0 S.F.  
TOTAL AREA RESERVED FOR OPEN SPACE, PARKS, SCHOOLS AND OTHER PUBLIC USE = 0 S.F.  
SUMMARY: 221,215 S.F. + 34,805 S.F. + 0 + 0 = 256,020 S.F.

APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW,  
IS REQUIRED.  
MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD

DATE: \_\_\_\_\_  
THIS PLAN IS SUBJECT TO A COVENANT  
TO BE RECORDED HERewith.

**ABUTTERS LIST:**

Parcel ID: 37-064 LOCK IT UP LLC 56 CENTRAL AVE UNIT 1 NEWTON, MA 02460	Parcel ID: 37-064-0001 MEDWAY TOWN OF MUNICIPAL 155 VILLAGE ST. MEDWAY, MA 02053	Parcel ID: 37-065 BANNON LYNDIA MADGE JOHANNA 38 HIGHLAND ST. MEDWAY, MA 02053
Parcel ID: 37-066 JORDAN TRST JOSEPH E JORDAN TRST AMY L 40 HIGHLAND ST. MEDWAY, MA 02053	Parcel ID: 37-067 LOCK IT UP LLC 56 CENTRAL AVE UNIT 1 NEWTON, MA 02460	Parcel ID: 37-068 BABINEAU JR JAMES E BABINEAU MELISSA A 46 HIGHLAND ST. MEDWAY, MA 02053
Parcel ID: 37-069 HASSAN WILLIAM A. HASSAN SHEILA 50 HIGHLAND ST. MEDWAY, MA 02053	Parcel ID: 37-070 HAMM JOSEPH H & ALLYSON 48 HIGHLAND ST. MEDWAY, MA 02053	Parcel ID: 37-071 SEVEN R'S REALTY TRUST STEVEN & KERRI 165 VILLAGE ST. MEDWAY, MA 02053
Parcel ID: 37-073 BERARD COLETTE M TR BERARD NICOLE S TR 46 HIGHLAND STREET MEDWAY, MA 02053	Parcel ID: 38-011 MEDWAY TOWN OF CONSERVATION 155 VILLAGE ST. MEDWAY, MA 02053	Parcel ID: 38-012 COTE ERIC H. COTE ANDREA L. 36 HIGHLAND ST. MEDWAY, MA 02053
Parcel ID: 38-013 MEDWAY TOWN OF MUNICIPAL 155 VILLAGE ST. MEDWAY, MA 02053	Parcel ID: 46-021 NARGISSE JEAN BERNARD 64 SUMMER ST. MEDWAY, MA 02053	Parcel ID: 46-022 MCMULLIN DANIEL B MCMULLIN STEPHANIE P O BOX 197 MEDWAY, MA 02053
Parcel ID: 46-023 DAVIS JR FRANCIS B C/O MARY FREEMAN 77 KERRY DRIVE SPRINGFIELD, MA 01118	Parcel ID: 46-040 NICKERSON DENNIS A NICKERSON SUSAN I 62 SUMMER ST. MEDWAY, MA 02053	Parcel ID: 37-033 SISTRAND JR. DAVID E SISTRAND RENEE 67-R SUMMER ST. MEDWAY, MA 02053
Parcel ID: 37-084 TENNANT CHERYL ANN 67 SUMMER ST. MEDWAY, MA 02053	Parcel ID: 37-035 MARSHALL WAYNE E MARSHALL SHEILA A 65 SUMMER ST. MEDWAY, MA 02053	Parcel ID: 37-036 LINDSEY LINDA A. 69 SUMMER ST. MEDWAY, MA 02053

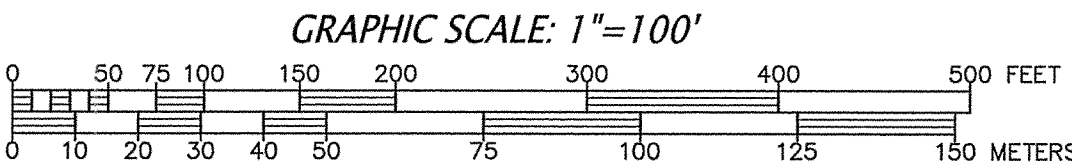
**WAIVER LIST:**

SECTION 7.13.3 WAIVER FROM THE REQUIREMENT OF PROVIDING A  
SIDEWALK ALONG THE FRONTAGE WITH HIGHLAND STREET.  
SECTION 7.9.5.6 WAIVER TO ALLOW A VERTICAL CURVE WITH THE  
200' LEVELING AREA.

I HEREBY CERTIFY THAT THIS PLAN  
WAS PREPARED IN CONFORMANCE WITH  
THE RULES AND REGULATIONS OF THE  
REGISTERS OF DEEDS.  
VAROUJAN H. HAGOPIAN, P.L.S. 49665



I, \_\_\_\_\_ CLERK OF THE TOWN OF MEDWAY  
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD  
OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL WAS TAKEN  
FOR TWENTY (20) DAYS THEREAFTER.



**GENERAL NOTES:**

- OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF MEDWAY ASSESSORS RECORDS.
- THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY BY CONNORSTONE ENGINEERING INC. PERFORMED IN MARCH 2018.
- LEGAL STATUS OF EASEMENTS AND WAYS, NOT DETERMINED BY THIS SURVEY.
- WETLANDS SHOWN HEREON WERE FLAGGED BY THREE OAKS ENVIRONMENTAL WETLAND CONSULTING AND LOCATED ON-THE-GROUND BY CONNORSTONE ENGINEERING INC.

**SITE CONSTRUCTION NOTE:**

- ALL IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH MASS HIGHWAY HANDICAP REQUIREMENTS AND THE CURRENT ADA/AAB REQUIREMENTS IN EFFECT AT THE TIME OF CONSTRUCTION.

ZONED: AR-1  
AREA = 44,000 sf  
FRONTAGE = 180 feet  
SETBACKS: FRONT = 35 feet  
SIDE = 15 feet  
REAR = 15 feet

ASSESSOR MAP 37, LOT 67

OWNER / APPLICANT:

THE RESIDENCES AT CHOATE TRAIL, LLC  
17 GOLDFINCH LANE  
NASHUA, NH 03062

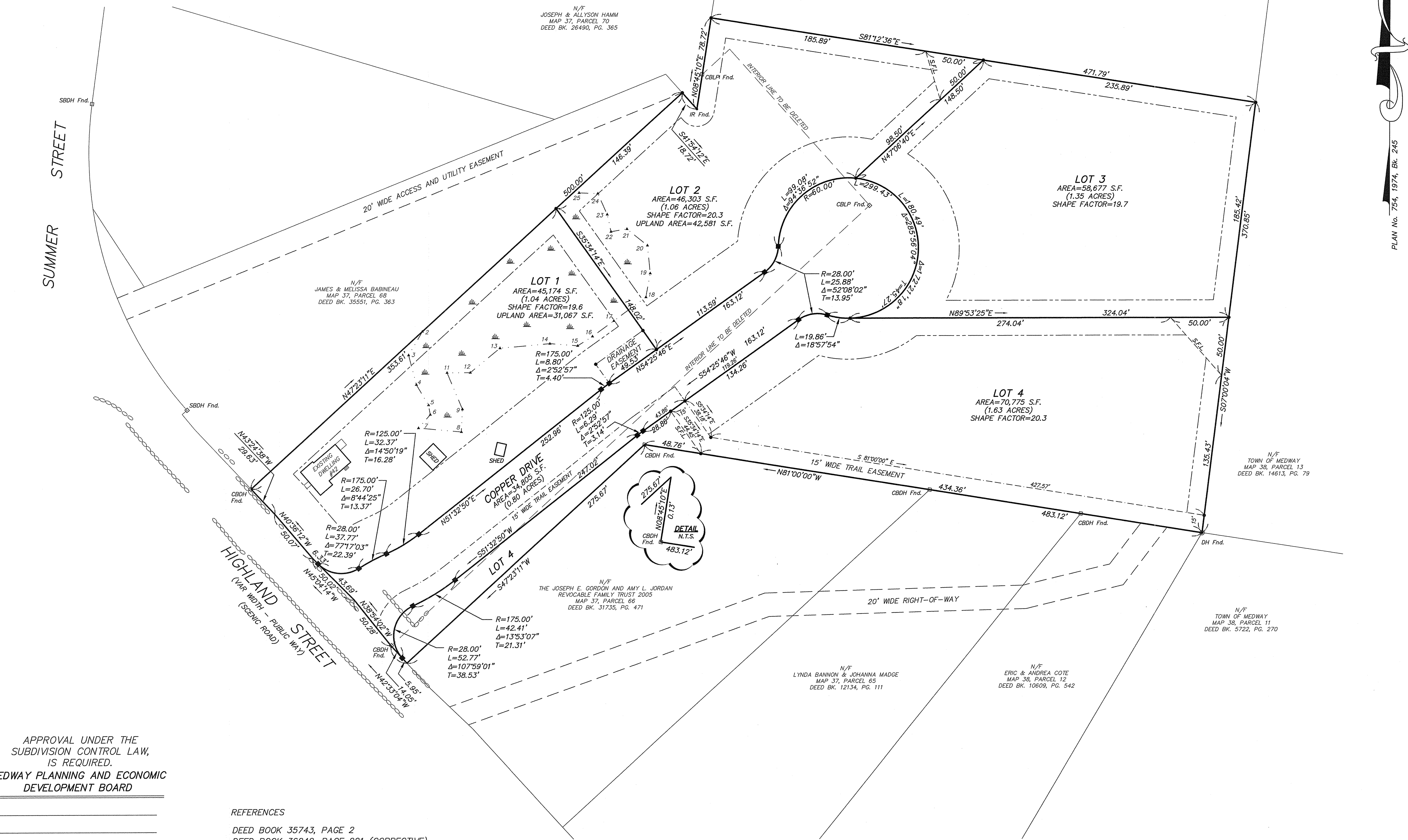
**CONNORSTONE  
ENGINEERING INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
10 SOUTHWEST CUTOFF, SUITE 7  
NORTHBOROUGH, MASSACHUSETTS 01532  
PHONE: 508-393-9727 FAX: 508-393-5242  
**DEFINITIVE SUBDIVISION PLAN  
COVER SHEET  
CHOATE TRAIL WAY  
IN  
MEDWAY, MASS.**

3/9/2020	REVIEW COMMENTS
1/13/2020	REVIEW COMMENTS
1/3/2020	REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: NOVEMBER 8, 2019	
SCALE: AS SHOWN	SHEET 1 OF 2



MONUMENTS

- SBDH Fnd. STONE BOUND W. DRILL HOLE FOUND
- CBDH Fnd. CONCRETE BOUND W DRILL HOLE FOUND
- IP Fnd. IRON PIPE FOUND
- IR Fnd. IRON ROD FOUND
- CONCRETE BOUND TO BE SET
- IRON ROD/CAP TO BE SET



- GENERAL NOTES:
- OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF MEDWAY ASSESSORS RECORDS.
  - THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY BY CONNORSTONE ENGINEERING INC. PERFORMED IN MARCH 2018.
  - LEGAL STATUS OF EASEMENTS AND WAYS, NOT DETERMINED BY THIS SURVEY.
  - WETLANDS SHOWN HEREON WERE FLAGGED BY THREE OAKS ENVIRONMENTAL WETLAND CONSULTING AND LOCATED ON-THE-GROUND BY CONNORSTONE ENGINEERING INC.

ZONED: AR-1  
AREA = 44,000 sf  
FRONTAGE = 180 feet  
SETBACKS: FRONT = 35 feet  
SIDE = 15 feet  
REAR = 15 feet

ASSESSOR MAP 37, LOT 67  
OWNER / APPLICANT:  
THE RESIDENCES AT CHOATE TRAIL, LLC  
17 GOLDFINCH LANE  
NASHUA, NH 03062

**CONNORSTONE ENGINEERING INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
10 SOUTHWEST CUTOFF, SUITE 7  
NORTHBOROUGH, MASSACHUSETTS 01532  
PHONE: 508-393-9727 FAX: 508-393-5242

**DEFINITIVE SUBDIVISION PLAN**  
**LAND PLAN**  
**CHOATE TRAIL WAY**  
**IN**  
**MEDWAY, MASS.**

3/9/2020	REVIEW COMMENTS
1/13/2020	REVIEW COMMENTS
1/3/2020	REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: NOVEMBER 8, 2019	
SCALE: 1"=40'	SHEET 2 OF 2.

REFERENCES

DEED BOOK 35743, PAGE 2  
DEED BOOK 36240, PAGE 221 (CORRECTIVE)

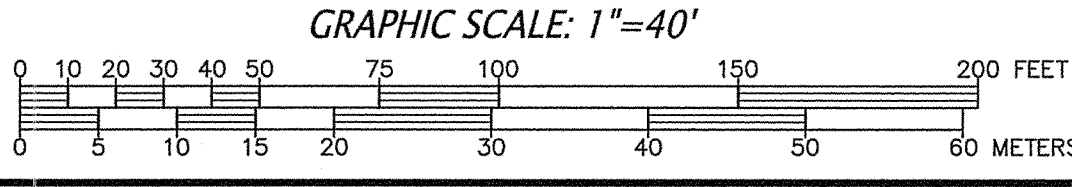
PLAN NUMBER 754 OF 1974, PLAN BOOK 245  
PLAN NUMBER 715 OF 1976, PLAN BOOK 257  
PLAN NUMBER 246 OF 1995, PLAN BOOK 429  
PLAN NUMBER 248 OF 1980, PLAN BOOK 280  
PLAN NUMBER 841 OF 1995, PLAN BOOK 435  
PLAN NUMBER 842 OF 1995, PLAN BOOK 435  
NORFOLK COUNTY REGISTRY OF DEEDS

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

VAROJAN H. HAGOPIAN, P.L.S. 49665



I, \_\_\_\_\_ CLERK OF THE TOWN OF MEDWAY RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL WAS TAKEN FOR TWENTY (20) DAYS THEREAFTER.



APPROVAL UNDER THE SUBDIVISION CONTROL LAW, IS REQUIRED.

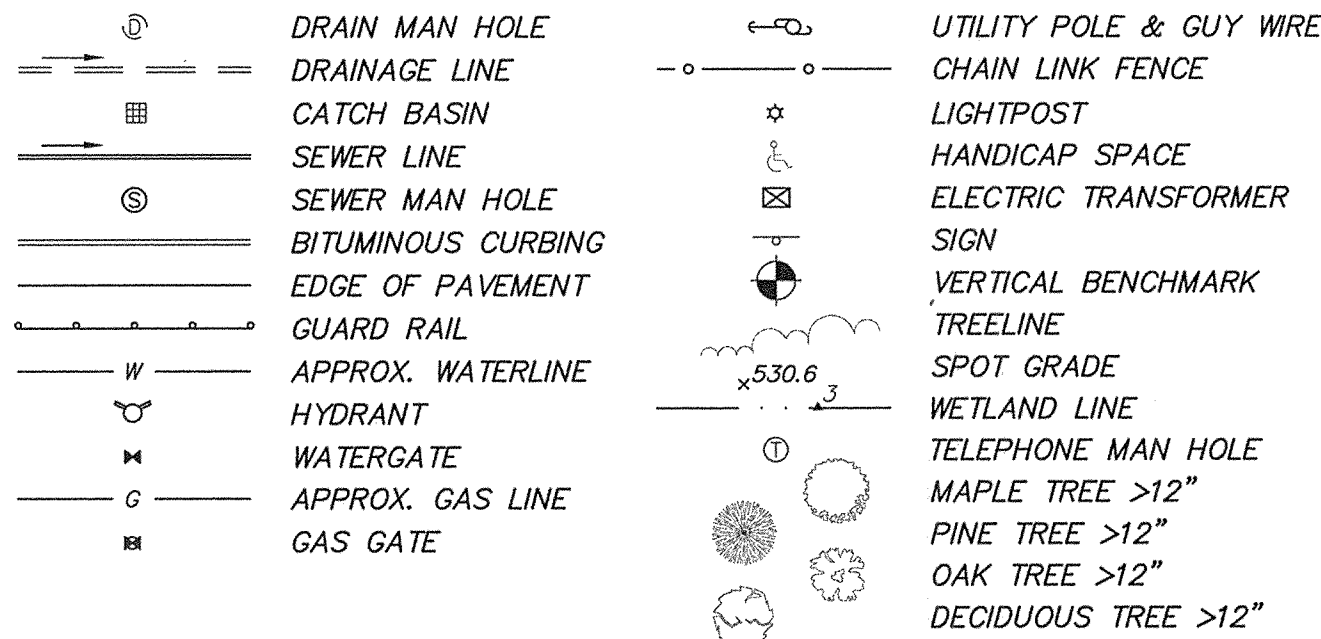
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

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

THIS PLAN IS SUBJECT TO A COVENANT TO BE RECORDED HEREWITH.



# LEGEND



# MONUMENTS

- SBDH Fnd. STONE BOUND W. DRILL HOLE FOUND
- CBDH Fnd. CONCRETE BOUND W DRILL HOLE FOUND
- IP Fnd. IRON PIPE FOUND
- IR Fnd. IRON ROD FOUND

# ROAD

D-1 (11/7/19)	EL-255.5	D-3 (11/7/19)	EL-256.0
0-5" Ap	SANDY LOAM 101R3/2	0-10" Ap	SANDY LOAM 101R3/2
8-35" Bw	LOAMY SAND 101R5/8	10-20" Bw	LOAMY SAND 101R5/8
28-62" C1	LOAMY SAND 2.515/4	28-82" C1	LOAMY SAND 2.515/4
NOTES AT 35" REFUSAL AT 63"		NOTES AT 42" REFUSAL AT 62"	

D-2 (11/7/19)	EL-254.8	D-4 (11/7/19)	EL-254.0
0-5" Ap	SANDY LOAM 101R3/2	0-8" Ap	SANDY LOAM 101R3/2
8-30" Bw	LOAMY SAND 101R5/8	8-30" Bw	LOAMY SAND 101R5/8
30-70" C1	LOAMY SAND 2.515/4	30-80" C1	LOAMY SAND 2.515/4
70-85" C2	SANDY LOAM 2.515/8	NOTES AT 18" WATER AT 72"	

# LOT 1

DTH-1 (7/8/19)		
0-9"	Ap	SANDY LOAM 10YR3/2
9-35"	Bw	LOAMY SAND 10YR6/8
35-57"	C1	LOAMY SAND 10YR6/4
57-122"	C2	SANDY LOAM 2.5Y5/4

DTH-2 (7/8/19)		
0-17"		FILL
17-35"	Bw	LOAMY SAND 10YR6/8
35-56"	C1	LOAMY SAND

DTH-3 (7/8/19)		
0-9"		FILL
9-23"	Bw	LOAMY SAND 10YR6/8
23-92"	C1	SANDY LOAM

DTH-4 (7/8/19)		
0-10"	Ap	SANDY LOAM 10YR3/2
10-20"	Bw	LOAMY SAND 10YR6/8
20-44"	C1	LOAMY SAND

PT-A (7/8/19)
DEPTH 66" 6 MP

PT-B (7/8/19)
DEPTH 82" 4 MP

# LOT 2

DTH-9 (7/8/19)		
0-6"	Ap	SANDY LOAM 10YR3/2
6-32"	Bw	LOAMY SAND 10YR6/8
32-112"	C1	LOAMY SAND 2.5Y5/4

DTH-10 (7/8/19)		
0-6"	Ap	SANDY LOAM 10YR3/2
6-32"	Bw	LOAMY SAND 10YR6/8
32-109"	C1	LOAMY SAND

DTH-11 (7/8/19)		
0-6"	Ap	SANDY LOAM 10YR3/2
6-24"	Bw	LOAMY SAND 10YR6/8
24-93"	C1	SANDY LOAM

DTH-12 (7/8/19)		
0-5"	Ap	SANDY LOAM 10YR3/2
5-31"	Bw	LOAMY SAND 10YR6/8
31-80"	C1	LOAMY SAND

PT-F (7/8/19)
DEPTH 60" 6 MP

PT-G (7/8/19)
DEPTH 48" 6 MP

# LOT 3

DTH-13 (7/8/19)		
0-5"	Ap	SANDY LOAM 10YR3/2
5-30"	Bw	LOAMY SAND 10YR6/8
30-100"	C1	LOAMY SAND 2.5Y5/4

DTH-14 (7/8/19)		
0-6"	Ap	SANDY LOAM 10YR3/2
6-35"	Bw	LOAMY SAND 10YR6/8
		LOAMY SAND

DTH-15 (7/8/19)		
0-6"	Ap	SANDY LOAM 10YR3/2
6-35"	Bw	LOAMY SAND 10YR6/8
35-104"	C1	LOAMY SAND

DTH-16 (7/8/19)		
0-6"	Ap	SANDY LOAM 10YR3/2
6-27"	Bw	LOAMY SAND 10YR6/8
27-33"	C1	LOAMY SAND

PT-H (7/8/19)
DEPTH 48" 3 MP

PT-I (7/8/19)
DEPTH 64" 2 MP

# LOT 4

DTH-5 (7/8/19)		
0-4"	Ap	SANDY LOAM 10YR3/2
4-25"	Bw	LOAMY SAND 10YR6/8
25-133"	C1	LOAMY SAND 2.5YS/4

DTH-6 (7/8/19)		
0-6"	Ap	SANDY LOAM 10YR3/2
6-27"	Bw	LOAMY SAND 10YR6/8
27-97"	C1	LOAMY SAND

DTH-7 (7/8/19)		
0-7"	Ap	SANDY LOAM 10YR3/2
7-31"	Bw	LOAMY SAND 10YR6/8
31-112"	C1	LOAMY SAND

DTH-8 (7/8/19)		
0-5"	Ap	SANDY LOAM 10YR3/2
5-28"	Bw	LOAMY SAND 10YR6/8
28-91"	C1	FINE SAND

PT-C (7/8/19)
DEPTH 40" 5 MP

PT-D (7/8/19)
DEPTH 57" 2 MP

ZONED: AR-1  
AREA = 44,000 sf  
FRONTAGE = 180 feet  
SETBACKS: FRONT = 35 feet  
SIDE = 15 feet  
REAR = 15 feet

ASSESSOR MAP 37, LOT 67

OWNER / APPLICANT:

THE RESIDENCES AT CHOATE TRAIL, LLC  
17 GOLDFINCH LANE  
NASHUA, NH 03062

**CONNORSTONE  
ENGINEERING INC.**

CIVIL ENGINEERS AND LAND SURVEYORS  
10 SOUTHWEST CUTOFF, SUITE 7  
NORTHBOROUGH, MASSACHUSETTS 01532  
PHONE: 508-393-9727 FAX: 508-393-5242

DEFINITIVE SUBDIVISION PLAN  
EXISTING CONDITIONS  
CHOATE TRAIL WAY  
IN  
MEDWAY, MASS.

3/9/2020 REVIEW COMMENTS  
1/13/2020 REVIEW COMMENTS  
1/3/2020 REVIEW COMMENTS

REVISED: DESCRIPTION:

DRAWN BY: REM CHECK BY: VC

DATE: NOVEMBER 8, 2019

SCALE: 1"=40' SHEET 1 OF 7

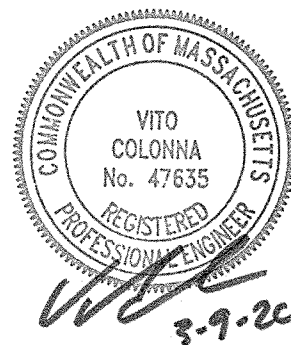
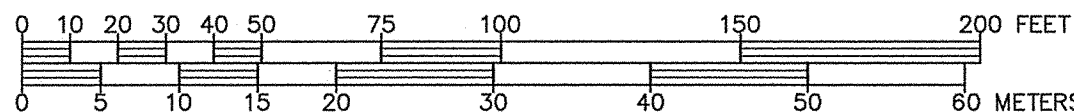
APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW,  
IS REQUIRED.  
MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD

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

THIS PLAN IS SUBJECT TO A COVENANT  
TO BE RECORDED HEREWITH.

I, \_\_\_\_\_ CLERK OF THE TOWN OF MEDWAY  
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD  
OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL WAS TAKEN  
FOR TWENTY (20) DAYS THEREAFTER.

GRAPHIC SCALE: 1"=40'



PLAN No. 754, 1974, Bk. 245

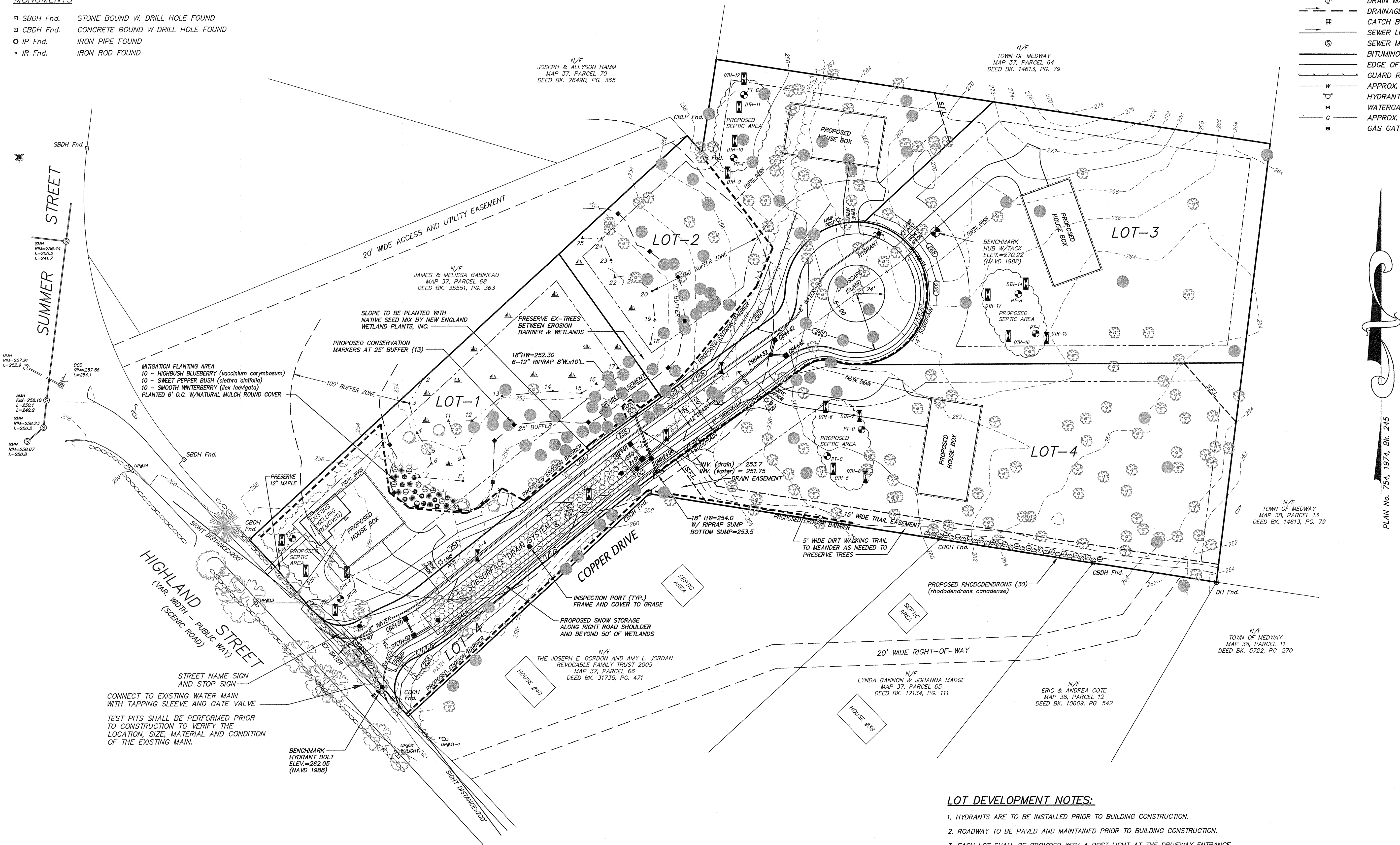


MONUMENTS

- SBDH Fnd. STONE BOUND W. DRILL HOLE FOUND  
□ CBDH Fnd. CONCRETE BOUND W DRILL HOLE FOUND  
○ IP Fnd. IRON PIPE FOUND  
• IR Fnd. IRON ROD FOUND

LEGEND

- D — DRAIN MAN HOLE  
— — DRAINAGE LINE  
— — CATCH BASIN  
— — SEWER LINE  
— S — SEWER MAN HOLE  
— — BITUMINOUS CURBING  
— — EDGE OF PAVEMENT  
— — GUARD RAIL  
— W — APPROX. WATERLINE  
— — HYDRANT  
— — WATERGATE  
— G — APPROX. GAS LINE  
— — GAS GATE
- — UTILITY POLE & GUY WIRE  
— — CHAIN LINK FENCE  
— — LIGHTPOST  
— — HANDICAP SPACE  
— — ELECTRIC TRANSFORMER  
— — SIGN  
— — VERTICAL BENCHMARK  
— — TREELINE  
— — SPOT GRADE  
— — WETLAND LINE  
— — TELEPHONE MAN HOLE  
— — MAPLE TREE >12"  
— — PINE TREE >12"  
— — OAK TREE >12"  
— — DECIDUOUS TREE >12"



ZONED: AR-1  
AREA = 44,000 sf  
FRONTAGE = 180 feet  
SETBACKS: FRONT = 35 feet  
SIDE = 15 feet  
REAR = 15 feet

ASSESSOR MAP 37, LOT 67

OWNER / APPLICANT:  
THE RESIDENCES AT CHOATE TRAIL, LLC  
17 GOLDFINCH LANE  
NASHUA, NH 03062

CONNORSTONE  
ENGINEERING INC.

CIVIL ENGINEERS AND LAND SURVEYORS  
10 SOUTHWEST CUTOFF, SUITE 7  
NORTHBOROUGH, MASSACHUSETTS 01532  
PHONE: 508-393-9727 FAX: 508-393-5242

DEFINITIVE SUBDIVISION PLAN  
CONSTRUCTION PLAN  
CHOATE TRAIL WAY  
IN  
MEDWAY, MASS.

3/9/2020 REVIEW COMMENTS  
1/13/2020 REVIEW COMMENTS  
1/3/2020 REVIEW COMMENTS

REVISED: DESCRIPTION:  
DRAWN BY: REM CHECK BY: VC  
DATE: NOVEMBER 8, 2019

SCALE: 1"=40' SHEET 2 OF 7.

APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW,  
IS REQUIRED.  
MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD

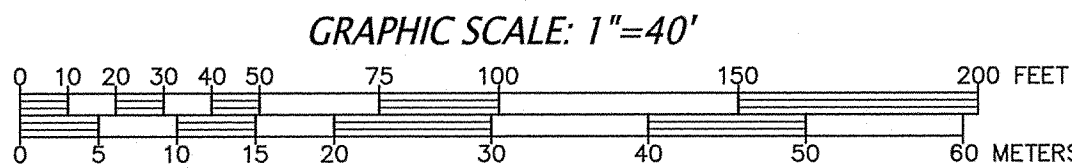
DATE:

THIS PLAN IS SUBJECT TO A COVENANT  
TO BE RECORDED HEREWITH.

I, \_\_\_\_\_ CLERK OF THE TOWN OF MEDWAY  
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD  
OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL WAS TAKEN  
FOR TWENTY (20) DAYS THEREAFTER.

LOT DEVELOPMENT NOTES:

1. HYDRANTS ARE TO BE INSTALLED PRIOR TO BUILDING CONSTRUCTION.
2. ROADWAY TO BE PAVED AND MAINTAINED PRIOR TO BUILDING CONSTRUCTION.
3. EACH LOT SHALL BE PROVIDED WITH A POST LIGHT AT THE DRIVEWAY ENTRANCE.
4. EACH LOT SHALL PROVIDE ROOF DRAIN DRYWELLS (SEE DETAIL).
5. NO DWELLING UNITS CAN BE CONSTRUCTED WITHOUT FIRST COORDINATING WITH THE MEDWAY BOARD OF HEALTH FOR THE PROPOSED SEPTIC SYSTEMS.





LOT DEVELOPMENT NOTES:

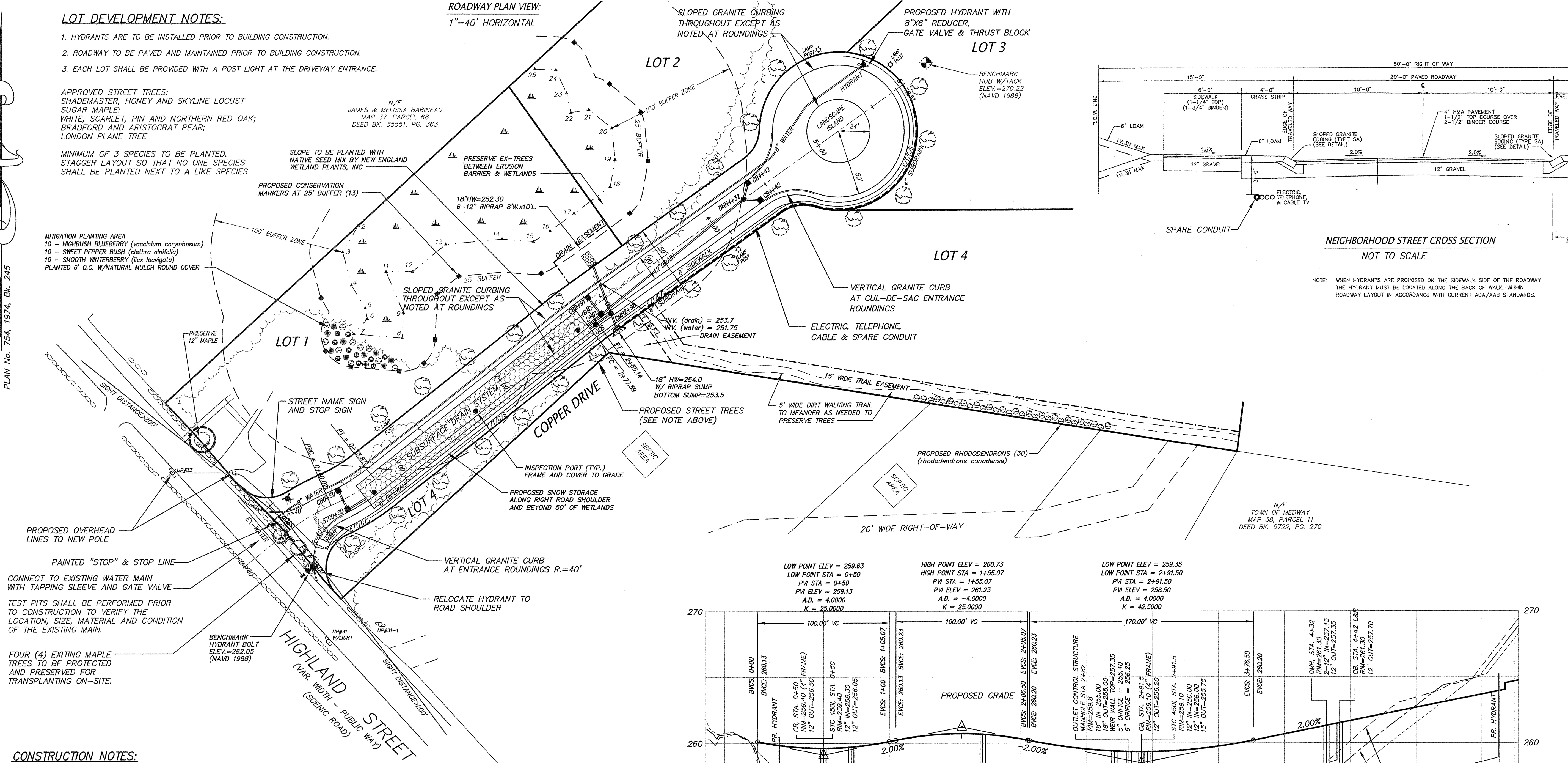
- HYDRANTS ARE TO BE INSTALLED PRIOR TO BUILDING CONSTRUCTION.
- ROADWAY TO BE PAVED AND MAINTAINED PRIOR TO BUILDING CONSTRUCTION.
- EACH LOT SHALL BE PROVIDED WITH A POST LIGHT AT THE DRIVEWAY ENTRANCE.

APPROVED STREET TREES:  
SHADEMASTER, HONEY AND SKYLINE LOCUST  
SUGAR MAPLE:  
WHITE, SCARLET, PIN AND NORTHERN RED OAK;  
BRADFORD AND ARISTOCRAT PEAR;  
LONDON PLANE TREE

MINIMUM OF 3 SPECIES TO BE PLANTED.  
STAGGER LAYOUT SO THAT NO ONE SPECIES  
SHALL BE PLANTED NEXT TO A LIKE SPECIES

MITIGATION PLANTING AREA  
10 - HIBERNUS BLUEBERRY (vaccinium corymbosum)  
10 - SWEET PEPPER BUSH (clethra alnifolia)  
10 - SMOOTH WINTERBERRY (ilex laevigata)  
PLANTED 6' O.C. W/ NATURAL MULCH ROUND COVER

PLAN No. 754, 1974, Bk. 245



CONSTRUCTION NOTES:

- EXISTING UTILITY LINES SHOWN ON THIS DRAWING ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE LOCATIONS. THE ENGINEER DOES NOT GUARANTEE THEIR ACCURACY OR THAT ALL UTILITIES AND SUBSURFACE STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL VERIFY SIZE, LOCATION AND INVERT ELEVATIONS OF THE UTILITIES AND STRUCTURES, AS REQUIRED PRIOR TO THE START OF CONSTRUCTION. ANY DISCREPANCIES WITH RECORD DATA SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY. THE CONTRACTOR SHALL CONTACT DIG SAFE: 1-800-344-7233 (72 HOURS BEFORE DIGGING), AND TOWN DPW FOR UTILITY LOCATIONS PRIOR TO EXCAVATION. TEST PITS SHALL BE UTILIZED FOR UTILITY CONNECTIONS.
- ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH THE STANDARDS AND SPECIFICATIONS MEDWAY DEPARTMENT OF PUBLIC WORKS, OR THE LATEST EDITION OF THE MASSACHUSETTS HIGHWAY DEPARTMENT (MHD) CONSTRUCTION STANDARDS AND THE MHD STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, WHICHEVER IS MORE STRINGENT.
- THE LAYOUT AND INSTALLATION OF ELECTRIC, GAS, TELEPHONE AND CATV UTILITY CONNECTIONS AND SERVICES SHALL IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPECTIVE UTILITY.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE HIS WORK WITH THE APPROPRIATE HIGHWAY & UTILITY DEPARTMENTS. CONTRACTOR SHALL MAINTAIN ALL EXISTING AND NEWLY INSTALLED UTILITIES IN GOOD WORKING ORDER AND SHALL PROTECT THEM FROM DAMAGE AT ALL TIMES UNTIL THE WORK IS COMPLETED AND ACCEPTED.
- WORK WITHIN THE HIGHWAY LAYOUT, IF APPLICABLE, SHALL CONFORM TO THE CONDITIONS OF THE PERMIT ISSUED BY THE MASSACHUSETTS HIGHWAY DEPARTMENT AND/OR LOCAL AUTHORITY AS APPROPRIATE.
- THE CONTRACTOR SHALL UTILIZE ALL MEASURES AND MATERIALS NECESSARY TO ENSURE THE SAFETY OF ALL PERSONS AND PROPERTIES AT THE SITE DURING CONSTRUCTION. ALL EXCAVATIONS SHALL CONFORM TO CURRENT OSHA STANDARDS.
- ALL SIGN SIZES AND MATERIAL SHALL CONFORM TO THE "MANUAL ON UNIFORM TRAFFIC DEVICES" (MUTCD) AND THE OFFICE OF TRAFFIC OPERATIONS, FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION.
- ALL RAMPS, CURB CUTS, SIDEWALKS, AND ACCESSIBLE SPACES SHALL COMPLY WITH THE AMERICANS WITH DISABILITIES ACT REGULATIONS AND WITH ARCHITECTURAL ACCESS BOARD REGULATIONS (521 CMR 1-47).
- ALL EXCAVATION AND EARTHWORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE MASSACHUSETTS HIGHWAY DEPARTMENT (MHD) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, SECTIONS 120, 140, 150, AND 170.

WATER SYSTEM NOTES:

WATER MAINS, WITH HYDRANTS, VALVES AND OTHER FITTINGS, SHALL BE CONSTRUCTED AND INSTALLED WITHIN THE SUBDIVISION AS NECESSARY TO PROVIDE TO ALL LOTS THEREIN ADEQUATE WATER SUPPLY FOR DOMESTIC AND FIRE PROTECTION USE. WATER FACILITIES MUST CONFORM TO THE MEDWAY WATER RULES AND REGULATIONS, WHICH ARE UNDER THE JURISDICTION OF THE WATER AND SEWER DEPARTMENT. PROPER CONNECTIONS SHALL BE MADE WITH EXISTING PUBLIC WATER SYSTEMS. WATER LINES SHALL BE AT LEAST 8-INCH DIAMETER CEMENT-LINED DUCTILE IRON, CLASS 52 OR GREATER, OR AS CURRENTLY REQUIRED BY THE TOWN OF MEDWAY WATER AND SEWER DEPARTMENT AND SHALL BE FURNISHED WITH ADEQUATE VALVES AND APPURTENANCES TO THE SPECIFICATIONS OF THE TOWN OF MEDWAY WATER AND SEWER DEPARTMENT. MINIMUM FIVE FEET OF COVER SHALL BE PROVIDED OVER ALL PROPOSED WATER MAINS AND SERVICES. APPROPRIATE THRUST BLOCKING SHALL BE INSTALLED.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR, TO KEEP ACCURATE MEASUREMENTS / RECORDS OF THE WATER MAIN AND SERVICE INSTALLATION INCLUDING DEPTH, LOCATION, MATERIALS, ETC.

BOARD OF HEALTH NOTES:

NO DWELLING WILL BE CONSTRUCTED ON ANY LOT WITHOUT FIRST SECURING FROM THE BOARD OF HEALTH THE DISPOSAL WORKS CONSTRUCTION PERMIT REQUIRED BY TITLE 5 OF THE STATE ENVIRONMENTAL CODE

ADA / AAB REQUIREMENTS:

ALL IMPROVEMENTS, RAMPS, CURB CUTS, SIDEWALKS, AND DRIVEWAY CROSSINGS SHALL COMPLY WITH THE AMERICANS WITH DISABILITIES ACT REGULATIONS AND WITH ARCHITECTURAL ACCESS BOARD REGULATIONS (521 CMR 1-47) IN FORCE AND EFFECTIVE AT THE TIME OF CONSTRUCTION.

LOT 3

PROPOSED HYDRANT WITH 8"x6" REDUCER, GATE VALVE & THRUST BLOCK  
BENCHMARK HUB W/TACK ELEV.=270.22 (NAVD 1988)

LOT 4

ELECTRIC, TELEPHONE, CABLE & SPARE CONDUIT

NEIGHBORHOOD STREET CROSS SECTION  
NOT TO SCALE

NOTE: WHEN HYDRANTS ARE PROPOSED ON THE SIDEWALK SIDE OF THE ROADWAY THE HYDRANT MUST BE LOCATED ALONG THE BACK OF WALK, WITHIN ROADWAY LAYOUT IN ACCORDANCE WITH CURRENT ADA/AAB STANDARDS.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW, IS REQUIRED.  
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

DATE:

THIS PLAN IS SUBJECT TO A COVENANT TO BE RECORDED HEREWITH.

ZONED: AR-1  
AREA = 44,000 sf  
FRONTAGE = 180 feet  
SETBACKS: FRONT = 35 feet  
SIDE = 15 feet  
REAR = 15 feet

ASSESSOR MAP 37, LOT 67

OWNER / APPLICANT:  
THE RESIDENCES AT CHOATE TRAIL, LLC  
17 GOLDFINCH LANE  
NASHUA, NH 03062

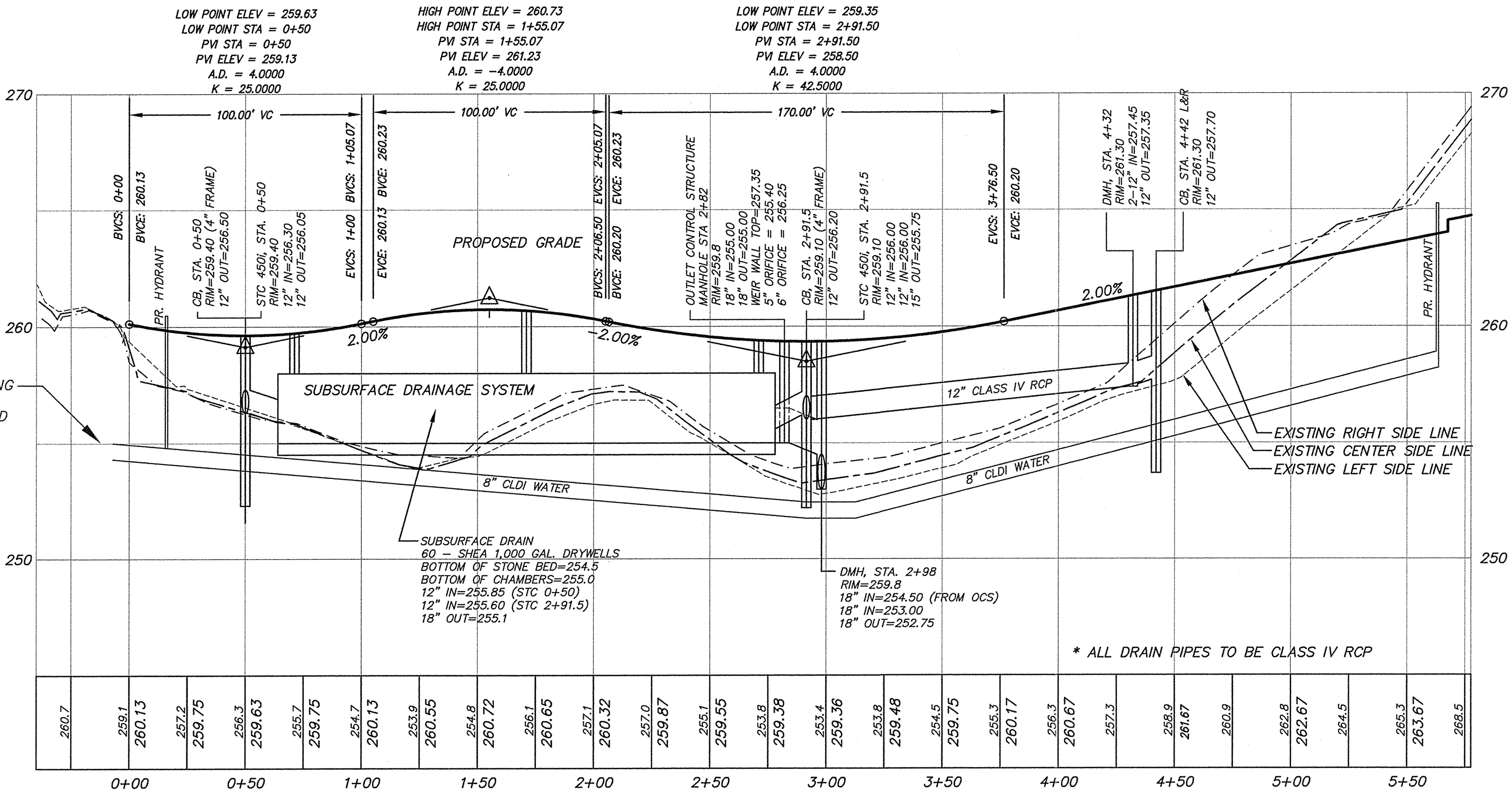
CONNORSTONE ENGINEERING INC.

CIVIL ENGINEERS AND LAND SURVEYORS  
10 SOUTHWEST CUTOFF, SUITE 7  
NORTHBOROUGH, MASSACHUSETTS 01532  
PHONE: 508-393-9727 FAX: 508-393-5242

DEFINITIVE SUBDIVISION PLAN  
ROADWAY PLAN & PROFILE  
CHOATE TRAIL WAY  
IN  
MEDWAY, MASS.

DATE	REVIEW COMMENTS
3/9/2020	REVIEW COMMENTS
1/13/2020	REVIEW COMMENTS
1/3/2020	REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: NOVEMBER 8, 2019	
SCALE: 1"=40'	SHEET 3 OF 7.

ROADWAY PROFILE:  
1"=40' HORIZONTAL  
1"=4' VERTICAL



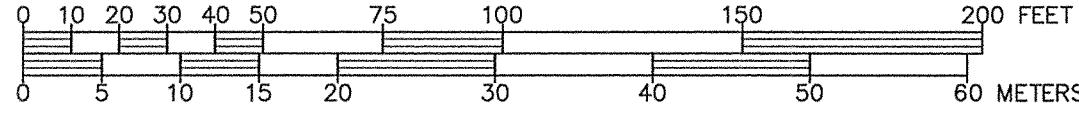
I, \_\_\_\_\_ CLERK OF THE TOWN OF MEDWAY  
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD  
OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL WAS TAKEN  
FOR TWENTY (20) DAYS THEREAFTER.



MONUMENTS

- SBDH Fnd. STONE BOUND W. DRILL HOLE FOUND
- CBDH Fnd. CONCRETE BOUND W DRILL HOLE FOUND
- IP Fnd. IRON PIPE FOUND
- IR Fnd. IRON ROD FOUND

GRAPHIC SCALE: 1"=40'

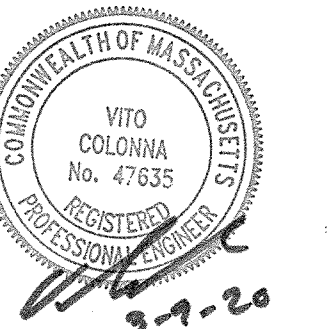
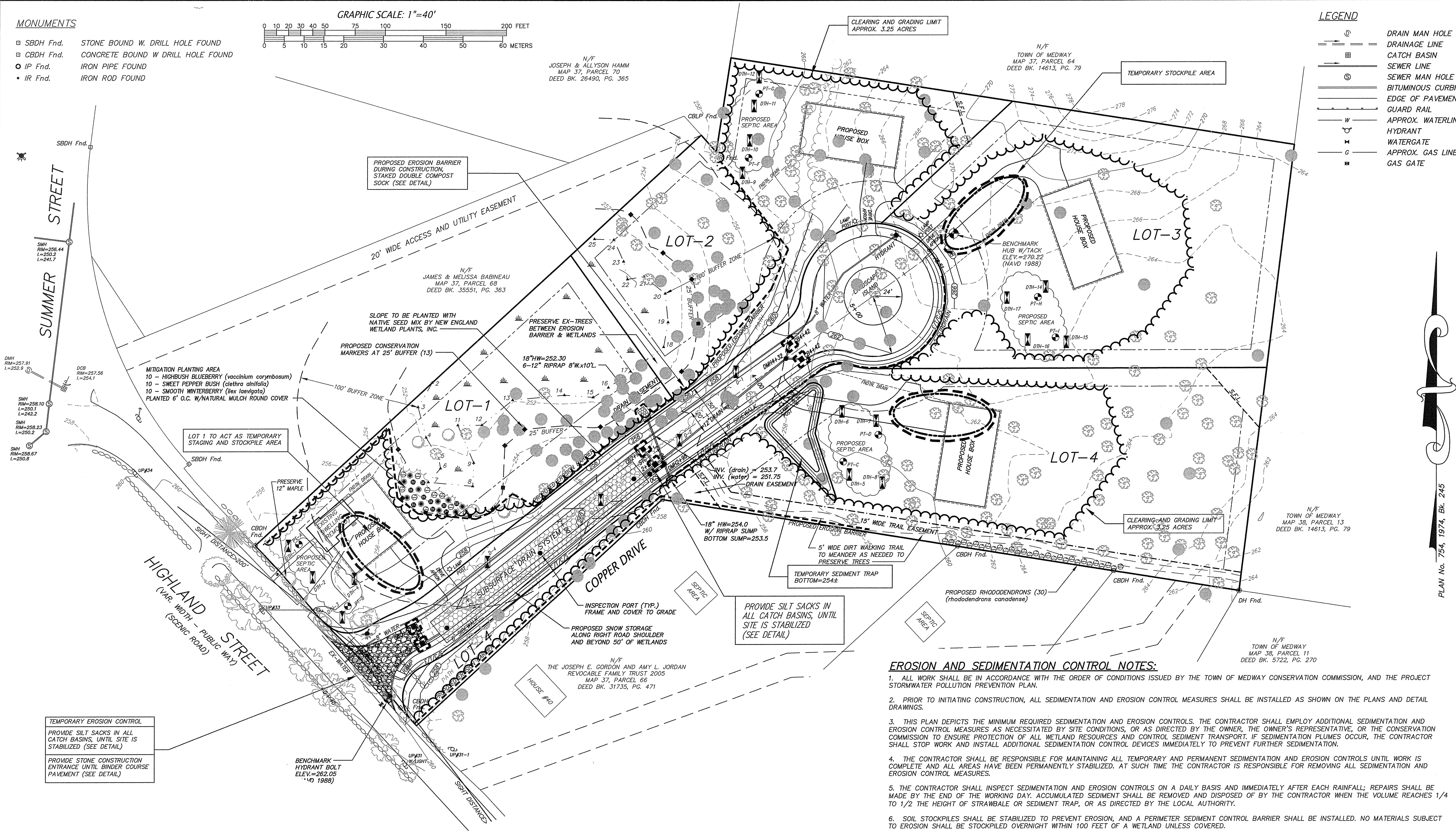


N/F  
JOSEPH & ALLYSON HAMM  
MAP 37, PARCEL 70  
DEED BK. 26490, PG. 365

LEGEND

- DRAIN MAN HOLE
- DRAINAGE LINE
- CATCH BASIN
- SEWER LINE
- SEWER MAN HOLE
- BITUMINOUS CURBING
- EDGE OF PAVEMENT
- GUARD RAIL
- APPROX. WATERLINE
- HYDRANT
- WATERGATE
- APPROX. GAS LINE
- GAS GATE

- UTILITY POLE & GUY WIRE
- CHAIN LINK FENCE
- LIGHTPOST
- HANDICAP SPACE
- ELECTRIC TRANSFORMER SIGN
- VERTICAL BENCHMARK
- TREELINE
- SPOT GRADE
- WETLAND LINE
- TELEPHONE MAN HOLE
- MAPLE TREE >12"
- PINE TREE >12"
- OAK TREE >12"
- DECIDUOUS TREE >12"



ZONED: AR-1  
AREA = 44,000 sf  
FRONTAGE = 180 feet  
SETBACKS: FRONT = 35 feet  
SIDE = 15 feet  
REAR = 15 feet

EROSION AND SEDIMENTATION CONTROL NOTES:

- ALL WORK SHALL BE IN ACCORDANCE WITH THE ORDER OF CONDITIONS ISSUED BY THE TOWN OF MEDWAY CONSERVATION COMMISSION, AND THE PROJECT STORMWATER POLLUTION PREVENTION PLAN.
- PRIOR TO INITIATING CONSTRUCTION, ALL SEDIMENTATION AND EROSION CONTROL MEASURES SHALL BE INSTALLED AS SHOWN ON THE PLANS AND DETAIL DRAWINGS.
- THIS PLAN DEPICTS THE MINIMUM REQUIRED SEDIMENTATION AND EROSION CONTROLS. THE CONTRACTOR SHALL EMPLOY ADDITIONAL SEDIMENTATION AND EROSION CONTROL MEASURES AS NECESSITATED BY SITE CONDITIONS, OR AS DIRECTED BY THE OWNER, THE OWNER'S REPRESENTATIVE, OR THE CONSERVATION COMMISSION TO ENSURE PROTECTION OF ALL WETLAND RESOURCES AND CONTROL SEDIMENT TRANSPORT. IF SEDIMENTATION PLUMES OCCUR, THE CONTRACTOR SHALL STOP WORK AND INSTALL ADDITIONAL SEDIMENTATION CONTROL DEVICES IMMEDIATELY TO PREVENT FURTHER SEDIMENTATION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL TEMPORARY AND PERMANENT SEDIMENTATION AND EROSION CONTROLS UNTIL WORK IS COMPLETE AND ALL AREAS HAVE BEEN PERMANENTLY STABILIZED. AT SUCH TIME THE CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL SEDIMENTATION AND EROSION CONTROL MEASURES.
- THE CONTRACTOR SHALL INSPECT SEDIMENTATION AND EROSION CONTROLS ON A DAILY BASIS AND IMMEDIATELY AFTER EACH RAINFALL; REPAIRS SHALL BE MADE BY THE END OF THE WORKING DAY. ACCUMULATED SEDIMENT SHALL BE REMOVED AND DISPOSED OF BY THE CONTRACTOR WHEN THE VOLUME REACHES 1/4 TO 1/2 THE HEIGHT OF STRAWBALE OR SEDIMENT TRAP, OR AS DIRECTED BY THE LOCAL AUTHORITY.
- SOIL STOCKPILES SHALL BE STABILIZED TO PREVENT EROSION, AND A PERIMETER SEDIMENT CONTROL BARRIER SHALL BE INSTALLED. NO MATERIALS SUBJECT TO EROSION SHALL BE STOCKPILED OVERNIGHT WITHIN 100 FEET OF A WETLAND UNLESS COVERED.
- TOPSOIL STOCKPILES AND DISTURBED PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITY TEMPORARILY CEASES FOR AT LEAST 7 DAYS WILL BE STABILIZED WITH A TEMPORARY SEED AND MULCH NO LATER THAN 7 DAYS FROM THE LAST CONSTRUCTION ACTIVITY IN THAT AREA. THE TEMPORARY SEED SHALL BE EROSION CONTROL MIX. DISTURBED PORTIONS OF THE SITE WHERE FINAL GRADE HAS BEEN MET AND CONSTRUCTION ACTIVITY CEASES SHALL BE STABILIZED WITH PERMANENT SEED NO LATER THAN 7 DAYS AFTER THE LAST CONSTRUCTION ACTIVITY. THE PERMANENT SEED MIX CONSISTS OF BLUEGRASS, TALL FESCUE, AND ANNUAL RYE. PRIOR TO SEEDING, GROUND AGRICULTURAL LIMESTONE SHALL BE APPLIED AS REQUIRED. SEEDING SHALL BE NUTRIENT ENRICHED HYDROSEED AND CELLULOSE OR OTHER DEGRADABLE FIBERS CAPABLE OF RETAINING MOISTURE. IF NOT DURING THE GROWING SEASON, THESE AREAS SHALL BE MULCHED WITH STRAW AND SECURED.
- DEWATERING OPERATIONS, IF REQUIRED, SHALL DISCHARGE ONTO STABILIZED AREAS, AND ALL DISCHARGE WATER IS TO PASS THROUGH SEDIMENTATION CONTROL DEVICES TO PREVENT IMPACTS UPON WATER BODIES, BORDERING VEGETATED WETLANDS, DRAINAGE SYSTEMS AND ADJUTING PROPERTIES. AT A MINIMUM ALL DISCHARGES SHALL BE INTERCEPTED BY STRAWBALE CORRAL AND STRAWBALE CHECK DAMS SPACED 10' APART.
- STRAW WATTLES AND SILT FENCE SHALL BE INSTALLED ALONG THE EDGE OF PROPOSED DEVELOPMENT OR AS INDICATED ON THE PLANS. ADDITIONAL BARRIERS SHALL BE LOCATED AS CONDITIONS WARRANT, AND IN SOME AREAS WEED FREE BALE/SILT FENCING STRUCTURES MAY HAVE TO BE DUPLICATED AT REGULAR INTERVALS UP GRADIENT OF WETLANDS.
- STREET SWEEPING IN THE VICINITY OF THE PROJECT AREA SHALL BE PERFORMED AS NEEDED UNTIL THE PROJECT LIMITS HAVE BEEN STABILIZED. ALL SEDIMENT TRACKED ONTO PUBLIC RIGHT-OF-WAYS SHALL BE SWEEPED AT THE END OF EACH WORKING DAY.
- ALL EXISTING AND PROPOSED DRAINAGE SYSTEM INLETS, WHICH MAY RECEIVE STORMWATER FLOW FROM DISTURBED AREAS, SHALL BE PROVIDED WITH INLET PROTECTION (CATCH BASIN SILT SACKS). THE CONTRACTOR SHALL MAINTAIN THESE DEVICES PER THE MANUFACTURERS RECOMMENDATIONS UNTIL ALL WORK IS COMPLETED AND ALL AREAS HAVE BEEN ADEQUATELY STABILIZED.
- DUST CONTROL MEASURES SHALL BE IMPLEMENTED AND MAINTAINED PROPERLY THROUGHOUT DRY WEATHER PERIODS UNTIL ALL DISTURBED AREAS HAVE BEEN PERMANENTLY STABILIZED. METHODS FOR DUST CONTROL SHALL INCLUDE WATER SPRINKLING AND/OR OTHER METHODS APPROVED BY THE ENGINEER.
- ALL VEHICLES SHALL ENTER AND EXIT THE SITE VIA THE STABILIZED CONSTRUCTION ENTRANCE CONSISTING OF 2" TO 3" INCH CRUSHED STONE TO A DEPTH OF 6" FOR A MINIMUM OF THE FIRST 50 FEET FROM EXISTING PAVED STREETS. EXTEND THE PAD BEYOND 50 FEET AS NECESSARY BASED UPON FIELD CONDITIONS. IF THE SITE CONDITIONS ARE SUCH THAT THE GRAVEL PAD DOES NOT REMOVE THE MAJORITY OF THE MUD AND DEBRIS, THEN THE TIRES SHALL BE WASHED BEFORE ANY VEHICLES ENTER ADJACENT ROADWAYS. ALL WATER USED FOR TIRE WASHING SHALL BE COLLECTED AND TREATED PRIOR TO ENTERING THE DRAINAGE SYSTEM. THE CONTRACTOR SHALL INSPECT THE CONSTRUCTION ENTRANCE DAILY AND AFTER HEAVY USE.
- EQUIPMENT NOT IN USE SHALL NOT BE PARKED WITHIN WETLANDS OR BUFFER AREAS.

GENERAL SEQUENCING PLAN

- ESTIMATED SCHEDULE  
ROADWAY THROUGH BINDER COURSE: 12 MONTHS  
LOT DEVELOPMENT 24 MONTHS
- INSTALL SEDIMENT CONTROL BARRIERS AND CONSTRUCTION ENTRANCE.
  - REMOVE THE EXISTING STRUCTURES AND PAVEMENT AREAS.
  - INSTALL TEMPORARY SEDIMENT BASINS (IF REQUIRED)
  - CLEAR, STUMP & GRUB ROADWAY AREAS.
  - BEGIN CONSTRUCTION OF ROADWAY.
  - INSTALL UTILITIES, DRYWELL TO REMAIN OFF-LINE UNTIL THE DRAINAGE AREA IS STABILIZED.
  - INSTALL GRAVEL BASE AND BINDER COURSE PAVEMENT.
  - INDIVIDUAL LOT DEVELOPMENT.
  - PERFORM FINAL LANDSCAPING AND STABILIZATION.
  - FINAL TOP COURSE PAVEMENT.
  - REMOVE THE REMAINING SILTATION DEVICES AS THE AREA BECOMES STABLE.

APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW,  
IS REQUIRED.  
MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD

DATE:

THIS PLAN IS SUBJECT TO A COVENANT  
TO BE RECORDED HEREWITH.

I, \_\_\_\_\_ CLERK OF THE TOWN OF MEDWAY  
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD  
OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL WAS TAKEN  
FOR TWENTY (20) DAYS THEREAFTER.

ASSESSOR MAP 37, LOT 67

OWNER / APPLICANT:

THE RESIDENCES AT CHOATE TRAIL, LLC  
17 GOLDFINCH LANE  
NASHUA, NH 03062

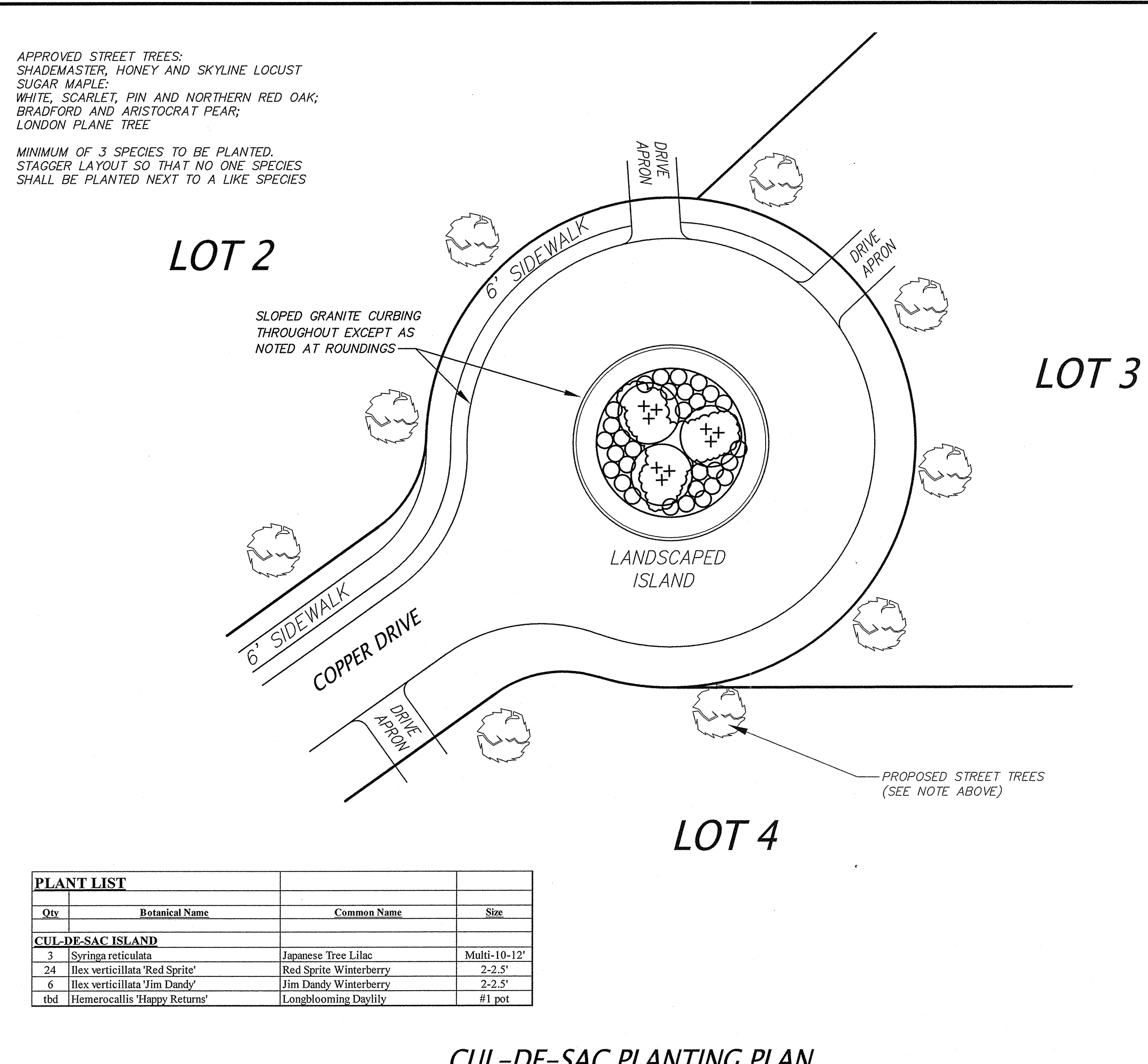
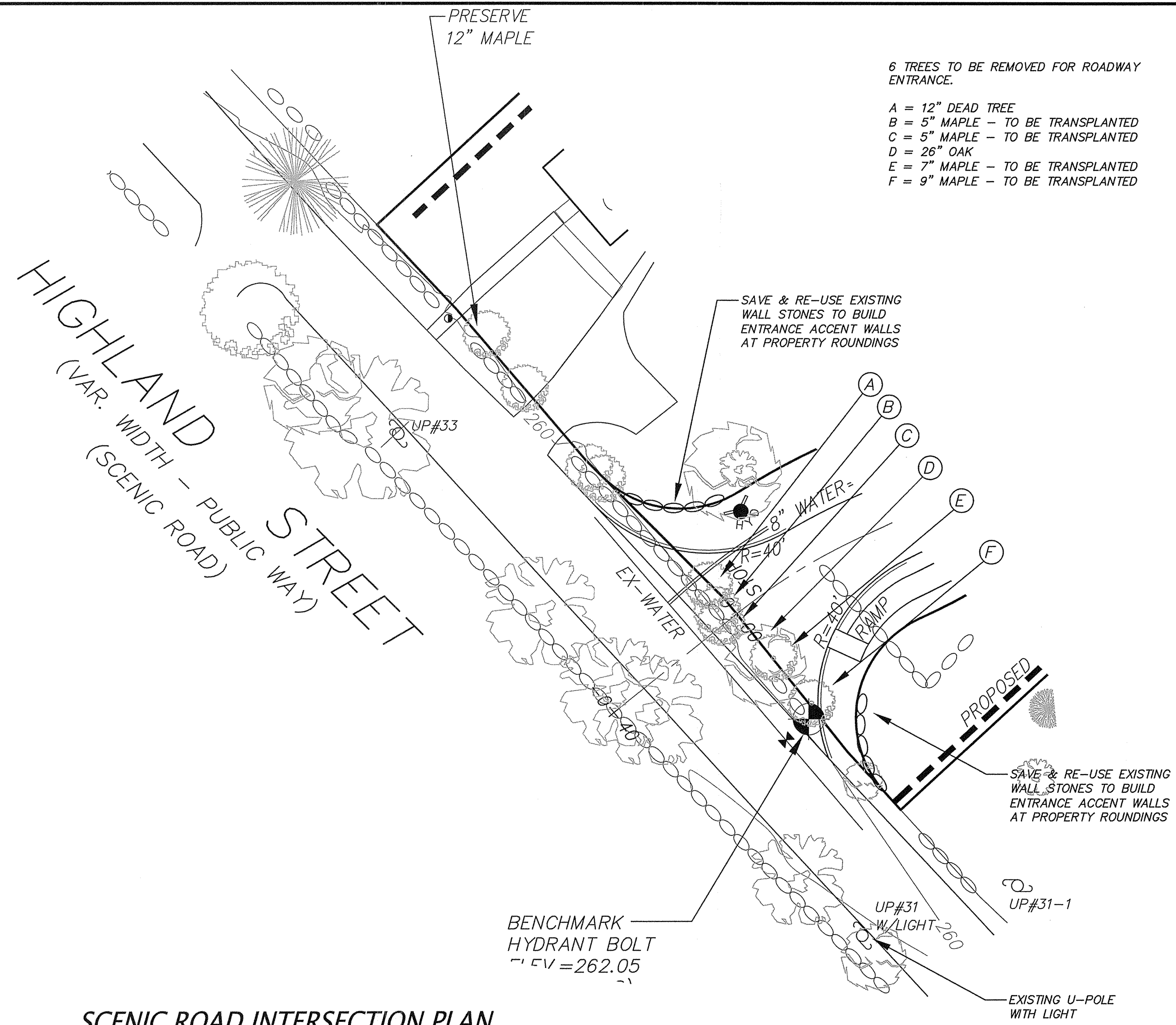
CONNORSTONE  
ENGINEERING INC.

CIVIL ENGINEERS AND LAND SURVEYORS  
10 SOUTHWEST CUTOFF, SUITE 7  
NORTHBOROUGH, MASSACHUSETTS 01532  
PHONE: 508-393-9727 FAX: 508-393-5242

DEFINITIVE SUBDIVISION PLAN  
EROSION CONTROL PLAN  
CHOATE TRAIL WAY  
IN  
MEDWAY, MASS.

3/9/2020	REVIEW COMMENTS
1/13/2020	REVIEW COMMENTS
1/3/2020	REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: NOVEMBER 8, 2019	
SCALE: 1"=40'	SHEET 4 OF 7.



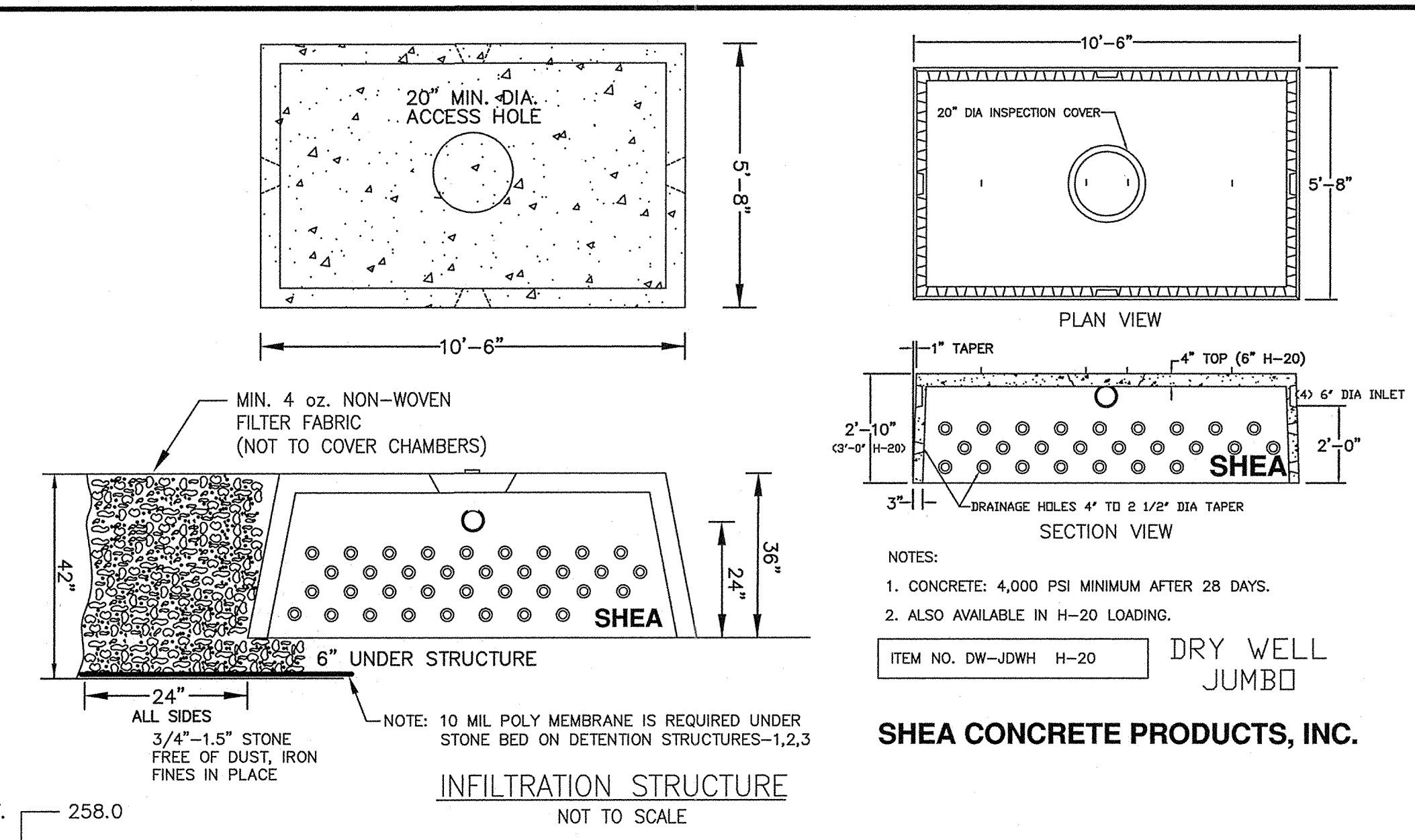
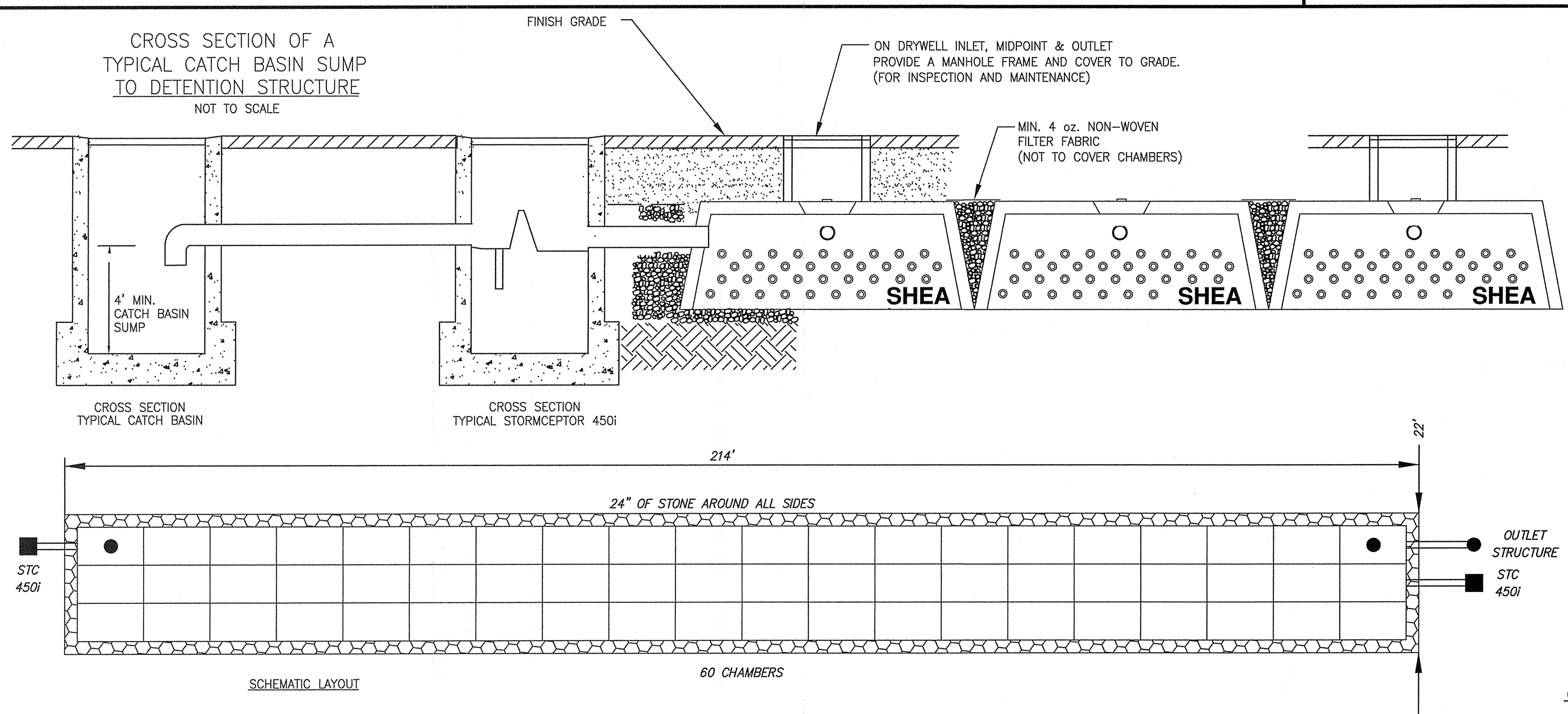
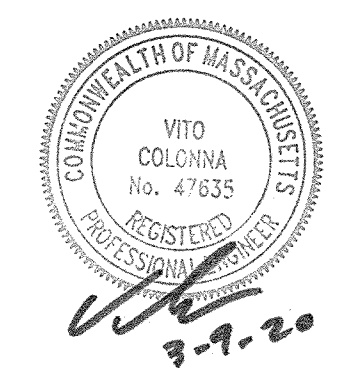


APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW,  
IS REQUIRED.

MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD

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

THIS PLAN IS SUBJECT TO A COVENANT  
TO BE RECORDED HEREWITH.



ZONED: AR-1  
AREA = 44,000 sf  
FRONTAGE = 180 feet  
SETBACKS: FRONT = 35 feet  
SIDE = 15 feet  
REAR = 15 feet

ASSESSOR MAP 37, LOT 67

OWNER / APPLICANT:  
THE RESIDENCES AT CHOATE TRAIL, LLC  
17 GOLDFINCH LANE  
NASHUA, NH 03062

**CONNORSTONE  
ENGINEERING INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
10 SOUTHWEST CUTOFF, SUITE 7  
NORTHBOROUGH, MASSACHUSETTS 01532  
PHONE: 508-393-9727 FAX: 508-393-5242

**DEFINITIVE SUBDIVISION PLAN  
SITE DETAIL PLAN  
CHOATE TRAIL WAY  
IN  
MEDWAY, MASS.**

3/9/2020 REVIEW COMMENTS

1/13/2020 REVIEW COMMENTS

1/3/2020 REVIEW COMMENTS

REVISED: DESCRIPTION:

DRAWN BY: REM CHECK BY: VC

DATE: NOVEMBER 8, 2019

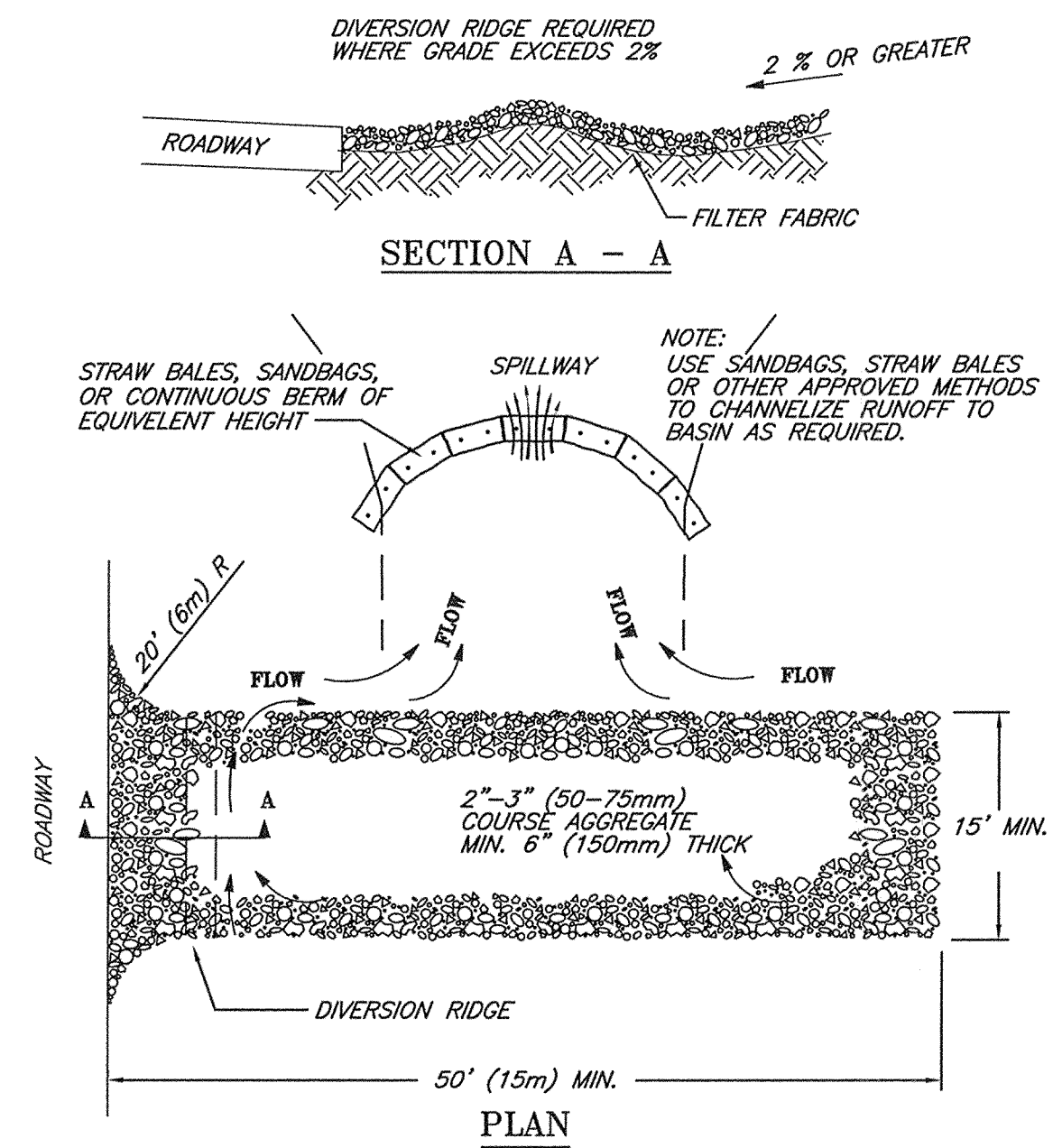
SCALE: 1"=40' SHEET 5 OF 7.

I, \_\_\_\_\_ CLERK OF THE TOWN OF MEDWAY  
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD  
OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL WAS TAKEN  
FOR TWENTY (20) DAYS THEREAFTER.



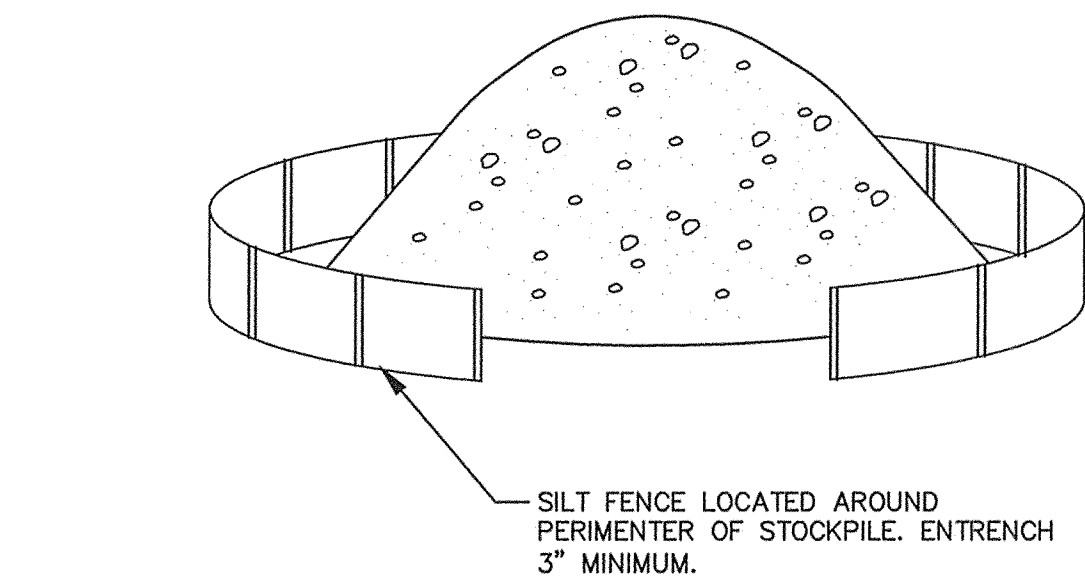






### TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT

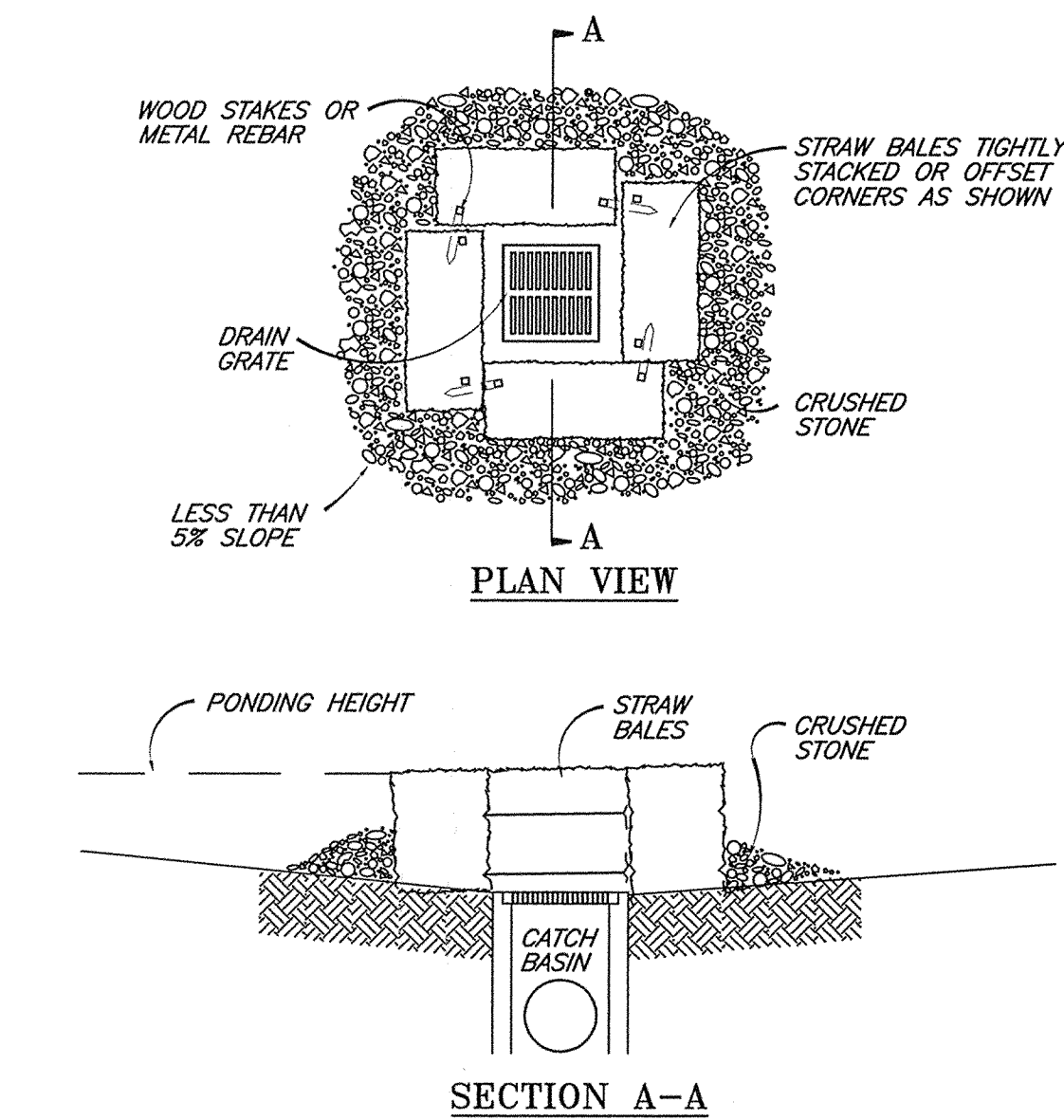
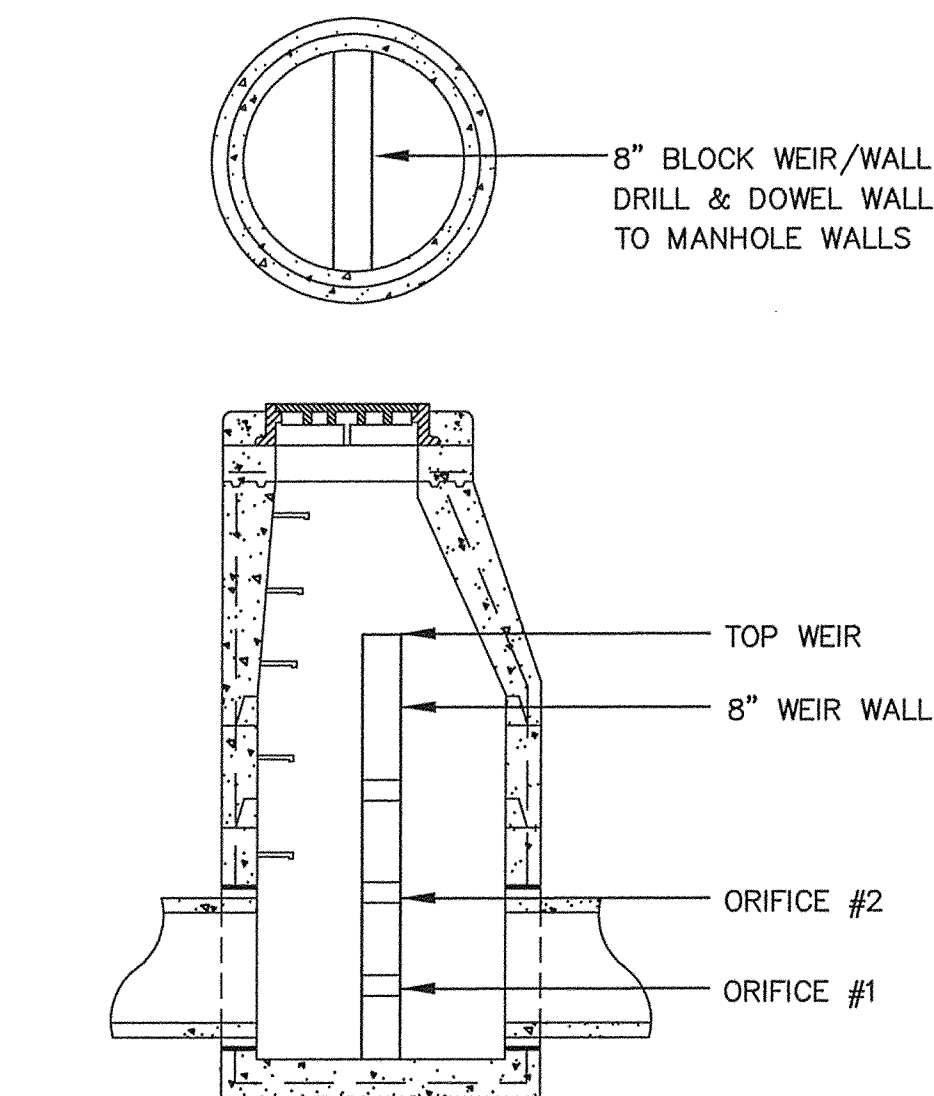
© 1994 JOHN MCGILLAH



- NOTES:
1. NO MATERIALS SUBJECT TO EROSION SHALL BE STOCKPILED OVERNIGHT WITHIN 100 FEET OF A WETLAND UNLESS COVERED.
  2. STOCKPILES SHALL BE LOCATED ON DRY STABLE AREAS.
  3. STOCKPILES TO REMAIN FOR GREATER THAN SEVEN DAYS SHALL BE STABILIZED WITH A TEMPORARY SEED MIXTURE.

### SOIL STOCKPILE DETAIL

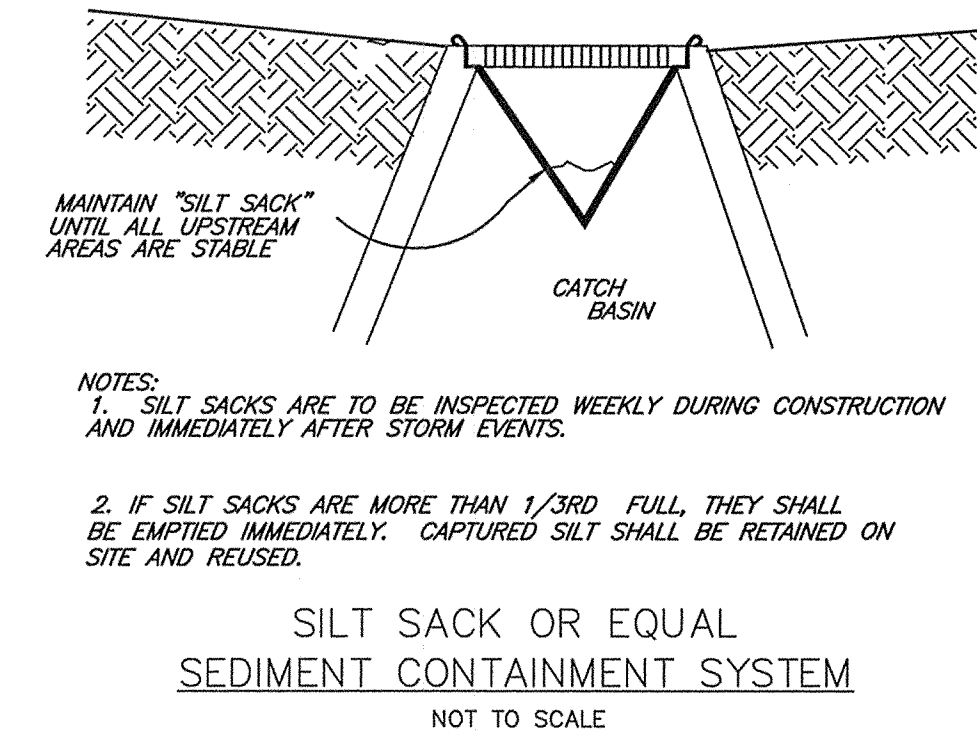
NOT TO SCALE



- NOTES:
1. SEDIMENT BARRIERS ARE TO BE USED FOR SMALL, NEARLY LEVEL DRAINAGE AREAS. (LESS THAN 5%)
- PLACE BALES WITH ENDS TIGHTLY ABUTING. STONE BACKFILL WILL PREVENT EROSION OR FLOW AROUND THE BALES.

### STRAW BALE/GRAVEL SEDIMENT BARRIER AT CATCH BASINS

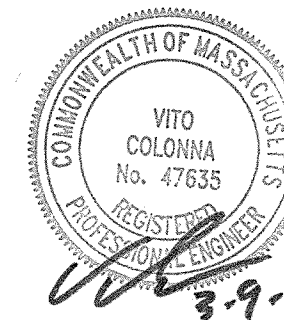
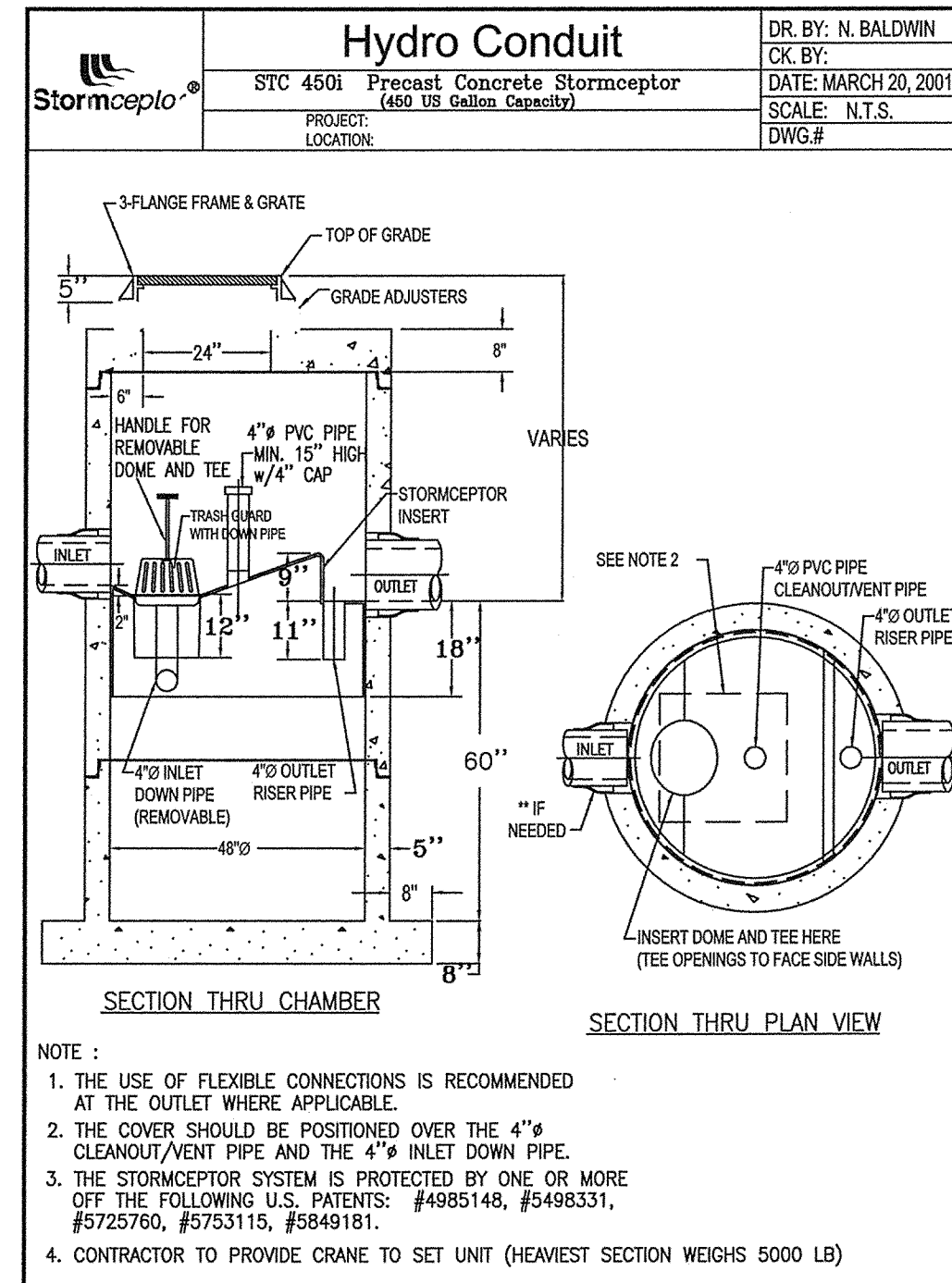
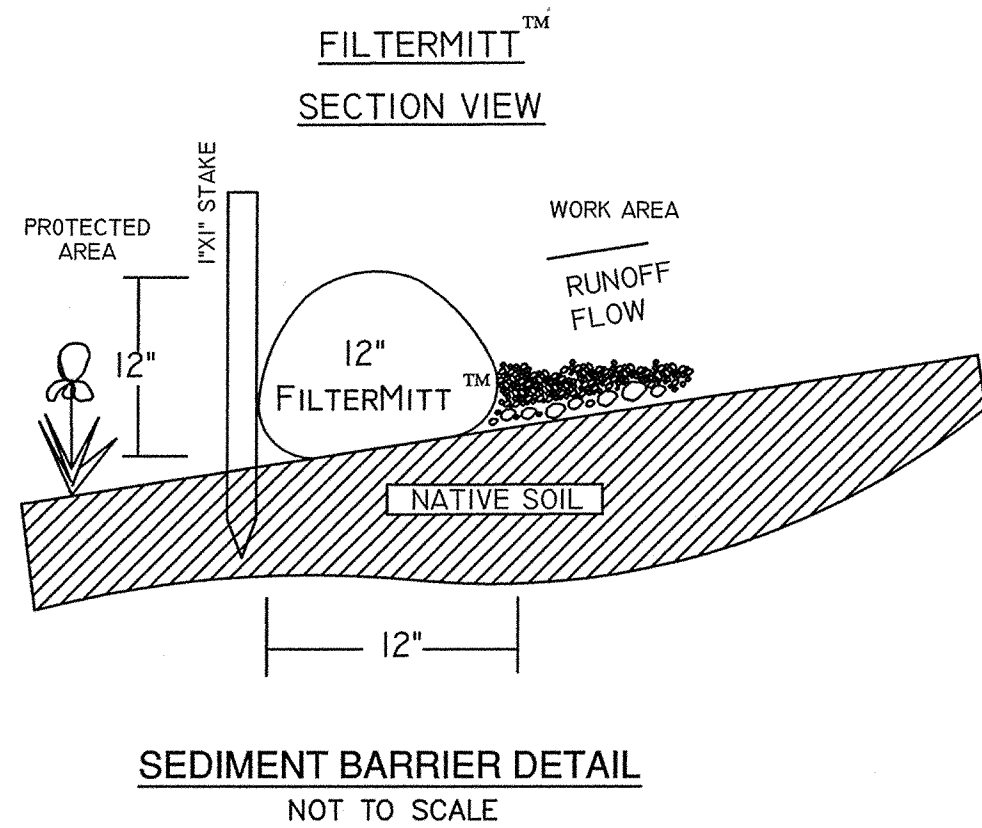
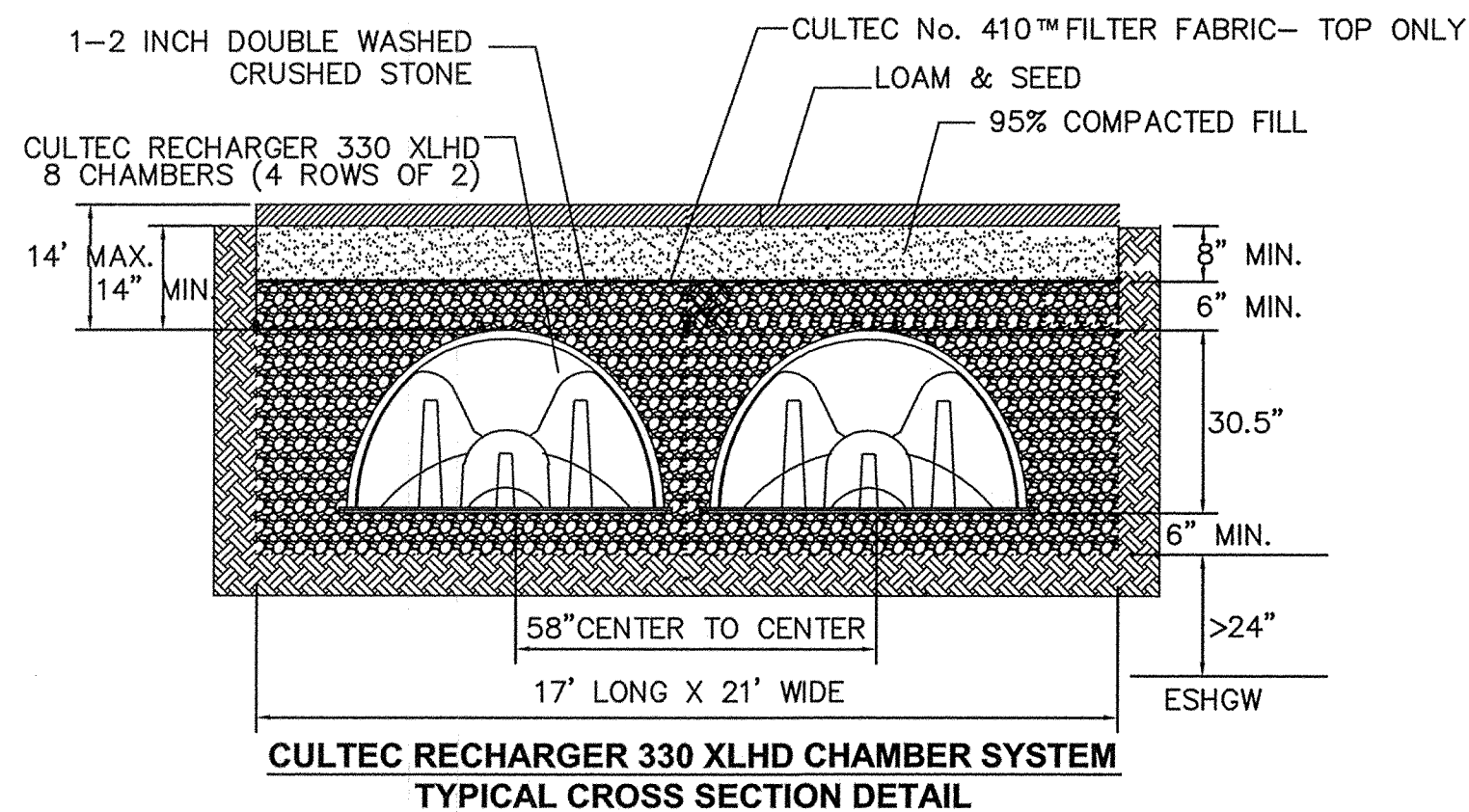
NOT TO SCALE



- NOTES:
1. SILT SACKS ARE TO BE INSPECTED WEEKLY DURING CONSTRUCTION AND IMMEDIATELY AFTER STORM EVENTS.
  2. IF SILT SACKS ARE MORE THAN 1/3RD FULL, THEY SHALL BE EMPTIED IMMEDIATELY. CAPTURED SILT SHALL BE RETAINED ON SITE AND REUSED.

NOTE: DRYWELLS CONSIST OF 8 CULTEC 330XLHD CHAMBERS WITH CAPACITY FOR A ROOF AREA OF 3,200 SQUARE FEET. FINAL DESIGN OF HOUSES SHALL PROVIDE FOR AT LEAST ONE CHAMBER PER 400 SQUARE FEET OF ROOF AREA.

NOTE: REMOVE TOP/SUBSOIL BELOW DRYWELL TO THE 1C1 LAYER. ANY FILL REQUIRED BELOW THE BOTTOM OF STONE SHALL BE FREE-DRAINING CLEAN SAND PER TOWN REQUIREMENTS.



OWNER / APPLICANT:  
THE RESIDENCES AT CHOATE TRAIL, LLC  
17 GOLDFINCH LANE  
NASHUA, NH 03062

**CONNORSTONE ENGINEERING INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
10 SOUTHWEST CUTOFF, SUITE 7  
NORTHBOROUGH, MASSACHUSETTS 01532  
PHONE: 508-393-9727 FAX: 508-393-5242

**DEFINITIVE PLAN CONSTRUCTION DETAILS**  
OF  
**CHOATE TRAIL WAY**  
IN  
**MEDWAY, MASS**

APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW,  
IS REQUIRED.  
MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD

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

THIS PLAN IS SUBJECT TO A COVENANT  
TO BE RECORDED HERewith.

I, \_\_\_\_\_ CLERK OF THE TOWN OF MEDWAY  
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD  
OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL WAS TAKEN  
FOR TWENTY (20) DAYS THEREAFTER.

3/9/2020	REVIEW COMMENTS
1/13/2020	REVIEW COMMENTS
1/3/2020	REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: RM	CHECK BY: VC
DATE: NOVEMBER 8, 2019	
SCALE: NONE	SHEET 7 OF 7.

---

**PGC ASSOCIATES, LLC**

1 Toni Lane  
Franklin, MA 02038-2648  
508.533.8106  
gino@pgcassociates.com

---

March 31, 2020

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

**RE: Choate Trail Definitive Subdivision Plan**

Dear Mr. Rodenhiser:

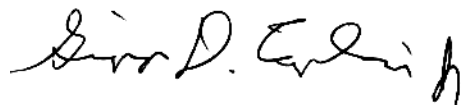
I have reviewed the revised definitive plan submitted by owner/applicant Lock it Up, LLC of Newton. The proposed work is to construct a neighborhood street in the form of cul-de-sac with 4 lots. The plan was prepared by Connorstone Engineering, Inc. of Northborough of and is dated November 8, 2019 with revision dates of January 3 and 13, and March 9, 2020. I have repeated the comments from my December 4, 2019 letter and comments from my January 23 letter in **bold** as with new comments in italics follows:

1. The proposed lots comply with zoning for area, frontage, and lot shape factor. The lots also appear to meet the 50% upland requirement, but a calculation should be done for Lot 1 to document this. **The calculation has now been added to the plans. OK**
2. The intersection with Highland Street is offset more than 150 feet from the Highland Street intersection with Summer Street. **OK**
3. Section 5.7.6 requires the Existing Conditions sheet to locate trees with a diameter greater than 12 inches. This was not done. **This has now been done. OK**
4. Section 5.7.15 requires easements on the subject parcel and abutting land as well as their purpose. A 20' wide right-of-way is shown on three abutting lots, but the purpose is not clear. **The purpose of the right-of-way is still not clear, but the applicant is continuing to research it.** *This is still not clear but applicant is now providing an access easement as part of the subdivision to access public land.*
5. Section 7.9.6 (c) requires that subdivisions provide an extension to abutting undeveloped land. The Town of Medway owns the abutting land so a roadway extension is not necessary but a pedestrian extension to provide access to Choate Park should be considered. No such pedestrian path is shown on the plan. Understanding that the road is to remain private, a private easement and connection to Choate Trail for the residents of the subdivision could still be desirable. **The applicant states that he would prefer not to provide such an easement. At a minimum, the right-of-way on adjacent property that terminates at the rear of Lot 4 should be extended across the corner of Lot 4 to the Town property.** *The applicant is now providing an access easement to Choate Park.*

6. Section 5.7.16 requires waiver requests to be listed on the cover page. This was not done. **The waivers have now been added to the cover sheet. OK**
7. Section 5.7.28 requires existing and proposed streetlight locations to be shown This was not done. Section 7.21.1 requires streetlights at intersections and other places where the Traffic Safety Officer deems they are needed (end of cul-de-sac?). Section 7.21.7 encourages applicants to include individual post lights. **The applicant now proposes a streetlight at the intersection and post lights on the subdivision lots. OK**
8. Section 5.11 requires subdivisions with frontage on scenic roads to comply with Scenic Road regulations. This appears to be the case, but a public hearing is required (which could be simultaneous with the subdivision hearing. **An application for a Scenic Road Act hearing has now been submitted. The stone wall in front of the property is minimal and there is little to no stone wall visible on abutting properties. The applicant proposes to save and reuse the removed stones to construct curved walls to highlight the entrance. OK**
9. Section 7.13.3 requires sidewalks along the frontage of existing Town ways as well as within the subdivision. No sidewalk is proposed along the Highland Street frontage. **The applicant has applied for a waiver of this requirement. There is a sidewalk on Summer Street to connect to a short distance away. However, such a sidewalk would require tree removal and significant grading. OK**
10. Section 7.22 notes the Board policy of maximizing opportunities for pedestrian connections and that the Board has the discretion to require easements across lots within the subdivision to connect the subdivision to nearby schools, playgrounds, parks, or other areas (See Comment #5). Section 7.24.3 specifies that such easements shall be at least 20 feet wide. *The applicant is providing a 15-foot wide access easement, which appears to be adequate.*

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

Sincerely,

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

Gino D. Carlucci, Jr.





December 10, 2019  
(revised January 23, 2020)  
(revised March 26, 2020)

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

**Re: 42 Highland Street (Choate Trail Way)  
Definitive Subdivision Review (Permanent Private Way)  
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 42 Highland Street in Medway, MA. Proposed Project includes the development of a 4-lot residential subdivision, appurtenant roadway, utilities, and stormwater drain infrastructure.

TT is in receipt of the following materials:

- A plan set (Plans) titled "Definitive Subdivision Plan, Choate Trail Way in Medway, Mass.", dated November 8, 2019, prepared by Connorstone Engineering, Inc (CEI).
- An Application for Approval of a Definitive Subdivision Plan, dated October 15, 2019.
- A stormwater report (Report) titled "Stormwater Report for Choate Trail Way Off Highland Street, Medway, MA" dated November 8, 2019, prepared by CEI.
- A Stormwater Pollution Prevention Plan (SWPPP) prepared by CEI.
- NRCS Soil Mapping and Test Pit Results prepared by CEI.

The Plans and accompanying materials were reviewed for conformance with Chapter 100 of the Town of Medway PEDB Rules and Regulations (Regulations) and good engineering practice. Review of the project for zoning, stormwater and wetland related issues was not completed as these reviews are conducted by other consultants/town permitting authorities.

#### **TT 1/23/2020 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 "Definitive Subdivision Plan, Land Plan, Choate Trail Way in Medway, Mass." dated November 8, 2019, revised January 13, 2020, prepared by CEI.
- A Response to Comments letter with waivers dated January 14, 2020, prepared by CEI.

The revised Plans and supporting information were reviewed against our previous comment letter (December 10, 2019) 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 3/26/2020 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 “Definitive Subdivision Plan, Land Plan, Choate Trail Way in Medway, Mass.” dated November 8, 2019, revised March 9, 2020, prepared by CEI.
- A Response Letter dated March 9, 2020, prepared by CEI.

The revised Plans and supporting information were reviewed against our previous comment letter (January 23, 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.

### **DEFINITIVE SUBDIVISION REVIEW**

1. The Applicant has not supplied a Development Impact Report. (Ch. 100 Section 5.5.11)
  - *CEI 1/14/2020 Response: The DIR was attached in the original application package.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
2. The Applicant has not supplied the required ANRAD determination from the Medway Conservation Commission (Conservation). (Ch. 100 Section 5.5.14)
  - *CEI 1/14/2020 Response: The applicant has submitted a Notice of Intent and Stormwater Application with the Conservation Commission to review the project.*
    - TT 1/23/2020 Update: No action necessary until Conservation Commission review is complete.
3. A Certified List of Abutters within seven hundred feet (700') of the boundaries of the land shown in the subdivision has not been provided. (Ch. 100 Section 5.7.5)
  - *CEI 1/14/2020 Response: The required Certified List of Abutters was included with the application. Section 5.7.5 required showing abutters as listed on Form E, which is specifically defined as abutters within 300 feet, and then all other land within 700 feet. This information is shown on the project locus map.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
4. Applicant has not provided zoning district information that falls within the locus of the plan. Zoning districts AR-I and AR-II are present along Highland Street, please add zoning districts if visible within the locus limit. (Ch. 100 Section 5.7.13)
  - *CEI 1/14/2020 Response: The zoning district boundary is located to the south of Highland Street and has been added to the locus map.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
5. The Applicant has not provided a cover sheet for the project with the required waiver requests shown. (Ch. 100 Section 5.7.16)
  - *CEI 1/14/2020 Response: The requested list of waivers has been added to the cover sheet.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.

6. The Board signature block shall be titled "Planning and Economic Development Board". (Ch. 100 Section 5.7.18)
  - *CEI 1/14/2020 Response: The signature block has been updated as noted.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
7. Provisions for street lighting have not been proposed. (Ch. 100 Section 5.7.28)
  - *CEI 1/14/2020 Response: The proposed street lighting has been added to the plans to include one light at the intersection and the individual post lights.*
    - TT 1/23/2020 Update: It appears the proposed light pole is located behind the proposed signage which may screen the signs from being seen by vehicles exiting the development. Additionally, we recommend the Applicant provide type of light fixtures proposed throughout the subdivision and expected photometrics plan showing light dispersal.
  - *CEI 3/9/2020 Response: No response.*
    - TT 3/26/2020 Update: This item not specifically addressed by the Applicant in the Response Letter. However, lamp posts have been placed at driveway entrances consistent with discussions throughout the public hearing process. Photometric plan has not been submitted but we do not anticipate light trespass from the proposed lamp posts. In our opinion, this item has been resolved.
8. Proposed driveways have not been shown on the Plans. (Ch. 100 Section 5.7.30)
  - *CEI 1/14/2020 Response: The proposed driveways and aprons have been provided on the plans.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
9. The project will meet the threshold of the Town of Medway Article XXVI - Stormwater Management and Land Disturbance Bylaw and will be required to address items listed in the Subdivision Regulations under the Bylaw. (Ch. 100 Section 7.3.1)
  - *CEI 1/14/2020 Response: A Stormwater Application has been filed with the Conservation Commission.*
    - TT 1/23/2020 Update: No action necessary until Conservation Commission review is complete.
10. The proposed water main is located under the landscaped island which is prohibited. (Ch. 100 Section 7.6.2)
  - *CEI 1/14/2020 Response: The proposed water main has been updated to route around the island.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
11. Notes shall be added to the Plans which ensure that no dwelling units can be constructed without first coordinating with the Medway Board of Health for the proposed septic systems. (Ch. 100 Section 7.6.2.e)
  - *CEI 1/14/2020 Response: A note has been provided on sheet 3, and an additional note has been added on sheet 2.*

- TT 1/23/2020 Update: In our opinion, this item has been resolved.
- 12. Utility poles are located on the opposite side of Highland Street and will require trenching and installation of the crossing of Highland Street below grade. The Plans shall specifically note that all electric/tel/data shall be installed underground including connections to existing utility poles. (Ch. 100 Section 7.6.2.g)
  - *CEI 1/14/2020 Response: The initial feedback from the utility company would be to locate a pole on the locus property and the once on-site drop to underground service.*
    - TT 1/23/2020 Update: We do not recommend this approach as it provides additional overhead crossing of Highland Street. All services must be located underground per required PEDB regulations. Additionally, the proposed utility pole is located on private property and may also impact sight lines for vehicles exiting the development.
  - *CEI 3/9/2020 Response: No response.*
    - TT 3/26/2020 Update: This item not specifically addressed by the Applicant in the Response Letter. A note has been placed on Sheet 3 of 7 describing overhead wires from pole to pole within the Highland Street right of way, however we recommend the Applicant modify the note pointing to the elec/tel/cable/spare lines within the subdivision specifically calling out wires to be located underground. We recommend the PEDB Condition this item in the Decision for the Project.
- 13. The Applicant has not proposed a spare conduit for the proposed electric/tel/data installation. (Ch. 100 Section 7.6.2.h)
  - *CEI 1/14/2020 Response: A spare conduit has been added on the typical cross section.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
- 14. The proposed project is creating four lots, the Regulations state a maximum of three lots shall be permitted for permanent private ways. (Ch. 100 Section 7.9.1.e)
  - *CEI 1/14/2020 Response: The project had been designed in accordance with the Neighborhood Street Standards, which allows up to five (5) lots.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
- 15. The Applicant has not supplied curb radii at roadway intersection with Highland Street. (Ch. 100 Section 7.9.2.d)
  - *CEI 1/14/2020 Response: The proposed curb radii has been labeled at the intersection.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
- 16. A level slope area is required for the first 100-feet of roadway. The proposed roadway changes grade within the first 100-feet. (Ch. 100 Section 7.9.5.c)
  - *CEI 1/14/2020 Response: A waiver has been requested to allow a vertical curve within the leveling area. This curve transitions from a -2% slope to a #2% slope so the maximum grade will be over 2%. This curve is required to minimize earthwork, land disturbance, and fill requirements.*
    - TT 1/23/2020 Update: No action necessary until PEDB decision on Waivers.

17. The Applicant has not provided curb along the entire length of the roadway. Curb is shown in the plan view at the radii along the roadway alignment but does not appear to be included in the tangent sections. (Ch. 100 Section 7.10.2)
  - *CEI 1/14/2020 Response: Sloped granite curbing was proposed throughout the subdivision except at the intersection with Highland Street and cul-de-sac entrance roundings. Additional notes have been added for clarify.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
18. The driveway apron for Lot 4 is proposed within 14 feet of a catch basin. (Ch. 100 Section 7.11.2)
  - *CEI 1/14/2020 Response: The driveway apron has been adjusted to provide the required 14 feet.*
    - TT 1/23/2020 Update: In our opinion, this item has been resolved.
19. Proposed sidewalk ends at the intersection of Highland Street and does not extend across the frontage of Lot 1 and Lot 4. (Ch. 100 Section 7.13.3)
  - *CEI 1/14/2020 Response: A waiver has been requested from this requirement.*
    - TT 1/23/2020 Update: No action necessary until PEDB decision on Waivers.
20. The Applicant has not proposed street lighting and should coordinate with Medway Public Safety Officer to determine if they are required. (Ch. 100 Section 7.21)
  - *CEI 1/14/2020 Response: Street lighting has been provided through a light at the intersection and individual post lights.*
    - TT 1/23/2020 Update: See TT Update at item 7.
      - **CEI 3/9/2020 Response: No response.**
      - TT 3/26/2020 Update: See TT Update at Item 7.

#### **GENERAL COMMENTS**

21. The applicant is proposing a dead-end water line at the end of the cul-de-sac. Applicant or design engineer should coordinate with Medway Department of Public Services to show that enough flow will exist to maintain water quality and adequate fire protection at the dead-end hydrant.
  - *CEI 1/14/2020 Response: The DPW has been contacted and plans provided. Feedback or comment have not been received, but any input provided by DPW would be incorporated into the plans.*
    - TT 1/23/2020 Update: No action necessary until Medway DPW returns comments/recommendations.
22. The Applicant shall confirm with Medway DPW if proposed tapping sleeve is an acceptable connection to the existing water main in Highland Street. In past projects a valve tree has been required at all new connections.
  - *CEI 1/14/2020 Response: The DPW has been contacted and plans provided. Feedback or comment have not been received, but any input provided by DPW would be incorporated into the plans.*

- TT 1/23/2020 Update: No action necessary until Medway DPW returns comments/recommendations.
- 23. The Applicant shall coordinate with the Medway Public Safety Officer to determine if a painted “STOP” and stop line are required to be proposed.
  - *CEI 1/14/2020 Response: A painted “STOP” and stop line has been added to the plans.*
  - TT 1/23/2020 Update: In our opinion, this item has been resolved.
- 24. Sheet 4 of the Plans shows 4 dashed polygons within the proposed roadway that do not have any description. If the polygons are proposed inlet protection, please relocate to show the polygons over the proposed catch basins.
  - *CEI 1/14/2020 Response: The inlet protection symbols have been adjusted.*
  - TT 1/23/2020 Update: In our opinion, this item has been resolved.

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,



Steven M. Bouley, P.E.  
Senior Project Engineer

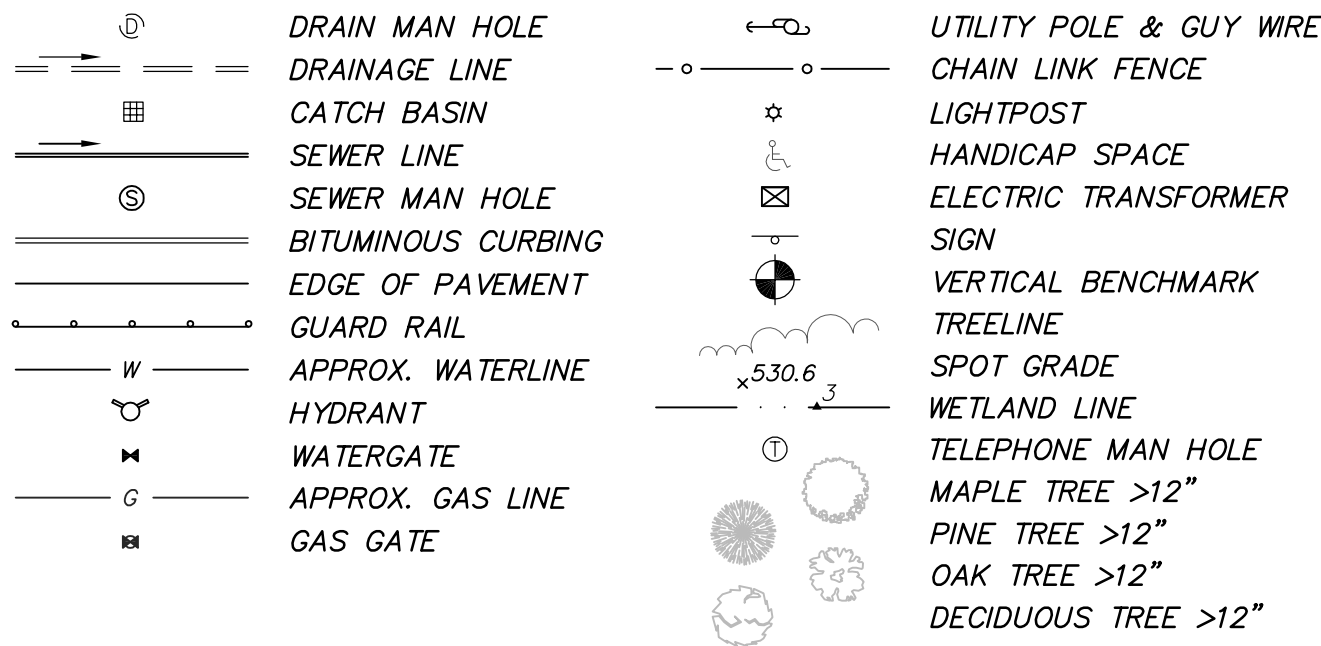


Bradley M. Picard, E.I.T.  
Civil Engineer

P:\21583\143-21583-20008 (PEDB 42 HIGHLAND ST)\DOCS\42HIGHLAND-PEDBREV(2020-03-26).DOCX



LEGEND



MONUMENTS

- SBDH Fnd. STONE BOUND W. DRILL HOLE FOUND
- CBDH Fnd. CONCRETE BOUND W DRILL HOLE FOUND
- IP Fnd. IRON PIPE FOUND
- IR Fnd. IRON ROD FOUND

ROAD

D-1 (1/7/19)	EL=255.5	D-3 (1/7/19)	EL=256.0
0-8" Ap	SANDY LOAM 10193/2	0-10" Ap	SANDY LOAM 10193/2
8-28" Bw	LOAMY SAND 10196/8	10-28" Bw	LOAMY SAND 10196/8
28-42" C1	LOAMY SAND 2.515/4	28-82" C1	LOAMY SAND 2.515/4
MOTILES AT 36" REFUSAL AT 62"		MOTILES AT 42"	

D-2 (1/7/19)	EL=254.6	D-4 (1/7/19)	EL=254.0
0-8" Ap	SANDY LOAM 10193/2	0-8" Ap	SANDY LOAM 10193/2
8-30" Bw	LOAMY SAND 10196/8	8-30" Bw	LOAMY SAND 10196/8
30-70" C1	LOAMY SAND 2.515/4	30-82" C1	LOAMY SAND 2.515/4
70-88" C2	SANDY LOAM 2.515/4	MOTILES AT 18" WATER AT 64"	
MOTILES AT 26" WATER AT 72"			

LOT 1

DTH-1 (7/8/19)		
0-9"	Ap	SANDY LOAM 10193/2
9-35"	Bw	LOAMY SAND 10196/8
35-57"	C1	LOAMY SAND 10196/4
57-122"	C2	SANDY LOAM 2.515/4
MOTILES AT 47" NO REFUSAL		

DTH-2 (7/8/19)		
0-17"		FILL
17-35"	Bw	LOAMY SAND 10196/8
35-56"	C1	LOAMY SAND 10196/4
56-97"	C2	SANDY LOAM 2.515/4
MOTILES AT 46" REFUSAL AT 97"		

LOT 2

DTH-9 (7/8/19)	
0-6"	Ap SANDY LOAM 10193/2
6-32"	Bw LOAMY SAND 10196/8
32-112"	C1 LOAMY SAND 2.515/4
MOTILES AT 94" NO REFUSAL	

DTH-10 (7/8/19)	
0-6"	Ap SANDY LOAM 10193/2
6-32"	Bw LOAMY SAND 10196/8
32-109"	C1 LOAMY SAND 2.515/4
MOTILES AT 84" NO REFUSAL	

LOT 3

DTH-13 (7/8/19)	
0-5"	Ap SANDY LOAM 10193/2
5-30"	Bw LOAMY SAND 10196/8
30-100"	C1 LOAMY SAND 2.515/4
NO MOTILES OR WATER REFUSAL AT 100"	

DTH-14 (7/8/19)	
0-6"	Ap SANDY LOAM 10193/2
6-35"	Bw LOAMY SAND 10196/8
35-105"	C1 LOAMY SAND 2.515/4
NO MOTILES OR WATER REFUSAL AT 105"	

LOT 4

DTH-5 (7/8/19)		
0-4"	Ap	SANDY LOAM 10YR3/2
4-25"	Bw	LOAMY SAND 10YR6/8
25-133"	C1	LOAMY SAND 2.5Y5/4
MOTTLES AT 95" NO REFUSAL		

DTH-6 (7/8/19)		
0-6"	Ap	SANDY LOAM 10YR3/2
6-27"	Bw	LOAMY SAND 10YR6/8
27-99"	C1	LOAMY SAND 2.5Y5/4
NO MOTTLES OR WATER REFUSAL AT 97"		

DTH-3 (7/8/19)	
0-9"	
9-23"	Bw
23-92"	C1
MOTTLES AT 45" REFUSAL AT 92"	

DTH-4 (7/8/19)	
0-10"	Ap
10-20"	Bw
20-44"	C1
44-113"	C2
MOTTLES AT 37" NO REFUSAL	

DTH-11 (7/8/19)	
0-6"	Ap SANDY LOAM 10193/2
6-24"	Bw LOAMY SAND 10196/8
24-93"	C1 SANDY LOAM 2.515/4
MOTILES AT 84" NO REFUSAL	

DTH-12 (7/8/19)	
0-5"	Ap SANDY LOAM 10193/2
5-31"	Bw LOAMY SAND 10196/8
31-88"	C1 LOAMY SAND 2.515/4
NO MOTILES OR WATER REFUSAL AT 88"	

DTH-15 (7/9/19)		
0-6"	Ap	SANDY LOAM 10193/2
6-35"	Bw	LOAMY SAND 10196/8
35-104"	C1	LOAMY SAND 2.515/4
NO MOTILES OR WATER REFUSAL AT 104"		

DTH-16 (7/9/19)		
0-6"	Ap	SANDY LOAM 10193/2
6-27"	Bw	LOAMY SAND 10196/8
27-81"	C1	LOAMY SAND 2.515/4
NO MOTILES OR WATER REFUSAL AT 81"		

DTH-7 (7/8/19)		
0-7"	Ap	SANDY LOAM 10193/2
7-31"	Bw	LOAMY SAND 10196/8
31-112"	C1	LOAMY SAND 2.515/4
MOTTLES AT 81" NO REFUSAL		

DTH-8 (7/8/19)		
0-5"	Ap	SANDY LOAM 10193/2
5-26"	Bw	LOAMY SAND 10196/8
26-61"	C1	FINE SAND 10197/1
61-118"	C2	LOAMY SAND 2.515/4
MOTTLES AT 77", WATER AT 102" NO REFUSAL		

PT-A (7/8/19)	DEPTH 66" 6 MPY
PT-B (7/8/19)	DEPTH 52" 4 MPY

PT-F (7/8/19)	DEPTH 66" 6 MPI
------------------	--------------------

PT-G (7/8/19)	DEPTH 48" 6 MPI
------------------	--------------------

PT-H (7/8/19)	DEPTH 48" 3 MPI
------------------	--------------------

PT-I (7/8/19)	DEPTH 54" 2 MPI
------------------	--------------------

PT-C (7/8/19)	DEPTH 49" 5 MPI
PT-D (7/8/19)	DEPTH 51" 5 MPI

PT-A (7/8/19)
DEPTH 66" 5 MP

PT-F (7/8/19)
DEPTH 66" 6 MP

PT-H (7/8/19)
DEPTH 48" 3 MP

PT-C (7/8/19)
DEPTH 49" 5 MP

ZONED: AR-1  
AREA = 44,000 sf  
FRONTAGE = 180 feet  
SETBACKS: FRONT = 35 feet  
SIDE = 15 feet  
REAR = 15 feet

ASSESSOR MAP 37, LOT 67

OWNER / APPLICANT:

THE RESIDENCES AT CHOATE TRAIL, LLC  
17 GOLDFINCH LANE  
NASHUA, NH 03062

**CONNORSTONE  
ENGINEERING INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
10 SOUTHWEST CUTOFF, SUITE 7  
NORTHBOROUGH, MASSACHUSETTS 01532  
PHONE: 508-393-9727 FAX: 508-393-5242

**DEFINITIVE SUBDIVISION PLAN  
EXISTING CONDITIONS  
CHOATE TRAIL WAY  
IN  
MEDWAY, MASS.**

3/19/2020	PEER REVIEW COMMENTS
3/9/2020	REVIEW COMMENTS
1/13/2020	REVIEW COMMENTS
1/3/2020	REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: NOVEMBER 8, 2019	
SCALE: 1"=40'	SHEET 1 OF 7

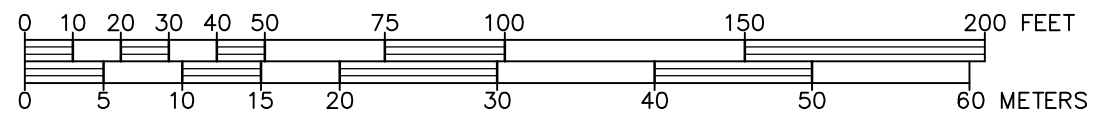
APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW,  
IS REQUIRED.  
MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD

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

THIS PLAN IS SUBJECT TO A COVENANT  
TO BE RECORDED HEREWITH.

I, \_\_\_\_\_, CLERK OF THE TOWN OF MEDWAY  
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD  
OF THIS PLAN ON \_\_\_\_\_ AND NO APPEAL WAS TAKEN  
FOR TWENTY (20) DAYS THEREAFTER.

GRAPHIC SCALE: 1"=40'





### **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  
Telephone (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**

### ***CERTIFICATE OF ACTION*** ***Choate Trail Way Subdivision*** ***DEFINITIVE SUBDIVISION PLAN*** ***with Waivers and Conditions***

Location: 42 and 42R Highland Street

Assessors' Reference: Map 37, Parcels 64 & 67

Parcel Size: 5.88 acres

Name/Address of Applicant: Residences at Choate Trail, LLC  
17 Goldfinch Lane  
Nashua, NH 03062

Name/Address of Property Owner: Residences at Choate Trail, LLC  
17 Goldfinch Lane  
Nashua, NH 03062

Engineer: Vito Colonna, P.E.  
Connorstone Engineering, Inc.  
110 Southwest Cutoff, Suite 7  
Northborough, MA 01532

Land Surveyor: Varoujan Hagopian, P.L.S.  
Connorstone Engineering, Inc.  
110 Southwest Cutoff, Suite 7  
Northborough, MA 01532

Plan: Choate Trail Way Subdivision

Plan Dated: November 8, 2019, last revised March 8, 2020 to be further revised as specified herein

Zoning District: Agricultural Residential I

Street Name: Copper Drive

**I. PROJECT DESCRIPTION:** The *Choate Trail Way Definitive Subdivision Plan* dated November 8, 2019, last revised January 13, 2020 shows the division of the 5.88 acre parcel of land located at 42 and 42R Highland Street in the Agricultural Residential I zoning district into four residential lots, the construction of an approximately 578 foot private roadway (Copper Drive) and the installation of stormwater management facilities and private sewer and water service. The property is accessed from Highland Street, a Medway Scenic Road. This proposal is for a “by right” use in this zoning district. A portion of this site is in a Wetland Resource Area which is under the jurisdiction of the Medway Conservation Commission for an Order of Conditions and a Land Disturbance Permit. The property is also subject to a Scenic Road Work Permit to be issued by the Planning and Economic Development Board.

**II. PROCEDURAL SUMMARY:**

- A. November 18, 2019, the Planning and Economic Development Board received an application for approval of the *Choate Trail Way Definitive Subdivision Plan*, dated November 8, 2019, prepared by Connorstone Engineering, Inc. of Northborough, MA. The application had been preceded by a preliminary subdivision plan application filed with the Board on September 16, 2019.
- B. On December 3, 2019, the Board notified various Town boards and departments, including the Board of Health, of the public hearing on the proposed *Choate Trail Way Definitive Subdivision Plan*, provided copies of the plan, and requested review comments.
- C. On December 10, 2019 the Board commenced the public hearing. The public hearing was duly noticed in the *Milford Daily News* on November 26 and December 2, 2019. Notice was posted with the Medway Town Clerk and to the Board’s web site on November 21, 2019 and was mailed by *Certified Sent* mail on November 25, 2019 to abutters in Medway within 300 feet of the subject property and to parties of interest. The public hearing was continued to January 28, February 25, 2020, March 24, 2020 and to April 7, 2020 when the hearing was closed, and a decision rendered. During the course of the public hearing, the applicant submitted three revisions to the Choate Trail Way Definitive Subdivision Plan dated January 3, January 13 and March 9, 2020.
- D. Application info for scenic road work permit . . . details on that re: notice, postings, abutter, etc.
- E. All members voting on this Subdivision Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

**III. PUBLIC HEARING SUMMARY:** The public hearing and the Board’s review of the *Choate Trail Way Definitive Subdivision Plan* were conducted over the course of five Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan and its submitted revisions were reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board on September 16, 2019.

Specified below is a list of plan documents and support materials, public comments, consultant and town departmental board review documents, and supplemental information which have been provided by the Applicant or placed on the record by the Planning and Economic Development Board. All information is on file in the Medway Planning and Economic Development office and is available for public review (except for confidential communications from Town Counsel).

***Choate Trail Way Definitive Subdivision Plan Application Materials***

Form C – Definitive Plan Application dated October 15, 2019, received November 18, 2019

Form D – Designer’s Certificate dated November 15, 2019 with deed dated August 21, 2018

Form E – Certified Abutters’ List dated November 13, 2019

Form F – Development Impact Report received November 18, 2019

Medway Historical Commission letter dated May 2, 2019 with a determination that the house on the property at 42 Highland Street is not historically significant and therefore, may be demolished.

Certificate of Amendment dated September 7, 2018 from Secretary of State William Francis Galvin to change the name of property owner Lock It Up LLC to Residences at Choate Trail, LLC.

***Choate Trail Way Definitive Subdivision Plan*** – Connorstone Engineering, November 8, 2019

Revised – January 3, 2020

Revised – January 13, 2020

Revised – March 9, 2020

***Stormwater Report for Choate Trail Way Definitive Subdivision Plan*** – Connorstone Engineering, November 8, 2019

***Town Engineering Consultant Reviews*** – Steven Bouley, P.E., Tetra Tech

December 10, 2019

January 23, 2020

March 26, 2020

***Town Planning Consultant Review Letters*** – Gino Carlucci, AICP, PGC Associates

December 4, 2019

January 23, 2020

March 31, 2020

***Supplemental Information Provided by Applicant’s Consultants***

Letter from Vito Colonna, PE, Connorstone Engineering, Inc. dated January 14, 2020 in response to plan review comments from Tetra Tech dated December 10, 2019 and PGC Associates dated December 4, 2019, including a truck turning template for Choate Trail Way.

*Requests for Waivers from Subdivision Rules and Regulations* – Prepared by Connorstone Engineering, dated January 13, 2020

Truck Turning Template by Connorstone Engineering, received January 15, 2020

Letter from Vito Colonna, P.E. Connorstone Engineering, dated March 9, 2020 with further plan revisions based on public hearing comments.

Annotated Existing Conditions plan sheet by Connorstone Engineering showing trees expected to be remove during construction, received April 3, 2020

***Supplemental Information Entered into the Record by the Medway Planning and Economic Development Board***

Mullins Rule certification from Andy Rodenhiser re: the December 10, 2019 hearing

Mullins Rule certification from Andy Rodenhiser re: the February 25, 2020 hearing

Sidewalk construction estimate prepared by Tetra Tech dated February 20, 2020

Decision of the Medway Street Naming Committee dated February 10, 2020 approving Copper Drive as the street name for this subdivision

***Citizen/Resident Letters/Communications***

Email communication dated December 11, 2019 from Johanna Madge and Lynda Bannon of 38 Highland Street.

Email communicated dated January 28, 2020 from Amy Jordan of 40 Highland Street

***Citizen/Resident Testimony***

Amy Jordan, 40 Highland Street

Lynda Bannon, 38 Highland Street

Paul Atwood, Medway Trail Club

Johana Madge, 38 Highland Street

***Professional Testimony***

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA

Steven Bouley, P.E., Tetra Tech – Marlborough, MA

Vito Colonna, P.E. Connorstone Engineering – Northborough, MA

***Medway Departmental/Board Review Comments***

Email communication dated January 2, 2020 from Deputy Fire Chief Mike Fasolino

Email communication dated January 27, 2020 from Conservation Agent Bridget Graziano

Communication dated February 14, 2020 from Medway Tree Warden Steve Carew

**IV. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS –**

The Applicant has requested, and the Board has identified needed waivers from the following sections of the *Subdivision Rules and Regulations*, dated April 26, 2005.

**7.6.2 UNDERGROUND UTILITIES - g) Other Utilities** - Within all lots, underground telephone, electric and cable television lines shall be installed underground within rigid conduits approved by the respective utility companies for each specific purpose. The Applicant shall provide design plans from said utilities to the Board and their agent. Utilities located under the sidewalks are strongly discouraged.

**FINDINGS** - Utility poles are located on the opposite side of Highland Street from the subject property. The Applicant's engineering consultant reports that initial feedback from the utility company would be to locate a new pole on the locus property and to make the electrical connection above ground, across Highland Street and then drop to underground service once on-site. The Board's consulting engineer does not recommend this approach as it provides additional overhead crossing on Highland Street and such proposed utility pole would have to be located private property. Further, such additional utility pole may also impact sight lines for vehicles exiting the development. Therefore, the Board finds that a waiver to allow for the above ground electrical connection across Highland Street is not acceptable.

\*\*\*\*\*

**SECTION 7.7.2 STORMWATER MANAGEMENT – (p)** Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots.

**FINDINGS** - The applicant has proposed installing the stormwater management facilities within the roadway layout of the permanent private way. The PEDB has previously allowed

stormwater management facilities to be located within the roadway layout of other private way subdivisions and the Town's consulting engineer has reviewed the proposed stormwater design and recommended suggested revisions which have been incorporated. Therefore, the Board finds that the location of the stormwater facilities within the roadway layout is acceptable.

\*\*\*\*\*

**SECTION 7.9.5.(c) STREETS AND ROADWAY – GRADE** – At the intersection of street right-of-way lines, there shall be provided in a residential subdivision a leveling (fixed slope) area for at least one hundred feet (100') with a maximum grade of two percent (2%).

**FINDINGS** – The Applicant has requested a waiver to not be required to have a fixed slope area for at least 100' with a maximum grade of 20%. Instead, the Applicant has proposed a vertical curve within the leveling area. The curve transitions from a -2% slope to a +2% slope so the maximum grade will be over 2%. The curve will minimize the extent of earthwork, reduce the amount of land disturbance and the amount of fill needed and will better match the existing topography. The waiver request has been reviewed by the Town's Consulting Engineer who has no objection to it. Therefore, the Board finds this waiver request to be acceptable.

\*\*\*\*\*

**SECTION 7.13.3 SIDEWALKS** - Sidewalks shall be provided along the entire frontage of the subdivision parcel along existing Town ways, including the frontage of any lots held in common ownership with the subdivision parcel within five (5) years prior to the submission of the Preliminary or (if no Preliminary) Definitive Subdivision Plan. In those instances where sidewalk construction is not feasible or practical, the Applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount determined by the Town's Consulting Engineer. Such funds shall be deposited to a revolving fund to be used to finance construction of sidewalks and/or other public improvements.

**FINDINGS** – The applicant has proposed to NOT install sidewalks along the Highland Street frontage of the subdivision. The street does not presently include sidewalks, so no connection point is feasible. The right of way is very narrow, and the installation of a sidewalk would require removal of trees and stone walls along an official "Scenic Road". In lieu of sidewalk construction, the Applicant has agreed to make a payment in lieu of sidewalk construction to the Town's Sidewalk Fund. See Condition # \_\_\_\_\_. Therefore, the Board approves this waiver request.

\*\*\*\*\*

**7.21.1 STREETLIGHTS** - It shall be the responsibility of the developer to install street lighting within the subdivision, at the entrance to the subdivision, at all intersections within the subdivision, sharp turns, or other areas where the Traffic Safety Officer deems they are needed for public safety. The quantity, type and location of lights shall be shown on the definitive plan. The developer is responsible for installing the pole, wiring and arranging installation of the light fixture.

**FINDINGS** - The applicant proposes to not install typical streetlights within the subdivision, but to have individual lot light posts. The Police Department's Traffic Safety Officer has recommended the installation of a streetlight on existing utility pole #33 on the west side of Highland Street north of the proposed Copper Drive entrance into the development which the



applicant will install as part of this project. See Condition # \_\_\_\_\_. Therefore, the Board approves the waiver request to not install streetlights within the subdivision itself.

### **MITIGATION PLAN**

- A. The Applicant shall make a payment to the Town in the amount of \$10,085 in lieu of constructing sidewalk along the Highland Street frontage of the Choate Trail Way Subdivision.
- B. The new road and associated sidewalk will be private in perpetuity, owned and maintained by the homeowners association, thus relieving the Town of this on-going responsibility and expense.
- C. Maintenance and upkeep of the stormwater management facilities will be the responsibility of the homeowners association, thus relieving the Town of this on-going responsibility and expense.
- D. **On-site tree preservation.** ..
- E. Provision of a 15' trail easement on Lot #4 and construction of a 5' wide trail within the easement.
- F. Installation of a streetlight on Utility Pole #33 on the west side of Highland Street.

**ACTION ON WAIVERS** – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on \_\_\_\_\_, a motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ to approve the above noted waiver requests from the *Subdivision Rules and Regulations*. The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**V. PROJECT EVALUATION CRITERIA** – Before taking action on a definitive subdivision plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on \_\_\_\_\_ a motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ to \_\_\_\_\_ the Project Evaluation Findings noted below. The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

#### **5.16.1 Completeness and technical accuracy of all submissions.**

*FINDINGS – All submissions were reviewed by Town staff and/or the Town's Consulting Engineer and Consulting Planner and no significant missing or technical inaccuracies were identified.*

#### **5.16.2 Determination that the street pattern is safe and convenient, and that proper provision is made for street extension. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.**

*FINDINGS – The Board finds that the proposed street pattern within the new subdivision is safe and convenient. The layout has been reviewed by the Town's Fire Chief, and Consulting Engineer. Comments from them have been incorporated into the design. Future roadway extension to adjacent property is not feasible as the adjacent property is owned by the Town of Medway, so provisions to do so are not required.*

#### **5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of**

**others because of possible natural disaster, traffic hazard or other environmental degradation.**

*FINDINGS – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the sight distances from the proposed roadway’s intersection with Highland Street are adequate. Erosion controls will be in place during construction. The property is subject to an Order of Conditions from the Medway Conservation Commission.*

**5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.**

*FINDINGS – The site of the subdivision is not within a Priority Habitat area and the wetlands of the site will be protected through action of the Medway Conservation Commission. Stormwater management has been reviewed by the Town’s consulting engineer and is adequately addressed. There will be an increase of only three single-family houses to be constructed. Significant trees on site that are not within the house footprints or infrastructure elements will be protected and retained. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.*

**5.16.5 Determination that the roads and ways leading to and from the subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel for the projected volume of traffic. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.**

*FINDINGS – The Board finds that the Highland Street is adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic generated by five residences. The plans have been reviewed by the Fire Chief and Consulting Engineer. Comments from them have been incorporated into the design. The roadway shown on the plan will be built according to the Board’s construction specifications for Neighborhood Streets. The 20-foot roadway width meets national Fire Code standards while also reducing impervious surfaces and stormwater impacts.*

**5.16.6 Conformity with all applicable requirements of the Medway Zoning Bylaw including but not limited to minimum area and frontage standards.**

*FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning Bylaw, including minimum area and frontage requirements for the Agricultural Residential I zoning district.*

**5.16.7 Consistency with the purposes of the Subdivision Control Law.**

*FINDINGS – The Board finds that the proposed subdivision is consistent with the purposes of the Subdivision Control Law because the infrastructure proposed is adequate for the new development and the impacts of the subdivision have been mitigated to a reasonable extent. Reasonable waivers have been granted herein with good cause.*

**VI. DECISION** – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on \_\_\_\_\_, a motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ to approve the **Choate Trail Way Definitive Subdivision Plan**, prepared by Connorstone Engineering, dated November 8, 2019, last revised March 9, 2020 subject to the Specific and General Conditions as specified herein and with Waivers from the following sections of the *Subdivision Rules and Regulations* dated April 25, 2005.

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**VII. CONDITIONS** – The following specific and general conditions shall apply to the Applicant, its executors, administrators, devisees, heirs, successors and assigns:

**A. Specific Conditions**

1. **Authorization** - The Choate Trail Way subdivision is authorized for no more than four residential house lots. As a permanent condition of the approval of this plan, no further subdivision of the property beyond these four lots is allowed, although lot boundaries within the subdivision may be adjusted so long as no additional lots are created.
2. **Completion Schedule** - The Applicant or its Assignee shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the endorsed Choate Trail Way Definitive Subdivision Plan, to the satisfaction of the Planning and Economic Development Board, within three (3) years of the date of endorsement of the plan. The time for such construction and/or installation may be extended upon the written request of the applicant, for good cause shown, prior to the expiration of the three (3) year period, upon a vote of the majority of the Planning and Economic Development Board then present.
3. **Plan Revisions** - Prior to plan endorsement, the Choate Trail subdivision plan dated March 9, 2020 shall be further revised to include the following:
  - A note shall be added to all plan sheets indicating that the plan is subject to this Certificate of Action which shall be recorded with the Plan at the Norfolk County Registry of Deeds.
  - The cover sheet shall be revised:
    - ❖ to prominently display the plan name and date
    - ❖ to indicate APPROVED WAIVERS instead of WAIVER REQUESTS.
    - ❖ to remove the list of abutters
    - ❖ to reduce the size of the locus
    - ❖ to include an index of all plan sheets
  - The property addresses for the four Copper Drive house lots, to be provided by the Medway Assessor's office, shall be added to the plan sheets.
  - The signature area on the plan sheets shall be revised to add a space for the plan endorsement date.
  - A note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Choate Trail Subdivision*

- A 15' "selective cut zone" around the non-street perimeter of each house lot shall be shown on the plan sheets
- The plan shall be revised and a detail shall be added to specify the installation of a Town of Medway approved streetlight on utility pole #33 on Highland Street as an off-site mitigation measure.
- To include a sheet providing the Stormwater Pollution Prevention Plan for construction.
- The existing conditions sheet shall be revised to display trees to be removed during the construction process.
- Modify the note on Sheet 3 of 7 to specifically call out that all elec/tel/cable/space lines within the subdivision shall be located underground.
- Modify the note on Sheet 3 of 7 to remove reference to overhead connection from existing utility pole #33 to a new utility pole on lot 1 replace it with a note that such connection shall be done underground.
- Renumber the plan sheets.

**4. Documents to be Prepared and Approved Before Endorsement** – Prior to plan endorsement, the Applicant shall provide the following documents for review, comments, amendment and approval by Town Counsel and the Board.

**Subdivision Covenant** – Prior to endorsement, the Applicant shall sign a Subdivision Covenant, on a form acceptable to the Planning and Economic Development Board, to secure construction of the ways and all related infrastructure and installation of utilities and services and any off-site mitigation measures as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Subdivision Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services and any off-site mitigation measures shall be installed to the satisfaction of the Planning and Economic Development Board within three years of the date of plan endorsement. The Subdivision Covenant shall apply to Lots 1 – 4 as shown on the plan.

**Trail Easement** – Prior to plan endorsement, the Applicant shall provide a trail easement document, suitable for recording, to authorize public access on Copper Drive and on the 15' wide trail easement located along the southern boundary of Lot #4.

**Articles of Association or Incorporation** - Prior to plan endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the homeowners' association. This document shall include provisions for membership by the owners of Lots 1 – 4, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of Copper Drive including but not limited to snowplowing and sanding, the stormwater management system and the landscaped island in the cul-de-sac. The documents shall specify that the costs shall be divided equitably among the members.

**Lot Deeds** – Prior to plan endorsement, the Applicant shall provide the proposed deeds to convey each of the house lots to future owners. Each lot deed shall reference the Choate Trail Definitive Subdivision plan, the 15' no cut zone pursuant to Condition # \_\_\_\_, and clearly state that the Choate Trail Homeowners Association shall be responsible for the maintenance and upkeep of Copper Drive as a permanent private road and the stormwater drainage system. The deed for lot #4 will specifically reference the trail easement pursuant to Condition # \_\_\_\_. The deeds shall specify that the future owners will own to the centerline of the roadway along their

property's frontage. However, the Applicant shall reserve to itself ownership of an easement in Copper Drive for future conveyance to the future Choate Trail Subdivision Homeowners Association.

**Declaration of Protective Covenants and Restrictions and Private Roadway Agreement Governing the Choate Trail Way Subdivision** - Prior to plan endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Choate Trail Way Subdivision*. See Condition # \_\_\_\_

**Road Easement** – Prior to plan endorsement, the Applicant shall provide a document to be used to convey an easement on Copper Drive and all associated drainage and utility easements shown on the plan to the Choate Trail Homeowners Association.

## 5. **Plan Endorsement**

- a. Within sixty days after the Board has filed this decision with the Town Clerk but no sooner than twenty days after the decision is filed with the Town Clerk, the Applicant shall submit a revised subdivision plan reflecting all Conditions and required revisions as specified herein, to the Planning and Economic Development Board and the Town's Consulting Engineer, for review and approval prior to plan endorsement. All conditions of this Certificate of Action requiring changes to the definitive subdivision plan must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.
  - b. The endorsed plan shall bear the certification of the Town Clerk that twenty days have elapsed after the decision was filed in the Town Clerk's office and no appeal has been filed within said twenty-day period.
  - c. Within thirty days after plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 24" x 36" paper format. The Applicant shall also provide the approved plan in pdf format and CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
6. **Recording** – The Applicant shall record this decision, the endorsed definitive subdivision plan, and the subdivision covenant at the Norfolk County Registry of Deeds. Within thirty days of such recording, the Applicant shall provide proof of recording to Planning and Economic Development Board. No construction shall begin on the site and no building permit shall be issued before these documents are recorded. The fee for recording or registering shall be paid by the Applicant.
7. **Selective Cut Zones** – A 15' selective cut zone shall be established around the non-street perimeter of each house lot. During construction, the area included in the selective cut zones shall not be disturbed. Future property owners shall maintain the selective cut zone as a landscaped and wooded buffer without intrusion. However, pruning necessary for removal of dead/damaged/diseased or harmful plant materials and additional landscape planting is permitted.
8. **Tree Preservation** – The Existing Conditions sheet of the plan set shows 262 pine, maple, oak, and other deciduous trees larger than 12 inches in diameter located on the subject property.
- a. The Applicant expects to remove  $\approx 115$  of these trees for construction of the roadway, infrastructure, house and septic system; these are indicated on the Existing Conditions sheet. The

remaining ≈147 trees shall be clearly identified in the field and such markings shall be verified by the Town's consulting engineer before site preparation and construction commences.

- b. The applicant shall make the fullest possible effort to preserve/retain the ≈147 remaining trees and prevent their removal, demise or damage during construction including all such trees located in the designated 15' no-cut zones on the non-street perimeter of each lot.
  - c. If any of the above noted trees designated to be preserved/retained 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. 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. inches. The location of the replacement trees on the house lots shall be recommended by the applicant and approved by the Planning and Economic Development Board and Tree Warden. 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).
  - d. In lieu of tree planting on the subject property, 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 based on wholesale pricing for 3-inch caliper trees from a reputable area landscape supplier. The Applicant may also combine tree planting and a contribution in lieu of tree-planting to be approved by the Board.
  - e. Any such supplemental tree planting shall occur before the occupancy permit is issued for the respective lot. Any contribution in lieu of tree planting shall occur before the occupancy permit is issued for the last of the four houses.
9. **Sidewalk Construction** – In lieu of constructing a sidewalk along the frontage of 42 Highland Street, the applicant shall provide \$10,085 to the Medway Sidewalk Fund. This amount shall be provided before the Building Department issues an occupancy permit for the second house in the subdivision.
10. **Trail** – The Applicant shall construct a 5' winding dirt trail within a 15' wide trail access located along the southern length of Lot #4. The trail and the associated buffer area landscaping along the southern boundary of Lot #4 within the trail easement area shall be completed before the Building Department issues an occupancy permit for the house to be constructed on Lot #4.
11. **Scenic Road Work Permit** – This project is also subject to a Scenic Road Work Permit issued by the Board. As a condition of this decision, the Applicant shall comply fully with the requirements of the Scenic Road work permit. **MORE NEEDED HERE**
12. **Ownership of Copper Drive** – The roadway depicted on this subdivision plan shall remain privately owned in perpetuity to the center line by the owners of the four lots. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan.
13. **Homeowners Association** - There shall be established a Choate Trail Subdivision Homeowners Association to be responsible for the maintenance and upkeep of the roadway including but not



limited to snowplowing and sanding, maintaining the stormwater detention/infiltration system and related infrastructure located within the roadway right of way, maintaining the sidewalk along Copper Drive, and maintaining the landscaped island in the cul-de-sac.

14. ***Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Choate Trail Way Subdivision*** – The future owners of lots 1-4 are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Choate Trail Way Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Choate Trail Way Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Choate Trail Way Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, the operation and maintenance of the stormwater management system, maintaining the sidewalk along Copper Drive, and the upkeep of the landscaped island in the cul-de-sac. The Agreement shall specifically refer to the Long-Term Pollution Prevention Plan and associated Stormwater Operations and Management Plan included in the Choate Trail Way Stormwater Report dated November 8, 2019, last revised [REDACTED], prepared by Connorstone Engineering and approved by the Medway Conservation Commission.
15. ***Maintenance Responsibility During Construction*** – The Applicant shall provide for snow plowing, sanding and full maintenance of Copper Drive, and all related stormwater management infrastructure throughout the entire construction process until the roadway is determined to be complete by the Board and an easement is granted to the homeowners association. This includes keeping the constructed stormwater drainage system in a clean and well-functioning condition in accordance with the Stormwater Pollution Prevention Plan included in the most recent version of the Choate Trail Way Subdivision Stormwater Report prepared by Connorstone Engineering. The Applicant shall do nothing which would alter the drainage patterns or characteristics as shown on the approved plan.
16. ***Stormwater Management During Construction*** – Construction is subject to the Storm Water Pollution Plan within the Storm Water Report for Choate Trail Way dated \_\_\_\_\_, prepared by \_\_\_\_\_
- a. This document shall be included in all construction contracts, subcontracts and specifications dealing with the proposed work. The applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the Construction Period Operation and Maintenance Plan.
  - b. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Construction Meeting.
  - c. Prior to the Pre-Construction Meeting and commencement of any activity on the site, the erosion control plan included in the endorsed plan set and the limit of work lines shall be staked. The location of erosion controls shall be adjusted, if necessary, during the first erosion control inspection.
  - d. Immediately after installation of erosion controls, the Applicant shall notify the Board's consulting engineer to schedule a follow-up inspection to ensure that erosion controls and

limits of work have been properly located and installed. No work shall be conducted until the Board's consulting engineer has inspected and approved the installation of the erosion controls.

- e. It shall be the responsibility of the Applicant to conduct monitoring, maintenance and repair of erosion control measures, as well as to take any other additional measures necessary to control erosion from the site. The erosion control measures designated on the subdivision plan shall be considered a minimum standard for compliance.
  - f. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the planned construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site.
17. **Maintenance Post Construction** – As Copper Drive shall be a permanent, private roadway, the ongoing maintenance responsibility for it, all associated infrastructure and the stormwater management system will ultimately rest with the Choate Trail Subdivision Homeowners Association. The Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of the roadway, sidewalks, curbing, snowplowing, stormwater system, sanding, streetlights, or upkeep of the landscaped island in the Copper Drive cul-de-sac; that responsibility rests with the Homeowners Association. The Association shall maintain the stormwater management system in accordance with the long-term stormwater operation and maintenance plan included with the stormwater report.
18. **Water Conservation** – The Applicant shall incorporate the following water conservation measures for construction of the development:
- a. rain gauge controlled irrigation systems
  - b. low flow household fixtures
  - c. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
19. **Addresses** – The addresses for the four house lots shall be as determined by the Medway Assessor's office upon consultation with the Medway Fire and Police Departments.
20. **Development Signage** – Any development signage for this project during construction and for permanent identification signage thereafter shall comply with the sign regulations of the *Bylaw*.
21. **Order of Conditions** – As a component of this development, the Applicant shall comply fully with the Order of Conditions and the associated Land Disturbance Permit issued by the Medway Conservation Commission on [REDACTED].
22. **Underground Utilities** – All electrical, telephone, cable TV, and other utilities shall be located underground.
23. **Off-Site Mitigation** – As requested by the Medway Police Department, the Applicant shall purchase and install a Town approved streetlight fixture on utility pole #33 on the west side of Highland Street. This work shall be coordinated with the Medway Department of Public Works and shall be completed before the occupancy permit is issued for the fourth house.

## **B. Standard Conditions**

1. **Expiration of Appeal Period** – Prior to endorsement of the definitive subdivision plan, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty-day appeal period from the Town Clerk's office.

2. **Payment of Balance of Fees** – Prior to plan endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board.
3. **Proof of Taxes Paid** – Prior to the Planning and Economic Development Board’s endorsement of the plan, approval of the *Release of Covenant* for the first building lot, and any form of surety reduction, proof is required from the Medway Town Treasurer/ Collector that all real estate taxes and other municipal fees and charges are current for the property included in this subdivision and for all property owned in Medway by the applicant.
4. **Site Access** - Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time during construction for compliance with the endorsed subdivision plan and the provisions of this Decision.
5. **Construction Oversight**
  - a. Construction Account
    - 1) Inspection of roadway and infrastructure and utility construction, and installation of site amenities including landscaping by the Town’s Consulting Engineer and review of legal documents by Town Counsel are required. Prior to plan endorsement the Applicant shall pay a construction services fee to the Town of Medway to establish a construction services account for such inspections and legal services. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town’s Consulting Engineer based on the scope of the project. The funds may be used at the Board’s discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site work remains to be completed, prepare bond estimates, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue authorize project completion.
    - 2) Depending on the scope of professional outside consultant assistance that the Board may need, the Applicant shall provide supplemental payments to the project’s construction inspection account, upon invoice from the Board, for reasonable additional construction services until the road construction and stormwater drainage system and other utilities are completed and the as-built plan has been reviewed and determined to be satisfactory.
    - 3) Any funds remaining in the Applicant’s construction inspection account after project completion shall be returned to the Applicant.
  - b. The Department of Public Works 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 and any utility connection permits.
  - c. The Applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection. Failure of the Permittee to provide these reports may be reason to withhold building or occupancy permits.

6. **Other 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. The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits.
7. **Pre-Construction Meeting** – At least seven days prior to the start of any site preparation or construction, a pre-construction meeting shall take place with the Town’s Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent, the developer and site contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPP) as filed DEP shall be provided to the Town.
8. **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 to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
  - a. **Construction Time** - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Inspector of Buildings.
  - b. **Neighborhood Relations** – The applicant shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
  - c. 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.
  - d. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that 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.
  - e. 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.
  - f. All erosion and siltation control measures shall be installed by the Applicant prior to the start of construction and observed by the Planning and Economic Development Board’s consulting engineer and maintained in good repair throughout the construction period.
  - 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 *Zoning Bylaw*, Section 7.3.C.2. Environmental Standards.

## 9. *Subdivision Performance Surety*

- a. *Alternative Performance Security* - At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a subdivision surety in compliance with General Laws chapter 41 §81U and the Board's *Regulations*, which method or combination of methods may be selected and from time to time varied by the Applicant, in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector and Town Counsel. The surety shall be provided prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for any house lot.
- b. *Surety Amount* - The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the roadway and installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Decision and Plan that remain unfinished at the time the performance guarantee estimate is prepared if the Permittee failed to do so. The security amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. 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 services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency.
- c. *Surety Agreement* - The Applicant shall enter into a surety agreement with the Planning and Economic Development Board as provided in the *Regulations* to define the obligations of the Applicant and the performance guarantee company including:
  - 1) the date by which construction shall be completed
  - 2) a statement that the agreement does not expire until released in full by the Board
  - 3) procedures for collection upon default.
- d. *Minimum Work for Lot Release* - Prior to releasing any lots from the *Subdivision Covenant*, the following items shall be installed and inspected and approved by the Board:
  - 1) Roadway gravel sub-base (excluding driveways)
  - 2) Roadway binder course (excluding driveways)
  - 3) Drainage system completed to proposed outfall with frame and grates set to binder grade, as well as stormwater basins, swales, infiltration systems or any other stormwater management facilities.
  - 4) As-built plan for each drainage system
  - 5) Private road street name sign in a size and form specified by the Medway Department of Public Works, and all regulatory signs as specified on the approved plan.
  - 6) Stop line pavement markings.
- e. *Adjustment of Performance Guarantee* - At the Applicant's written request, the amount of the performance guarantee may be reduced from time to time over the course of the construction project by vote of the Board upon the partial completion of the roadway 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 on the approved Plan 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 Mass Department of Transportation. 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 cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. 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: the estimate of the Town's Consulting Engineer of the cost to complete the work; plus, a 30% contingency. The Board may authorize up to three reductions in the amount of performance security however, the Board shall not reduce the performance security below \$40,000.

- f. *Final Release of Performance Security* - Final release of performance security is contingent on project completion.

#### **10. Compliance with Plan and Decision**

- a. All construction shall be as specified in the approved definitive subdivision plan and any modifications thereto 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 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.
- b. The Planning and Economic Development Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with this Decision.
- c. The Conditions of Approval are enforceable under Section 3.1. F. of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

#### **11. On-Site Field Changes**

- a. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the *Bylaw* nor conflict with a specific condition of the decision. Field changes shall not substantially alter the intent, layout or design of the endorsed plan.
- b. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. The Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are



reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

**12. Modification of Plan and/or Decision**

- a. Proposed modifications to the plan or decision, not included on-site field changes, shall be subject to review by the Board.
- b. This approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as a subdivision plan modification.
- c. Any work that deviates from the approved subdivision plan or this Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification and such approval is provided in writing by the Planning and Economic Development Board.
- d. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed subdivision plan modifications, 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.
- e. The Board shall issue its Modification Decision, file such with the Town Clerk and provide copies to the Building Commissioner, other Town officials and the Applicant. Any modifications approved by the Board shall be made a permanent part of the approved project. Any plan modifications shall be shown on the final as-built plan.

**13. Landscape Maintenance**

- a. 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 two years after the occupancy permit is issued, the Town's Consulting Engineer or the Inspector of Buildings 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. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Inspector of Buildings may conduct further inspections of the landscaping to determine whether and which landscaping 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.

**14. Project Completion** – The Board shall determine project completion and refund/release the performance security once the applicant has completed the following tasks to the Board's satisfaction:

- a. provided the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all site work has been completed in substantial compliance with the approved and endorsed Plan, and any modifications thereto; and

- b. submitted an As-Built Construction Plan prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts in accordance with the *Subdivision Rules and Regulations* in effect at the time the plans are submitted to the Board for review by the Town's Consulting Engineer and the Board's approval. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp).
- c. paid the Town of Medway for any taxes/fees associated with these parcels or other property owned by the applicant in the Town of Medway; and
- d. completed any mitigation measures specified in the subdivision certificate of action to the satisfaction of the Board.

## **VII. APPEAL**

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, ch 41, § 81BB, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

###

**CHOATE TRAIL WAY DEFINITIVE SUBDIVISION PLAN  
CERTIFICATE OF ACTION  
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

Date of Action by the Medway Planning and Economic Development Board: \_\_\_\_\_

**AYE:**

**NAY:**

**Attest:**

\_\_\_\_\_  
TBD

**Attest:**

\_\_\_\_\_  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

\_\_\_\_\_  
Date

**Copies To:** Bob Pace, Residences at Choate Trail, LLC  
David Spertner, Residences at Choate Trail, LLC  
Matthew Silverstein, Residences at Choate Trail, LLC  
Vito Colonna, Connorstone Engineering  
Michael Boynton, Town Administrator  
Stephanie Carlisle, DPW Compliance Officer  
David D’Amico, DPW Director  
Mike Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Community and Economic Development Director  
Sergeant Jeffrey Watson, Police Safety Officer  
Gino Carlucci, PGC Associates  
Steve Bouley, Tetra Tech



**April 7, 2020**

**Medway Planning & Economic Development Board  
Special Meeting**

**Forest Road Street Acceptance**

- Email from Assistant Town Administrator Allison Potter requesting that the PEDB provide a report and recommendation to the BOS to “lay out” Forest Road in preparation for a BOS public hearing tentatively scheduled for 4-21-20
- Land Court Subdivision Plan (1989 – 1991)
- Map of Forest Road subdivision
- SAC letter dated June 2015 to attorney Paul Kolovos on behalf of subdivision developer Paul Rivard. The letter includes a TT inspection report, punch list and bond estimate.
- February 2020 emails with Dave D’Amico about Forest Road

NOTE – The amount of performance security funds on June 30, 2019 was \$6,426.

## Susan Affleck-Childs

---

**From:** Allison Potter  
**Sent:** Tuesday, April 07, 2020 9:27 AM  
**To:** Susan Affleck-Childs  
**Cc:** Barbara Saint Andre  
**Subject:** FW: Forest Road

Hi Susy,

As you likely know, the BOS voted its intent to lay out Forest Rd as a public way at its meeting last night and we're turning it back over to you. We have the BOS public hearing scheduled for 4/21.

Thanks,

Allison

---

**From:** Barbara Saint Andre <[bsaintandre@townofmedway.org](mailto:bsaintandre@townofmedway.org)>  
**Sent:** Monday, April 6, 2020 10:18 AM  
**To:** Allison Potter <[apotter@townofmedway.org](mailto:apotter@townofmedway.org)>  
**Cc:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>; Michael Boynton <[mboynton@townofmedway.org](mailto:mboynton@townofmedway.org)>; Liz Langley <[llangley@townofmedway.org](mailto:llangley@townofmedway.org)>; Lee S. Smith <[LSmith@k-plaw.com](mailto:LSmith@k-plaw.com)>  
**Subject:** RE: Forest Road

Allison, Town Counsel has recommended an amended motion:

I move that the Board of Selectmen express its intent to lay out as a public way Forest Road in its entirety from its intersection with Brigham Street to its end, as shown on "Subdivision Plan of Land in Medway", dated October 2, 1988, by DeSimone Surveying Services, Inc., as approved by the Land Court and filed in the Land Registration Office as Plan Number 6209E, and to refer this matter to the Planning and Economic Development Board for a report and recommendation.

**Barbara J. Saint Andre**  
**Director, Community and Economic Development**  
**Town of Medway**  
**155 Village Street**  
**Medway, MA 02053**  
**(508) 321-4918**

---

**From:** Barbara Saint Andre  
**Sent:** Wednesday, April 1, 2020 3:56 PM  
**To:** Allison Potter (<[apotter@townofmedway.org](mailto:apotter@townofmedway.org)> <[apotter@townofmedway.org](mailto:apotter@townofmedway.org)>  
**Cc:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>; Michael Boynton <[mboynton@townofmedway.org](mailto:mboynton@townofmedway.org)>; Liz Langley (<[llangley@townofmedway.org](mailto:llangley@townofmedway.org)> <[llangley@townofmedway.org](mailto:llangley@townofmedway.org)>; Lee S. Smith <[LSmith@k-plaw.com](mailto:LSmith@k-plaw.com)>  
**Subject:** Forest Road

Allison, per our discussion, please add an item to the Board of Selectmen's agenda for April 6<sup>th</sup> to vote its intent to layout Forest Road as a public way. This is just an initial step so that the Board of Selectmen can refer the matter to the Planning and Economic Development Board for a report. Here is a proposed motion for the BOS:

I move that the Board of Selectmen express its intent to lay out as a public way Forest Road in its entirety from its intersection with Brigham Street to its end, as shown on *Road As-Built Plan of Land* in Medway, MA, dated July 29, 1993, last revised February 26, 1995, by Francis X. DeSimone & Sons of Medway, MA, and to refer this matter to the Planning and Economic Development Board for a report and recommendation.

Thanks

**Barbara J. Saint Andre**  
**Director, Community and Economic Development**  
**Town of Medway**  
**155 Village Street**  
**Medway, MA 02053**  
**(508) 321-4918**



A subdivision plan of lots 3, 4 & 7 of 6301<sup>st</sup> filed with Cert. 134773, Bk. 674

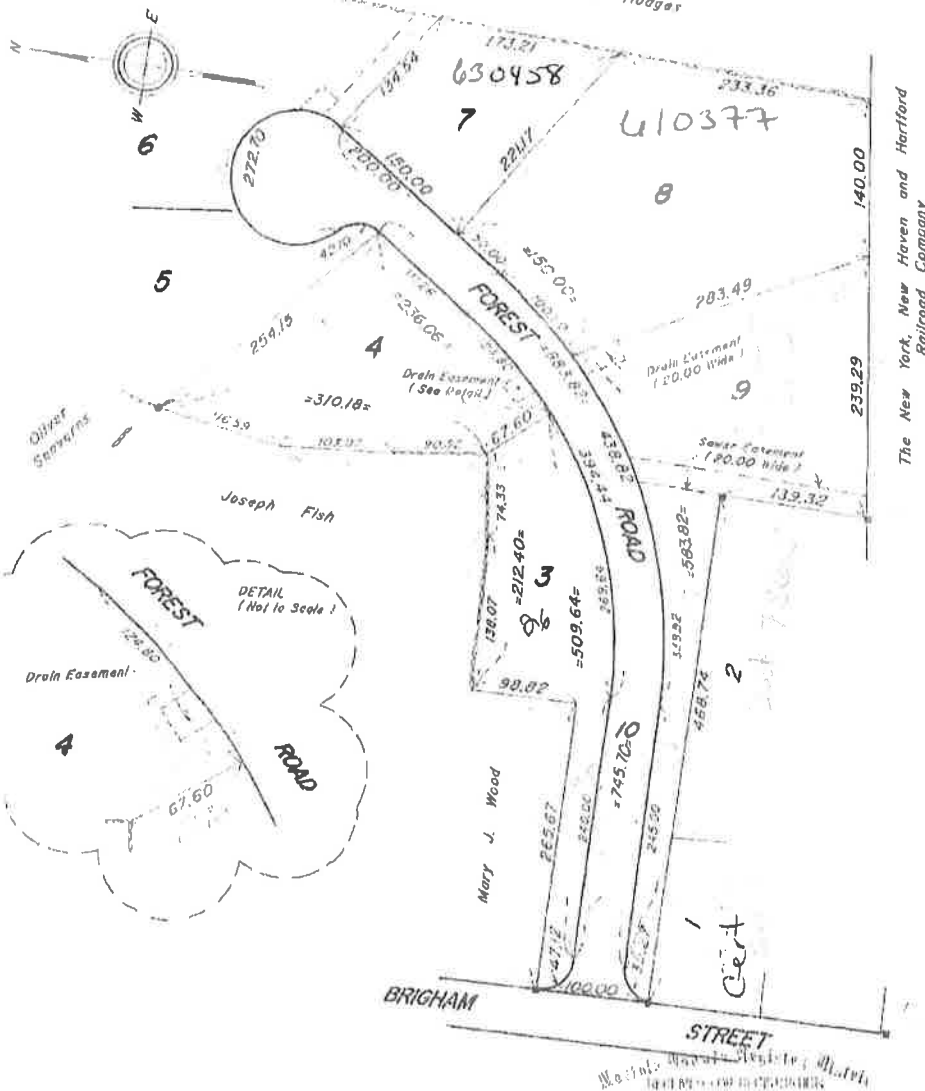
SUBDIVISION PLAN OF LAND IN MEDWAY

DeSimone Surveying Services, Inc., Surveyors

October 2, 1988

6209<sup>E</sup>  
SHEET 1 OF 2

William B. Hodges



The New York, New Haven and Hartford Railroad Company

MAY 28 1991

Subdivision of Lot 8  
Shown on Plan 6209<sup>E</sup>  
Filed with Cert. of Title No. 36546  
Registry District of Norfolk County

2.000000 35.000000  
NOTED ON CERTIFICATE NO. 134773  
IN REGISTRATION BOOK 552 PAGE 26

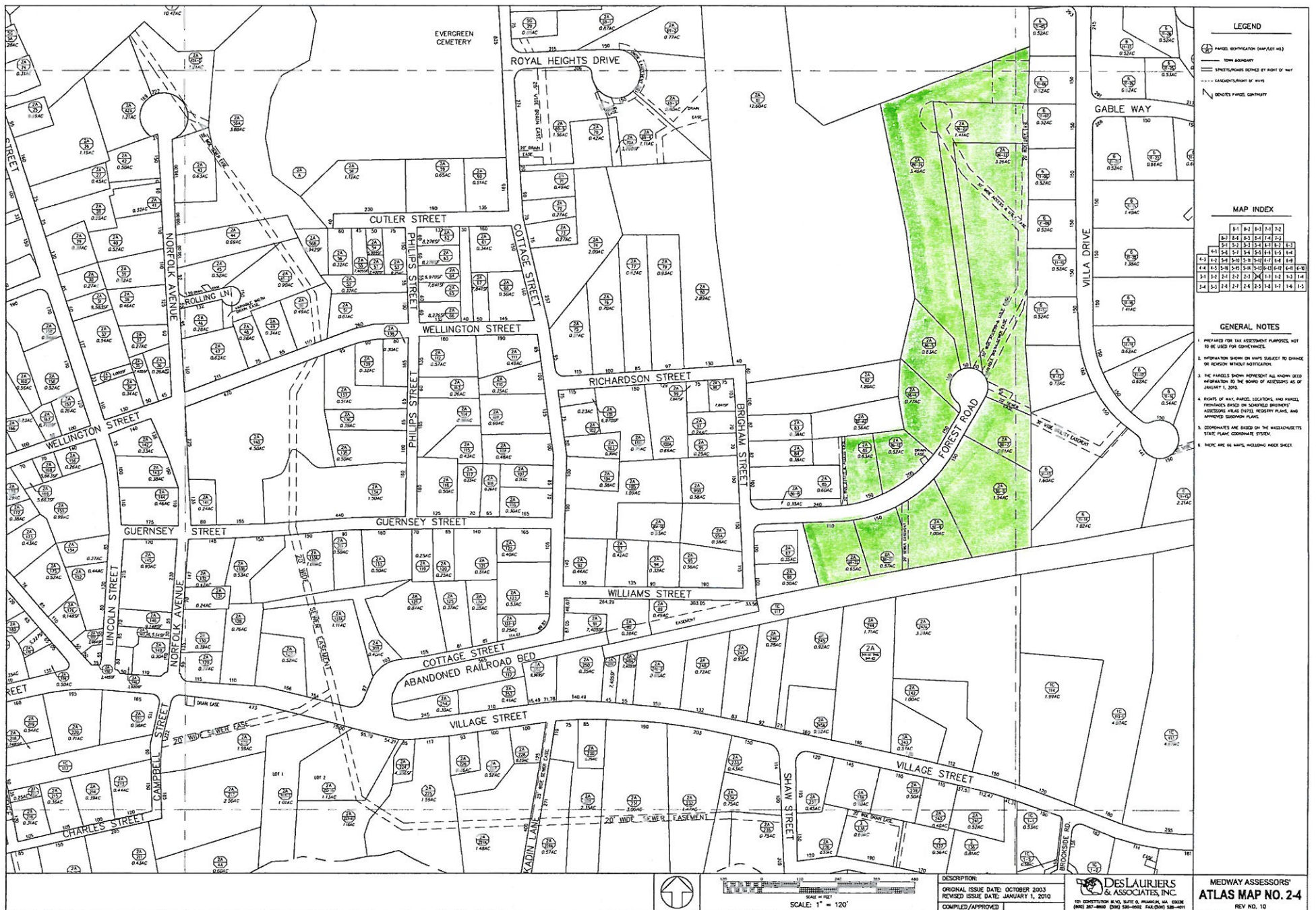
Abutments are shown as  
on original decree plan.

Separate certificates of title may be issued for land  
shown hereon and on sheet 2 as LOTS 3 THROUGH 10  
By the Court.

JULY 12, 1989

Recorder

Copy of part of plan  
filed in  
LAND REGISTRATION OFFICE  
JAN 9, 1989  
Scale of this plan 100 feet to an inch  
Louis A. Moore, Engineer for Court



LEGEND

- Parcel Identification (Map/Sheet #)
- Town Boundary
- Street/Highway Right of Way
- Landscaping of Water
- Revised Parcel Continuity

MAP INDEX

1	2	3	4	5	6	7	8
1	2	3	4	5	6	7	8
1	2	3	4	5	6	7	8
1	2	3	4	5	6	7	8
1	2	3	4	5	6	7	8
1	2	3	4	5	6	7	8
1	2	3	4	5	6	7	8
1	2	3	4	5	6	7	8

GENERAL NOTES

- PREPARED FOR TAX ASSESSMENT PURPOSES, NOT TO BE USED FOR CONVEYANCES.
- INFORMATION SHOWN ON MAPS SUBJECT TO CHANGE ON REVISION WITHOUT NOTIFICATION.
- THE PARCELS SHOWN REPRESENT ALL KNOWN DEED INFORMATION TO THE BOARD OF ASSESSORS AS OF JANUARY 1, 2010.
- RIGHTS OF WAY, PARCELS, LOCATIONS, AND PARCEL IDENTIFIERS BASED ON TOWNSHIPS BOUNDARIES, ADJACENT PLATS, DEEDS, RECORDS, PLANS, AND APPROVED SUBDIVISION PLANS.
- COORDINATES ARE BASED ON THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM.
- THERE ARE NO MAPS INCLUDING THIS SHEET.

DESCRIPTION:

ORIGINAL ISSUE DATE: OCTOBER 2003  
REVISED ISSUE DATE: JANUARY 1, 2010  
COMPILED/APPROVED:

DES LAURIERS & ASSOCIATES, INC.  
100 CONVENT STREET, SUITE 200, MEDFORD, MA 02155  
(978) 281-8800 FAX (978) 281-8801

MEDWAY ASSESSORS' ATLAS MAP NO. 24  
REV. NO. 10

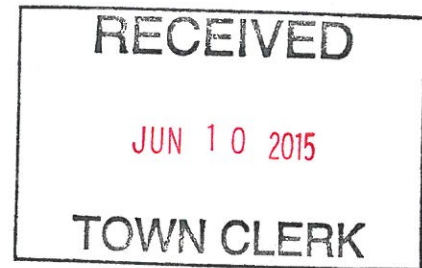


Doherty, Ciechanowski,  
Dugan & Cannon, P.C.  
124 Grove Street, Suite 220  
Franklin, MA 02038

6-11-15 *Joan*



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



June 10, 2015

Attorney Paul Kolovos  
Doherty, Ciechanowski, Dugan & Cannon, P.C.  
124 Grove Street  
Franklin, MA 02038

RE: Paul Rivard/Forest Road at Hidden Pines Subdivision

Dear Mr. Kolovos,

The Medway Planning and Economic Development Board (the Board) is in receipt of your letter dated April 28, 2014. You state in the letter that pursuant to G.L. c. 41, §81U, "the construction of ways and the installation of municipal services in accordance with the rules and regulations of the planning board, security for the performance of which was given by bond," has been completed at the Hidden Pines subdivision. The letter also requests that the Board return all surety funds currently being held for this subdivision.

As an initial matter, please note that your letter does not comply with the requirements of G.L. c. 41, §81U, in that it was not sent by certified mail on the same date to the Medway Town Clerk, nor does it set forth the address of the applicant. Accordingly, the Board denies that your letter is a proper notification under G.L. c. 41, §81U.

Please be advised that none of the current members of the Medway Planning and Economic Development Board were serving on the Board at the time Hidden Pines was approved and constructed, nor was the Board's staff. Accordingly, the Board members have little or no direct knowledge of the history of the subdivision and prior bond refunds or requests.

At its meeting on May 12, 2015, the Board reviewed and discussed your April 28<sup>th</sup> letter. John Rivard attended the meeting on behalf of Paul Rivard, his father. In preparation for the discussion, we asked Tetra Tech, the Town's consulting engineer, to conduct an inspection of Forest Road, develop a punch list, and prepare a bond estimate. Their report is attached and was provided to John Rivard at the May 12<sup>th</sup> meeting.

The Board discussed this again at its June 9, 2015 meeting. The Board found that the following items, which are detailed in the inspection report and bond estimate attached hereto and incorporated herein, have not been completed in accordance with the Board's *Subdivision Rules and Regulations*.

Work Item	Applicable section of 1973 Subdivision Rules and Regulations	Tetra Tech Cost Estimate
Remove existing sidewalk and install new sidewalk binder and top course	Section V. D.	\$ 11,124
Gravel borrow for sidewalk	Section V. D.	\$ 160
Cape Cod Berm repair	Section V. E.	\$ 675
SUBTOTAL		\$ 11,959
25% Contingency		\$ 2,990
TOTAL		\$ 14,949

The Board has determined that the construction of ways and installation of municipal services in accordance with the Board's *Subdivision Rules and Regulations* (1973) in effect for this subdivision is not complete. Accordingly, pursuant to G.L. c. 41 §81U, the Board will not release the interest of the Town in the aforementioned subdivision security for the Hidden Pines subdivision at this time.

However, the Board wants to work with Mr. Rivard to proceed with street acceptance for Forest Road and subsequent release of the subdivision surety. To do so, the Board requests that Mr. Rivard submit the following items to the Board at his earliest convenience:

- A deed to convey Forest Road or an easement in Forest Road and any associated drainage/utility easements to the Town of Medway. Deed and easement templates are provided. This request is based on the premise that Mr. Rivard retained the fee in the roadway when the lots were initially conveyed to the first owners and that he is the current owner.
- A street acceptance plan for the Town to use to carry out the roadway layout process and to reference for the Town Meeting vote to accept the road and associated infrastructure.

Please be advised that the soonest that Forest Road could be accepted by the Town is November 2015, when the Town holds its standard fall town meeting.

The Town will incur some costs for the use of outside consultants for street acceptance including but not limited to title run downs to determine who owns the roadway, town counsel's review of the road deed and/or various utility easements, and review of the street acceptance plan by the Town's consulting engineer. It is customary for the subdivision developer to pay for these items. We will compile cost estimates for this work and forward those to you upon receipt in order to make arrangements for payment. On occasion, the Board has approved a partial bond reduction and a transfer of those funds to a construction account from which the Board can pay the outside consultants' invoices.

We look forward to working with you and Mr. Rivard to resolve these matters in a manner beneficial to both him and the Town.

Best regards,



Susan E. Affleck-Childs

Planning and Economic Development Coordinator

cc: Town Clerk





## MEMORANDUM

**To:** Susan Affleck-Childs  
Medway Planning and Economic Development Coordinator

**Fr:** Steven Bouley–Tetra Tech (TT)

**Re:** **Hidden Pines – Forest Road  
Subdivision Review (Bond Value Estimate)  
Medway, MA**

**Dt:** May 4, 2015

---

On April 30, 2015 at the request of the Medway Planning and Economic Development Board, Tetra Tech (TT) met with Medway Department of Public Services Superintendent Jim Smith to perform an inspection of the Hidden Pines Subdivision. The inspection was conducted utilizing best available subdivision plans (non-endorsed) dated January 31, 1988, revised August 4, 1988 to determine which items should be repaired or replaced prior to street acceptance. The following is a list of items that should be resolved:

### **Right of Way**

1. The majority of the roadway is cracking and minor settling was observed. It appears the roadway will require re-paving in the next 2-5 years. (See Attached Photo #1 - #6)
2. Bituminous berm located on both sides of the roadway is scoured and cracking in some locations. The applicant should repair/replace damaged sections of berm. (See Attached Photo #7 - #8)
3. The sidewalk is settling and cracking and appears to be approximately one to two inches thick at some locations. The applicant should repair/replace damaged/settled sections of sidewalk. (See Attached Photo #9 - #12)
4. The applicant should replace a non-descript sewer cover/casting with one that contains the word "SEWER" as required by Medway DPS. (See Attached Photo #13)
5. Trees and landscaping is encroaching on the right of way, damaging the sidewalk and creating sight distance issues at the intersection of Forest Road and Brigham



TETRA TECH

Street. The applicant should trim all encroaching landscaping features within the right of way. (See Attached Photo #14 - #16)

### **Additional Observations**

6. It appears drain infrastructure was installed per the proposed plans and designed/constructed prior to current stormwater management standards. The system does not appear to include peak flow/water quality mitigation prior to discharge to nearby wetlands which at that time may not have been required.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2382.

Very truly yours,

Steven Bouley, EIT  
Civil Engineer

P:\21583\143-21583-15008 (HIDDEN PINES SUBDIV)\DOCS\MEMO\MEMO\_HIDDEN PINES PUNCH LIST\_2015-05-04.DOC

Photo 1



Roadway Cracking

Photo 2



Roadway Cracking

Photo 3



Roadway Cracking

Photo 4



Roadway Cracking



Photo 5



Roadway Cracking

Photo 6



Roadway Cracking

Photo 7



Damaged Berm

Photo 8



Damaged Berm

Photo 9



Settling/Cracking Sidewalk

Photo 10



Settling/Cracking Sidewalk

Photo 11



Settling/Cracking Sidewalk

Photo 12



Settling/Cracking Sidewalk



Photo 13



Incorrect Sewer Cover/Casting

Photo 14



Landscaping Encroachment

Photo 15



Landscaping Encroachment

Photo 16



Site Distance Issues from Landscaping/Overgrowth

**TETRA TECH**

**Bond Estimate**  
**Hidden Pines**  
**Medway, Massachusetts**  
May 4, 2015

One Grant Street  
Framingham, MA 01701  
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Crack Sealing	1	LS	\$3,500.00	\$3,500
Remove Exist Sidewalk <sup>2</sup>	52	CY	\$12.00	\$624
HMA Top Course-Sidewalk <sup>2</sup>	44	TON	\$100.00	\$4,400
HMA Binder Course-Sidewalk <sup>2</sup>	61	TON	\$100.00	\$6,100
Gravel Borrow-Sidewalk <sup>2</sup>	5	CY	\$32.00	\$160
Cape Cod Berm	100	FT	\$6.75	\$675
Sewer Casting Removed	1	EA	\$95.00	\$95
Sewer Casting Installed	1	EA	\$726.00	\$726
Clean Drainage System	1	LS	\$1,500.00	\$1,500
Landscaping	1	LS	\$2,000.00	\$2,000
<b>Subtotal</b>				\$19,780
<b>25% Contingency</b>				\$4,945
<b>Total</b>				\$24,725

Notes:

1. Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 5/2014 - 5/2015.
2. Unit prices associated with the sidewalk were based upon a sidewalk length of 1,014 ft, width of 5.5 ft and depth of 3 in.

# LAND SUBDIVISION – FORM M

## Quitclaim Deed – Conveyance of Road

### Planning Board – Town of Medway, MA

#### QUITCLAIM DEED

, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, (the Grantor), with a usual place of business at

for consideration of less than One Hundred and 00/100 (\$100.00) Dollars, in consideration of the Town of Medway accepting the premises described herein as public ways, does hereby grant to THE INHABITANTS OF THE TOWN OF MEDWAY, ACTING BY AND THROUGH ITS BOARD OF SELECTMEN (the Grantee), Medway Town Hall, 155 Village Street, Medway, Norfolk County, Massachusetts 02053

with QUITCLAIM COVENANTS all of the right, title and fee interest of the Grantor in and to those certain ways, and all utilities located therein, situated in Medway, Norfolk County, Massachusetts and shown as (name of streets) on a plan entitled Definitive Subdivision Plan in Medway, Massachusetts, dated last revised, prepared by which plan is recorded as Plan of in Plan Book , Page , for the purposes of public ways, said ways being bounded and described as set forth in Exhibit A attached hereto and made a part hereof.

The said conveyance is subject to the provisions of Massachusetts General Laws, Chapter 184, Section 31.

The transfer does not constitute all or substantially all of the Grantor's assets in the Commonwealth of Massachusetts.

Being a portion of the premises conveyed to Grantor by Deed of dated and recorded in Book , Page

IN WITNESS WHEREOF, the said has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Its President and Treasurer, this day of

#### OWNER

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

By: \_\_\_\_\_

Its: \_\_\_\_\_  
Duly authorized



COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS. \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_

\_\_\_\_\_, Owner, or person duly authorized to execute this Deed on behalf of the Owner, 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 they signed it voluntarily and for its stated purpose.

\_\_\_\_\_  
Notary Public

My commission expires:

*NOTE – Document text should be modified to reflect type of ownership – corporation, trust, partnership, individual, etc.*

April 15, 2005

## LAND SUBDIVISION - FORM J

### *Grant of Utility and/or Drainage Easement*

\_\_\_\_\_ (the Grantor) having an address of \_\_\_\_\_ for consideration of less than One Hundred and 00/100 (\$100.00) Dollars, does hereby give, grant, transfer and deliver unto THE TOWN OF MEDWAY, a municipal corporation in Norfolk County, Massachusetts, with a mailing address at Town Hall, 155 Village Street, Medway, Massachusetts 02053, ACTING BY AND THROUGH ITS BOARD OF SELECTMEN (the Grantee), the perpetual non-exclusive rights and easements in, through and under the following described areas (collectively, the Easement Area).

The Easement Area is shown as \_\_\_\_\_

\_\_\_\_\_ on a plan entitled \_\_\_\_\_ in Medway, Massachusetts, dated \_\_\_\_\_, last revised \_\_\_\_\_ prepared by \_\_\_\_\_, which plan is recorded in Plan Book \_\_\_\_\_ of \_\_\_\_\_ Plan # \_\_\_\_\_, (the Plan). The Easement Area crosses \_\_\_\_\_ (list lots and parcel numbers) \_\_\_\_\_ as shown on the Plan.

Such easement is for the following purposes: to construct, inspect, repair, renew, replace, operate and forever maintain water mains, sewer mains, and stormwater drainage system along with any walls, manholes, pipes, conduits, gates, drainage easements and other appurtenances related thereto within the Easement Area, and to do all acts incidental thereto, including the right to pass along and over the Easement Area for the aforesaid purpose. All \_\_\_\_\_ and the appurtenant equipment presently located in the Easement Area shall be owned by the Grantee.

The Grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he (it) has good title to transfer the same, and that he will defend the same against claims of all persons.

In the exercise of rights hereunder, the Grantee shall take all reasonable steps necessary to preserve the use of the Easement Area by the Grantor for any and all purposes not inconsistent herewith. The Grantee, by acceptance hereof, agrees to restore and repair any portion of Grantor's land disturbed by the work described above to substantially its former condition after completion of such work, including, without limitation, the restoration of any landscaped, seeded, loamed, graded or other area which has been damaged, destroyed or disturbed as a result of such work. The Grantor and others to whom the Grantor may grant rights shall have the right to fully use and enjoy the surface and subsurface of the Easement Area for any use which does not unreasonably interfere with the exercise by the Grantee of the rights granted herein.

The rights, benefits, obligations and burdens herein shall run with the land and shall be binding on the respective heirs, successors, and assigns of Grantor and Grantee.

Being a portion of the premises conveyed to Grantor by deed of \_\_\_\_\_

dated \_\_\_\_\_ and recorded in Norfolk County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or under Certificate of Title No. \_\_\_\_\_ registered in Norfolk County District of the Land Court, Book \_\_\_\_\_, Page \_\_\_\_\_.

And (to be completed if a mortgage exists) \_\_\_\_\_  
the present holder of a mortgage on the above described land, which mortgage is dated  
\_\_\_\_\_, and recorded in said Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, for  
consideration paid, hereby releases unto the Town forever from the operation of said  
mortgage the rights and easements hereinabove granted and assents thereto.

IN WITNESS WHEREOF, the said \_\_\_\_\_ has caused its  
corporate seal to be hereto affixed and these presents to be signed in its name and  
behalf by \_\_\_\_\_, its \_\_\_\_\_,  
this \_\_\_\_\_ date of \_\_\_\_\_, 201\_\_.

## OWNER

\_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Duly Authorized

Executed under seal this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

## COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, SS \_\_\_\_\_, \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned  
notary public, personally appeared \_\_\_\_\_

proved to me through satisfactory evidence of identification, which was \_\_\_\_\_

to be the person(s) whose name(s) are signed on the preceding or attached document,  
and acknowledged to me that \_\_\_\_ signed it voluntarily and for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:

## ACCEPTANCE OF EASEMENT

The undersigned Board of Selectmen of the Town of Medway hereby accepts the grant of easement(s) described above on behalf of the Town of Medway.

Town of Medway  
By its Board of Selectmen

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

## COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS \_\_\_\_\_, 20\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, before me,  
the undersigned notary public, personally appeared \_\_\_\_\_

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

proved to me through satisfactory evidence of identification, which was 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:



## Susan Affleck-Childs

---

**From:** David Damico  
**Sent:** Tuesday, February 11, 2020 8:38 AM  
**To:** Susan Affleck-Childs  
**Cc:** Barbara Saint Andre  
**Subject:** RE: Forest Road - Street Acceptance

Going by the previous assessment, it looks like it will need a fair amount of road and sidewalk work. Possibly opportunities for drainage improvements too. If the Board wants to take action to make the money available, that's fine. But in my opinion, I wouldn't plan on us touching this this season. I'm already looking at \$4 million worth of road work and \$6M in water work which is way too much. We can look to attack it next year.

Thanks,

Dave  
Medway DPW Director  
508-533-3275  
Check us out on-line at [www.townofmedway.org](http://www.townofmedway.org)

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

---

**From:** Susan Affleck-Childs  
**Sent:** Tuesday, February 11, 2020 8:09 AM  
**To:** David Damico  
**Cc:** Barbara Saint Andre  
**Subject:** Forest Road - Street Acceptance

Hi,

We are working toward street acceptance for Forest Road (Hidden Pines subdivision). We have an as-built plan from 1995. See attached.

There is only \$6,425 in the bond account. We have a punch list from May 2015 that TT prepared with Jimmy Smith and a bond estimate. See attached.

Rather than continuing to keep this open indefinitely and because the neighbors are pushing to have the street accepted, the Board is interested in closing out this project. The idea would be for the Town to retain the bond funds and place them in the subdivision bond default account for DPW to use for what it determines are the most pressing concerns.

OK by you?

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





**April 7, 2020**

**Medway Planning & Economic Development Board  
Special Meeting**

**William Wallace Village Plan**  
**Endorsement**

- Revised site plan dated March 24, 2020
- Special Permit Decision dated January 28, 2020
- Performance Security Covenant signed April 3, 2020
- Collection of emails with Lee Smith of KP Law re: WWV legal documents
- Verification dated April 6, 2020 from the Treasurer/ Collector that taxes are current for 274 Village Street.
- Town Clerk's Certificate of No Appeal

NOTE - I can confirm that we have an email note from Steve Bouley dated 4-6-20 verifying that the revised site plan complies with the decision's conditions for plan revisions. I am not able to save that email to pdf format to share with you.

NOTE – I can also verify that the decision's conditions related to the DRC's comments have been addressed and are reflected on the revised site plan.



# WILLIAM WALLACE VILLAGE

## MEDWAY, MA

### SITE PLAN

PREPARED BY:  
LEGACY ENGINEERING LLC  
730 MAIN STREET, SUITE 2C  
MILLIS, MA 02054

JUNE 25, 2019  
Latest Revision: March 24, 2020

PREPARED FOR:  
DTRT LLC  
P.O. BOX 95  
TRURO, MA 02666

FOR REGISTRY USE

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

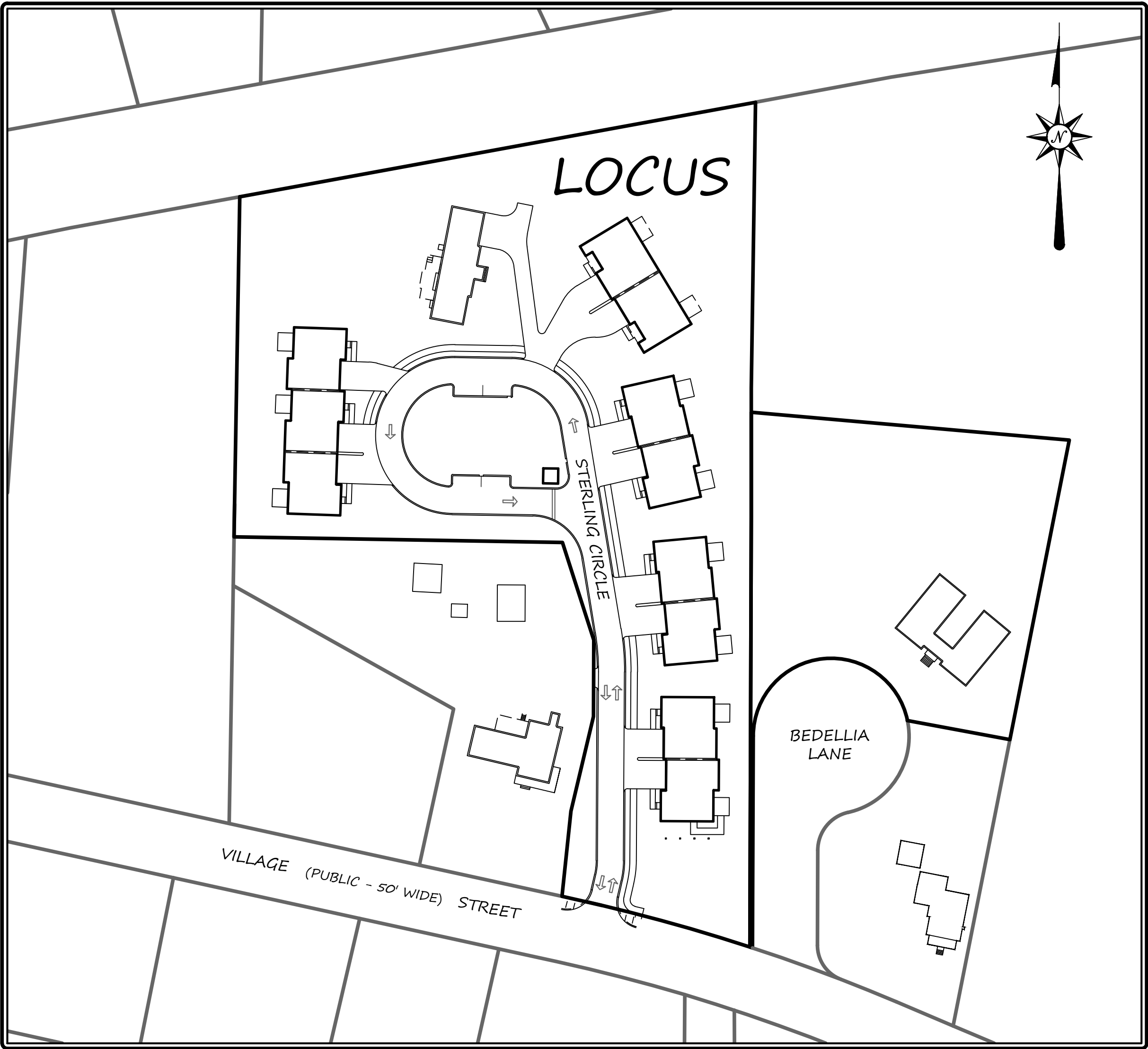
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

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

REGISTERED LAND SURVEYOR



2013 MASSGIS AERIAL LOCUS  
SCALE: 1" = 500'



LOCUS  
SCALE: 1" = 70'



MEDWAY ASSESSORS LOCUS  
SCALE: 1" = 200'

#### SHEET LEGEND

- C-0: COVER SHEET
  - C-1: SITE CONTEXT SHEET
  - C-2: EXISTING CONDITIONS PLAN
  - C-3: EROSION CONTROLS PLAN
  - C-4: LAYOUT PLAN
  - C-5: GRADING PLAN
  - C-6: UTILITIES PLAN
  - C-7: LIGHTING PLAN
  - C-8: LANDSCAPE PLAN
  - C-9: SNOW PLAN
  - C-10: DETAILS
  - C-11: DETAILS
  - C-12: DETAILS
  - C-13: SITE OPERATIONS AND MAINTENANCE PLAN
- ARCHITECTURAL PLANS PREPARED BY CHARLES BASILE ARCHITECT AS FOLLOWS:
- A-1: DUPLEX FIRST FLOOR BLDGS. 1, 2 & 3
  - A-2: DUPLEX SECOND FLOOR BLDGS. 1, 2 & 3
  - A-3: REAR ELEVATIONS BLDGS. 1, 2, 3 & 6
  - A-4: PLANS/SIDE ELEVATION BLDG. 4
  - A-5: FRONT/REAR ELEVATIONS BLDG. 4
  - A-6: FIRST AND SECOND FLOOR PLANS BLDG. 5
  - A-7: FRONT & SIDE ELEVATIONS BLDG. 5
  - A-8: REAR ELEVATION/BASEMENT FLOOR PLAN BLDG. 5
  - A-9: TRIPLEX PLAN & ELEVATION BLDG. 6
  - A-10: TRIPLEX PLAN & ELEVATION BLDG. 6

NOTE: THIS DEVELOPMENT IS SUBJECT TO A PERFORMANCE AND SECURITY COVENANT TO BE EXECUTED BY THE BOARD AND RECORDED WITH THE SPECIAL PERMIT AND THIS PLAN.

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL  
59-55

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 19198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF 1984

APPROVED WAIVERS LIST

PLANNING BOARD RULES AND REGULATIONS

- 204-3.A.7.a TO NOT REQUIRE A TRAFFIC IMPACT ASSESSMENT.
- 204-3.A.7.b TO NOT REQUIRE AN ENVIRONMENTAL IMPACT STUDY.
- 204-5.C.3 TO NOT REQUIRE LOCATING EXISTING TREES OVER 1' IN DIAMETER.
- 205-3.B.2 TO ALLOW A ROADWAY WITHIN 15' OF A SIDE PROPERTY LINE.
- 205-6.G.3.a TO ALLOW 18' DEEP PARKING SPACES.
- 205-6.H TO ALLOW CAPE COD BERM AT PARKING LOTS.
- 205-9.F TO NOT REQUIRE FULL REPLACEMENT OF TREES.

PROGRESS  
PRINT

PLAN SCALE: AS NOTED



730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-0

D158-01



LEGACY  
ENGINEERING

WILLIAM WALLACE VILLAGE  
COVER SHEET  
PLAN OF LAND  
IN  
MEDWAY, MA

PLAN DATE: JUNE 25, 2019		REVISION	DATE	BY
REVISIONS PER TOWN COMMENTS	2019-09-04	DJM		
REVISIONS PER TOWN COMMENTS	2019-10-07	DJM		
REVISIONS PER TOWN COMMENTS	2019-12-27	DJM		
REVISIONS PER DECISION FOR ENDORSEMENT	2020-03-24	DJM		





I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

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

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL  
59-55

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 14198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF  
1984

PLAN SCALE: 1" = 300'



PROGRESS  
PRINT

REVISION		DATE	BY
REVISIONS PER TOWN COMMENTS		2019-09-04	DJM
REVISIONS PER TOWN COMMENTS		2019-10-07	DJM
REVISIONS PER TOWN COMMENTS		2019-12-27	DJM
REVISIONS PER DECISION FOR ENDORSEMENT		2020-03-24	DJM

WILLIAM WALLACE VILLAGE  
SITE CONTEXT  
PLAN OF LAND  
IN  
MEDWAY, MA

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

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

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

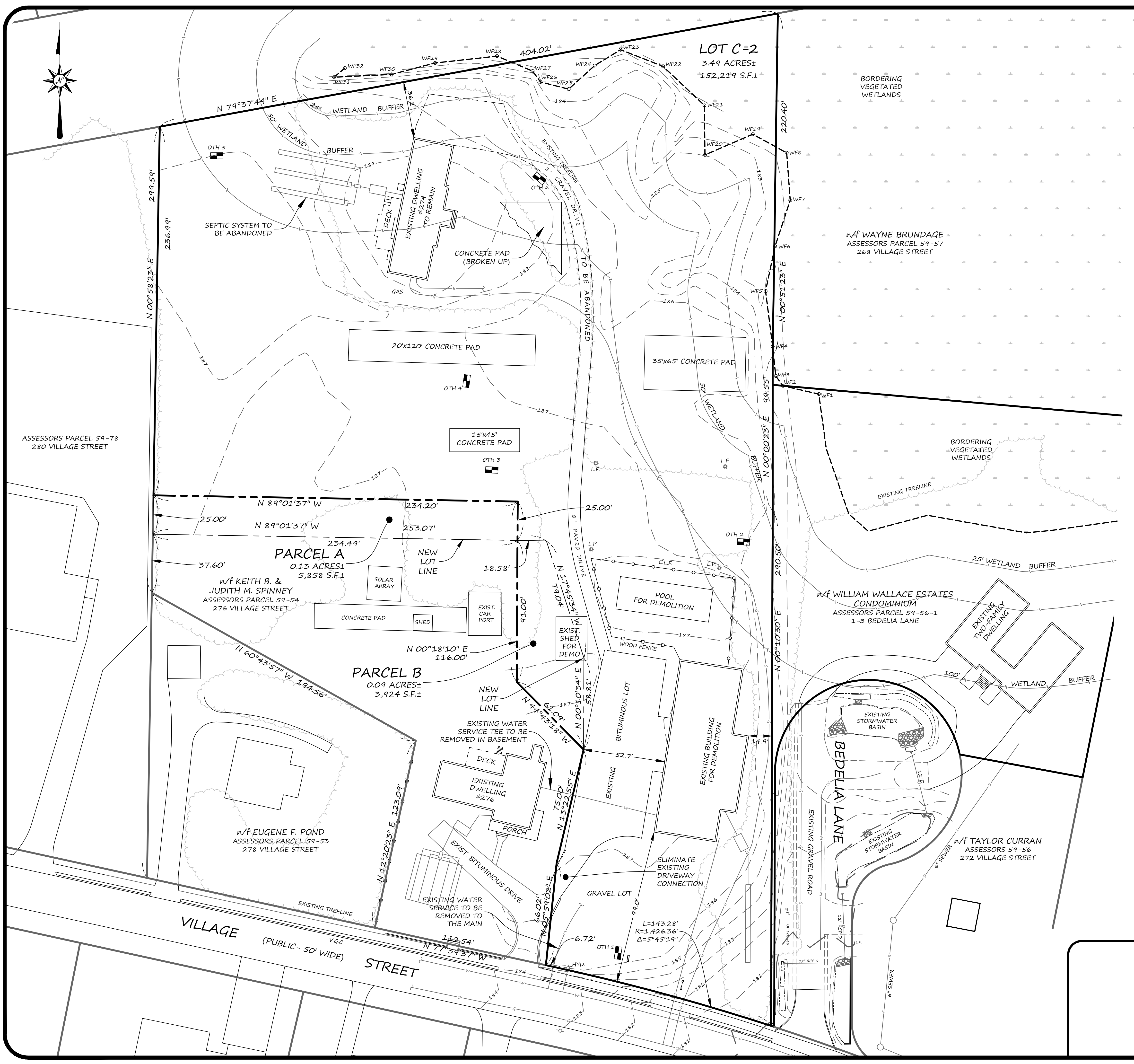
C-1

D158-01



LEGACY  
ENGINEERING





I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

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

REGISTERED LAND SURVEYOR \_\_\_\_\_

FOR REGISTRY USE \_\_\_\_\_

OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL  
59-55

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 14198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF 1984

PROGRESS  
PRINT

- LEGEND & ABBREVIATIONS
- CB: SINGLE-GRATE CATCH BASIN
  - CB: DOUBLE-GRATE CATCH BASIN
  - OPTU xxx: PROPRIETARY STORMWATER UNIT
  - ODMH: DRAIN MANHOLE
  - TR: TRENCH DRAIN
  - INFIL: INFILTRATION TRENCH
  - X" D: DRAIN PIPELINE
  - RCP: REINFORCED CONCRETE PIPE
  - PVC: POLYVINYL CHLORIDE PIPE
  - OSMH: SEWER MANHOLE
  - X" S: SEWER PIPELINE
  - Q.C.O.: SEWER SERVICE CLEANOUT
  - X" W: WATER MAIN
  - HYD: HYDRANT
  - W.G.V.: WATER GATE VALVE
  - C.S.: WATER SERVICE CURB STOP
  - M.B.: WATER SERVICE METER BOX
  - G: GAS PIPELINE
  - E: ELECTRIC CONDUIT
  - L.P.: LIGHT POLE
  - U.P.: UTILITY POLE
  - G.Y.: GUY WIRE
  - S.P.: TRAFFIC SIGNAL POLE
  - 2.52: EXISTING CONTOUR
  - 2.52: PROPOSED CONTOUR
  - E.O.P.: EDGE OF PAVEMENT
  - C.C.B.: INTEGRAL SLOPED BIT. BERM
  - V.B.B.: VERTICAL BITUMINOUS BERM
  - S.G.C.: SLOPED GRANITE CURB
  - V.G.C.: VERTICAL GRANITE CURB
  - V.C.C.: VERTICAL CONCRETE CURB
  - E.C.S.: EDGE CONCRETE SLAB
  - G.V.: GATE VALVE
  - C.L.F.: CHAIN LINK FENCE
  - W.S.F.: WOOD STOCKADE FENCE
  - P.P.F.: PVC PICKET FENCE
  - G.R.: GUARD RAIL
  - C.C.: HANDICAP CURB CUT

- EXISTING CONDITION NOTES:
- PARCEL A & B WILL BE SWAPPED PRIOR TO CONSTRUCTION AND THE EXISTING SHED WILL BE DEMOLISHED. THE DEVELOPMENT WILL THEREFORE CONSIST OF LOT C-2 AND PARCEL A. THE REST OF THE PLAN SHEETS DEPICT THESE PARCELS AS THE PROJECT BOUNDARIES.
  - THE LOCATION OF EXISTING UTILITIES IS BASED ON AVAILABLE INFORMATION SUCH AS SURFACE FEATURES AND RECORD PLANS. THE SHOWN UTILITY LOCATIONS ARE APPROXIMATE, ARE NOT WARRANTED TO BE CORRECT, AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
  - CONTRACTOR SHALL CONTACT DIGSAFE PRIOR TO CONDUCTING ANY EXCAVATION ON THE SITE.
  - OFFSITE FEATURES SUCH AS BUILDING, PAVING LIMITS, UTILITIES, ETC... ARE APPROXIMATE ONLY AND BASED ON MASSGIS AERIAL PHOTOGRAPHS.
  - ELEVATIONS ARE ON THE NAVD88 DATUM.

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

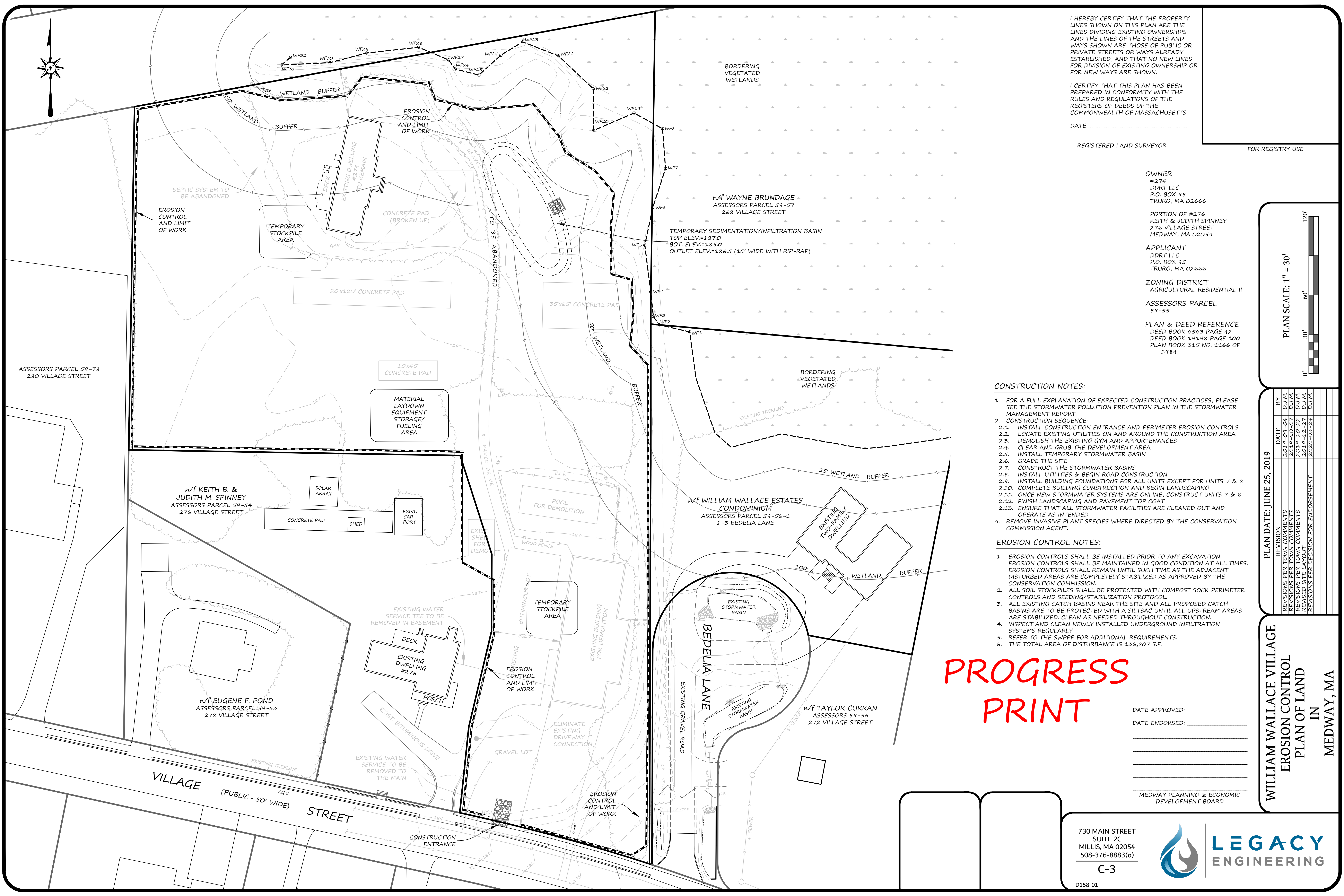
MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

PLAN DATE: JUNE 25, 2019

REVISION	DATE	BY
REVISIONS PER TOWN COMMENTS	2019-09-04	D.J.M.
REVISIONS PER TOWN COMMENTS	2019-10-01	D.J.M.
REVISIONS PER TOWN COMMENTS	2019-12-27	D.J.M.
REVISIONS PER DECISION FOR ENDORSEMENT	2020-03-24	D.J.M.

WILLIAM WALLACE VILLAGE  
EXISTING CONDITIONS  
PLAN OF LAND  
IN  
MEDWAY, MA





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

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL  
59-55

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 19198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF  
1984

CONSTRUCTION NOTES:

1. FOR A FULL EXPLANATION OF EXPECTED CONSTRUCTION PRACTICES, PLEASE SEE THE STORMWATER POLLUTION PREVENTION PLAN IN THE STORMWATER MANAGEMENT REPORT.
2. CONSTRUCTION SEQUENCE:
  - 2.1. INSTALL CONSTRUCTION ENTRANCE AND PERIMETER EROSION CONTROLS
  - 2.2. LOCATE EXISTING UTILITIES ON AND AROUND THE CONSTRUCTION AREA
  - 2.3. DEMOLISH THE EXISTING GYM AND APPURTENANCES
  - 2.4. CLEAR AND GRUB THE DEVELOPMENT AREA
  - 2.5. INSTALL TEMPORARY STORMWATER BASIN
  - 2.6. GRADE THE SITE
  - 2.7. CONSTRUCT THE STORMWATER BASINS
  - 2.8. INSTALL UTILITIES & BEGIN ROAD CONSTRUCTION
  - 2.9. INSTALL BUILDING FOUNDATIONS FOR ALL UNITS EXCEPT FOR UNITS 7 & 8
  - 2.10. COMPLETE BUILDING CONSTRUCTION AND BEGIN LANDSCAPING
  - 2.11. ONCE NEW STORMWATER SYSTEMS ARE ONLINE, CONSTRUCT UNITS 7 & 8
  - 2.12. FINISH LANDSCAPING AND PAVEMENT TOP COAT
  - 2.13. ENSURE THAT ALL STORMWATER FACILITIES ARE CLEANED OUT AND OPERATE AS INTENDED
3. REMOVE INVASIVE PLANT SPECIES WHERE DIRECTED BY THE CONSERVATION COMMISSION AGENT.

EROSION CONTROL NOTES:

1. EROSION CONTROLS SHALL BE INSTALLED PRIOR TO ANY EXCAVATION. EROSION CONTROLS SHALL BE MAINTAINED IN GOOD CONDITION AT ALL TIMES. EROSION CONTROLS SHALL REMAIN UNTIL SUCH TIME AS THE ADJACENT DISTURBED AREAS ARE COMPLETELY STABILIZED AS APPROVED BY THE CONSERVATION COMMISSION.
2. ALL SOIL STOCKPILES SHALL BE PROTECTED WITH COMPOST SOCK PERIMETER CONTROLS AND SEEDING/STABILIZATION PROTOCOL.
3. ALL EXISTING CATCH BASINS NEAR THE SITE AND ALL PROPOSED CATCH BASINS ARE TO BE PROTECTED WITH A SILTSCAP UNTIL ALL UPSTREAM AREAS ARE STABILIZED. CLEAN AS NEEDED THROUGHOUT CONSTRUCTION.
4. INSPECT AND CLEAN NEWLY INSTALLED UNDERGROUND INFILTRATION SYSTEMS REGULARLY.
5. REFER TO THE SWPPP FOR ADDITIONAL REQUIREMENTS.
6. THE TOTAL AREA OF DISTURBANCE IS 136,807 S.F.

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

DATE ENDORSED:

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

# PROGRESS PRINT

PLAN SCALE: 1" = 30'

PLAN DATE: JUNE 25, 2019		
REVISION	DATE	BY
REVISIONS PER TOWN COMMENTS	2019-03-04	D.J.M.
REVISIONS PER TOWN COMMENTS	2019-03-04	D.J.M.
REVISIONS PER TOWN COMMENTS	2019-10-22	D.J.M.
REVISED SITE LAYOUT	2019-12-27	D.J.M.
REVISIONS PER DECISION FOR ENDORSEMENT	2020-05-24	D.J.M.

WILLIAM WALLACE VILLAGE  
EROSION CONTROL  
PLAN OF LAND  
IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

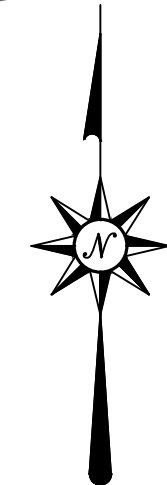
C-3

D158-01



**LEGACY**  
ENGINEERING





LOT C-2/  
PARCEL A  
3.63 ACRES±  
158,077 S.F.±

I HEREBY CERTIFY THAT THE PROPERTY  
LINES SHOWN ON THIS PLAN ARE THE  
LINES DIVIDING EXISTING OWNERSHIPS,  
AND THE LINES OF THE STREETS AND  
WAYS SHOWN ARE THOSE OF PUBLIC OR  
PRIVATE STREETS OR WAYS ALREADY  
ESTABLISHED, AND THAT NO NEW LINES  
FOR DIVISION OF EXISTING OWNERSHIP OR  
FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN  
PREPARED IN CONFORMITY WITH THE  
RULES AND REGULATIONS OF THE  
REGISTERS OF DEEDS OF THE  
COMMONWEALTH OF MASSACHUSETTS

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

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

#### LAYOUT NOTES

1. TRASH WILL BE COLLECTED BY PRIVATE CURBSIDE PICKUP WITHIN THE DEVELOPMENT AND NOT AT THE VILLAGE STREET FRONTAGE.
2. ALL PATIOS TO BE CONSTRUCTED OF PERVIOUS PAVEMENT SYSTEMS AND ARE TO BE EXCLUDED FROM IMPERVIOUS COVERAGE CALCULATIONS.
3. REMOVE EXISTING DRIVEWAY APRON, SAWCUT STREET PAVING, INSTALL MATCHING CONCRETE CURB, INSTALL MATCHING GRASS STRIP, AND REPAVE EXISTING SIDEWALK AND PATCH STREET PAVING AS NEEDED FROM EXISTING CURB CUT TO NEW DRIVEWAY.

#### ZONING REQUIREMENTS

1. PROPOSED PARKING SPACES ARE 9' WIDE BY 18' DEEP.
2. 10% OF THE UNITS ARE REQUIRED TO BE AFFORDABLE, WHICH EQUALS 1.2 UNITS (ROUNDED DOWN TO ONE UNIT).
3. UNIT 11 WILL BE THE AFFORDABLE UNIT.

#### OWNER

#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

#### APPLICANT

DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

#### ZONING DISTRICT

AGRICULTURAL RESIDENTIAL II

#### ASSESSORS PARCEL

59-55

#### PLAN & DEED REFERENCE

DEED BOOK 6563 PAGE 42  
DEED BOOK 14198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF  
1984

#### ZONING REQUIREMENTS:

ZONE: AGRICULTURAL RESIDENTIAL II

MIN. LOT AREA:

REQUIRED: 30,000 S.F. (FOR TWO FAMILY DWELLINGS)

PROVIDED: 158,077 S.F.

MIN. FRONTAGE:

REQUIRED: 50' (FOR MULTIFAMILY)

PROVIDED: 150.01'

MIN. FRONT SETBACK:

REQUIRED: 35'

PROVIDED: 73.6'

MIN. SIDE SETBACK:

REQUIRED: 15'

PROVIDED: 23.9'

MIN. REAR SETBACK:

REQUIRED: 15'

PROVIDED: 36.2'

MAX. HEIGHT:

REQUIRED: 40' (FOR MULTIFAMILY)

PROVIDED: APPROX. 26'

MAX. BUILDING COVERAGE:

REQUIRED: 30%

PROVIDED: 15% (24,273 S.F.)

MAX. LOT COVERAGE:

REQUIRED: 40%

PROVIDED: 35% (56,121 S.F.)

OPEN SPACE:

REQUIRED: 15% (FOR MULTIFAMILY)

PROVIDED: 55%

PARKING SPACES:

REQUIRED: 1.5/UNIT + 1 VISITOR/2 UNITS

=24 PARKING SPACES

PROVIDED: 4/UNIT + 4 VISITOR = 52 SPACES

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

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

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

#### BUILDING COLORS

PER DRC APPROVAL, BUILDING COLORS  
SHALL BE AS FOLLOWS UNLESS OTHERWISE  
APPROVED BY DRC:

- UNIT 1/2: SCOTTISH THISTLE
- UNIT 3/4: SILVER GRAY
- UNIT 5/6: PEBBLE STONE CLAY
- UNIT 7/8: WHITE
- UNIT 9: WHITE
- UNIT 10/11/12: SCOTTISH THISTLE, SILVER GRAY, OR PEBBLE STONE CLAY WITH THE ENTIRE BUILDING BEING THE SAME COLOR.

PROGRESS  
PRINT

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-4

D158-01



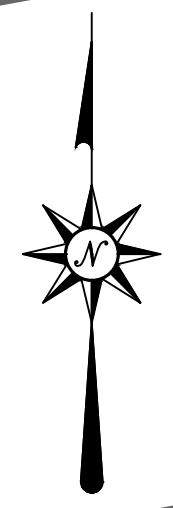
LEGACY  
ENGINEERING

WILLIAM WALLACE VILLAGE  
LAYOUT  
PLAN OF LAND  
IN  
MEDWAY, MA

PLAN DATE: JUNE 25, 2019

REVISION	DATE	BY
REVISIONS PER TOWN COMMENTS	2019-09-04	DJM
REVISIONS PER TOWN COMMENTS	2019-10-07	DJM
REVISIONS PER TOWN COMMENTS	2019-12-27	DJM
REVISIONS PER DECISION FOR ENDORSEMENT	2020-03-24	DJM





LOT C-2/  
PARCEL A  
3.63 ACRES±  
158,077 S.F.±

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

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

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

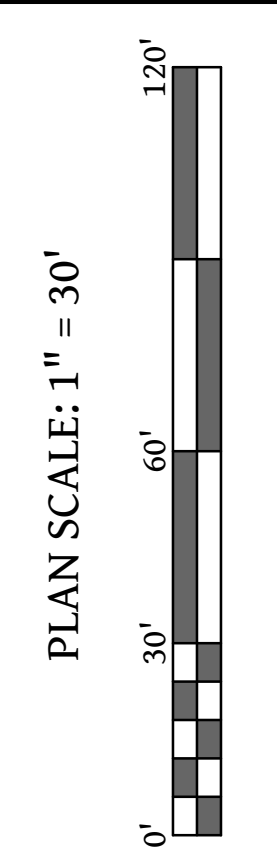
ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL  
59-55

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 14198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF 1984

GRADING NOTES

1. EXPECTED SOIL IMPORT: ~900 C.Y.
2. EXPECTED SOIL EXPORT: ~350 C.Y.
- 2.1. MOSTLY CONCRETE & PAVEMENT DEBRIS
3. LOAM AND SEED BUFFER ZONE RESTORATION AREAS WITH AN UPLAND EROSION CONTROL MIX. PLANT A TOTAL OF 10 SHRUBS (MIN 18" TALL AT INSTALLATION) IN RESTORATION AREAS. (SPECIES TO BE APPROVED BY CONSERVATION AGENT).



REVISION	DATE	BY
REVISIONS PER TOWN COMMENTS	2019-09-04	DJM
REVISIONS PER TOWN COMMENTS	2019-10-07	DJM
REVISIONS PER TOWN COMMENTS	2019-12-27	DJM
REVISIONS PER DECISION FOR ENDORSEMENT	2020-03-24	DJM

WILLIAM WALLACE VILLAGE  
GRADING & UTILITIES  
PLAN OF LAND  
IN  
MEDWAY, MA

PROGRESS  
PRINT

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

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

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

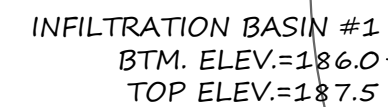
C-5



LEGACY  
ENGINEERING

D158-01





PROGRESS  
PRINT

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

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

UTILITY NOTES:

1. DOMESTIC WATER SERVICE SHALL BE TYPE K COPPER IN ACCORDANCE WITH THE REQUIREMENTS OF THE SEWER AND WATER DEPARTMENT. THE PROJECT ARCHITECT SHALL VERIFY THE DOMESTIC, IRRIGATION AND FIRE WATER SERVICE PIPE SIZE REQUIREMENTS FOR THE BUILDINGS.
2. WATER MAINS SHALL BE CLASS 52 CEMENT LINED DUCTILE IRON.
3. SEWER SERVICE SHALL BE 6-INCH SD355 PIPE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MEDWAY SEWER AND WATER DEPARTMENT. MIN SLOPE = 0.02. CLEANOUTS SHALL BE POSITIONED IN LANDSCAPE AREAS. PROVIDE MIN. 18" VERTICAL SEPARATION BETWEEN SEWER SERVICES AND WATER MAIN.
4. STORMWATER PIPING SHALL BE HDPE RATED FOR H2O LOADING, (ADS N12 OR EQUAL) PIPES.
5. EXCEPT WHERE NOTED, ROOF DRAIN PIPING TO BE 6" HDPE.
6. THE ELECTRIC COMPANY SHALL DETERMINE THE FINAL LOCATION AND DESIGN OF THE ELECTRIC SERVICE AND TRANSFORMER. ALL ON-SITE ELECTRICAL WIRING SHALL BE UNDERGROUND.
7. FIRE PROTECTION SPRINKLERS SHALL BE PROVIDED FOR ALL RESIDENTIAL UNITS.
8. THE EXISTING HYDRANT MAY NEED TO BE RELOCATED DURING CONSTRUCTION IF REQUIRED BY THE DPW.
9. ALL FIRE SERVICE LINES SHALL BE CONNECTED DIRECTLY TO THE MAIN.
10. CURB STOPS LOCATED IN PAVEMENT SHALL BE FURNISHED WITH A STREET BOX TOP PER DPW REQUIREMENTS.

OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL  
59-55

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 19198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF  
1984

PLAN SCALE: 1" = 30'

PLAN DATE: JUNE 25, 2019			
REVISION	DATE	BY	
REVISIONS PER TOWN COMMENTS	2019-09-04	DJM	
REVISIONS PER TOWN COMMENTS	2019-10-07	DJM	
REVISIONS PER TOWN COMMENTS	2019-10-22	DJM	
REVISIONS SITE LAYOUT	2019-11-27	DJM	
REVISIONS PER DECISION FOR ENDORSEMENT	2020-03-24	DJM	

WILLIAM WALLACE VILLAGE  
UTILITY  
PLAN OF LAND  
IN  
MEDWAY, MA

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

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

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

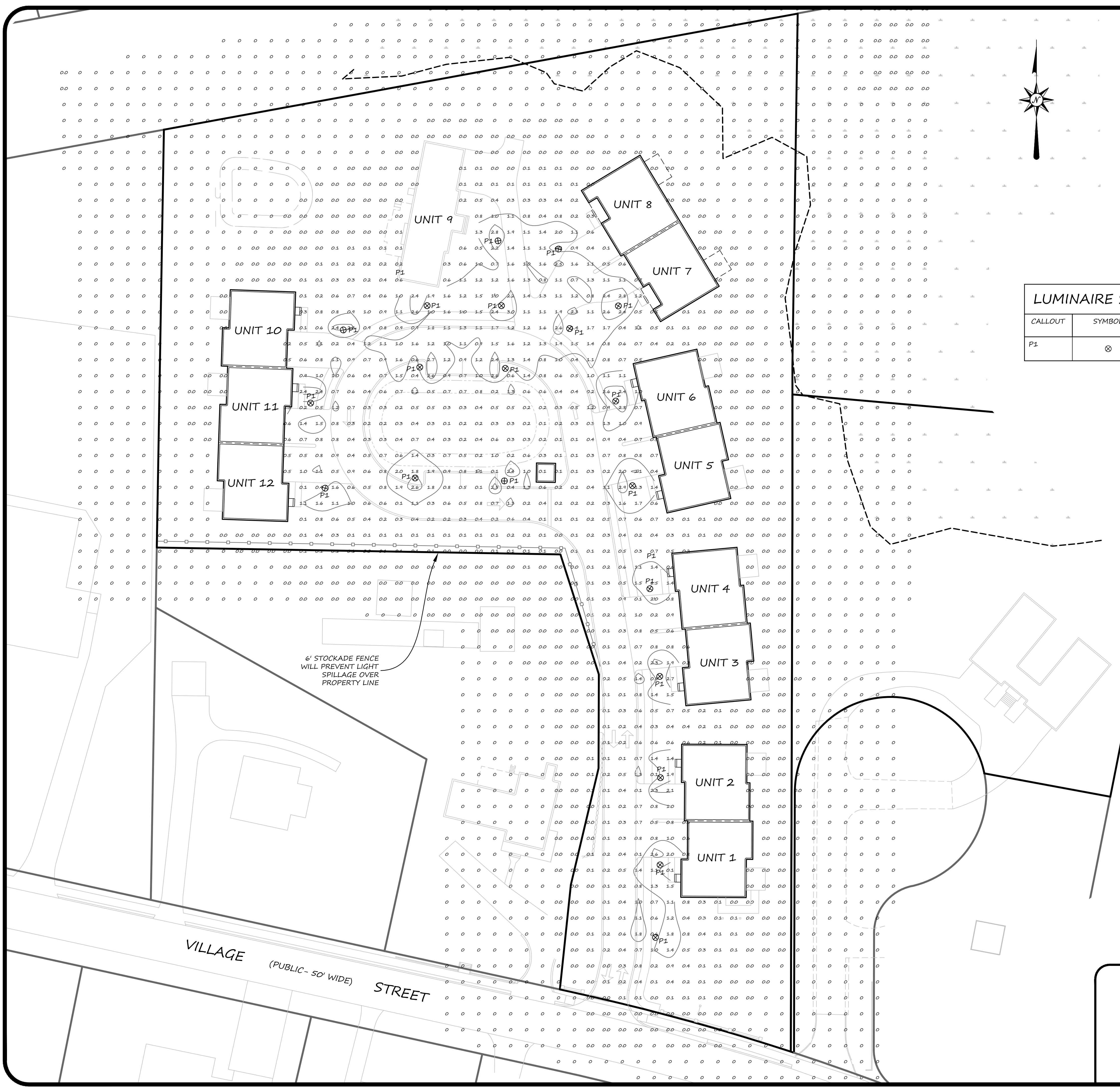
C-6

D158-01



**LEGACY**  
ENGINEERING





OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

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

APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

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

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

REGISTERED LAND SURVEYOR

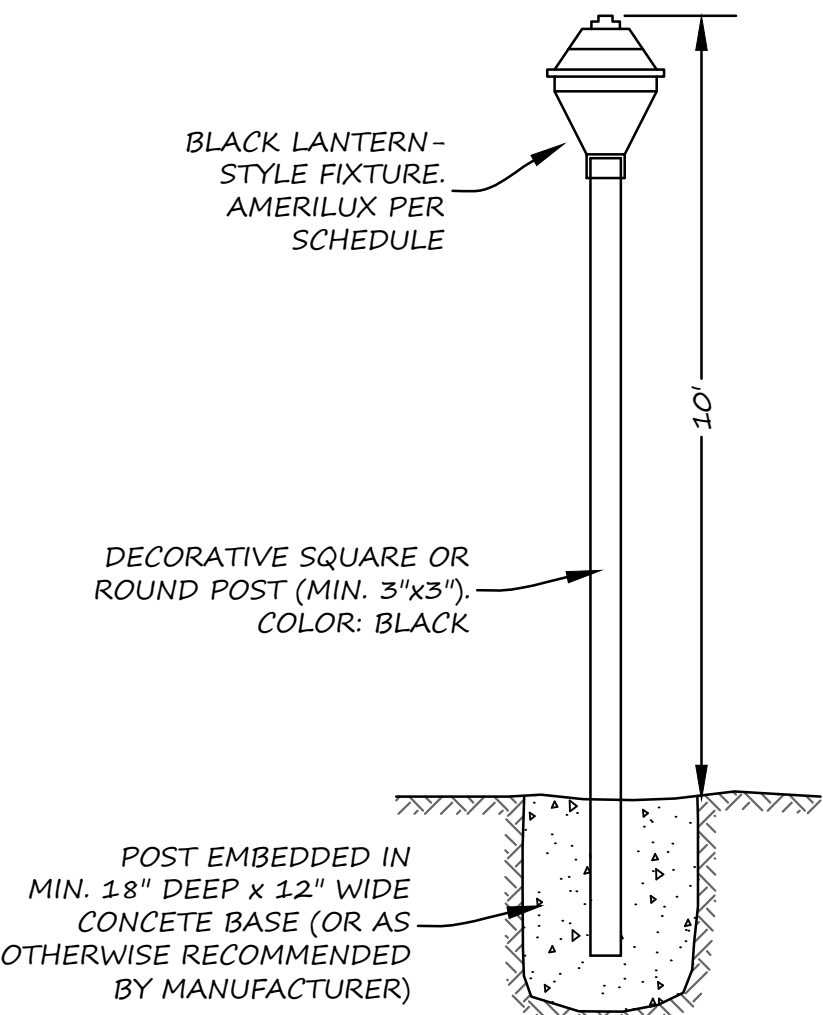
ASSESSORS PARCEL  
59-55

FOR REGISTRY USE

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 19198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF 1984

LUMINAIRE SCHEDULE

CALLOUT	SYMBOL	QUANTITY	LAMP	MOUNTING	MOUNTING HEIGHT	MODEL
P1	⊗	20	LED	POLE TOP	10'	AMERILUX D623-FDR FULL-CUTOFF FIXTURE



RESIDENTIAL LIGHTPOST

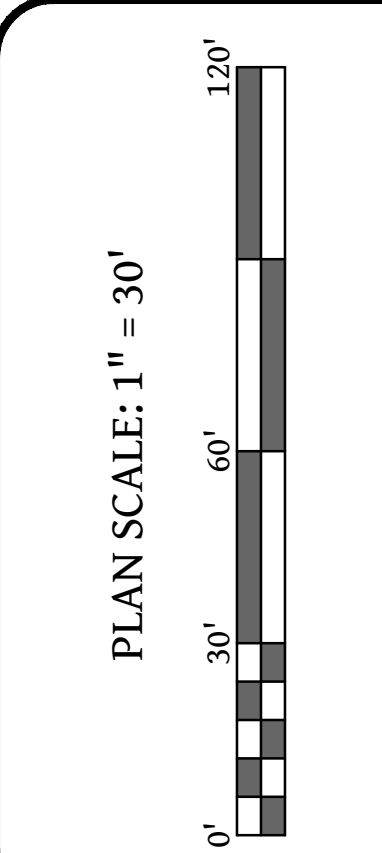
NOT TO SCALE

PROGRESS  
PRINT

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

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

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD



REVISION	DATE	BY
REVISIONS PER TOWN COMMENTS	2019-09-04	DJM
REVISIONS PER TOWN COMMENTS	2019-10-07	DJM
REVISIONS PER TOWN COMMENTS	2019-12-27	DJM
REVISIONS PER DECISION FOR ENDORSEMENT	2020-03-24	DJM

WILLIAM WALLACE VILLAGE  
LIGHTING  
PLAN OF LAND  
IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)



LEGACY  
ENGINEERING

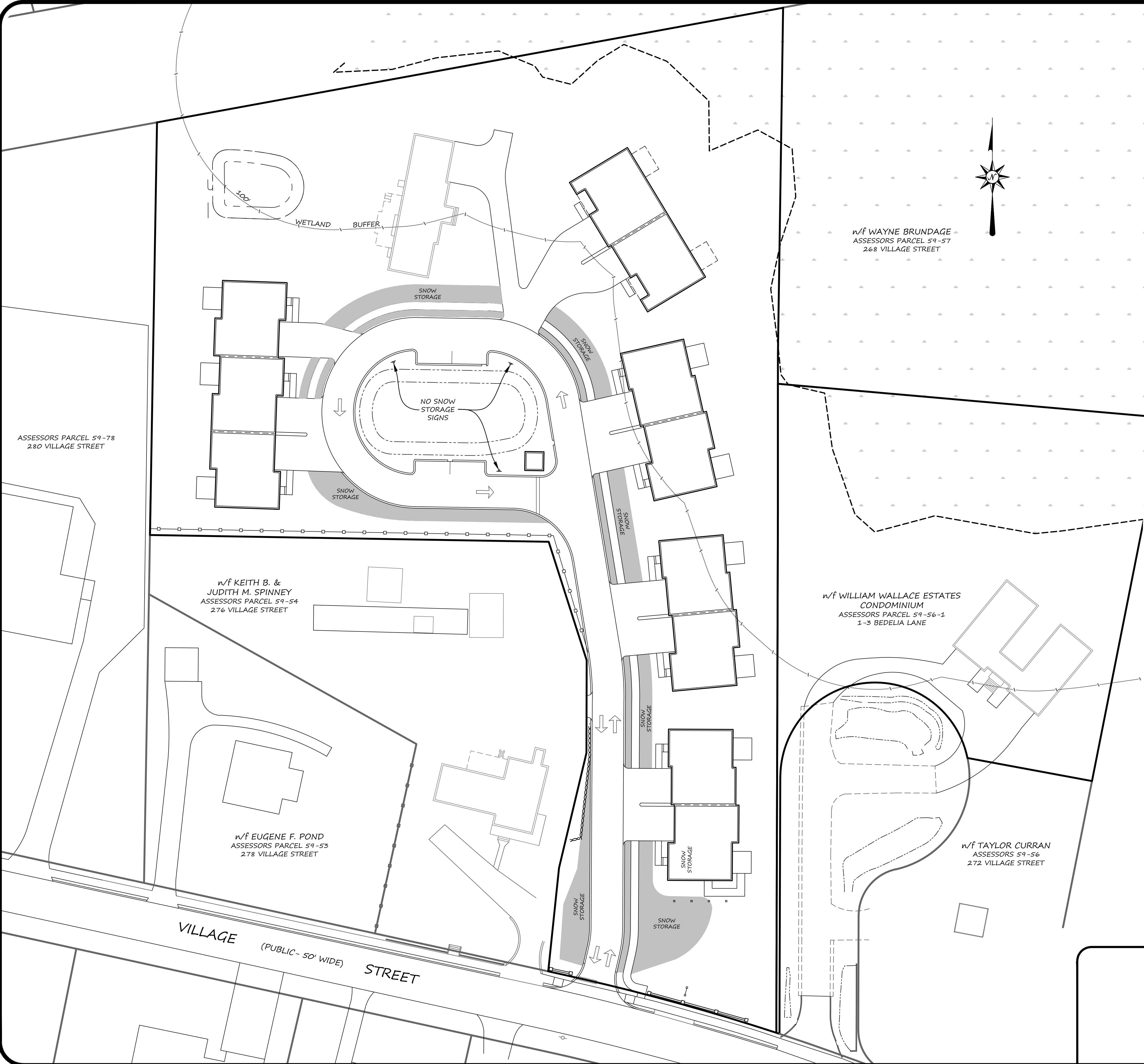
C-7

D158-01



Landscape Architects & Site Planners  
5 Longview Street Natick, MA 01760  
p: 508.654.6847 [www.cosmosassociates.com](http://www.cosmosassociates.com)





I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

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

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL  
59-55

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 14198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF  
1984

SNOW REMOVAL NOTES:

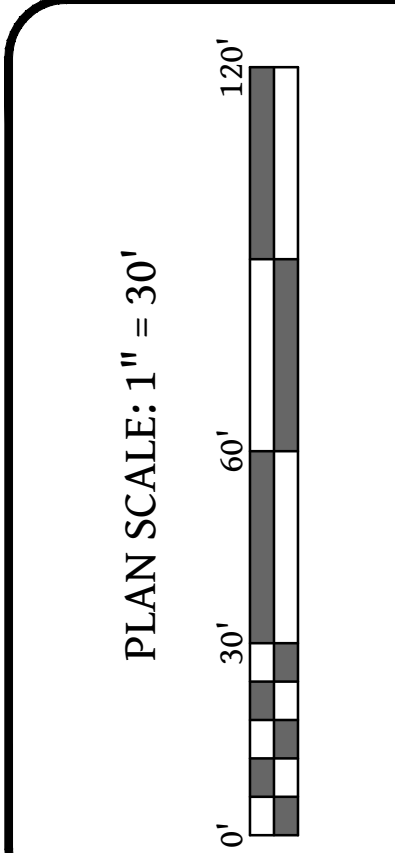
1. SNOW SHALL BE PLOWED INTO WINDROWS ALONG PAVEMENT WHERE POSSIBLE AND STOCKPILED IN DESIGNATED SNOW STORAGE AREAS.
2. NO SNOW STORAGE ALLOWED WITHIN THE 100' BUFFER ZONE.
3. SNOW SHALL NOT BE PILED AT THE ENTRANCE CORNERS IN SUCH A MANNER THAT IT WILL OBSTRUCT SIGHT DISTANCE.
4. ICE CONTROL SHALL BE BY SAND, SODIUM CHLORIDE OR CALCIUM CHLORIDE.
5. THE TOTAL AREA REQUIRING SNOW REMOVAL IS APPROXIMATELY 16,171 S.F. THE SNOW STORAGE AREAS TOTAL APPROXIMATELY 9,910 S.F.

PROGRESS  
PRINT

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

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

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD



REVISION	DATE	BY
REVISIONS PER TOWN COMMENTS	2019-09-04	DJM
REVISIONS PER TOWN COMMENTS	2019-10-07	DJM
REVISIONS PER TOWN COMMENTS	2019-12-27	DJM
REVISIONS PER DECISION FOR ENDORSEMENT	2020-03-24	DJM

WILLIAM WALLACE VILLAGE  
SNOW STORAGE  
PLAN OF LAND  
IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

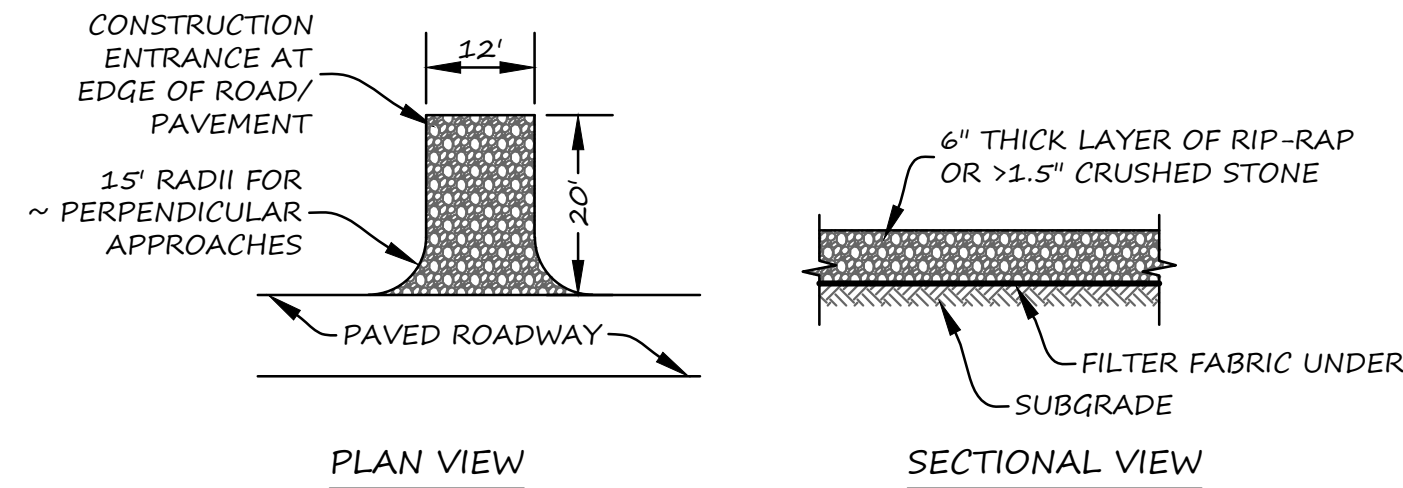
C-9

D158-01



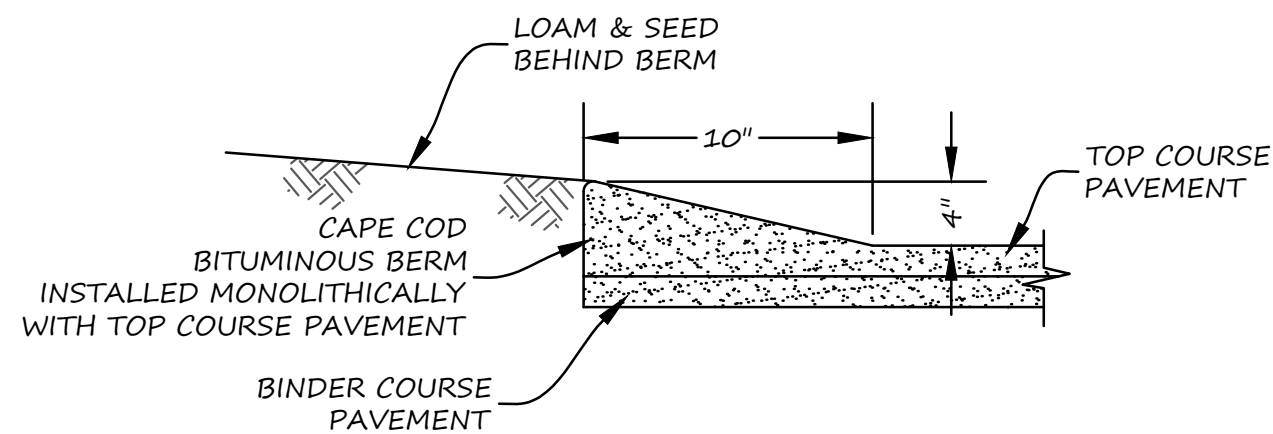
LEGACY  
ENGINEERING



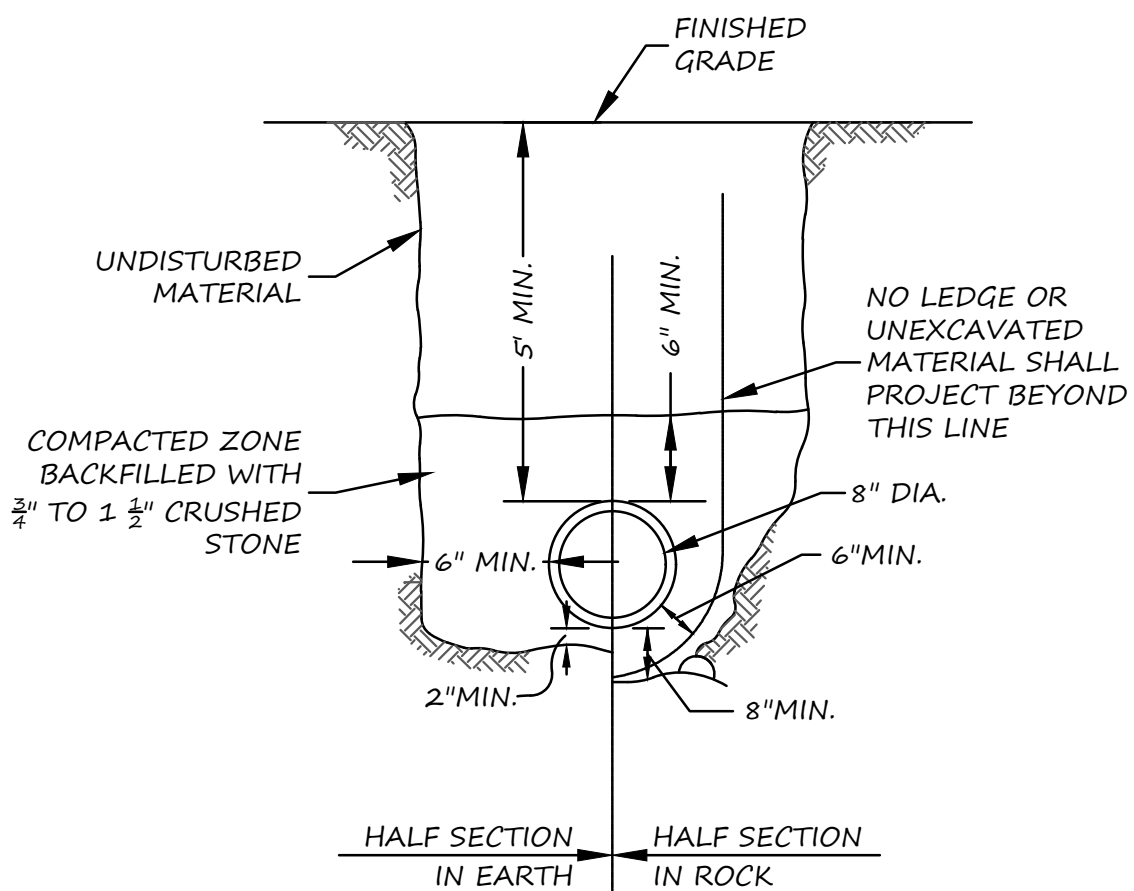


- NOTES:
- ENTRANCE SHALL BE INSTALLED BEFORE ANY EXCAVATION WORK OCCURS ON-SITE.
  - ENTRANCE SHALL BE MAINTAINED IN GOOD CONTITION UNTIL A PAVED DRIVEWAY IS INSTALLED. REPLACE ENTRANCE IF FILLED WITH SOILS OR IF SOILS ARE BEING TRACKED ONTO ADJACENT ROADWAYS.

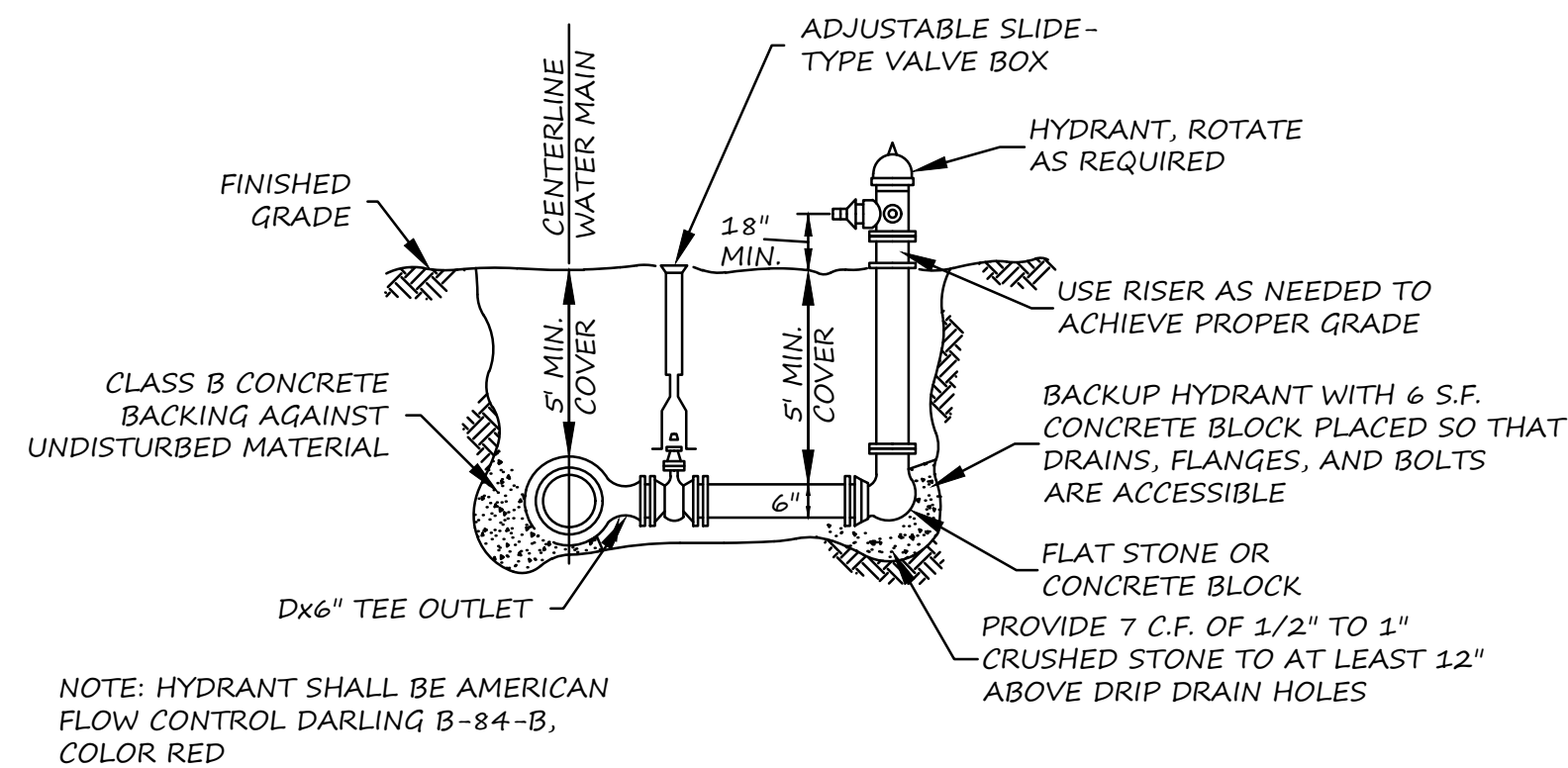
**CONSTRUCTION ENTRANCE DETAIL**  
NOT TO SCALE



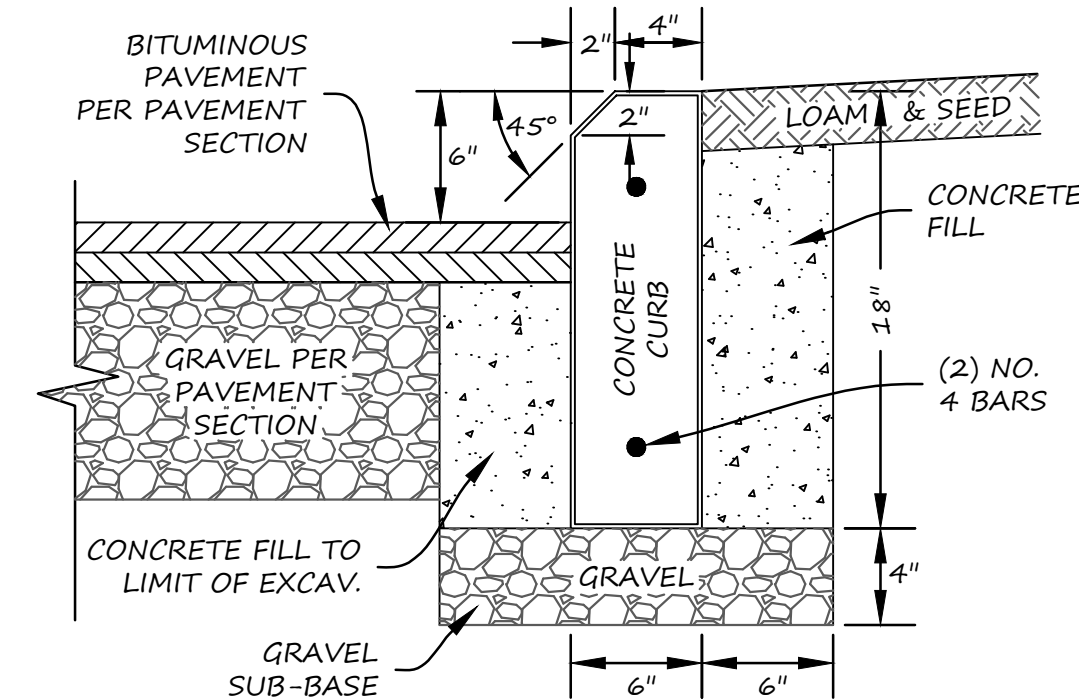
**MONOLITHIC CAPE COD BERM DETAIL**  
(NO SCALE)



**WATER MAIN TRENCH DETAIL**  
NOT TO SCALE

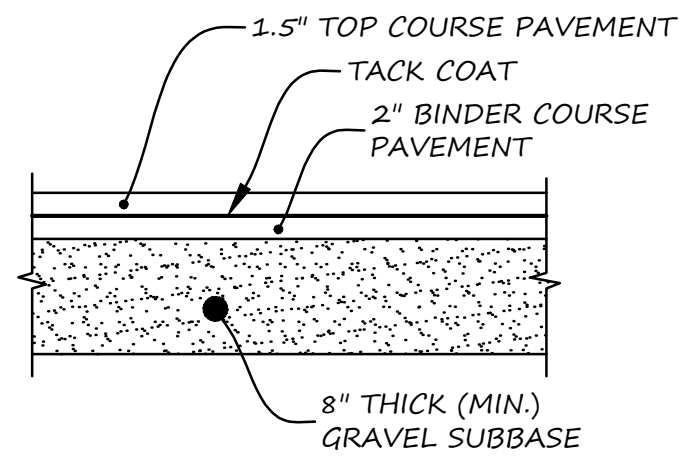


**TYPICAL HYDRANT ASSEMBLY DETAIL**  
NOT TO SCALE

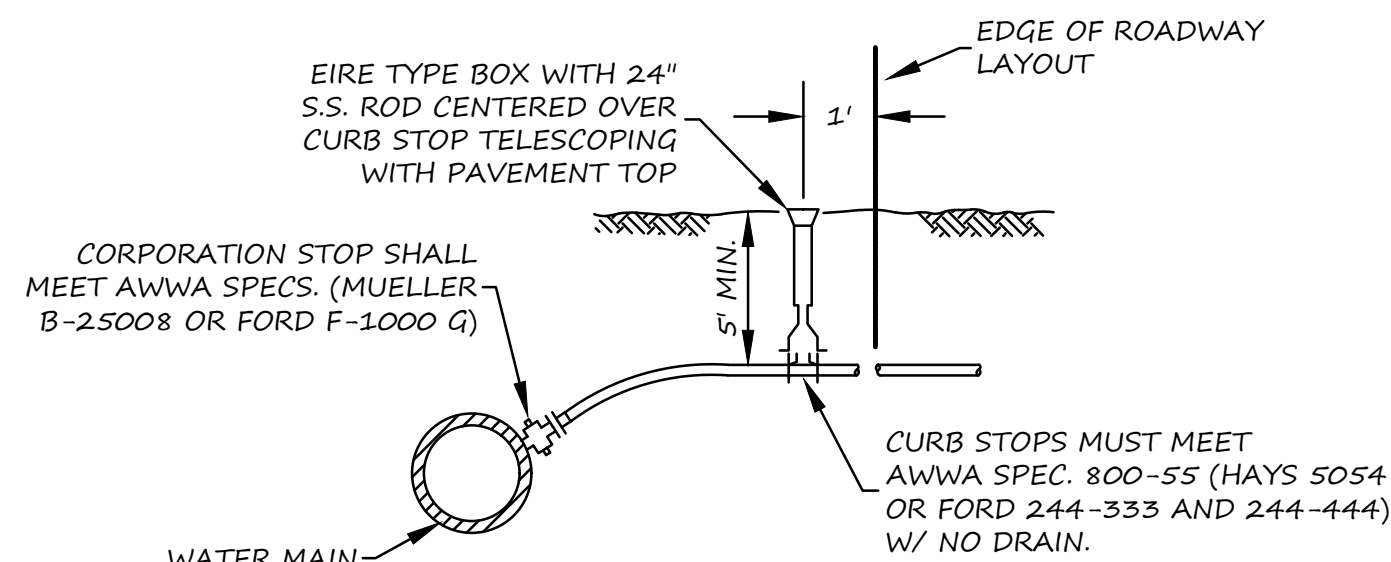


- NOTES:
- CONCRETE TO BE 4,000 PSI.
  - ALL RADII 50' AND SMALLER TO BE CONSTRUCTED USING CURVED SECTIONS.

**PRECAST CONCRETE CURB DETAIL**  
(NO SCALE)

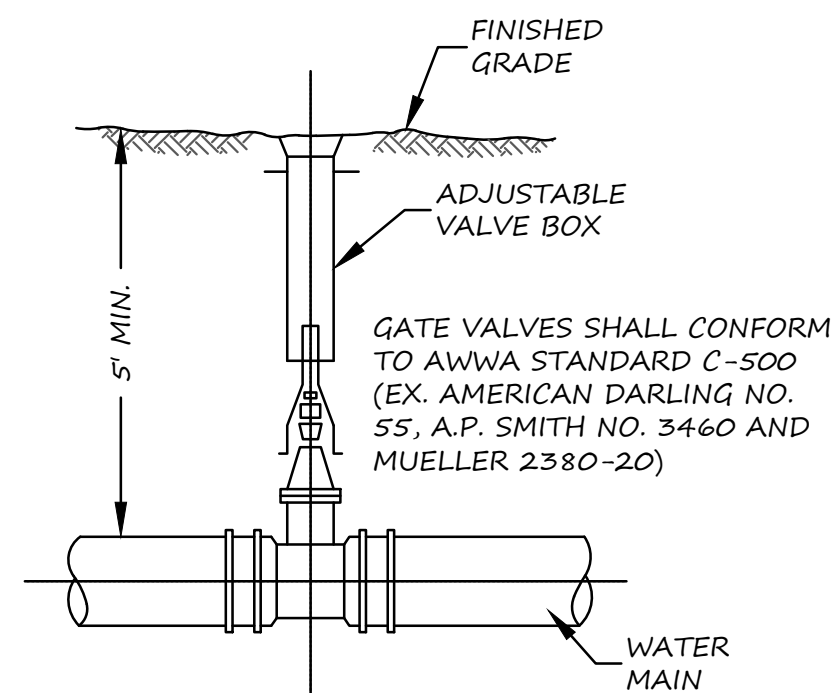


**TYPICAL PARKING LOT PAVING SECTION**  
NOT TO SCALE

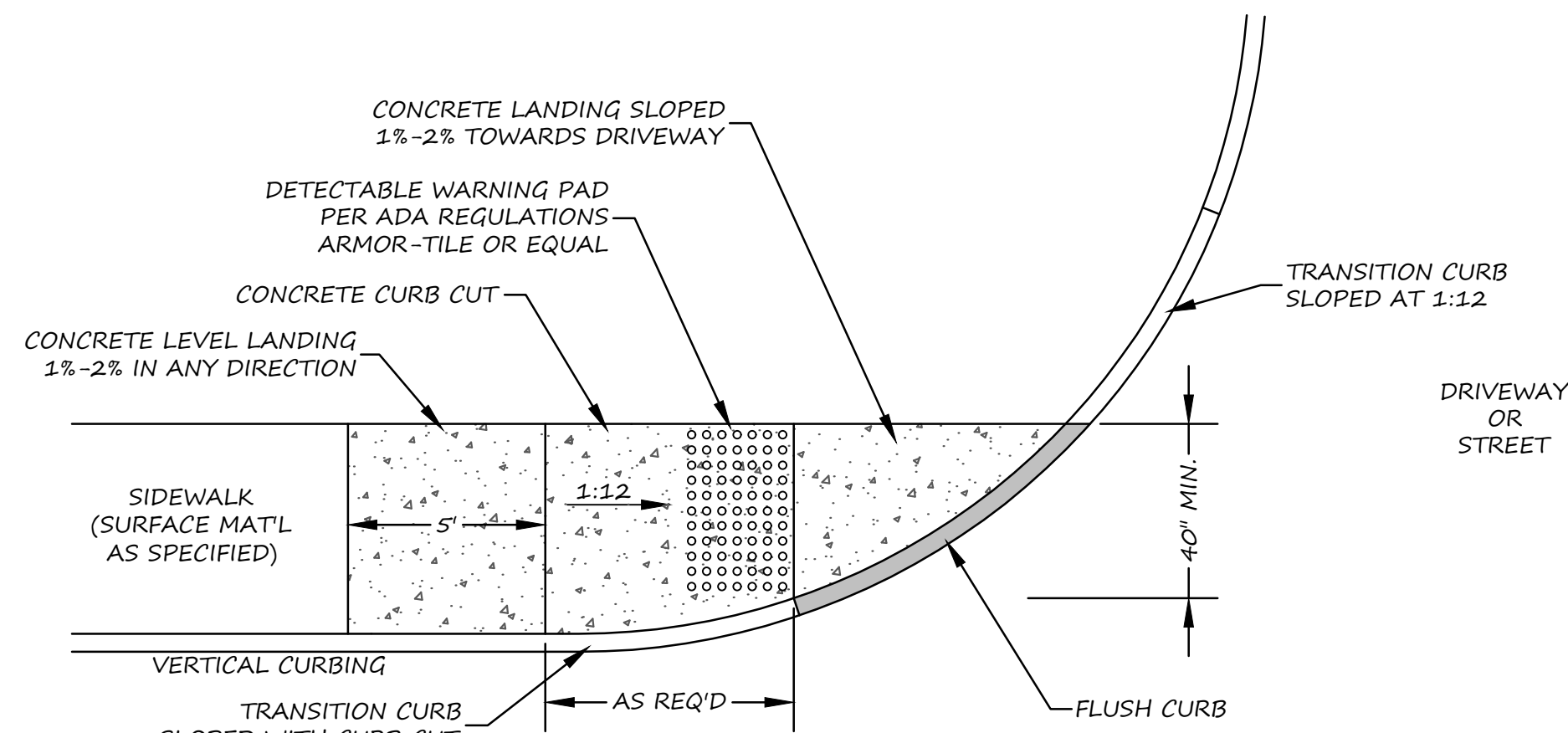


- NOTES:
- COPPER TUBING SHALL MEET AWWA SPEC. 76-CR TYPE K OR FEDERAL SPEC. WWT-799 TYPE K.
  - 1 1/2-INCH AND LARGER SERVICES SHALL BE INSTALLED WITH A SADDLE.

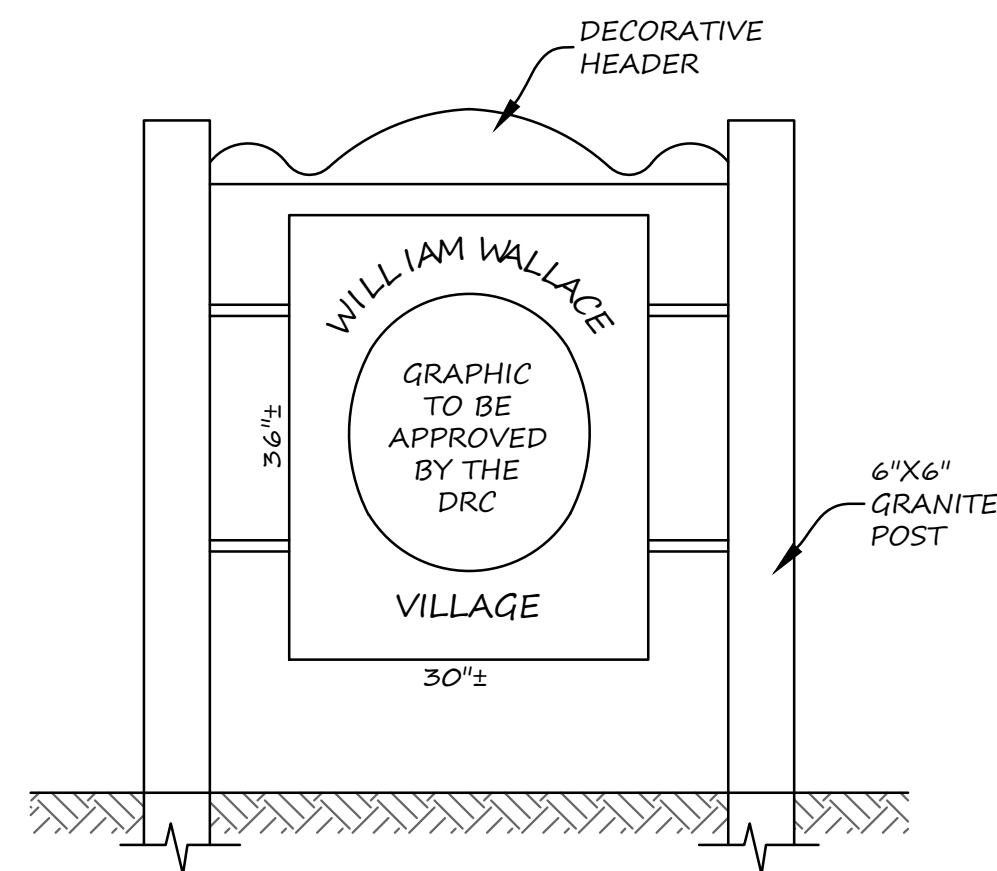
**TYPICAL WATER SERVICE CONNECTION**  
NOT TO SCALE



**TYPICAL GATE VALVE**  
NOT TO SCALE

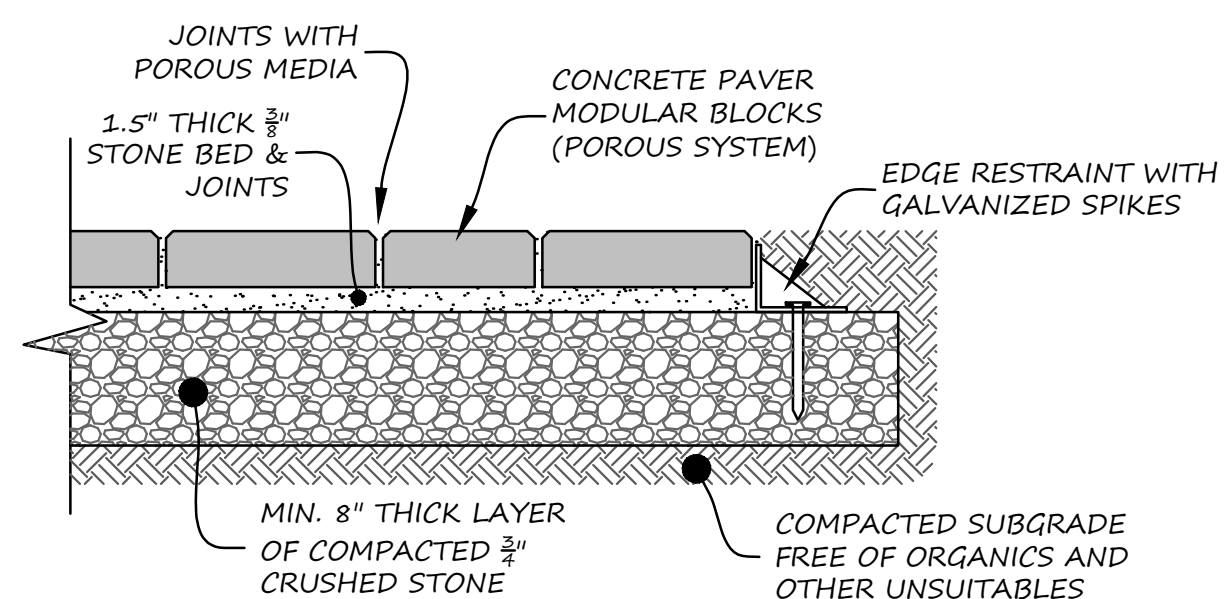


**TYPICAL ACCESSIBLE CURB CUT DETAIL**  
NOT TO SCALE



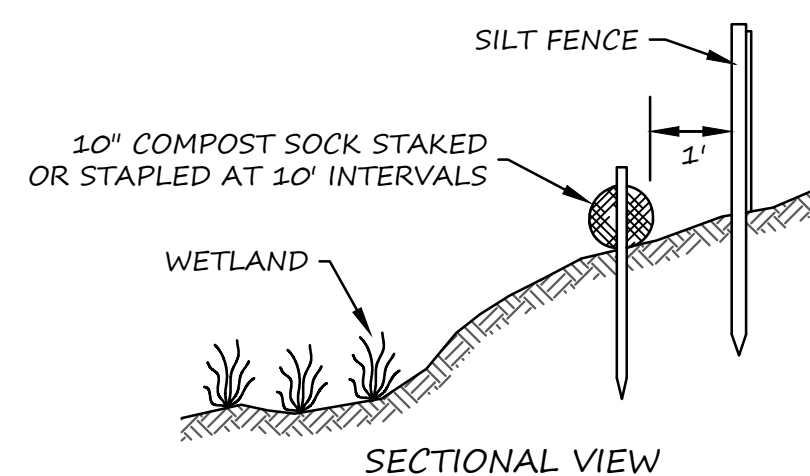
NOTE: SIGN DETAIL, SIZE, COLOR, MATERIALS, GRAPHIC, LETTERING, ETC... TO BE APPROVED AND/OR MODIFIED BY MEDWAY DRC.

**IDENTIFICATION SIGN DETAIL**  
NOT TO SCALE



NOTE: PAVER MANUFACTURER, MODEL AND COLOR AT APPLICANT'S DISCRETION BUT MUST BE A POROUS PAVER SYSTEM.

**CONCRETE PAVER DETAIL**  
NOT TO SCALE



NOTE: NON-BIODEGRADABLE SOCK SHELL FILLED WITH COMPOST MEDIA. JOINTS SHALL BE OVERLAPPED BY AT LEAST TWO FEET.

**EROSION CONTROL DETAIL (FILTER SOCK)**  
NOT TO SCALE

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

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

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

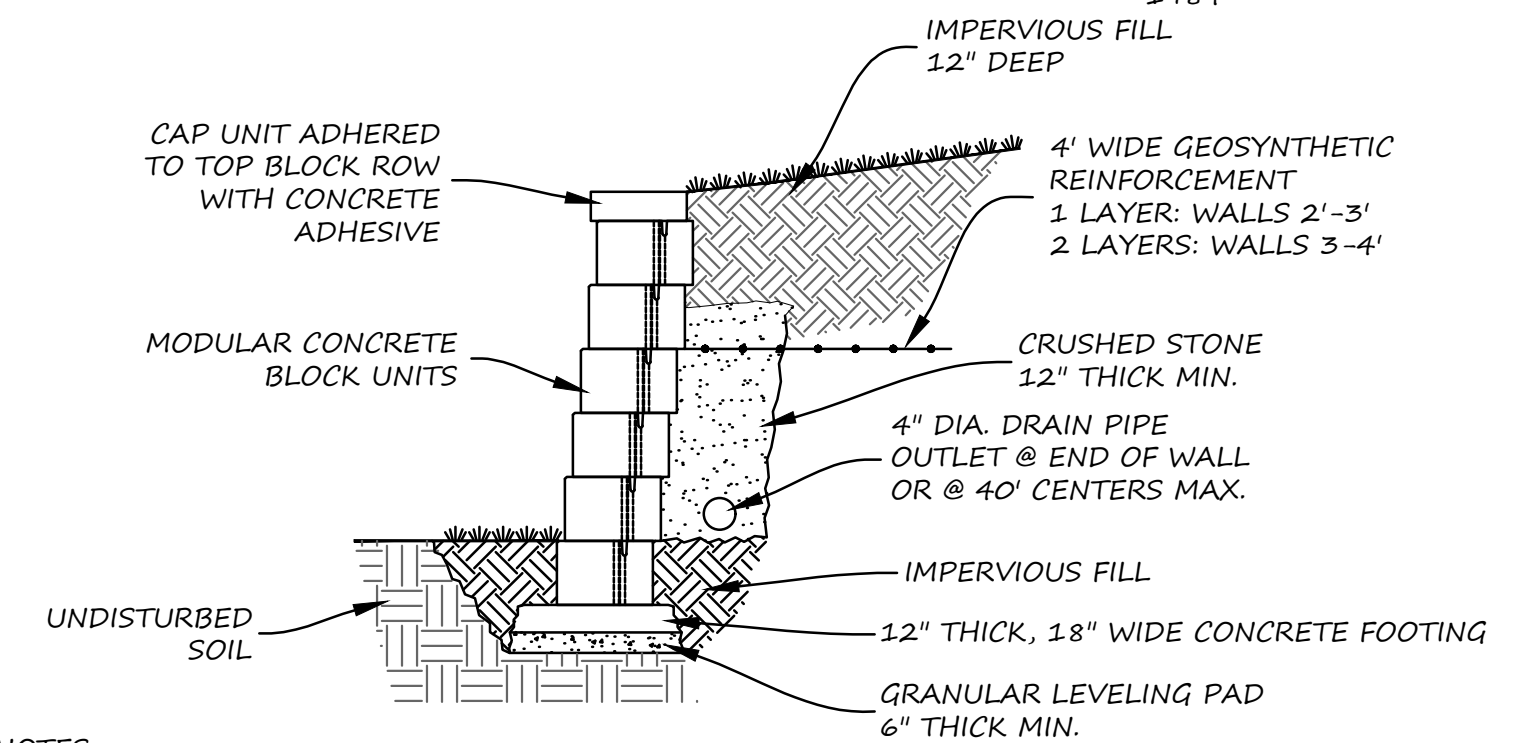
APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL  
59-55

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 14198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF  
1984

**PROGRESS PRINT**



- NOTES:
- UNLESS OTHERWISE APPROVED BY THE MEDWAY DRC, SMALL BLOCK UNITS SHALL BE MEDWAY BLOCK SPLIT FACED CONCRETE BLOCKS, COLOR: CHARCOAL GRAY.
  - WALL HEIGHT WITHOUT REINFORCEMENT SHALL BE LIMITED TO 3.5' EXPOSED FACE.
  - INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS.



**TYPICAL "SMALL BLOCK" RETAINING WALL**  
NOT TO SCALE

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-10

D158-01



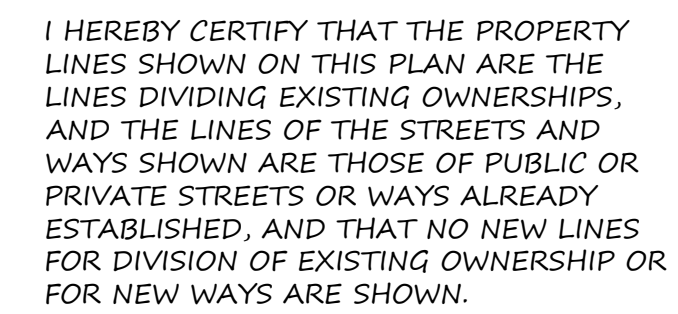
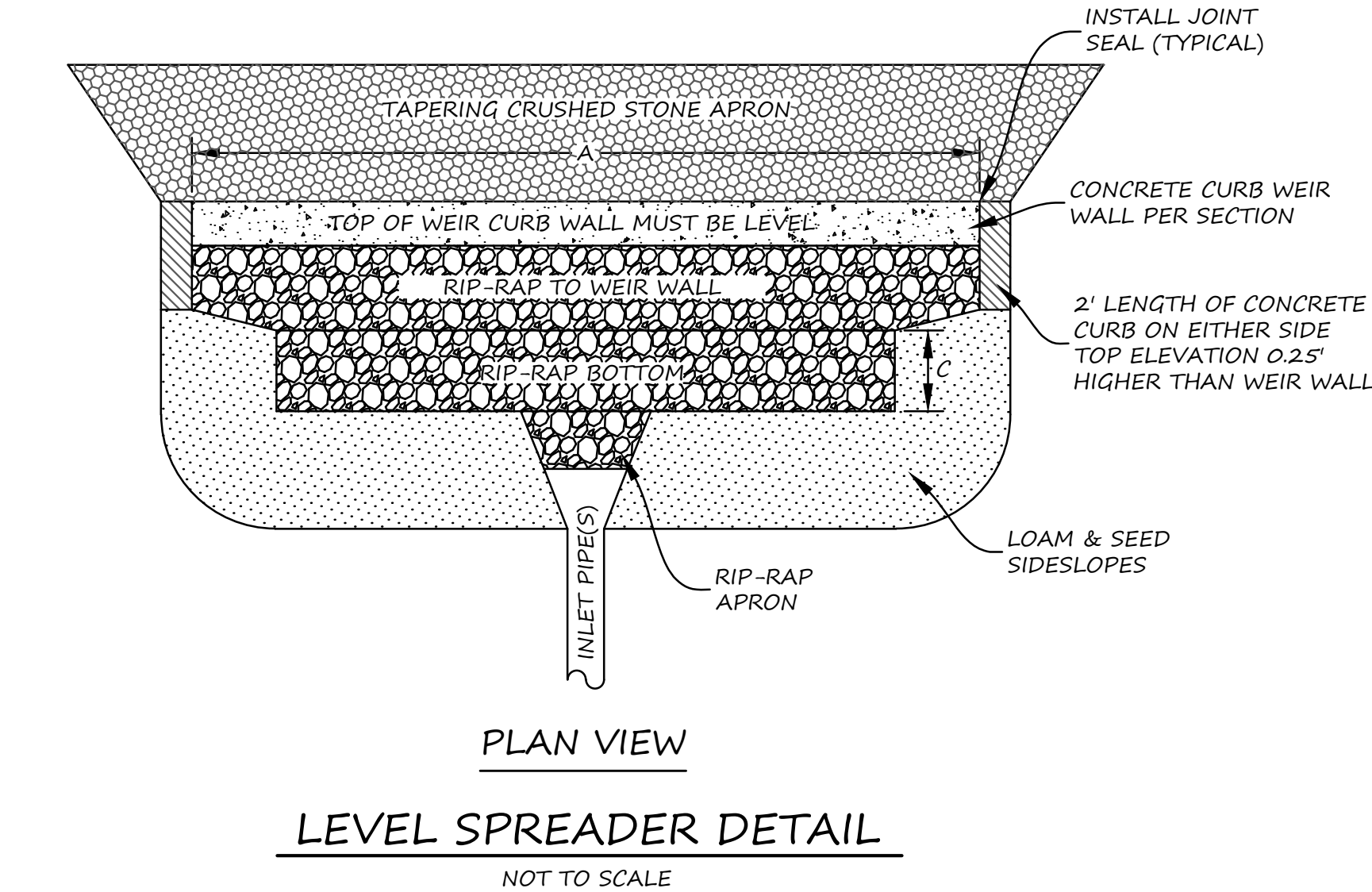
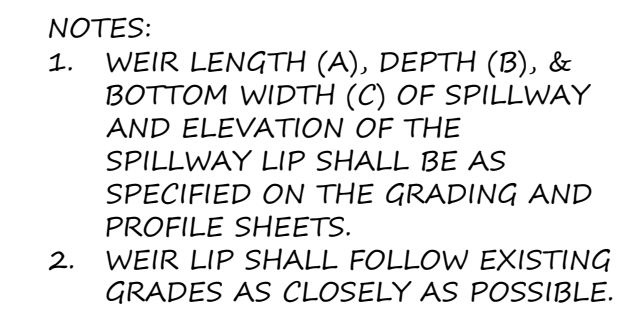
**LEGACY**  
ENGINEERING

PLAN SCALE: NOT TO SCALE

REVISION	DATE	BY
REVISIONS PER TOWN COMMENTS	2019-09-04	DJM
REVISIONS PER TOWN COMMENTS	2019-10-07	DJM
REVISIONS PER TOWN COMMENTS	2019-12-27	DJM
REVISIONS PER DECISION FOR ENDORSEMENT	2020-03-24	DJM

WILLIAM WALLACE VILLAGE  
DETAIL  
PLAN OF LAND  
IN  
MEDWAY, MA





I CERTIFY THAT THIS PLAN HAS BEEN  
PREPARED IN CONFORMITY WITH THE  
RULES AND REGULATIONS OF THE  
REGISTERS OF DEEDS OF THE  
COMMONWEALTH OF MASSACHUSETTS

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

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL  
59-55

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 19198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF  
1984

PLAN SCALE: NOT TO SCALE

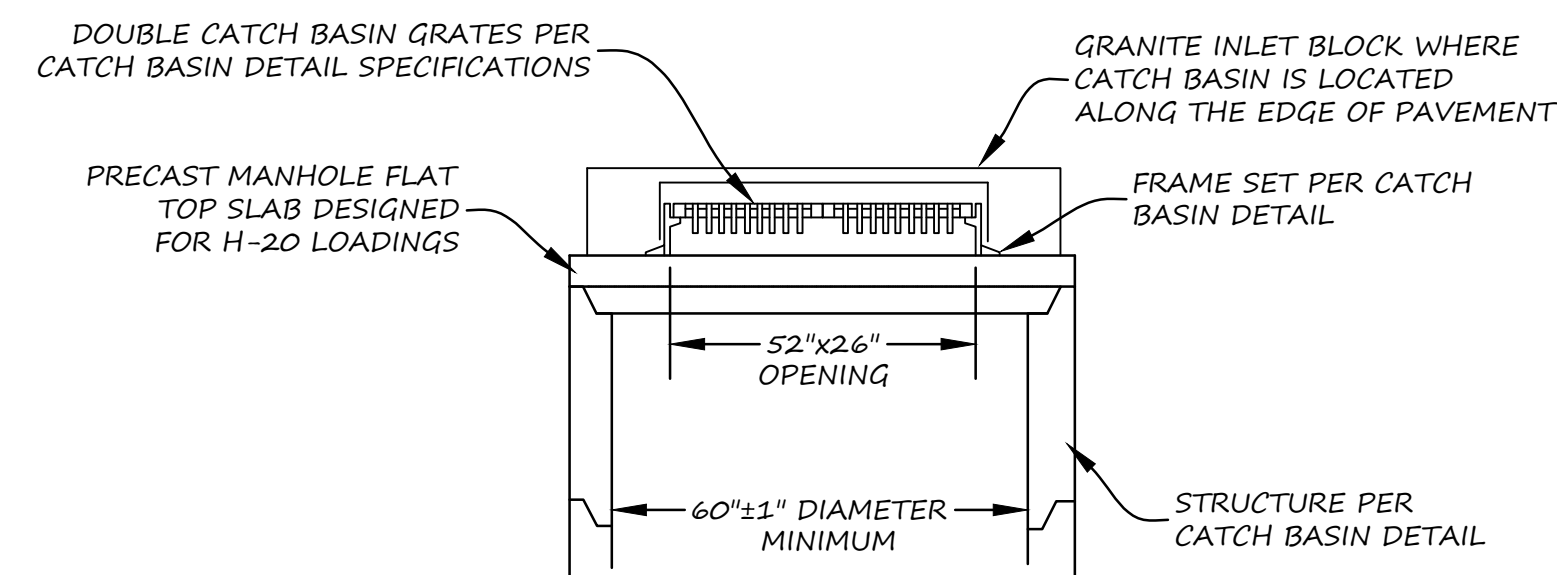
PLAN DATE: JUNE 25, 2019		
REVISION	DATE	BY
REVISIONS PER TOWN COMMENTS	2019-07-04	D.J.M.
REVISIONS PER TOWN COMMENTS	2019-07-07	D.J.M.
REVISIONS PER TOWN COMMENTS	2019-10-22	D.J.M.
REVISED SITE LAYOUT	2019-12-27	D.J.M.
REVISIONS PER DECISION FOR ENDORSEMENT	2020-03-24	D.J.M.

WILLIAM WALLACE VILLAGE  
DETAIL  
PLAN OF LAND  
IN  
MEDWAY, MA

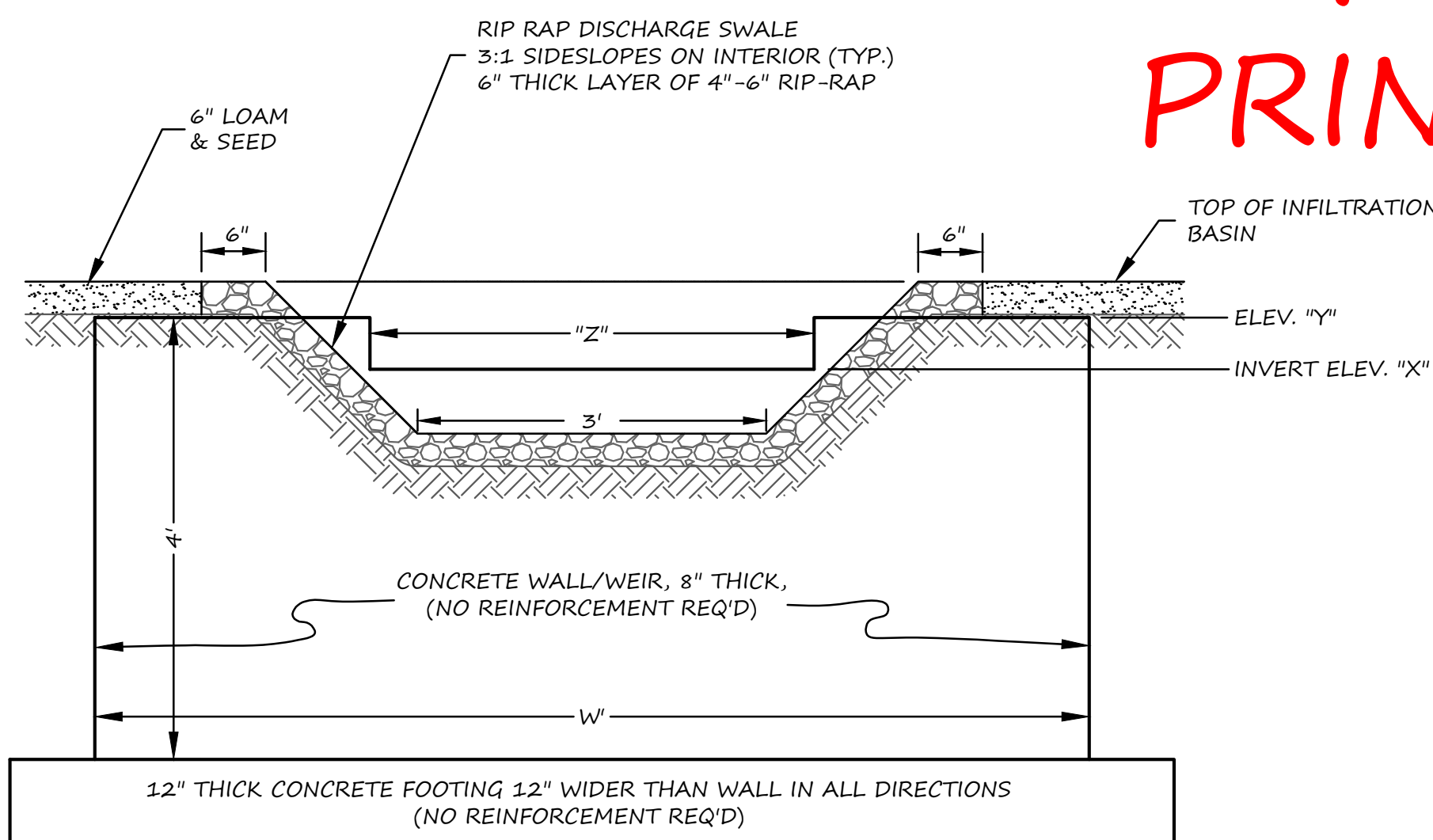
NOTES:

1. INFILTRATION TRENCH UNITS TO BE RECHARGER 150XLHD AS MANUFACTURED BY CULTREC, INC., 878 FEDERAL ROAD, BROOKFIELD, CT 06804, OR APPROVED EQUAL. APPROVED EQUALS MUST CONTAIN AT LEAST THE SAME TOTAL SYSTEM STORAGE VOLUME AND BOTTOM AREA.
2. INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS.
3. TWO-TRENCH SYSTEM CROSS-SECTION SHOWN. MULTIPLE TRENCHES WOULD USE THE SAME EXTERIOR STONE THICKNESS AND INTERIOR CHAMBER SEPARATION VALUES.
4. INFILTRATION TRENCH UNITS SHALL BE ABLE TO WITHSTAND H-20 LOADINGS.
5. REMOVE ALL TOPSOIL AND SUBSOIL BELOW SYSTEM AND REPLACE WITH GRAVEL MEETING ENGINEER'S APPROVAL AS NEEDED.

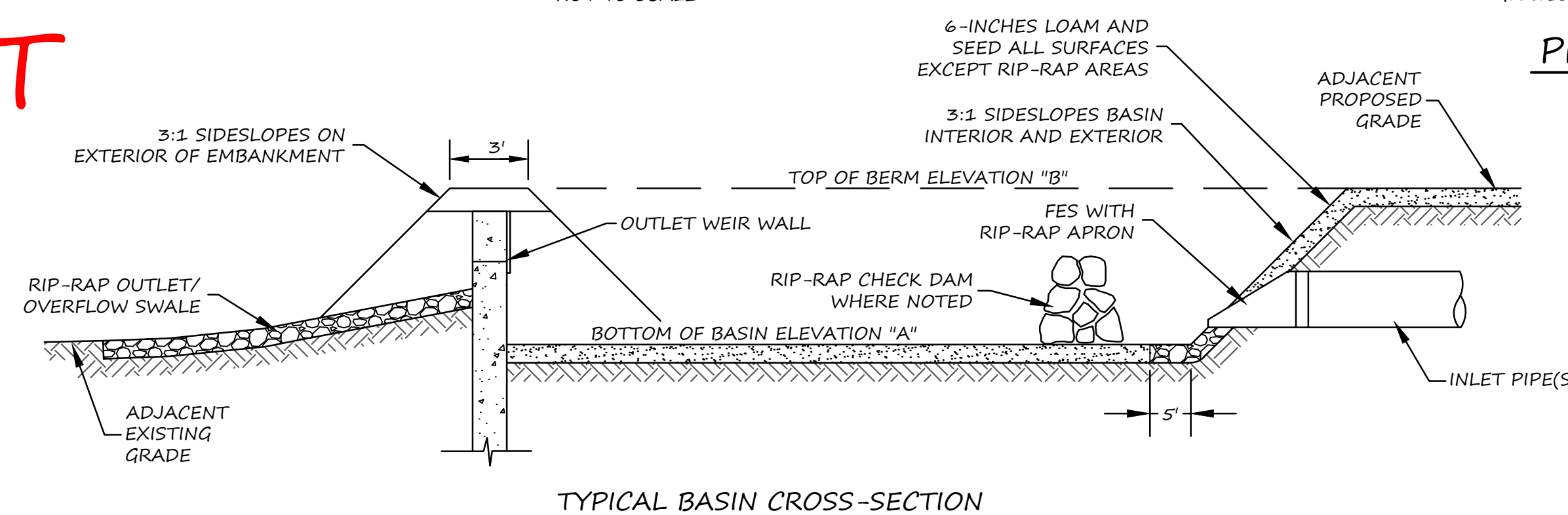
NOT TO SCALE



NOT TO SCALE



# PROGRESS PRINT

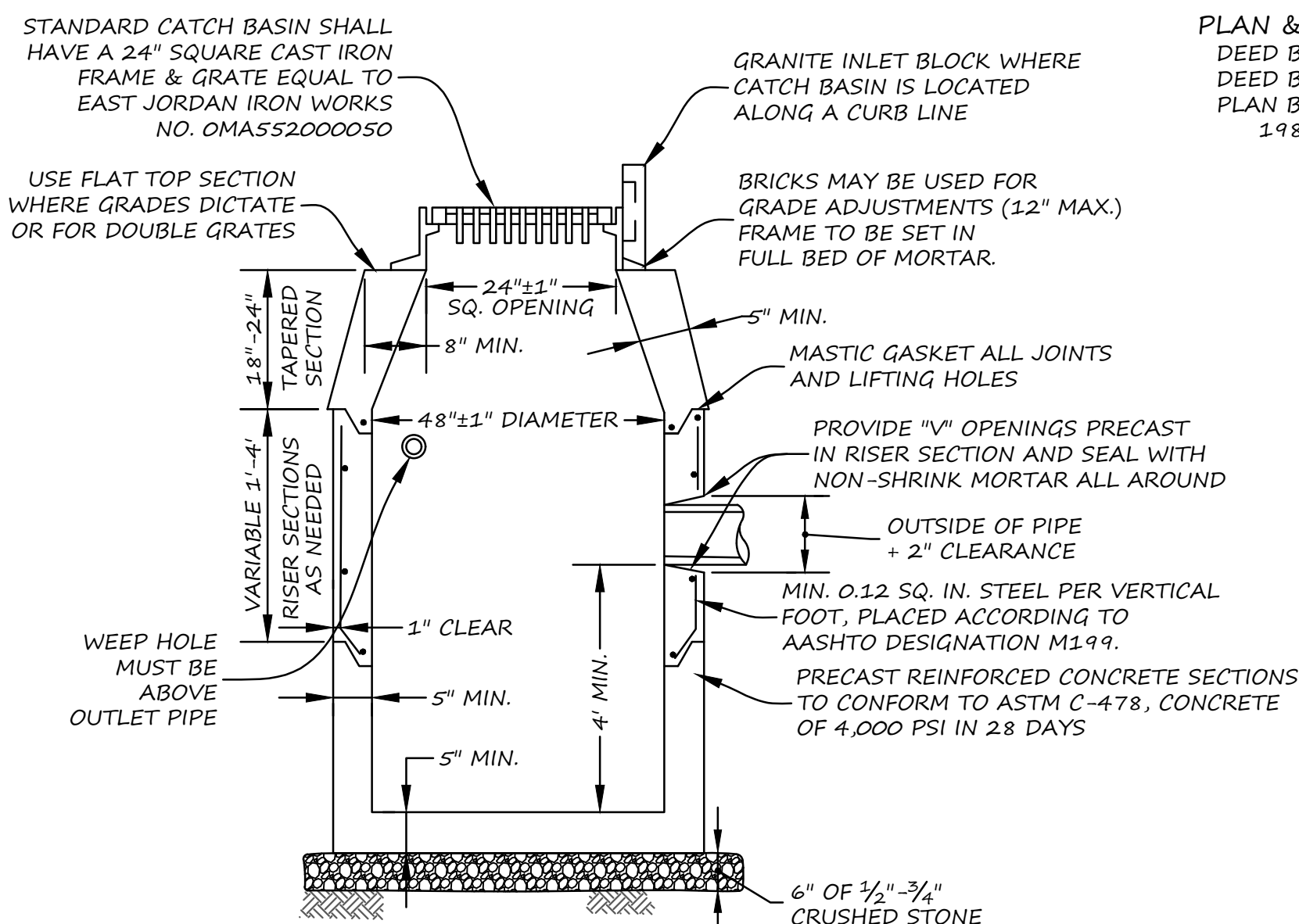


TYPICAL BASIN CROSS-SECTION

### SCHEDULE OF DIMENSIONS AND ELEVATIONS

	BASIN #1	BASIN #2
BOTTOM OF BASIN ELEVATION "A"	186.0	185.0
TOP OF BERM ELEVATION "B"	187.5	187.0
EMERGENCY OVERFLOW ELEV.	187.0	186.5
EMERGENCY OVERFLOW WIDTH	6'	6'

NOT TO SCALE



- NOTES:
1. NO BELL ENDS IN CATCH BASIN. CONNECTIONS TO BE TIGHTLY SEALED WITH MORTAR.
  2. SUBSTITUTE FRAME AND GRATE SHALL BE MADE IN USA AND SHALL BE APPROVED BY THE ENGINEERING DEPARTMENT OR PLANNING BOARD PRIOR TO CONSTRUCTION.
  3. PROVIDE 5" DIAMETER STRUCTURE WITH FLAT TOP WITH RECTANGULAR OPENING FOR DOUBLE GRATES, WHICH SHALL BE EAST JORDAN IRON WORKS NO. OMA544000002 WITH GRATES EQUAL TO ABOVE-SPECIFICATION.

NOT TO SCALE

- NOTES:
1. SEE GRADING SHEETS FOR SIZE OF INLETS AND OUTLETS, OUTLET STRUCTURE SPECIFICATIONS, ELEVATION OF BOTTOM OF BASIN, ELEVATION OF TOP OF BASIN, SLOPE OF SIDESLOPES, AND OTHER DIMENSIONAL REQUIREMENTS FOR EACH BASIN.
  2. ALL TOPSOIL AND SUBSOIL BELOW THE BOTTOM OF THE BASIN SHALL BE REMOVED PRIOR TO BASIN CONSTRUCTION. FILL MATERIALS UNDER THE BASIN BOTTOM SHALL BE CLEAN GRAVEL. FILL FOR BERMS MAY BE SAND, LOAMY SAND OR SANDY LOAM. (TITLE V CLASSIFICATIONS).
  3. BERM AREAS SHALL BE REMOVED OF ALL TOP AND SUB-SOIL AND OTHER UNSUITABLE SOILS. BERM CORE SHALL CONSIST OF ORDINARY BORROW INSTALLED IN 12-INCH LIFTS TO A MINIMUM 93% PROCTOR DENSITY.

DATE APPROVED:

DATE ENDORSED:

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

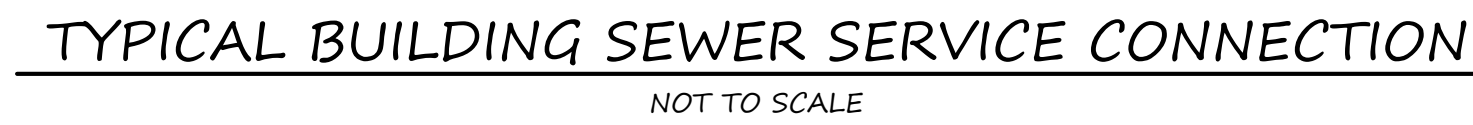
C-11

D158-01



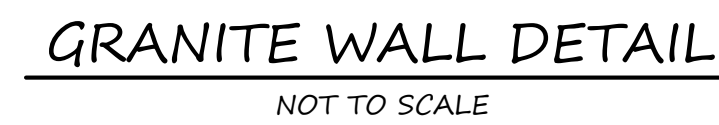
**LEGACY**  
ENGINEERING





FOR REGISTRY USE

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 19198 PAGE 100  
PLAN BOOK 315 NO. 1166 OF  
1984



MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

WILLIAM WALLACE VILLAGE  
DETAIL  
PLAN OF LAND  
IN  
MEDWAY, MA

**LEGACY**  
ENGINEERING



SITE OPERATIONS & MAINTANENCE PLAN

INTRODUCTION

This Operations and Maintenance Plan (hereinafter referred to "O&M Plan") is provided to ensure the long-term monitoring and maintenance of various components of the development's infrastructure. This O&M Plan includes the following provisions:

- 1. Stormwater System Operations and Maintenance
- 2. Integrated Pest Management Plan
- 3. Miscellaneous Provisions
- 4. Accidental Spill and Emergency Response Plan

The "Development" and the various components which are referenced in this O&M Plan are described on the site plan referenced below.

Project Name  
William Wallace Village

Project Location  
274 Village Street  
Medway MA, 02053

Operator Name and Address  
DTRT LLC  
P.O. Box 95  
Truro, MA 02666

References  
This O&M Plan references other documents as follows:  
Site Plan - Plans entitled "William Wallace Village, Medway, MA Site Plan" with an original date of June 25, 2019 (as may be amended), and prepared by Legacy Engineering LLC, hereinafter referred to as the "Site Plan".  
Stormwater Report - Report entitled "Stormwater Report for William Wallace Village, 274 Village Street, Medway, MA 02053" prepared by Legacy Engineering LLC with an original date of June 25, 2019 (as may be amended).

Site Description  
The site consists of seven proposed two-family residential buildings located on 3.63 acres of land on Village Street in Medway and includes all appurtenant driveways, utility systems, landscape areas, and stormwater management systems. Those land areas are collectively referred to herein as the "Development."

Site Usage and Activities  
Multi-family residential buildings and associated appurtenances.

PART 1: STORMWATER SYSTEM OPERATIONS AND MAINTENANCE

In order to maximize the continued effectiveness of the Stormwater Management BMP's for the development, the following Operation and Maintenance requirements apply to all stormwater facilities within the extents of the Development. The stormwater facilities are depicted on the Site Plan and are hereinafter referred to as the "Stormwater Facilities."

Operations and Maintenance Responsibilities

The Operator or its designee shall be responsible for implementing all Operations and Maintenance (O&M) responsibilities.

Commencement of Operations and Maintenance Responsibilities

Operations and Maintenance tasks shall be commenced once each respective Stormwater Facility is fully constructed and is receiving runoff from the Development.

Operations and Maintenance Tasks

Deep Sump Catch Basins:

- 1. Deep sump catch basins shall be inspected daily during construction activities and all sediments and debris shall be removed four times per year unless the owner can determine through recorded observations that sediment accumulation does not warrant such frequent cleanings. If deep sump structure cleaning occurs less than four times per year, cleaning shall occur when two feet of sediments have accumulated in the sump and at least once per year.
- 2. Silt sacks shall be installed on all catch basins in and around the development throughout the time of construction.
- 3. All sediments and hydrocarbons shall be disposed of off-site in accordance with all applicable local, state, and federal regulations.

Sediment Forebays:

- 1. Sediment forebays shall be inspected at least four times per year to insure proper operation (during a storm event).
- 2. Sediment forebays should be mowed and all clippings and debris removed at least twice per year. Debris shall be removed at more frequent intervals if warranted by extreme weather events.
- 3. Sediment should be removed when 3-inches of sediment accumulates anywhere in the forebay.
- 4. Remove woody vegetation, leaves, and other materials that would affect the life of the system or its operations.

Stormwater Infiltration Basin:

- 1. Stormwater basins shall be inspected at least twice per year to insure proper operation (during a storm event).
- 2. Inspections shall include ensuring that inlet, outlet, and splash pad rip-rap aprons are in good condition and that that interior wall systems are in good condition. Deficiencies shall be remedied immediately.
- 3. Inspections shall include an observation of the accumulation of sediment in the basin. Pretreatment BMPs are intended to capture and contain coarse sediments. Should indication of significant accumulation of sediments in the infiltration basin be observed, increased frequency of cleaning of the preceding sediment forebay and catch basins shall be implemented.
- 4. Inspections shall include ensuring that outlet structures are unobstructed and free-flowing per the Site Plan design specifications.
- 5. Inspections shall include ensuring that all berms are fully stabilized, structurally sound and not eroded. Deficiencies shall be remedied immediately.
- 6. Stormwater basins should be mowed and all clippings and debris removed at least twice per year. Debris shall be removed at more frequent intervals if warranted by extreme weather events. If wetland vegetation grows at the bottom of the stormwater basin, it shall only be mowed once per year at the beginning of the winter season.
- 7. Sediment should be removed at least once every 5 years or when 2-inches of sediment accumulates anywhere in the basin and disposed of off-site in accordance with all applicable local, state, and federal regulations. Two sedimentation markers shall be installed in the basin by a Registered Land Surveyors with a clear marking of the 2-inch accumulation line. It is recommended that stone bounds be installed with chiseled marks indicating the limit of accumulation, although other similarly permanent marking methods may be utilized.

Underground Infiltration Field:

- 1. Perform all pretreatment BMP maintenance, structural and non-structural, as required herein.
- 2. Inspect the infiltration field at least twice per year, approximately 2-4 days after a rainfall event to ensure that water is not still in the field (as it should have infiltrated into underlying soils by then). Should the infiltration field fail to infiltrate water sufficiently, the field system shall be excavated and replaced in accordance with the original design.

Stormwater Pipes, Inlets and Outfalls:

- 1. All stormwater inlets and outfalls shall be inspected twice per year.
- 2. Trash, leaves, debris and sediment shall be removed from inlets and outfalls as needed to keep them free flowing.
- 3. If inspections indicate that stormwater pipelines have become partially obstructed with trash, leaves, debris or sediment, the pipelines shall be cleaned by water jet truck and the obstructions removed and disposed of.

The various operations and maintenance schedule requirements listed above may be reduced in frequency by approval from the Town. Should such permission be desired, the Operator shall provide documentation of actual on-site maintenance observations by a qualified source (engineer or other qualified person meeting the approval of the Town) demonstrating that the particular Stormwater BMP in question does not warrant the specified frequency of inspection or maintenance activities.

Reporting Requirements

- The following documentation shall be submitted no later than December 31<sup>st</sup> of each calendar year to the Town:
- 1. A statement, signed by an authorized representative of the Operator indicating that the requirements of this O&M Plan were performed during the previous calendar year. Where requirements were not met, a schedule for their completion shall be provided and a follow-up statement submitted when complete.
  - 2. A list of the maintenance activities performed along with the approximate date of the work.
  - 3. A list of the inspections performed along with a statement by each inspector summarizing the results of the inspections performed in accordance with this O&M plan.
  - 4. Copies of appurtenant documentation supporting the completion of the O&M responsibilities such as copies of contracts and/or receipts with parties engaged to perform maintenance and inspection services.
  - 5. A notation regarding whether there has been any change in the name and or contact information for the Operator.

Public Safety Features

The stormwater system has been designed to safely collect surface runoff from developed areas (as described on the Site Plan and Stormwater Report) by providing collections systems at regular intervals to prevent surface flooding and to treat that runoff in accordance with the provisions of the Massachusetts Stormwater Management Standards and Handbook.

PART 2: INTEGRATED PEST MANAGEMENT PLAN

Applicability

The Development shall adhere to this IPM in perpetuity, unless the conservation Commission releases the Operator from this obligation in writing.

Lawn Preparation and Installation

- The following methods shall be employed for all lawn installation and replacements.
- Topsoil installed in lawn areas shall be installed to a minimum thickness of 4-inches. Installation shall be in a manner that minimizes compaction of the topsoil. Topsoil should include a minimum organic content of 18% in the top 4-inches. In areas where existing topsoil is limited or non-existent due to bedrock or hardpan, 6-24 inches of sandy loam topsoil should be spread with a minimum 18% organic content in the top 6-inches.
  - Topsoil shall be tested for pH, organic content and mineral content including calcium, magnesium, potassium and sodium at the time of installation and supplements shall be added as recommended. Lime shall be added at the rates recommended by the soil test lab to bring topsoil pH within recommended levels.
  - Seeding shall include at least three of the following turf types: Fine Fescue, Kentucky Bluegrass, Perennial Rye Grass, and Tall Fescue.
  - Fertilizer application at the time of seeding shall not exceed 0.5 pounds per 1,000 square feet and shall be either organic or mineral. Fertilizer shall be slow release, organic, and low in phosphorous in the 100' wetland buffer.
  - During the period of turf establishment (1-2 seasons after seeding), up to two broadleaf weed control applications per year may be applied to the entire lawn area to encourage the establishment of the turf and prevent weed infestations.

Mechanical Lawn Care Standards

The following maintenance guidelines shall be generally applied to lawn care, although specific adherence to every standard is not necessary. Adherence to these mechanical lawn care standards will encourage the development of a thick, dense, and healthy turf system which will ultimately result in fewer Lawn Care Treatment requirements.

- Lawn cutting height should be adjusted according to the season using the following as guidance:
  - May - June: 2.5" Cut Height
  - July - August: 3-3.5" Cut Height
  - September: 2.5-3" Cut Height
  - October - November: 2" Cut Height
- Lawn mowing should be at sufficient frequency such that not more than 1/3 of the leaf blade height is cut off.
- Aerate the lawn generally once per year in the mid-summer to mid-fall period. A second aeration in the spring may be appropriate for compact soils conditions.
- Dethatching is generally not necessary unless the thatch layer exceed ¾".

Care Lawn Care Treatment Program

Each lawn shall adhere to the following lawn care practices and restrictions:

- A soil test shall be conducted at least once every two years to evaluate topsoil pH level and the necessary application of lime will be made to bring soil pH within recommended levels. Recommended topsoil pH levels are between 6.5 and 6.8. Soils testing shall also include organic content, mineral content, including calcium, magnesium, potassium and sodium, total cation exchange capacity, and hydrogen. Ideal base saturation percentages for these parameters are as follows:
  - Calcium: 60-70%
  - Magnesium: 15-20%
  - Potassium: 4-5-6%
  - Sodium: <3%
  - Other Bases: 4-8%
  - Hydrogen: 5-10%
- Fertilizer application shall be as-needed based on the results of the latest soils test, plant health, rooting characteristics, growth rate desired, and season. Fertilizer application shall not exceed five times per calendar year and the total quantity of fertilizer applied in any given year shall not result in the application of more than three pounds of nitrogen per 1,000 square feet with not more than one pound of nitrogen applied per 1,000 square feet in any single application. Nitrogen, in the form of fertilizer, should generally be applied in small increments to avoid nitrate leachate and runoff, undesired sprits in growth, and increase in pest population. Granular organic and/or organic/synthetic slow release fertilizers shall be used. The optimal use of fertilizers is to create an organic foundation for soil health and development which provides sufficient nutrients for controlled plant growth and avoiding subsurface and surface nutrient loss to groundwater or stormwater runoff. Fertilizer shall be slow release, organic, and low in phosphorous in the 100' wetland buffer.
- Except as noted below, only one application of crab-grass prevention product is permitted per year during March or April, and only in portions of the lawn in full sun which are prone to such infestations. The use of corn gluten (organic crab-grass control method) is permitted twice per year.
- At the time of fertilizer application, any accidental spillage onto impervious surfaces such as driveways, walkways, patios, and streets shall be swept up and either applied to the lawn or removed from the site.

Optional Maintenance Practices to be Applied as Needed

- Where topsoil testing demonstrates a deficiency, mineral or organic micro-nutrients may be added to achieve recommended levels.
- Generally, chemical pesticides should be used as a final option and the minimum amount necessary to achieve the desired result should be used. Non chemical means of pest control should be tried first. In the event of suspected pest problem, a visual inspection shall first be made by qualified personnel to confirm the presence of stressed vegetation, wildlife activity, pathogens, and other similar indicators. Should a pest problem be identified, the condition shall be monitored periodically such that if the problem subsides, treatment methods can stop as soon as possible thereafter.
- Root bio-stimulants from organic sources (examples include Roots, Organica, or PHC type products, which are brand names and which may change depending on market conditions) may be used as needed.
- Compost topdressing (1/8" - ¼" depth) may be applied as needed.
- Spot treatment of weeds and Crabgrass may be implemented at any time as needed, but only on a spot-treatment basis and only to those areas affected.
- Spot treatment for turf disease may be implemented at any time as needed, but only one a spot-treatment basis and only to those areas affected.
- Grub control products and similar products may be applied to localized areas only where grub activity is evident. Grub control may be applied when grub populations reach an average of 8-10 grubs per square foot or if the plant/lawns are showing signs of stress from grub activity.
- One application of Imidacloprid (Merit) or similar products per year is permitted during June and July in areas where grub activity has historically occurred.
- Pesticides which are classified for Restricted Use pursuant to 333 CMR may only be applied by properly licensed or certified personnel or by individuals under the direct on-site supervision of properly licensed or certified personnel in accordance with 333 CMR.

PART 3: MISCELLANEOUS PROVISIONS

Good Housekeeping Controls

The following good housekeeping measures will be implemented in the day-to-day operation of the Development:

- 1. The site will be maintained in a neat and orderly manner.
- 2. Fertilizers and pesticide application on the lots shall be in accordance with this plan.
- 3. All hydrants and gate valves on site will be exercised at least once per year.

Management of Deicing Chemicals and Snow

Management of on-site snow will be as follows:

- 1. The site shall be plowed as needed to maintain safe driving conditions. Snow will be stored in windrows along pavement edges and shall be piled in landscape strips as needed.
- 2. Snow will not be plowed into piles which block or obstruct stormwater management facilities.
- 3. Snow will not be plowed into piles at roadway intersections such that it would obstruct visibility for entering or exiting

- vehicles.
- 4. Deicing chemicals application will be as little as possible while provide a safe environment for vehicular operation and function.
- 5. Deicing chemicals in shall be limited to sand, sodium chloride or calcium chloride.
- 6. Snow is not to be stored where runoff will flow directly to the wetlands.

Operator Training

The Operator is responsible for providing training for the staff that will be responsible for the implementation of this O&M Plan. Such training shall occur at least once annually.

Illicit Discharges

The Operator shall not allow non-stormwater discharges into the development's stormwater system. Any discovered non-stormwater discharges into the development's stormwater system shall be immediately disconnected.

Estimated Operations and Maintenance Budget

It is estimated that the regular annual maintenance tasks described herein will cost \$1,000 per year (2019 value).

PART 4: ACCIDENTAL SPILL AND EMERGENCY RESPONSE PLAN

In the event of an accident within the boundaries of the Site, where significant gasoline or other petroleum products or other hazardous materials are released, the following procedure shall be followed in the order noted.

- 1. As quickly as possible, attempt to block the nearest stormwater catch basins if on a roadway, or if in proximity to wetlands, create a berm of soil downslope of the spill.
- 2. Immediately, and while the containment measures are implemented as described above, notify the following governmental entities and inform them of the type of spill that occurred:
  - Medway Fire Department at 911,
  - Medway Board of Health at 508-533-3206,
  - Medway Conservation Commission at 508-533-3292,
  - Mass. Department of Environmental Protection (DEP) Central Region at (508) 792-7650 (address is 8 New Bond Street, Worcester, MA 01606), and
  - National Response Center (NRC) at (800) 424-8802 (for spills that require such notification pursuant to 40 CFR Part 110, 40 CFR Part 117, and 40 CR Part 302).
- 3. Once the various emergency response teams have arrived at the site and if the spill occurs on a lot, the owner shall follow the instructions of the various governmental entities, which may include the following:
  - A clean up firm may need to be immediately contacted.
  - If the hazardous materials have entered the stormwater system, portions of it may need to be cleaned and restored per the DEP. All such activities shall be as specified by the DEP.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

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

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

OWNER  
#274  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

PORTION OF #276  
KEITH & JUDITH SPINNEY  
276 VILLAGE STREET  
MEDWAY, MA 02053

APPLICANT  
DDRT LLC  
P.O. BOX 95  
TRURO, MA 02666

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL  
59-55

PLAN & DEED REFERENCE  
DEED BOOK 6563 PAGE 42  
DEED BOOK 14148 PAGE 100  
PLAN BOOK 315 NO. 1166 OF  
1984

PROGRESS  
PRINT

PLAN SCALE: NOT TO SCALE

PLAN DATE: JUNE 25, 2019

REVISION	DATE	BY
REVISIONS PER TOWN COMMENTS	2019-07-04	DJM
REVISIONS PER TOWN COMMENTS	2019-10-01	DJM
REVISIONS PER TOWN COMMENTS	2019-12-27	DJM
REVISIONS PER DECISION FOR ENDORSEMENT	2020-03-24	DJM

SITE OPERATION & MAINTENANCE PLAN OF LAND IN MEDWAY, MA

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

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

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

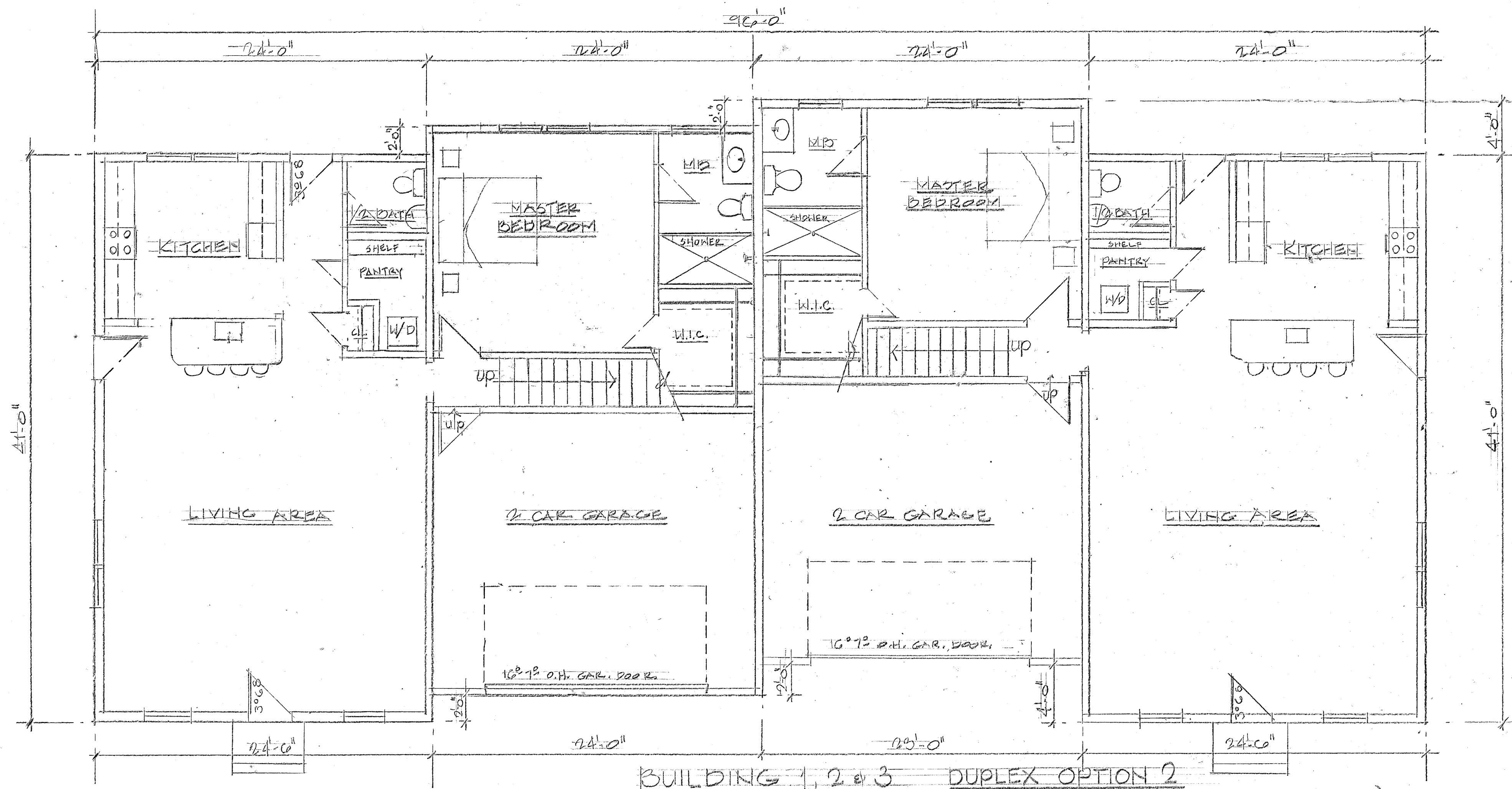
C-13

D158-01

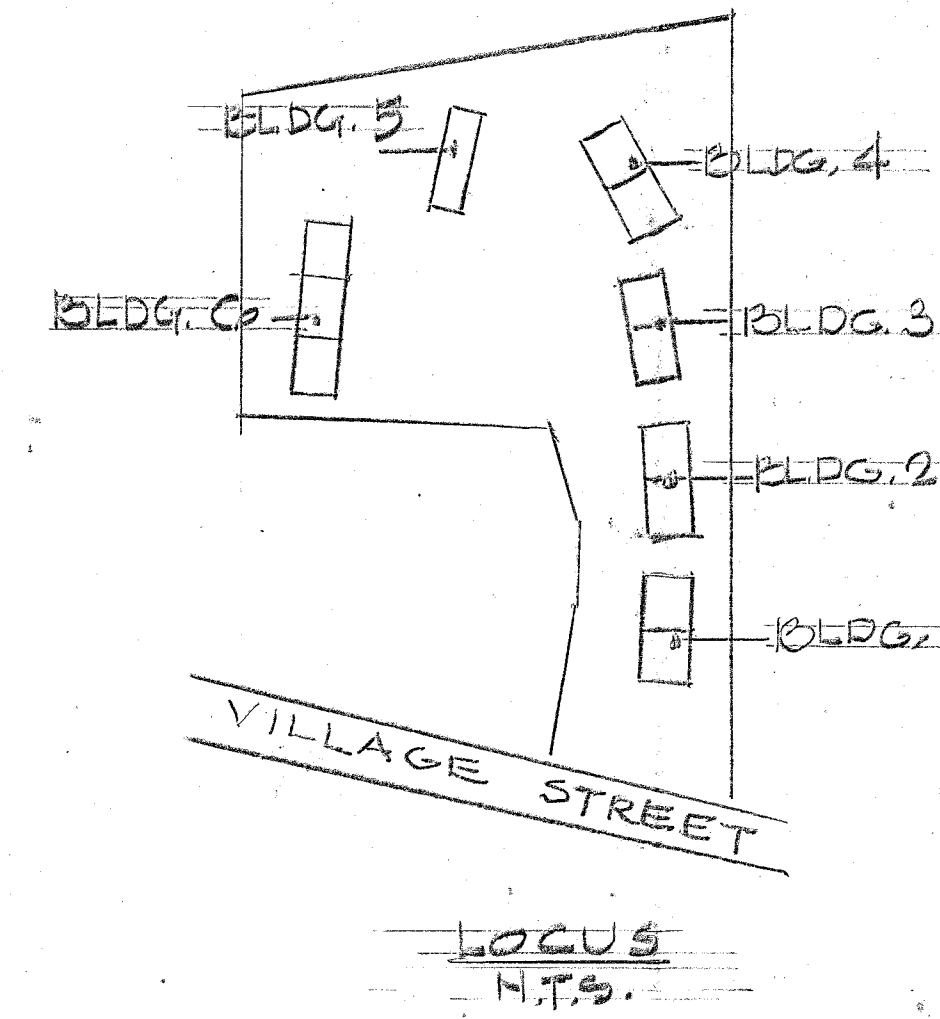


LEGACY  
ENGINEERING





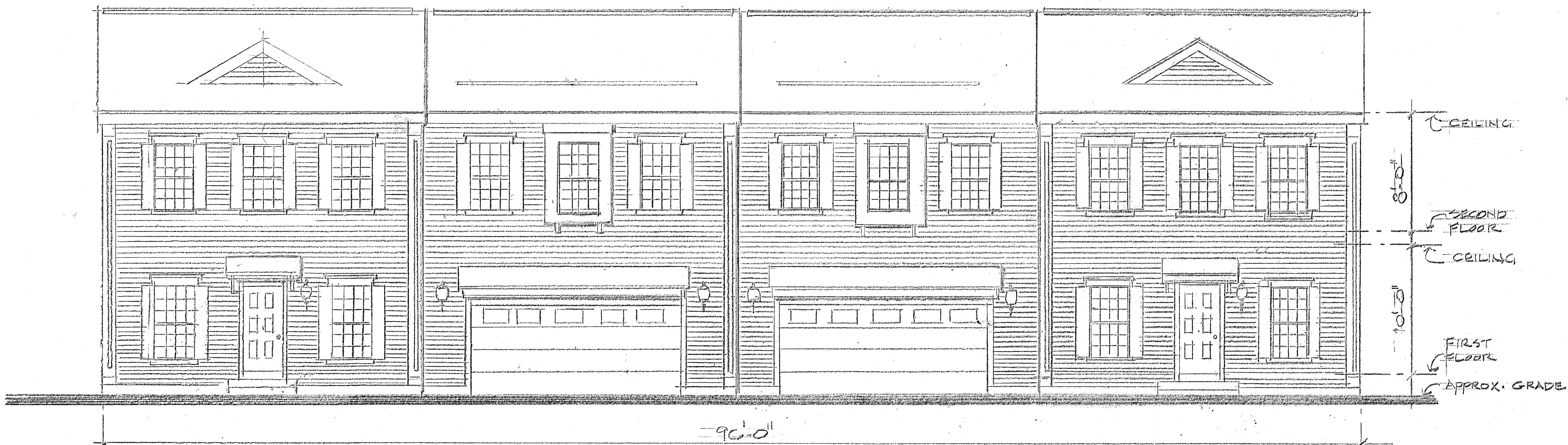
**BUILDING 1, 2 & 3 DUPLEX OPTION 2**  
**FIRST FLOOR PLAN TRI-PLEX OPTION 2 SIMILAR (BLDG. 6)**  
 SCALE: 3/16" = 1'-0"



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.  
 DATE: 12-27-20  
 Charles A. Basile  
 REGISTERED ARCHITECT

**SHEET LEGEND**

- A-1 DUPLEX FIRST FLOOR BLDGS. 1, 2 & 3
- A-2 DUPLEX SECOND FLOOR BLDGS. 1, 2 & 3
- A-3 REAR ELEVATIONS BLDGS. 1, 2, 3 & 6
- A-4 PLANS/SIDE ELEVATIONS BLDG. 4
- A-5 FRONT/REAR ELEVATIONS BLDG. 4
- A-6 FIRST AND SECOND FLOOR PLANS BLDG. 5
- A-7 FRONT & SIDE ELEVATIONS BLDG. 5
- A-8 REAR ELEVATION/BASEMENT FLOOR PLAN BLDG. 5
- A-9 TRIPLEX PLAN & ELEVATION BLDG. 6
- A-10 TRIPLEX PLAN & ELEVATIONS BLDG. 6



**BUILDING 1, 2 & 3 DUPLEX**  
**FRONT ELEVATION**  
 SCALE: 3/16" = 1'-0"  
 0' 2' 4' 6' 8' 12'  
 GRAPHIC SCALE

DATE APPROVED: \_\_\_\_\_  
 DATE ENDORSED: \_\_\_\_\_  
 MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

LEFT AND RIGHT  
**OPTION 3**  
**OPTION 2**

CHARLES A. BASILE - ARCHITECT  
 700 SHANTON STREET  
 SUITE T. 31  
 WINCHESTER, MA. 01890  
 (CELL) 603-918-9251

cda

DUPLEX FIRST FLOOR BLDGS. 1, 2 & 3

WILLIAM WALLACE VILLAGE

274 VILLAGE STREET

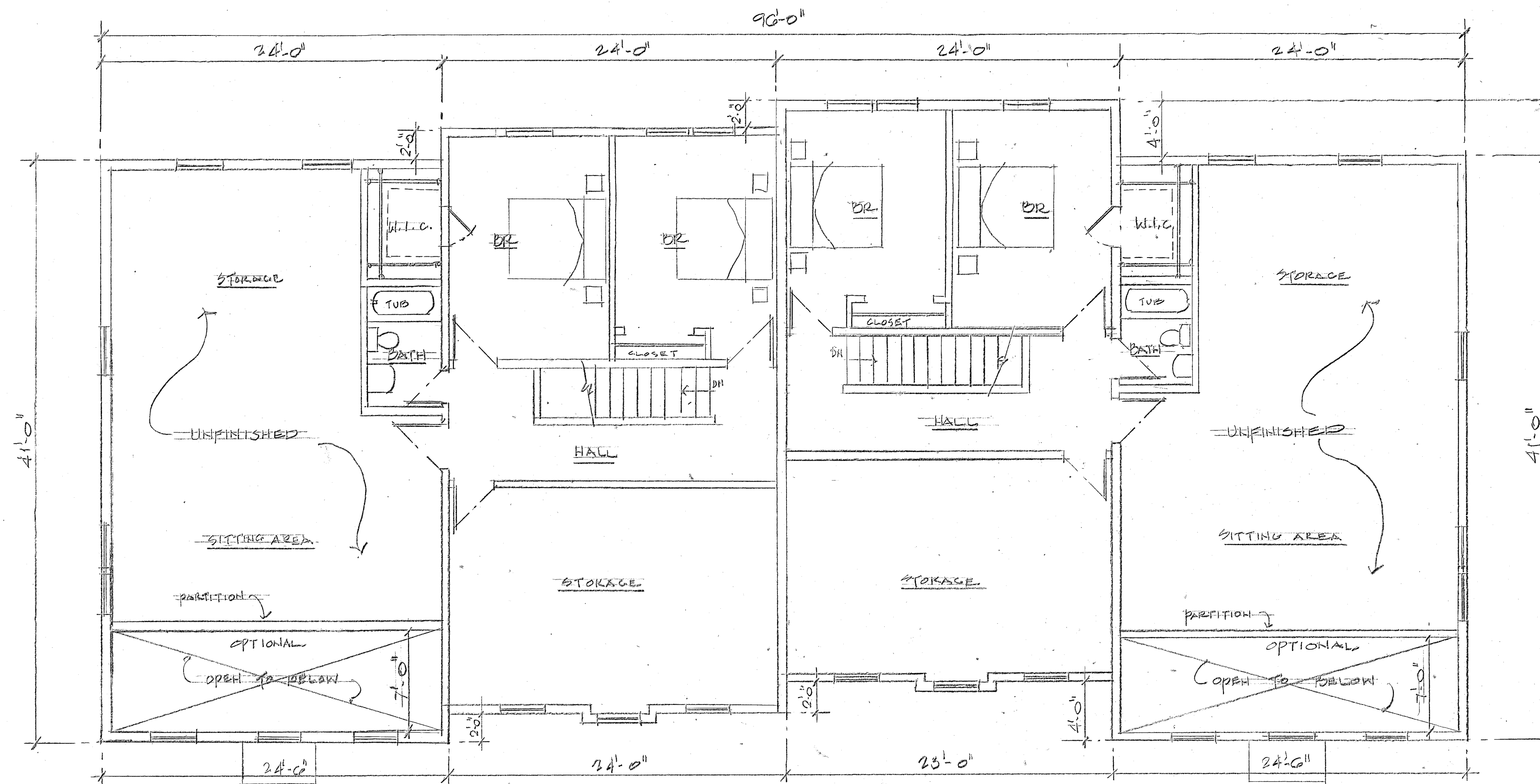
MEDWAY, MASSACHUSETTS

DATE: 1.10.20  
 DRAWN BY: C.A.B.  
 SCALE: 3/16" = 1'-0"  
 REVISED 12.21.20

DEG. NO.

A1





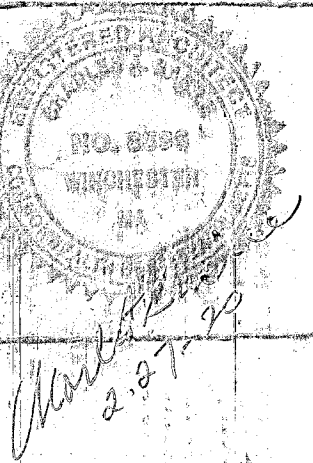
DUPLEX  
 SECOND FLOOR PLAN  
 SCALE: 3/16" = 1'-0"  
 0 2 4 6 8 12'  
 GRAPHIC SCALE

BLDGS. 1, 2 & 3 (DUPLEX) OPTION 2  
 BLDG. 6 (TRI-PLEX) OPTION 2 SIMILAR

I CERTIFY THAT THIS  
 PLAN HAS BEEN  
 PREPARED IN CONFORMITY  
 WITH THE RULES AND  
 REGULATIONS OF THE  
 REGISTERS OF DEEDS  
 OF THE COMMONWEALTH  
 OF MASSACHUSETTS.

DATE: 2-27-20

Charles A. Basile  
 REGISTERED ARCHITECT



CHARLES A. BASILE - ARCHITECT  
 200 SWANTON STREET  
 SUITE T-51  
 WINCHESTER, MA 01890  
 (CELL) 603-518-9251

cba

DUPLEX SECOND FLOOR BLDGS. 1, 2 & 3  
 WILLIAM WALLACE VILLAGE  
 974 VILLAGE STREET  
 MEDWAY, MASSACHUSETTS

DATE APPROVED \_\_\_\_\_  
 DATE ENDORSED \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MEDWAY PLANNING AND ECONOMIC  
 DEVELOPMENT BOARD

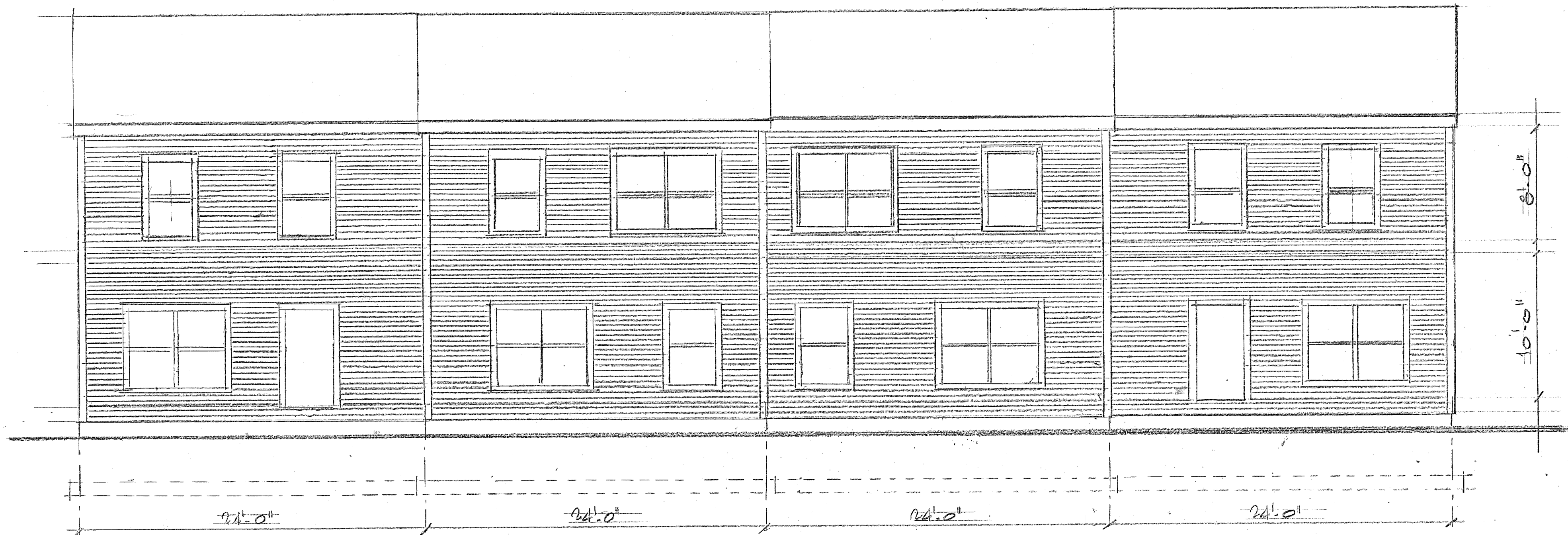
DATE: 1.10.20  
 DRAWN BY: CBA  
 SCALE: 3/16" = 1'-0"  
 REVISED: 2.22.20

DOC. NO.

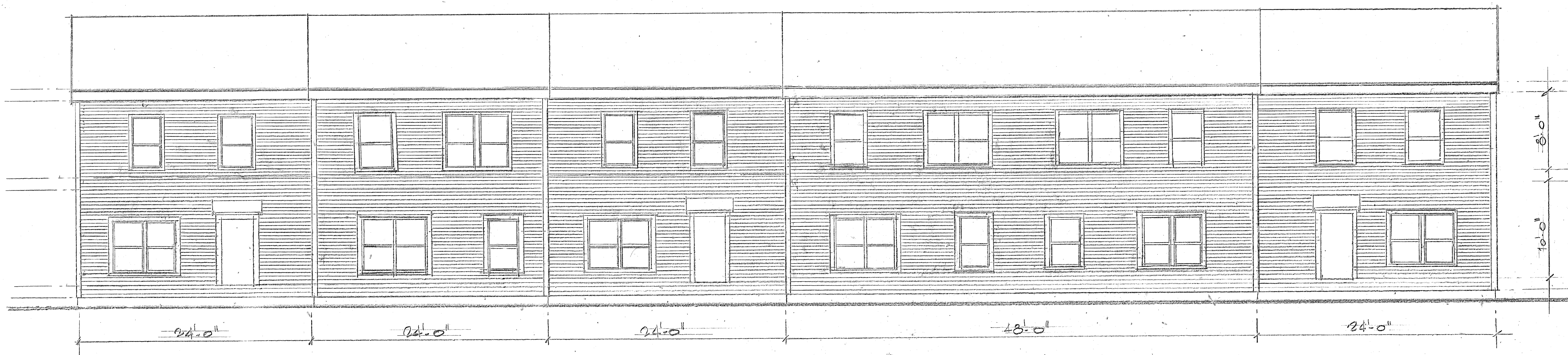
OPTION 2

A2





REAR ELEVATION - DUPLEX BLDGS. 1, 2 & 3  
SCALE: 3/16" = 1'-0"



REAR ELEVATION - TRIPLEX BLDG. 6  
SCALE: 3/16" = 1'-0"  
0' 2' 4' 6' 8' 10'  
GRAPHIC SCALE

I CERTIFY THAT THIS  
PLAN HAS BEEN  
PREPARED IN CONFORMITY  
WITH THE RULES AND  
REGULATIONS OF THE  
REGISTERS OF DEEDS  
OF THE COMMONWEALTH  
OF MASSACHUSETTS.  
DATE: 2.27.20  
*Charles A. Basile*  
REGISTERED ARCHITECT

CHARLES A. BASILE-ARCHITECT  
200 SHANTON STREET  
SUITE T-31  
WINCHESTER MA. 01890  
(CELL) 603-318-9251

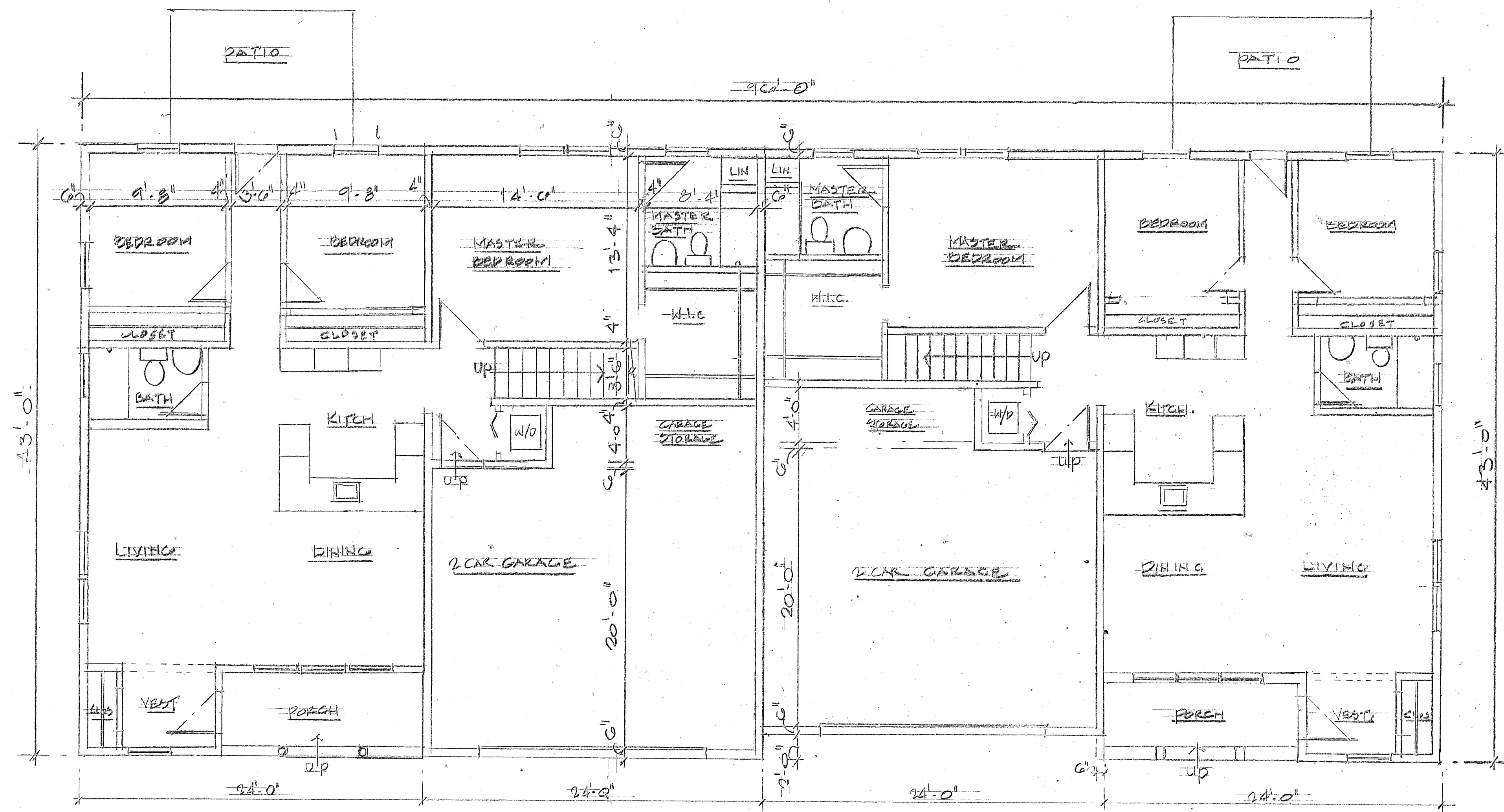
REAR ELEVATIONS BLDGS. 1, 2, 3 & 6  
WILLIAM HALLACE VILLAGE  
274 VILLAGE STREET  
MEDWAY, MASSACHUSETTS

DATE: 1.10.20  
DRAWN BY: CAB  
SCALE: 3/16" = 1'-0"  
REVISED: 2.21.20

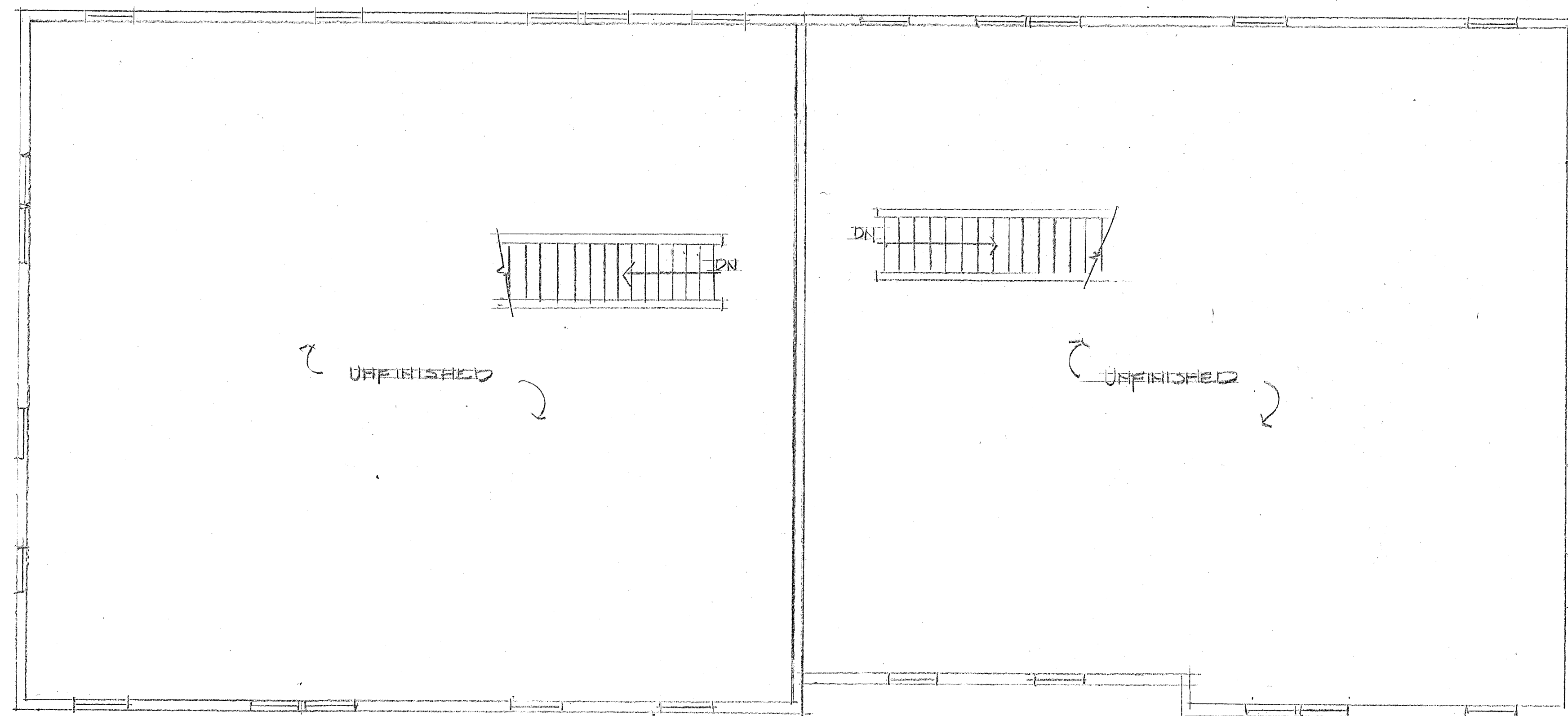
DATE APPROVED \_\_\_\_\_  
DATE ENDORSED \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD

DWG. NO. 1.3





FIRST FLOOR PLAN BUILDING 4 OPTION 1 / 3BEDROOMS FIRST FLOOR  
SCALE: 3/16" = 1'-0"



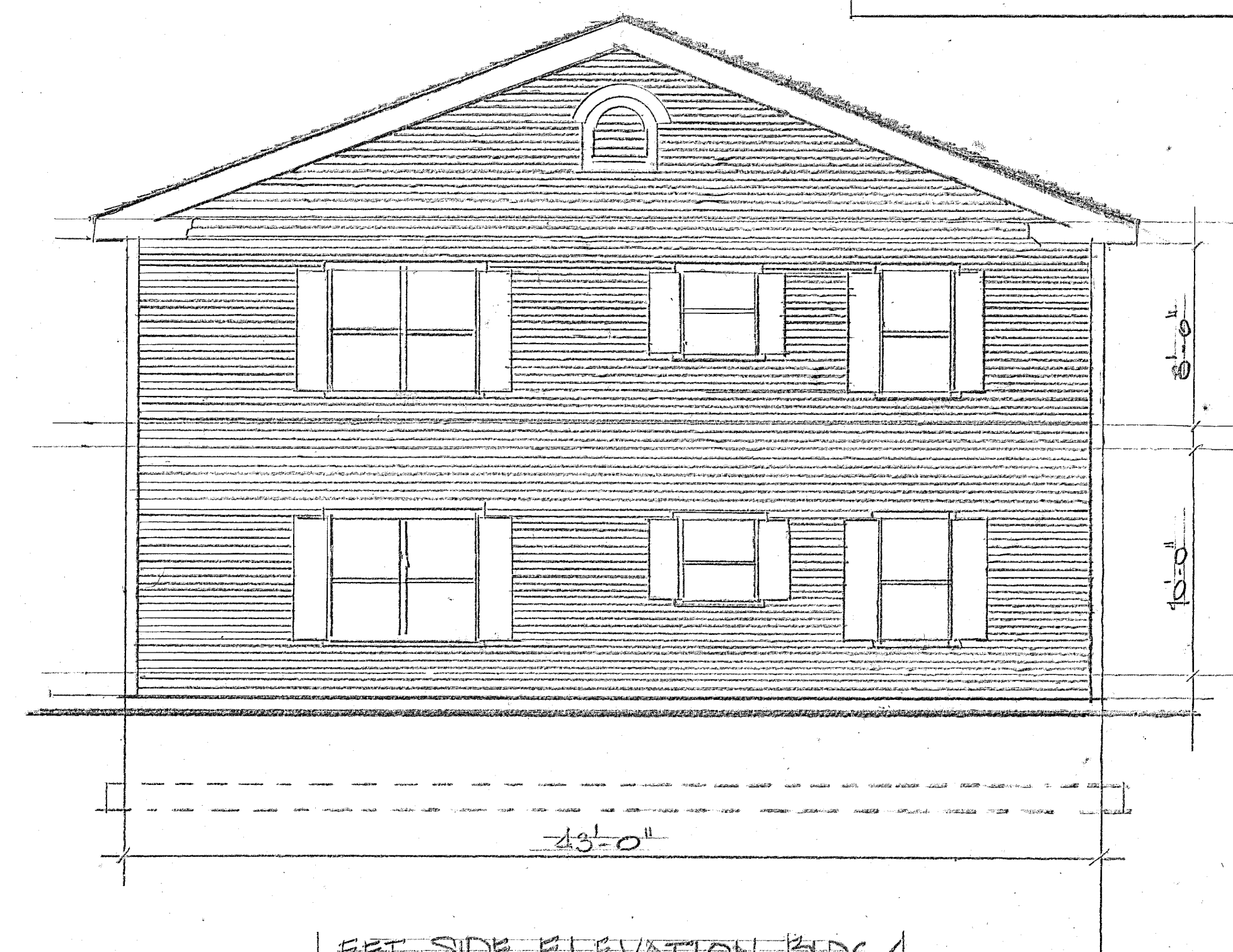
SECOND FLOOR PLAN 3 BR DUPLEX  
SCALE: 3/16" = 1'-0"

BLDG. 4

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: 2.27.20

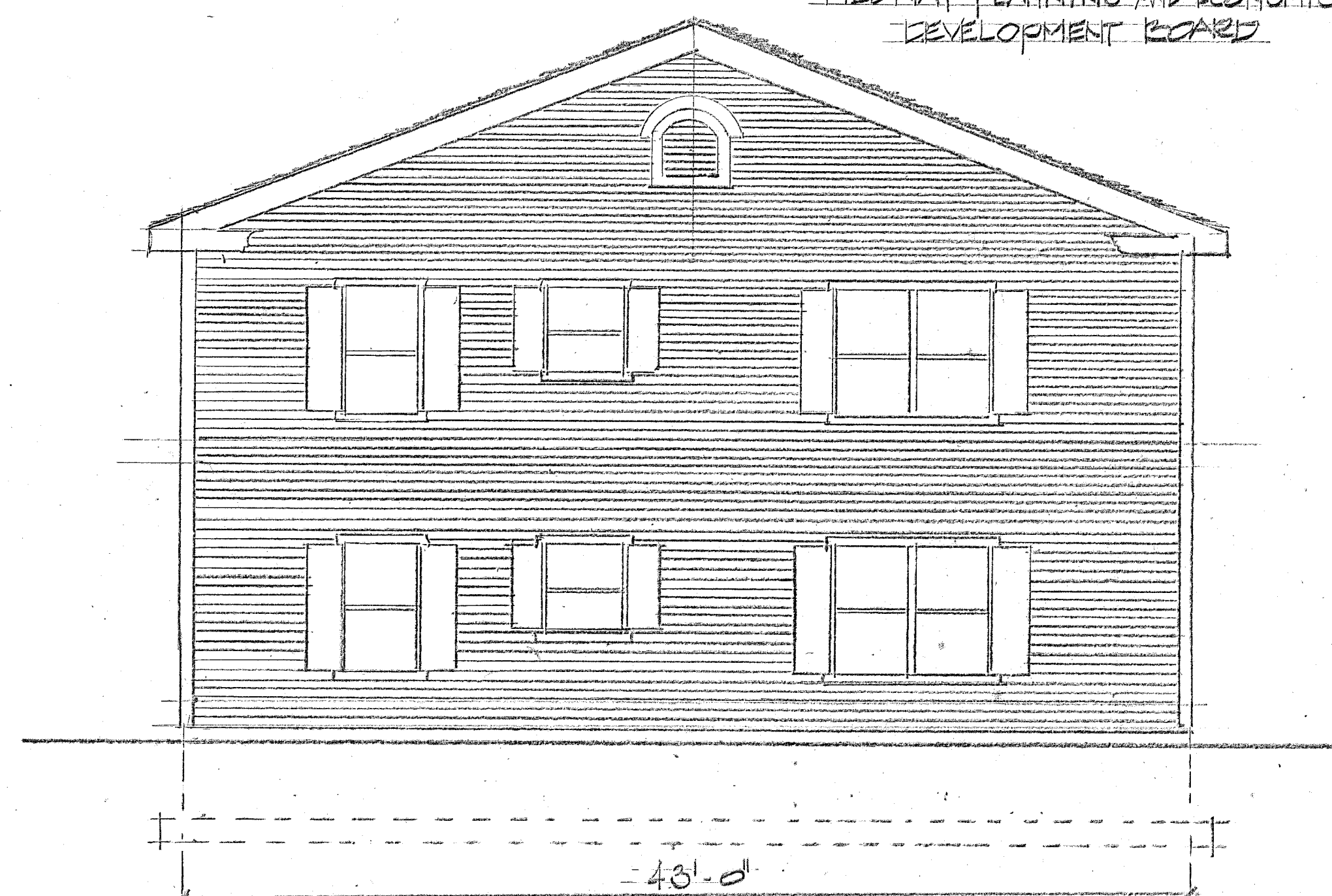
Charles Basile  
REGISTERED ARCHITECT



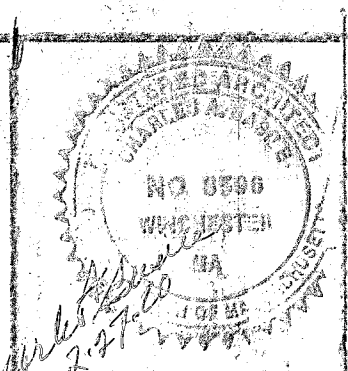
LEFT SIDE ELEVATION BLDG. 4  
SCALE: 3/16" = 1'-0"

DATE APPROVED \_\_\_\_\_  
DATE ENDORSED \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD



RIGHT SIDE ELEVATION BLDG. 4  
SCALE: 3/16" = 1'-0"  
0' 1' 2' 3' 4' 5' 6' 7' 8' 9' 10' 11' 12'  
GRAPHIC SCALE



CHARLES A. BASILE - ARCHITECT  
200 SWANTON STREET  
SUITE 7-51  
WINCHESTER, MA 01890  
(CELL) 603-316-9721

cba

PLANS / SIDE ELEVATIONS BLDG. 4  
WILLIAM WALLACE VILLAGE  
274 VILLAGE STREET  
MEDWAY, MASSACHUSETTS

DATE: 1.10.20  
DRAWN BY: CBA  
SCALE: 3/16" = 1'-0"  
REVISED: 2.21.20

DATE: 1.10.20

A4

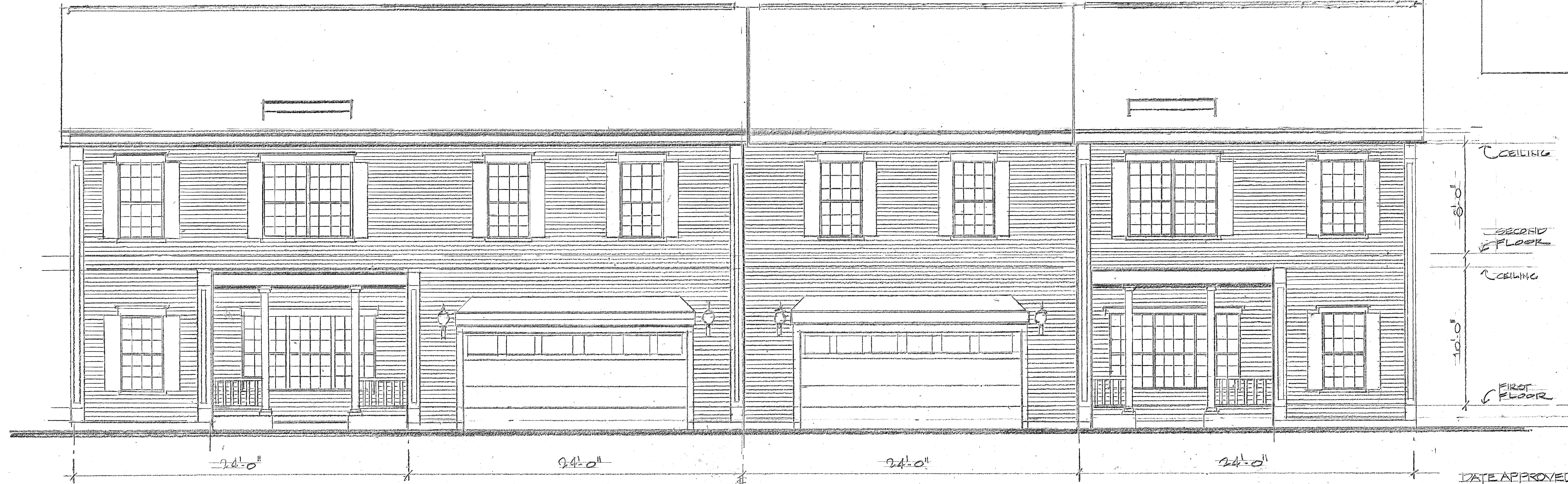


CERTIFY THAT THIS PLAN HAS BEEN  
PREPARED IN CONFORMITY WITH THE RULES  
AND REGULATIONS OF THE REGISTERS OF DEEDS  
OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: 2-17-20 REGISTERED Charles A. Basile  
ARCHITECT



CHARLES A. BASILE - ARCHITECT  
200 BRANTON STREET  
SUITE 1-31  
WINCHESTER, MA 01890  
(CELL) 603-518-9251

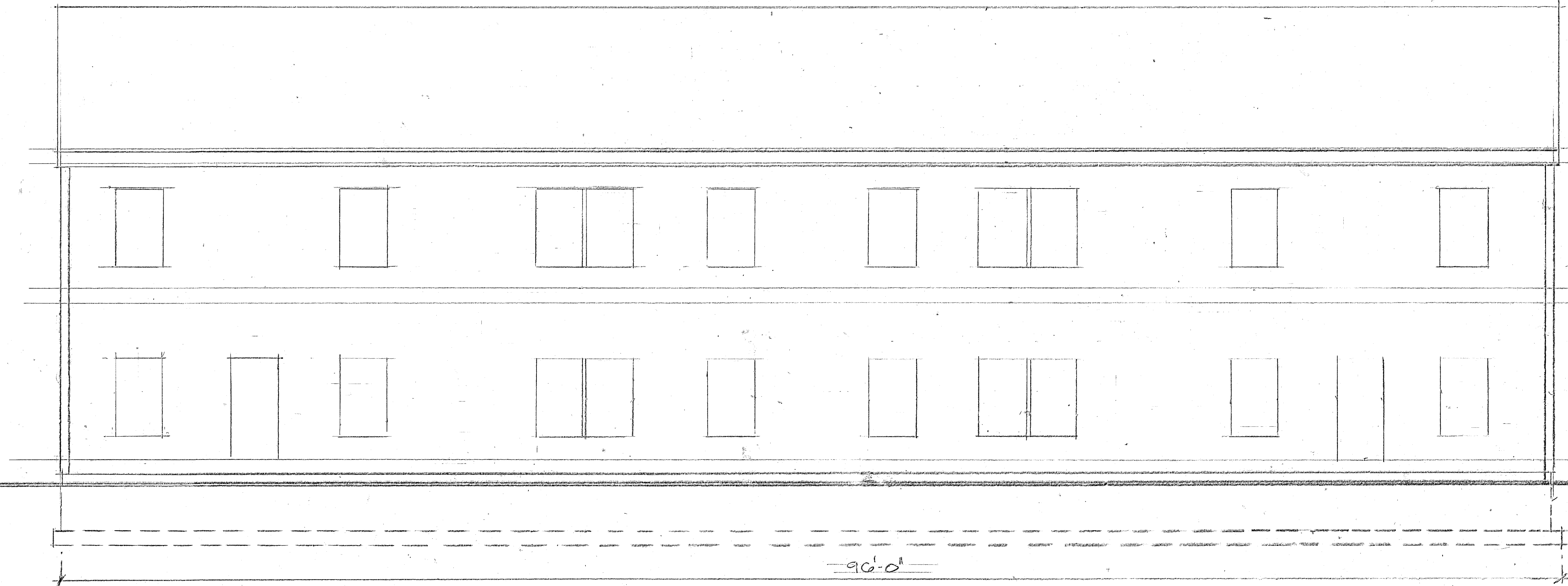
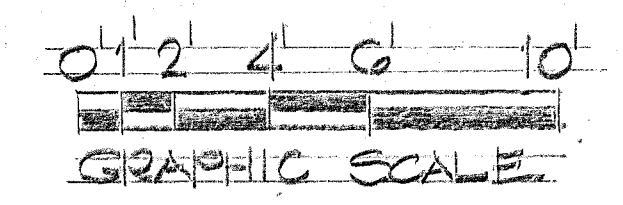


PROPOSED DUPLEX ELEVATION  
SCALE: 1/4" = 1'-0"

BLDG. 4

DATE APPROVED \_\_\_\_\_  
DATE ENDORSED \_\_\_\_\_

MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD



REAR ELEVATION - DUPLEX BLDG. 4  
SCALE: 1/4" = 1'-0"

cba

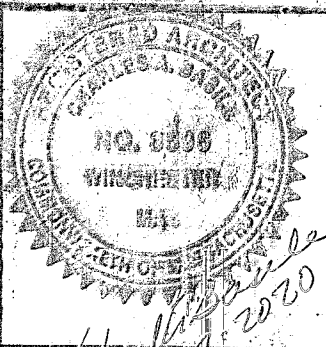
FRONT/REAR ELEVATIONS BLDG. 4  
WILLIAM WALLACE VILLAGE  
27A VILLAGE STREET  
MEDWAY, MASSACHUSETTS

DATE: 10.20  
DRAWN BY: EAS  
SCALE: 1/4" = 1'-0"  
REVISED: 2.21.20

DWG. NO.

13





CHARLES A. BASILE - ARCHITECT  
200 SHANTON STREET  
SUITE T-31  
WINCHESTER, MA 01890  
(CELL) 603-316-9281

cba

FIRST AND SECOND FLOOR PLANS - BLDG. 5  
WILLIAM WALLACE VILLAGE  
974 VILLAGE STREET  
MEDFORD, MASSACHUSETTS

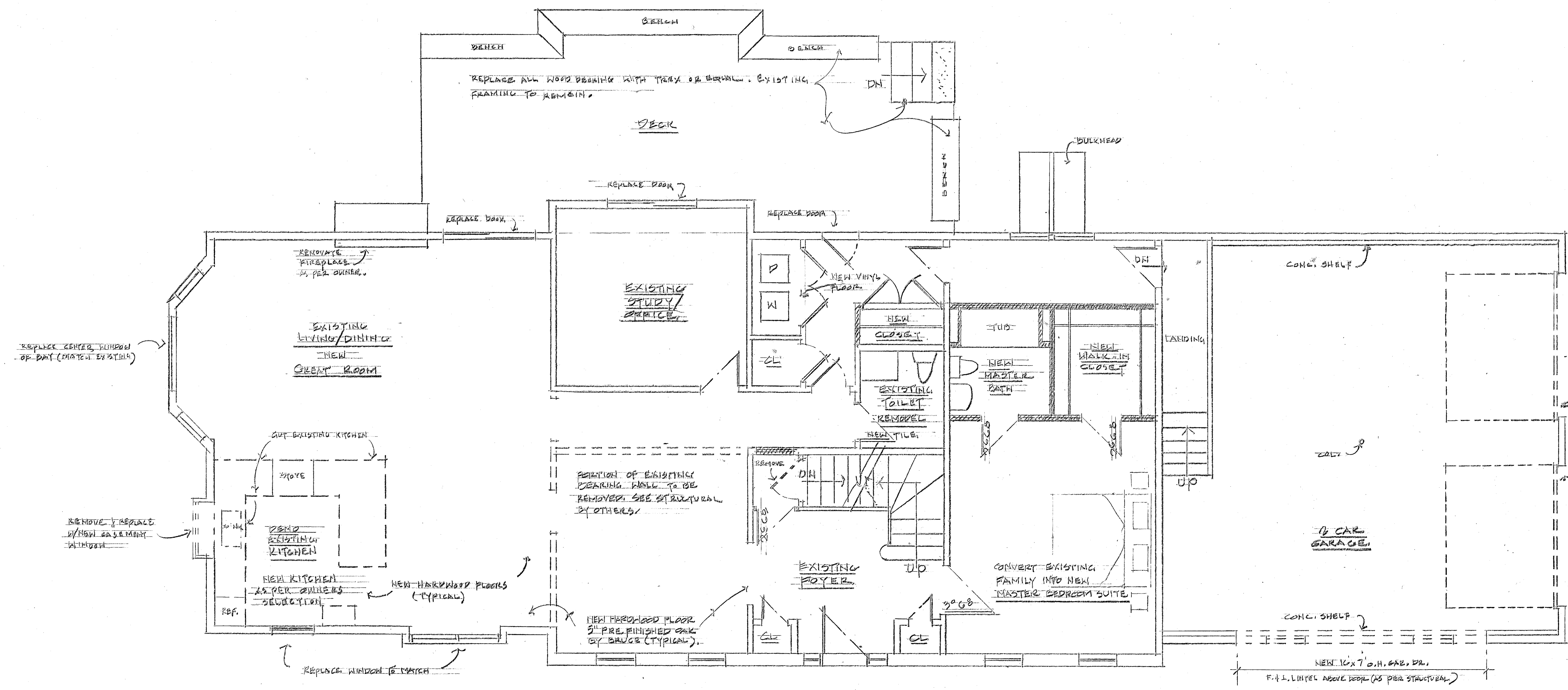
DATE: 1.20.10  
DRAWN BY: OAB  
SCALE: 1/4" = 1'-0"  
REVISED: 2.21.10

DATE: 1.20.10  
DRAWN BY: OAB  
SCALE: 1/4" = 1'-0"  
REVISED: 2.21.10  
MEDFORD PLANNING AND ECONOMIC  
DEVELOPMENT BOARD  
Dwg. No. A6

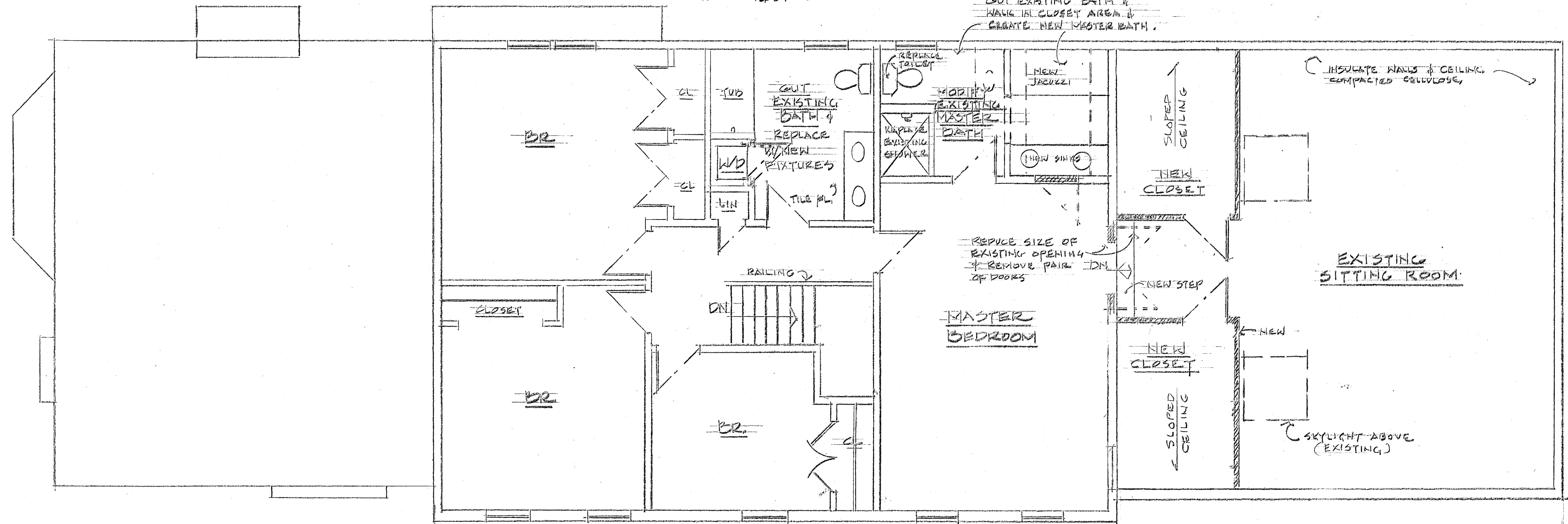
CERTIFY THAT THIS  
PLAN HAS BEEN  
PREPARED IN CONFORMITY  
WITH THE RULES AND  
REGULATIONS OF THE  
REGISTERS OF DEEDS  
OF THE COMMONWEALTH  
OF MASSACHUSETTS.

DATE: 2.2.10  
REGISTERED ARCHITECT

RELOCATE GARAGE ENTRANCE TO  
FRONT OF HOUSE AND INFILL EXISTING  
OPENINGS. (PATCH TO MATCH EXISTING) - Charles A. Basile



FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

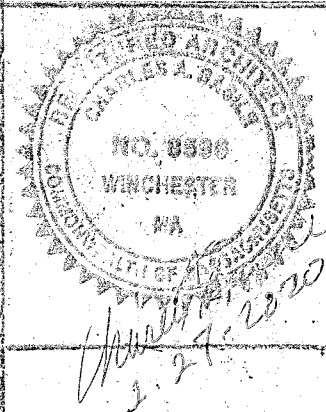


SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

DATE APPROVED \_\_\_\_\_  
DATE ENDORSED \_\_\_\_\_  
\_\_\_\_\_

0' 1' 2' 4' 6' 10'  
GRAPHIC SCALE



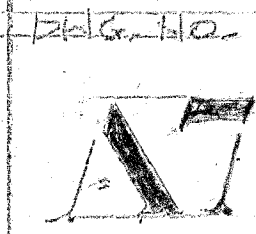


CHARLES A. BADER, ARCHITECT  
200 SHANTON STREET  
SUITE 101  
WILMINGTON, MA 01890  
(508) 603-3181



FRONT & SIDE ELEVATIONS BLDG. 5  
WILLIAM WALLACE VILLAGE  
274 VILLAGE STREET  
WILMINGTON, MASSACHUSETTS

DRAWN BY: CAP  
SCALE: 1/4" = 1'-0"  
REVISED: 2/21/20



I CERTIFY THAT THIS  
PLAN HAS BEEN  
PREPARED IN CONFORMITY  
WITH THE RULES AND  
REGULATIONS OF THE  
REGISTERS OF DEEDS  
OF THE COMMONWEALTH  
OF MASSACHUSETTS.

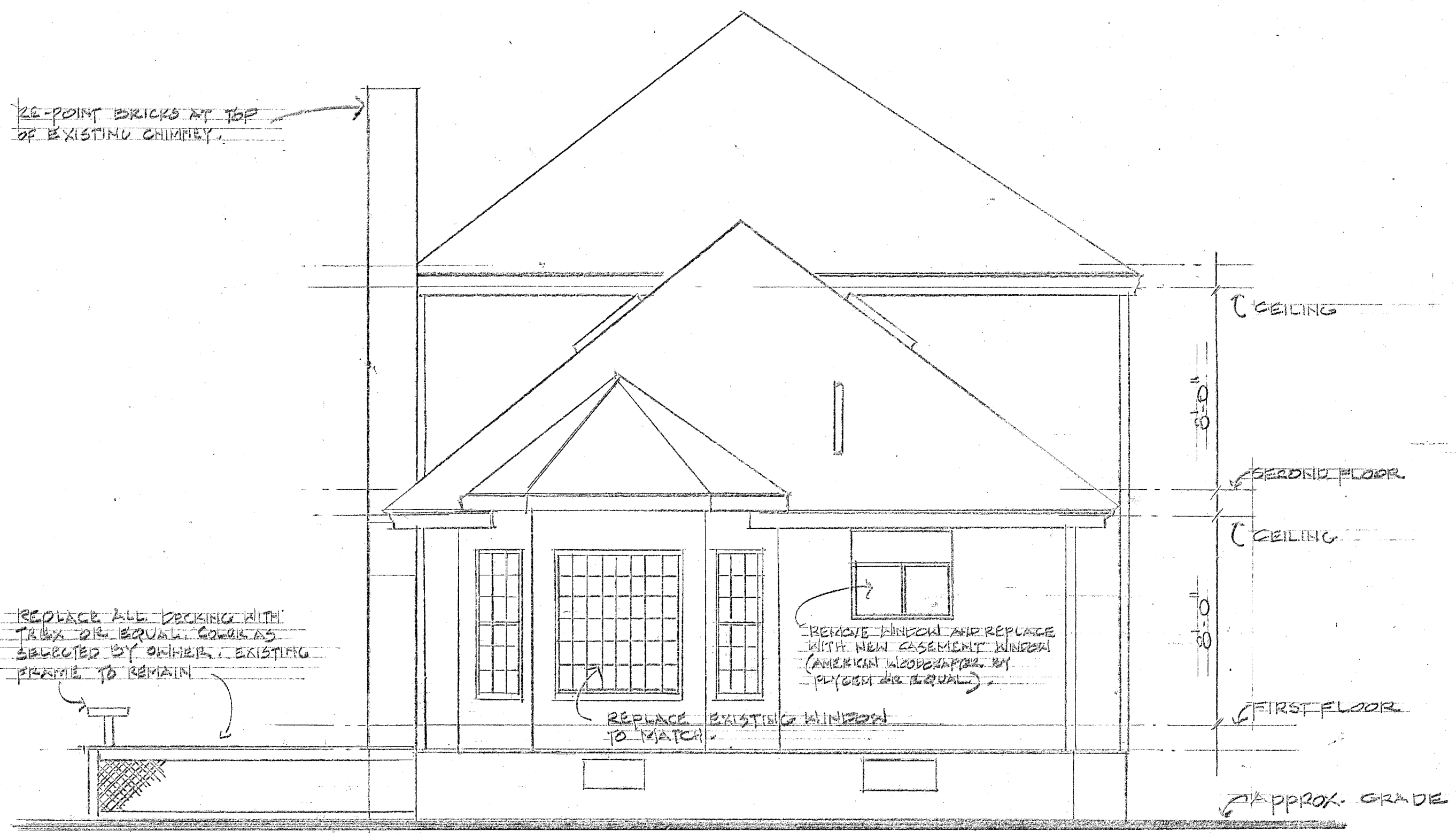
DATE: 2-27-20  
*Charles A. Bader*  
REGISTERED ARCHITECT

DATE APPROVED \_\_\_\_\_  
DATE ENDORSED \_\_\_\_\_  
MEDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD

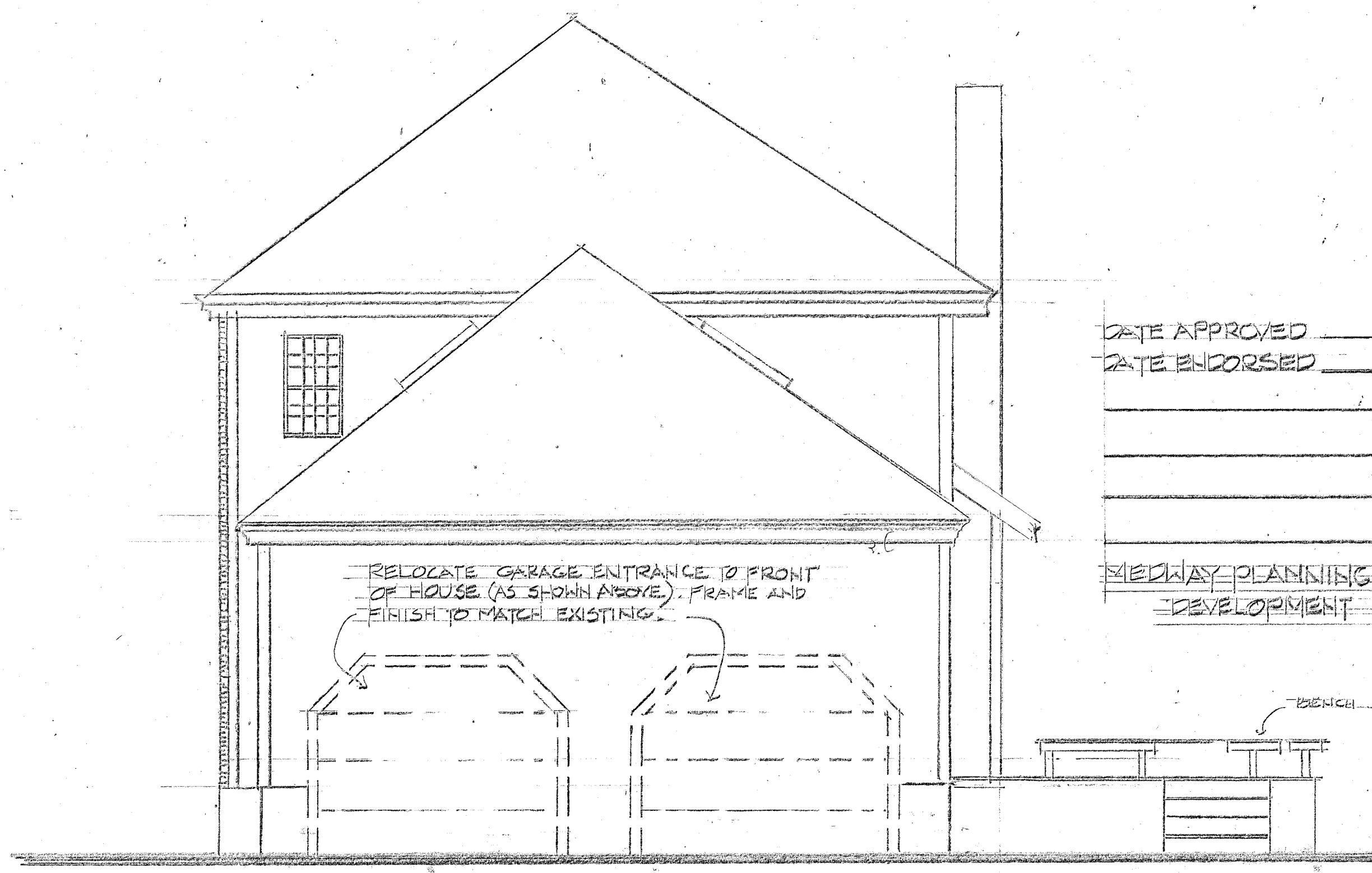


FRONT ELEVATION  
(EXISTING HOUSE)  
SCALE: 1/4" = 1'-0"

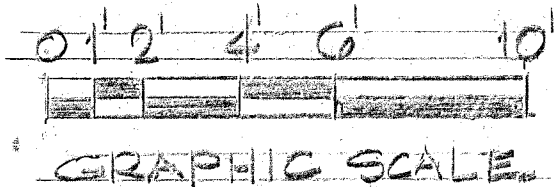
BLDG. 5



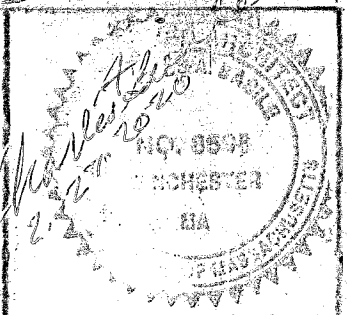
LEFT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



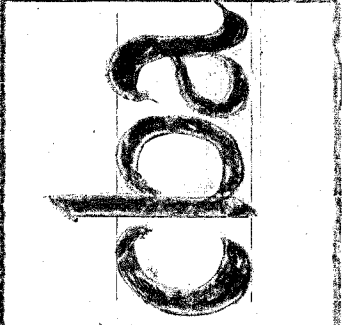
RIGHT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"







CHARLES A. CASILE - ARCHITECT  
200 SWANTON STREET  
SUITE 1-31  
MILCHESTER, MA. 01890  
(CELL) 603-318-9251



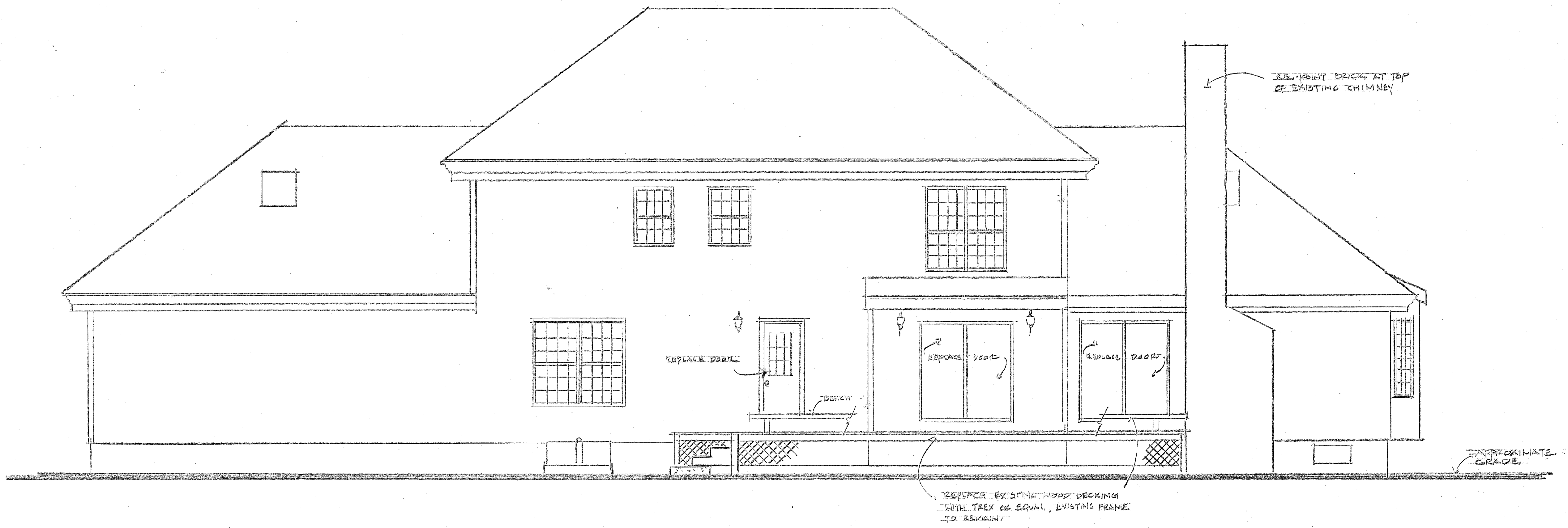
REAR ELEVATION / BASEMENT FLOOR PLAN  
BIDG. 5  
WILLIAM WALLACE VILLAGE  
274 VILLAGE STREET  
MIDWAY, MASSACHUSETTS

DATE: 1.10.20  
DRAWN BY: CCB  
SCALE: 1/4" = 1'-0"  
REVISED: 2.21.20

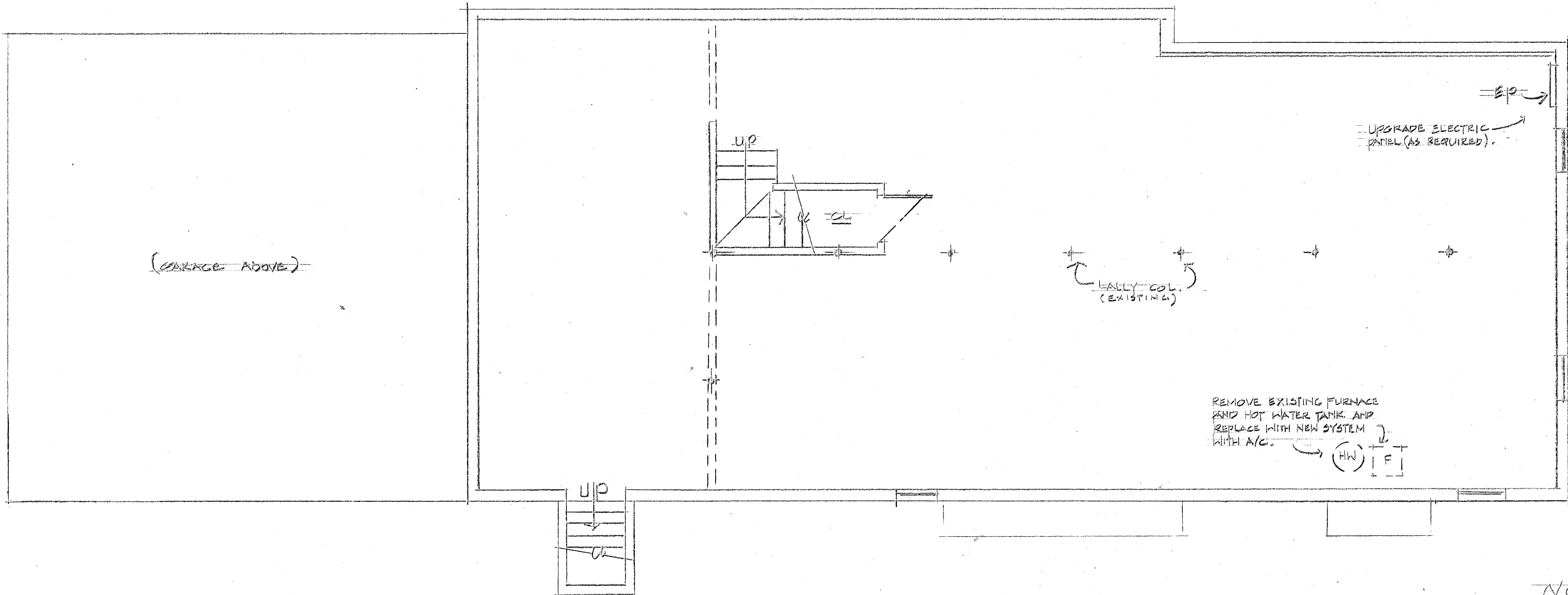
DWG. NO.  
**A3**

CERTIFY THAT THIS  
PLAN HAS BEEN  
PREPARED IN CONFORMITY  
WITH THE RULES AND  
REGULATIONS OF THE  
REGISTERS OF DEEDS  
OF THE COMMONWEALTH  
OF MASSACHUSETTS.

DATE: 2.27.20  
*Charles A. Casile*  
REGISTERED ARCHITECT



REAR ELEVATION  
SCALE: 1/4" = 1'-0"



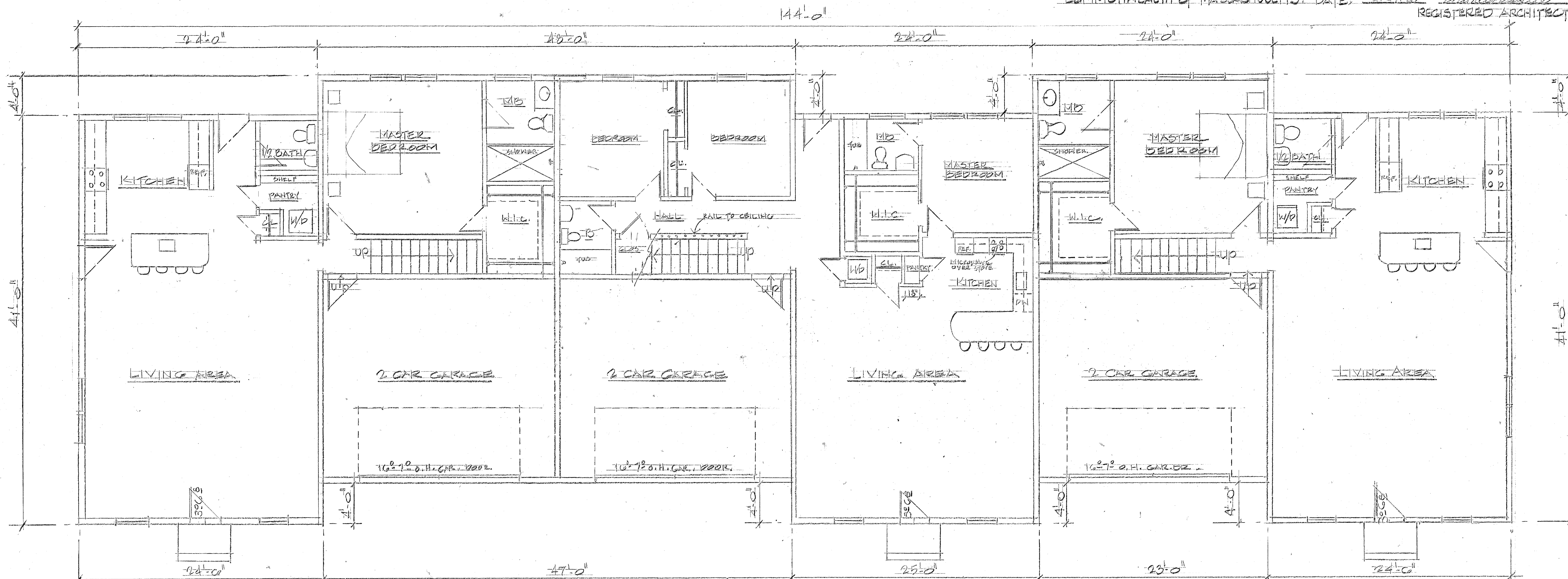
BASEMENT FLOOR PLAN  
SCALE: 1/4" = 1'-0"  
0' 1' 2' 4' 6' 10'  
GRAPHIC SCALE

NOTE:  
BASEMENT PLAN IS SHOWN  
INVERTED TO CORRESPOND WITH  
REAR ELEVATION.

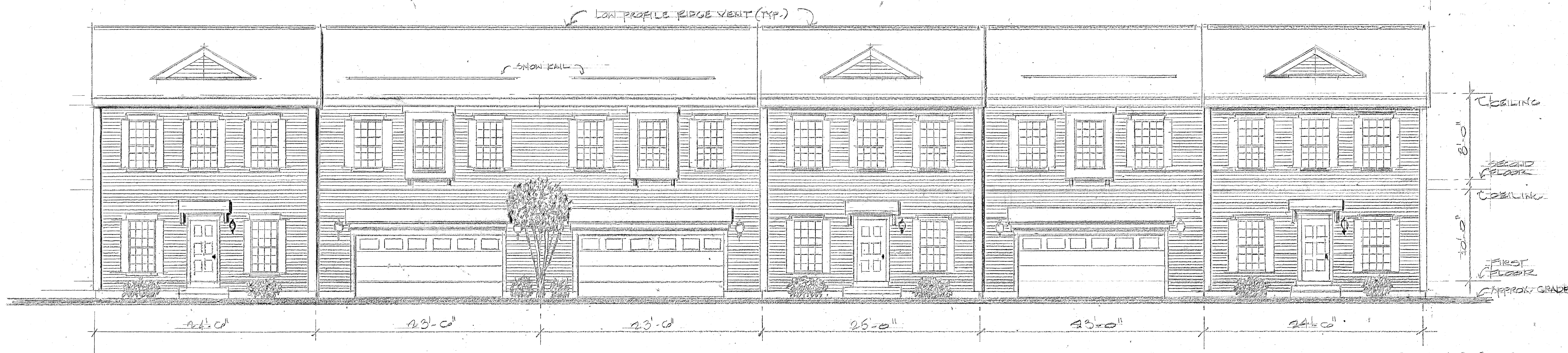
DATE APPROVED \_\_\_\_\_  
DATE ENDORSED \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
MIDWAY PLANNING AND ECONOMIC  
DEVELOPMENT BOARD



CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS. DATE: 2-27-2020 *Charles A. Boyle* REGISTERED ARCHITECT

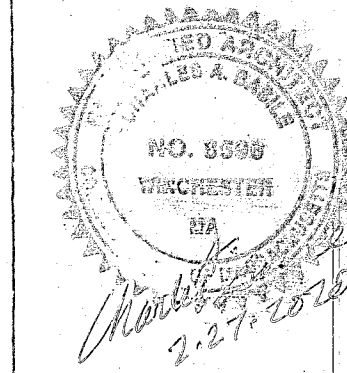


FIRST FLOOR PLAN - TRIPLEX BLDG. 6  
SCALE: 3/16" = 1'-0"  
OPTION 3



FRONT ELEVATION - TRIPLEX BLDG. 6  
SCALE: 3/16" = 1'-0"  
OPTION 3

DATE APPROVED \_\_\_\_\_ BLDGS. 1, 2, 3 & 6  
DATE ENDORSED \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
MIDDAY PLANNING AND ECONOMIC DEVELOPMENT BOARD



CHARLES A. BOYLE ARCHITECT  
300 SNANTON STREET  
SUITE T-31  
WINCHESTER, MA 01890  
(978) 208-8189

cba

TRIPLEX PLAN ELEVATION BLDG. 6  
MIDDAY PLANNING AND ECONOMIC DEVELOPMENT BOARD  
274 VINE STREET  
WINCHESTER, MASSACHUSETTS

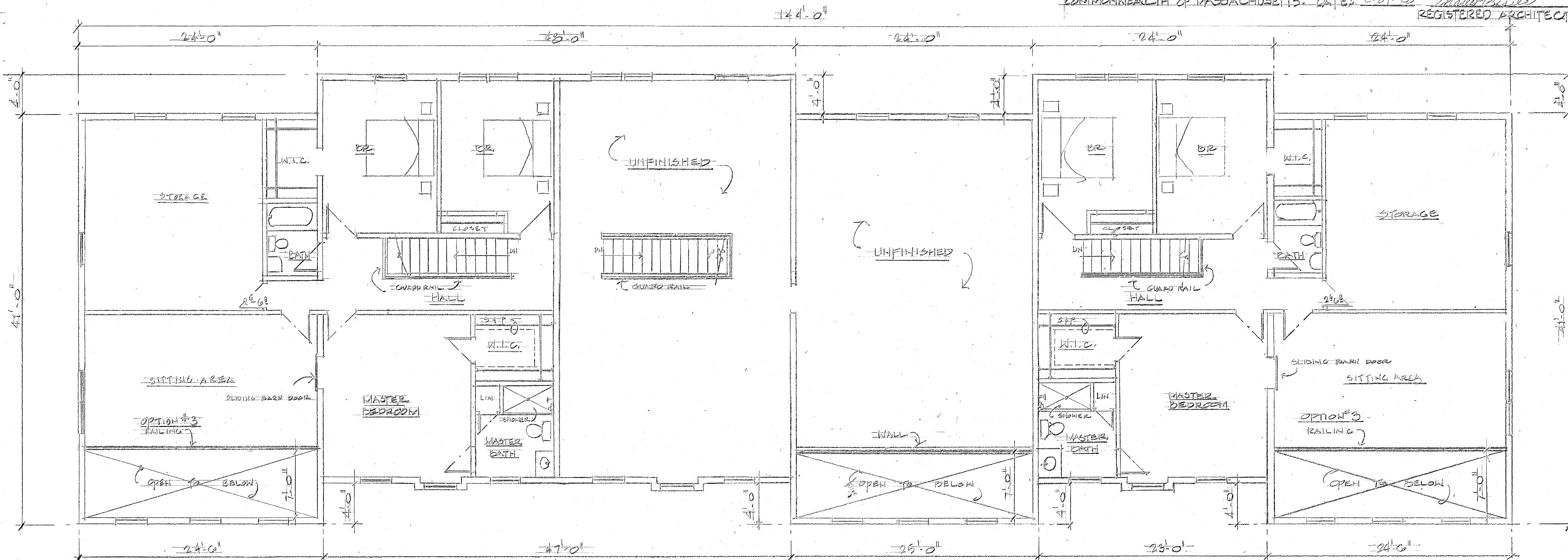
DATE: 1.10.20  
DRAWN BY: CAR  
SCALE: 3/16" = 1'-0"  
REVISED: 2.21.20

DWG. NO.

A9



CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS. DATE: 2-27-20  
 REGISTERED ARCHITECT



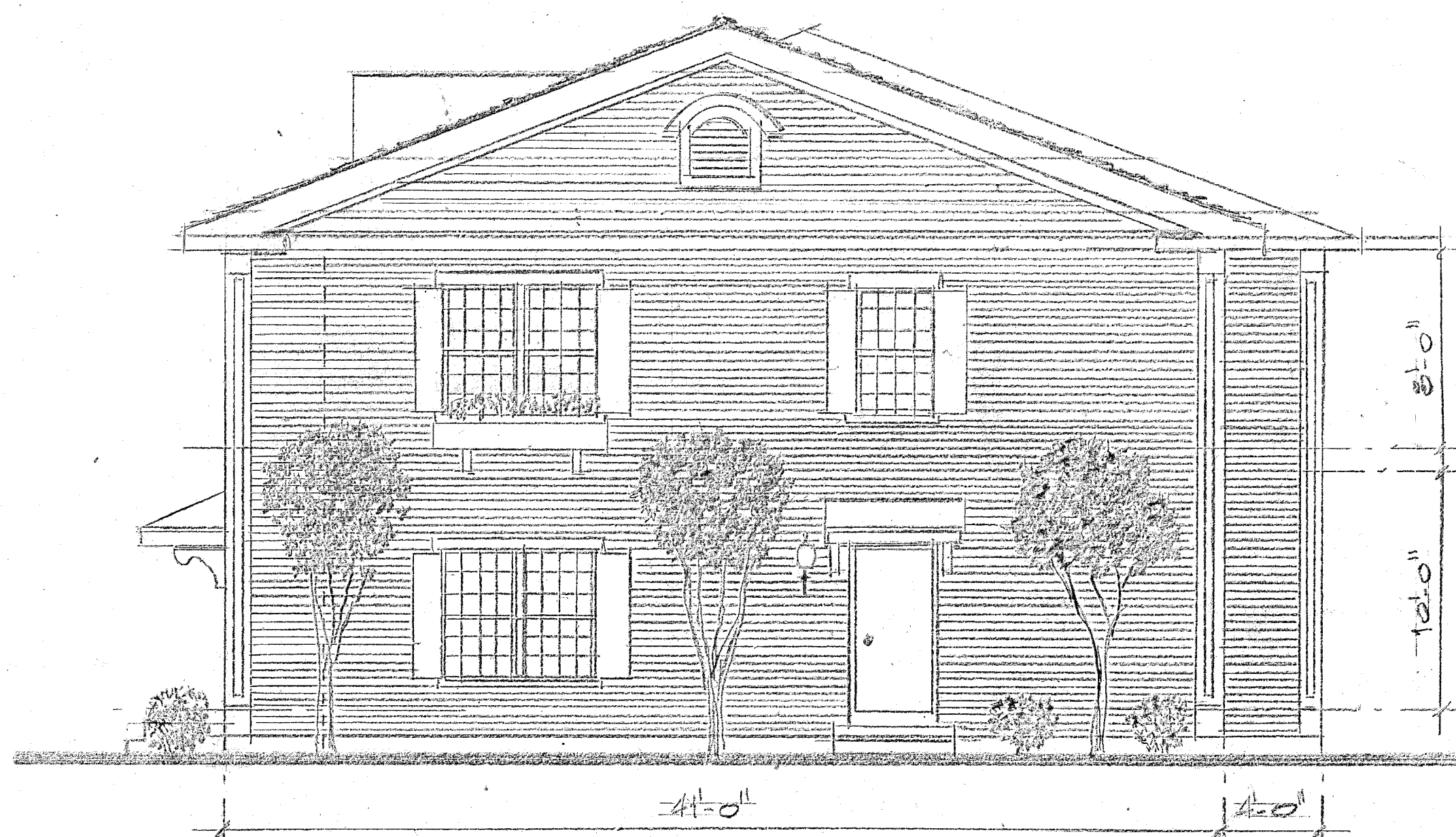
TRIPLEX  
 SECOND FLOOR PLAN  
 SCALE: 3/16" = 1'-0"

BLDG. 6



LEFT SIDE ELEVATION  
 SCALE: 3/16" = 1'-0"  
 BLDGS. 1, 2, 3 & 6

NOTE: LEFT SIDE ELEVATION OF BLDGS. 1, 2 & 3 OFFSET 15'-2'-0" AND 2'-0" SEE PLANS.

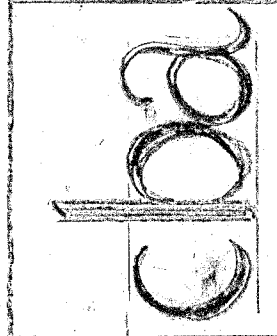


RIGHT SIDE ELEVATION  
 SCALE: 3/16" = 1'-0"  
 GRAPHIC SCALE  
 OPTION 3  
 BLDGS. 1, 2, 3 & 6

DATE APPROVED \_\_\_\_\_  
 DATE ENDORSED \_\_\_\_\_  
 MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD



CHARLES A. BASILE - ARCHITECT  
 200 SHANTON STREET  
 SUITE 1-31  
 WINCHESTER, MA. 01890  
 (617) 623-2318-9951



TRIPLEX PLAN & ELEVATIONS - BLDG. 6  
 WILLIAM WALLACE VILLAGE  
 274 VILLAGE STREET  
 MEDWAY, MASSACHUSETTS

DATE: 1.10.20  
 DRAWN BY: CBA  
 SCALE: 3/16" = 1'-0"  
 REVISED: 2/2/20

BLDG. NO.  
 A10





**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)

**Board Members**

Andy Rodenhiser, Chair

Robert Tucker, Vice  
Chair

Thomas Gay, Clerk

Matthew Hayes, P.E.,  
Member

Richard Di Iulio,  
Member

**Staff**

Susan Affleck-Childs,  
Planning and Economic  
Development  
Coordinator

**MULTI-FAMILY HOUSING SPECIAL PERMIT  
and SITE PLAN DECISION  
William Wallace Village  
274 & a portion of 276 Village Street  
APPROVED with Waivers and Conditions**

**Decision Date:** January 28, 2020

**Name of Applicant/Permittee:** DTRT, LLC

**Address of Applicant:** DTRT, LLC  
PO Box 95  
Truro, MA 02666

**Name/Address of Property Owners:**

DTRT, LLC  
PO Box 95  
Truro, MA 02666

Keith and Judith Spinney  
276 Village Street  
Medway, MA 02053

**Engineer:** Daniel Merrikin, P.E.  
Legacy Engineering, LLC  
730 Main Street  
Millis, MA 02054

**Site Plan:** William Wallace Village  
Dated July 1, 2019, last revised December 27, 2019 by  
Legacy Engineering of Millis, MA

**Location:** 274 and a portion of 276 Village Street

**Assessors' Reference:** Map 55, Parcel 55 and a portion of Parcel 54

**Zoning District:** Agricultural Residential II  
Multi-Family Housing Overlay District

RECEIVED

JAN 29 2020

TOWN CLERK





**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)

**Board Members**

Andy Rodenhiser, Chair

Robert Tucker, Vice  
Chair

Thomas Gay, Clerk

Matthew Hayes, P.E.,  
Member

Richard Di Iulio,  
Member

**Staff**

Susan Affleck-Childs,  
Planning and Economic  
Development  
Coordinator

**MULTI-FAMILY HOUSING SPECIAL PERMIT  
and SITE PLAN DECISION  
William Wallace Village  
274 & a portion of 276 Village Street  
APPROVED with Waivers and Conditions**

**Decision Date:** January 28, 2020

**Name of Applicant/Permittee:** DTRT, LLC

**Address of Applicant:** DTRT, LLC  
PO Box 95  
Truro, MA 02666

**Name/Address of Property Owners:**

DTRT, LLC  
PO Box 95  
Truro, MA 02666

Keith and Judith Spinney  
276 Village Street  
Medway, MA 02053

**Engineer:** Daniel Merrikin, P.E.  
Legacy Engineering, LLC  
730 Main Street  
Millis, MA 02054

**Site Plan:** William Wallace Village  
Dated July 1, 2019, last revised December 27, 2019 by  
Legacy Engineering of Millis, MA

**Location:** 274 and a portion of 276 Village Street

**Assessors' Reference:** Map 55, Parcel 55 and a portion of Parcel 54

**Zoning District:** Agricultural Residential II  
Multi-Family Housing Overlay District

**I. PROJECT DESCRIPTION** – The Applicant proposes to develop a 12-unit residential condominium community at 274 Village Street and a small portion of 276 Village Street which is to be conveyed to the Applicant. The combined area of the site is 158,077 sq. ft. The project includes construction of one 3-unit building, four duplex buildings and the renovation of the existing single family house; the units will range in size from 2 – 4 bedrooms. One dwelling unit shall be available for sale to a low or moderate income household and comply with the requirements for inclusion on the Subsidized Housing Inventory (“SHI”) compiled by the Massachusetts Department of Housing and Community Development (“DHCD”) pursuant to Massachusetts General Laws, Chapter 40B, §§20-23 (the “affordable housing units”).

Access to the development will be from Village Street via a permanent, private roadway to be known as Sterling Circle. A total of 52 parking spaces will be provided (2 in the garage and 2 in the driveway for each of the 12 units plus 4 spots for visitors and guests). The existing gym building at 274 Village Street will be demolished. Sub-surface stormwater management facilities will be installed on site as will landscaping and lighting. Connections will be made to the existing Town sewer and water services on Village Street.

The proposed use requires a multi-family housing special permit pursuant to Sections 5.6.4 and 3.4 of the Town of Medway *Zoning Bylaw* (the “Bylaw”) and site plan review and approval pursuant to Section 3.5 of the *Bylaw*.

The property includes resources under the jurisdiction of the Medway Conservation Commission and is subject to the provisions of Article XXVII of the Medway General Bylaws, Stormwater Management and Land Disturbance.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on January 28, 2020, on a motion made by Matthew Hayes and seconded by Tom Gay, *voted to grant with CONDITIONS a Multi-Family Housing Special Permit to DTRT, LLC of Truro, MA (hereafter referred to as the Applicant or the Permittee) and to approve with WAIVERS and CONDITIONS as specified herein, a site plan for the construction of a twelve unit, condominium development and associated site improvements on the property at 274 and a portion of 276 Main Street as shown on the plan titled William Wallace Village dated July 1, 2019, last revised December 27, 2019 to be further revised as specified herein before endorsement and recording.*

The motion was approved by a vote of four in favor and one opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	Yes
Matthew Hayes	Yes
Thomas A. Gay	Yes
Andy Rodenhiser	Yes
Robert Tucker	No

### **III. PROCEDURAL HISTORY**

- A. July 1, 2019 – Special permit and site plan applications and associated materials filed with the Board and the Medway Town Clerk

- B. July 2, 2019 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. July 8, 2019 - Public hearing notice mailed to abutters by certified sent mail.
- D. July 9, 2019 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. July 8, 2019 and July 16, 2019 - Public hearing notice advertised in *Milford Daily News*.
- F. July 23, 2019 - Public hearing commenced. The public hearing was continued to August 27, September 10, September 24, October 22, November 5, and December 3, 2019 and to January 14 and January 28, 2020 when the hearing was closed and a decision rendered.

#### **IV. INDEX OF SITE PLAN/SPECIAL PERMIT DOCUMENTS**

- A. The special permit application for the proposed William Wallace Village condominium development included the following plans, studies and information that were provided to the Board at the time the application was filed:
  - 1. Multifamily Housing Special Permit application dated July 1, 2019 with Special Permit Narrative prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
  - 2. Major Site Plan application dated July 1, 2019 with Site Narrative prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
  - 3. *William Wallace Village site plan*, dated July 1, 2019 prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
  - 4. Certified Abutters List from Medway Assessor's office dated May 29, 2019
  - 5. *Development Impact Statement* for William Wallace Village, dated June 25, 2019, prepared by Legacy Engineering, LLC.
  - 6. Requests for Waivers from *Site Plan Rules and Regulations* dated June 25, 2019, prepared by Legacy Engineering, LLC.
  - 7. Quit Claim deed dated March 31, 2019 conveying 274 Village Street from McKenna/Dowley to DTRT, LLC.
  - 8. *Stormwater Report* for William Wallace Village, dated June 25, 2019, prepared by Legacy Engineering, LLC.
  - 9. Building architectural plans including elevations and floor plan, undated, unattributed, received July 1, 2019.
- B. During the course of the Board's review, revised plans and a variety of other materials were submitted to the Board by the Applicant and its representatives:
  - 1. *William Wallace Village site plan*, revised September 4, 2019, prepared by Daniel Merrikin, P.E. Legacy Engineering, LLC.
  - 2. *William Wallace Village site plan*, revised October 7, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering LLC.
  - 3. *William Wallace Village site plan*, revised October 22, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering LLC.



4. *William Wallace Village* revised concept plan/progress print dated November 26, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.
5. *William Wallace Village* site plan, revised December 27, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.
6. *Stormwater Report* for William Wallace Village, revised September 4, 2019, prepared by Legacy Engineering, LLC.
7. *Stormwater Report* for William Wallace Village, revised October 7, 2019 prepared by Legacy Engineering, LLC.
8. *Stormwater Report* for William Wallace Village, revised October 22, 2019 prepared by Legacy Engineering, LLC.
9. *Stormwater Report* for William Wallace Village, revised December 27, 2019 prepared by Legacy Engineering, LLC.
10. *Landscape Plan for William Wallace Village*, dated August 9, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick, MA.
11. *Landscape Plan for William Wallace Village*, revised September 11, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick, MA.
12. *Landscape Plan for William Wallace Village*, revised November 2, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick MA.
13. *Landscape Plan for William Wallace Village*, revised January 8, 2020 prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick MA.
14. Email communication dated July 29, 2019 from Daniel Merrikin, P.E., Legacy Engineering LLC. regarding the applicability of the *Scenic Road Rules and Regulations* to the subject site.
15. Response letters dated September 5, 2019, October 7, and October 22, 2019 from Daniel Merrikin, P.E., Legacy Engineering LLC. to the plan review letters from Tetra Tech and PGC Associates.
16. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received September 23, 2019.
17. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received November 27, 2019.
18. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received December 10 and 11, 2019.
19. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received January 8, 2020
20. Resubmission letters dated October 23, 2019 and December 27, 2019 from Daniel Merrikin, P.E., Legacy Engineering LLC. with revised site plan.
21. Additional Requests for Waivers from *Site Plan Rules and Regulations* dated September 2 and September 4, 2019, prepared by Legacy Engineering, LLC.
22. Sewer Calculations dated August 21, 2019 prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.

23. William Wallace Village *Fire Circulation Plan of Land* dated September 4, 2019 prepared by Legacy Engineering, LLC.
  24. Email communication dated October 17, 2019 from applicant Larry Rucki
  25. Letter dated November 4, 2019 from Daniel Merrikin, P.E., Legacy Engineering summarizing proposed additional site landscaping
  26. DRAFT waiver pursuant to M.G.L. c 40A, §6 regarding compliance with changes to the *Bylaw* approved November 18, 2019.
  27. Email from Larry Rucki dated January 4, 2020 requesting the Board's authorization to allow construction on one duplex building while the infrastructure is being installed.
  28. Letter dated January 14, 2020 from Daniel Merrikin, P.E., Legacy Engineering summarizing proposed site landscaping pursuant to the revised site plan dated December 27, 2019 with 12 units.
- C. Other documentation submitted to the Board during the course of the public hearing:
1. PGC Associates plan review letters dated August 1, 2019 and September 23, 2019
  2. Tetra Tech plan review letters dated July 31, 2019 and September 15, 2019
  3. ANR Plan of Land dated July 15, 2019, revised July 19, 2019, prepared by Colonial Engineering, Inc. of Medway, MA, endorsed by PEDB on July 30, 2019. The ANR plan shows the splitting off a 5,858 sq. ft. portion of 276 Village Street to be conveyed by owners Keith and Judith Spinney to DTTRT, LLC and the splitting off a 2,924 sq. ft. portion of 274 Village Street to be conveyed by DTTRT, LLC to Keith and Judith Spinney.
  4. Design Review Committee comment memorandum dated September 10, 2019
  5. Design Review Committee comment memorandum dated October 21, 2019.
  6. Review comment letter dated July 11, 2019 from Medway Police Safety Officer Sergeant Jeffrey Watson.
  7. William Wallace Village site plan mark-ups from DPW Director Dave D'Amico dated July 11, 2019
  8. Memorandum from Community and Economic Development Director Barbara Saint Andre dated August 1, 2019 regarding definition of a multi-family development.
  9. Email from Fire Chief Jeff Lynch dated October 18, 2019
  10. Email from DPW Water and Sewer Superintendent Barry Smith dated October 22, 2019 re: sewer connection
  11. Order of Conditions and Land Disturbance Permit dated October 28, 2019 issued by the Medway Conservation Commission
  12. Amended Order of Conditions and Land Disturbance Permit dated January 28, 2020 issued by the Medway Conservation Commission
  13. Email dated 11-5-2019 from Steve Bouley, P.E., Tetra Tech, dated 11-5-2019.
  14. Email from dated 11-5-2019 from DPW Director Dave D'Amico re: sewage treatment capacity

15. Project review letter from Matthew Buckley, Design Review Committee Chairman dated January 21, 2010.
16. Sales price information for townhouse type units in Medway from December 2017 – May 2019, by Medway Assessors' office, compiled 1-14-2020.

**V. TESTIMONY** - In addition to the special permit and site plan review application materials as submitted and provided during the course of its review, the Board heard and received verbal testimony from:

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Commentary provided throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Commentary provided throughout the public hearing process.
- Daniel Merrikin, P.E., Legacy Engineering, LLC, engineer for the Applicant – Commentary provided throughout the public hearing process
- Larry Rucki, Applicant
- Abutter James Rucki, 1 Bedelia Lane
- Abutter Wayne Brundage, 268 Village Street
- Abutter Scott Peterson, 6 Forest Road
- Abutter Patricia Muratori, 8 Forest Road

**VI. FINDINGS** - The Board, at its meeting on January 14, 2020, on a motion made by Matthew Hayes and seconded by Richard Di Iulio, voted to approve the following **FINDINGS** regarding the site plan and special permit applications for the proposed William Wallace Village located at 274 and a portion of 276 Village Street. The motion was approved by a vote of four in favor (Di Iulio, Gay, Hayes and Rodenhiser) and one opposed (Tucker).

**MULTIFAMILY HOUSING SPECIAL PERMIT** - The Board makes the following findings in relation to this development's compliance with Section 5.6.4 Multifamily Housing of the *Bylaw*.

Applicability

- 1) Location - *The site is within the Multifamily Housing Overlay District (Section 5.6.4) and thus eligible for the multifamily housing proposal.*
- 2) Traffic capacity - *Village Street is a major artery within the town and has sufficient capacity to handle the traffic from the 12 units that are proposed. The 12 units do not rise to the level of triggering the requirement of a traffic study.*
- 3) Parcel size & frontage – *Following the land swap proposed for Parcels A and B, the site will consist of 3.62 acres, which exceeds the minimum area requirement of 22,500 square feet. The site has more than 50 feet of frontage on Village Street, so it meets the frontage requirement of Section 5.6.4.B (1) of the Bylaw.*

Dimensional

- 4) Dimension adjustments – *The dimensional requirements of the underling AR-II zoning district apply to the project, as set forth in Table 2 of Section 6 of the Bylaw. The plan shows a front building setback of 73.6 feet from Village Street. The minimum front setback for the AR-II district is 35 feet. The plan shows a side setback of 16' where the minimum required is 15'. The plan shows a rear setback of 36.2 feet*



*where a 15' minimum is required. The plans indicate that the project complies with maximum building coverage requirements (15% provided vs. 30% maximum allowed) and the maximum impervious surface standards (35% provided vs. 40% allowed).*

- 5) Building Height - *As noted on the plans, the height of the six buildings will be approximately 26 feet, less than the maximum 40 feet allowed.*

#### Density

- 6) Density - *The maximum density for multifamily projects is 8 units per whole acre. With 3.62 acres, the site could include a maximum possible 24 dwelling units. With 12 units, the project is well under the allowed maximum.*

#### Special Regulations

- 7) Affordable housing - *At 12 units, 10% (or 1.2 units) must be affordable in accordance with Section 8.6.C. of the Bylaw. The Applicant has decided to provide one affordable housing unit on site and make a cash payment to the Medway Affordable Housing Trust in an amount equal to 20% of the median sales price of Medway market-rate homes comparable in type, size and number of bedrooms over a period of eighteen months prior to the date of application (December 2017 – May 2019). That median sales price is \$425,919. The 20% payment amount = \$85,184.*
- 8) Open Space - *A minimum of 15% of the parcel must be open space or yard area. This requirement is met with 51% open space provided.*
- 9) Parking spaces - *Two off-street spaces per unit (24 spaces) are the minimum required per Section 5.6.4 E. 3 of the Bylaw and 52 off-street parking spaces are provided (4 per unit plus 4 visitor spaces).*
- 10) Town water and sewer service - *The project will be served by Town water and sewer.*
- 11) Number of units - *The number of units proposed (12) is less than the 36 unit maximum possible allowed under the Bylaw.*
- 12) Historic Properties - *Existing buildings on the site will be razed but they are not designated as "historically significant buildings" by the Medway Historical Commission.*

#### Decision Criteria

- 13) Meets purposes of Multi-family Housing section of the Bylaw (Section 5.6.4) and the Site Plan Rules and Regulations - *The project meets the following purposes of the Multifamily Housing section of the Bylaw: (1) It provides a diversity of housing types in the form of townhouse style units, and (2) increases the number of affordable housing units in the community. It also meets the purpose of the Site Plan Rules and Regulations. The plans have been reviewed by Town officials, the Consulting Engineer and Consulting Planner to ensure that the health, safety and welfare of Town residents is protected. Impacts on traffic, parking, drainage, environmental quality, community economics and community character were considered.*
- 14) Consistent with the Medway Housing Production Plan - *The project is consistent with Medway's Housing Production Plan in that it includes one new affordable housing unit. The development also meets the implementation strategies of*

*encouraging the use of the Multifamily Housing special permit provision of the Bylaw and providing additional options for duplexes and multifamily housing.*

- 15) Impact on abutting properties and adjacent neighborhoods - *The impact on abutting properties and adjacent neighborhoods has been addressed through vegetative screening, elimination of a possible driveway connecting William Wallace Village to the adjacent property on Bedelia Lane, provision of plentiful, on-site guest parking, and the aesthetics of the buildings.*
- 16) Variety of housing stock - *The development increases the variety of housing stock in the community by providing four duplex buildings, and one 3-unit building.*
- 17) Designed to be reflective of or compatible with the character of the surrounding neighborhood - *The surrounding neighborhood includes a mix of housing types including single family, multi-family, and a complex of independent living cottages and assisted living units currently under construction. Therefore, the proposed development is compatible with the surrounding neighborhood.*

**SPECIAL PERMIT DECISION CRITERIA** – Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed multifamily housing use 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. The Board makes the following findings in accordance with Section 3.4 of the *Bylaw*. In making its determination, the special permit granting authority, in addition to any to any specific factors that may be set forth in other sections of the *Bylaw*, shall make findings on all of the applicable criteria specified below:

- 1) The proposed site is an appropriate location for the proposed use. *The property abuts an existing multi-family building to the west (Anderson Village), a two-family building and private way to the east, and an abandoned railroad bed to the north. The proposed use is a multifamily development within the Multi-Family Housing Overlay District as approved by Town Meeting. Therefore the proposed use is in an appropriate location.*
- 2) Adequate and appropriate facilities will be provided for the operation of the proposed use. *As documented in the plans and associated materials, and conditioned herein, adequate and appropriate facilities will be provided for the operation of the proposed uses. Town officials, the Town's Consulting Engineer and Consulting Planner have all reviewed the proposed facilities. The project will be serviced by Town water and sewer systems. Private electric and gas utilities will be provided. And the stormwater management system has been designed in accordance with the applicable regulations.*
- 3) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment. *The proposed use adds 11 residential units off a major through street and it is estimated that the development will generate less traffic than the most recent previous use of the Property as a gym. The entrance to the site has more than adequate sight distance and does not create a hazard to abutters, vehicles, or pedestrians. Suitable sidewalk facilities exist on Village Street and within the new development. The proposed stormwater management system has been*

*reviewed by the Town's Consulting Engineer and will not present a hazard to the environment.*

- 4) The proposed use will not cause undue traffic congestion or conflicts in the immediate area. *Village Street has the capacity to handle the traffic from 12 residential units. The development is expected to generate less traffic than the most recent previous gym use. The entrance has been designed for maximum sight distance so the development will not cause undue traffic congestion or conflicts.*
- 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. *The Applicant has provided documentation reviewed by the Town's Consulting Engineer and the Conservation Commission that its stormwater management plan is adequate to prevent flooding. The development will utilize residential style driveway lanterns instead of traditional parking lot lighting. The plans also document that there is no light trespass. Household refuse will be disposed of by curb-side pickup along the private roadway by private collection service. There will be no detrimental impact on abutters due to odors, dust, noise, vibration, refuse materials or other undesirable impacts.*
- 6) The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district. *The proposed use is within the Multi-Family Housing Overlay District. It is adjacent to a two-family building and multifamily development (Anderson Village) and is nearby an independent and assisted living development currently under construction (Salmon Willows) and thus will not alter the character of the neighborhood*
- 7) The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw. *The Multi-Family Housing Overlay District was established to accommodate this type of use subject to certain conditions to limit adverse impacts. The proposed use is in harmony with the general purpose and intent of the Bylaw.*
- 8) The proposed use is consistent with the goals of the Medway Master Plan. *The proposed use is consistent with the Master Plan goals of identifying housing needs and implementing projects to meet those needs such as increasing housing diversity and the number of affordable housing units.*
- 9) The proposed use will not be detrimental to the public good. *As documented in the plans and application, and the findings and conditions of this decision, the proposed use is in accordance with the goals of the Master Plan while protecting against potential adverse impact. The proposed development has reasonable and appropriate density in a suitable location.*

*For all of the above reasons, the Board finds that the beneficial impacts of the proposed William Wallace Village outweigh the effects of the proposed use on the Town and neighborhood.*

**SITE PLAN RULES AND REGULATIONS FINDINGS** – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Board makes the following findings in accordance with Section 204-8 of the



*Site Plan Rules and Regulations, as amended December 3, 2002, and Section 3.5 of the Bylaw:*

- 1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized? *The plan has been thoroughly reviewed by Town officials, the Consulting Engineer and Consulting Planner. No access from minor streets is necessary or available, there is no backing onto a public way, and Village Street is adequate to safely handle the additional traffic from the 11 new housing units.*
- 2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places? *The proposed buildings are residential and their scale and materials are suitable for the site and use. The design has been reviewed by the Design Review Committee and is acceptable for its location. The buildings are located well off Village Street and are mostly not visible from the public way. There are no distinguishing buildings in the vicinity with which the proposed buildings would conflict in terms of character, materials and scale.*
- 3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned. *The buildings are mostly set back off Village Street and are a residential use so there is no outside storage, large intrusive parking lots, or dumpsters. Appropriate vegetation is proposed to screen the development from abutting residences.*
- 4) Is adequate access to each structure for fire and service equipment provided? *The proposed structures are accessible from the driveways and are located relatively close to the street. The Fire Chief has reviewed the plans and not identified any access issues. All buildings will have sprinklers installed.*
- 5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?
  - a) the volume of cut and fill;
  - b) the number of trees to be removed with particular care taken with mature trees and root systems;
  - c) the visual prominence of man-made elements not necessary for safety;
  - d) the removal of existing stone walls;
  - e) the visibility of building sites from existing streets;
  - f) the impacts on waterways and environmental resource areas;
  - g) soil pollution and erosion;
  - h) noise.

*The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and the Conservation Commission. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the residential neighborhood. Visibility is limited from Village Street. No stone walls are being removed. The subject site was previously disturbed so the impact on the environment is minimal.*

- 6) Is pedestrian and vehicular safety both on the site and egressing from it maximized? *The proposed use adds 11 residential units off a major street. The entrance to the site has adequate sight distance and does not create a hazard to abutters, vehicle, or pedestrians. There is sidewalk along the north side of Village Street adjacent to the subject property. Within the site are 690 linear feet of sidewalk.*
- 7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site? *There are no visually prominent natural or historic features on site.*
- 8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town? *The lighting plan was reviewed by the Board's Consulting Planner and Engineer. The planned site lighting is residential in scale and minimizes light pollution. There is no light spillage off site.*
- 9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? *The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures. The limit of work is reasonable and it protects sensitive environmental resources. The stormwater management system reduces impacts on the sensitive environmental resources.*

**VII. WAIVERS** – At its January 14, 2020 meeting, the Board, on a motion made by Thomas Gay and seconded by Matthew Hayes, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a vote of four in favor (Di Iulio, Gay, Hayes and Rodenhiser) and one opposed (Tucker).

#### **SITE PLAN SUBMITTAL REQUIREMENTS/PLAN CONTENTS**

- 1) **Section 204 – 3.A. 7. A. Traffic Impact Assessment** - A full *Traffic Impact Assessment* is needed if the project involves one or more of the following characteristics:
  - (a) proposes an additional thirty (30) or more parking spaces;
  - (b) contains frontage or proposes access on a public way.

*The Applicant has requested a waiver from this requirement due to the relatively small size of this proposed development (12 units). Instead, the Applicant has provided a general traffic overview as part of the project narrative submitted with the applications. The traffic overview was prepared by project engineer Daniel Merrikin, P.E. of Legacy Engineering and reviewed by Tetra Tech, the Town's Consulting Engineer, which does not believe that a full traffic impact assessment is merited. The development's proposed access and egress is on a straight portion of Village Street that offers more than 1,000 feet of sight distance to the west and more than 500 feet to the east. The estimated traffic generation from the proposed development (5.86 trips per day per dwelling unit) is less than the estimated traffic generated by the most recent active use of the Property for a gym and one*

*single family home. The location is served by a sidewalk on the north side of Village Street, the same side as the proposed development, and provides safe pedestrian access to and from the site. For the foregoing reasons, the Board approves this waiver request.*

- 2) **Section 204 – 3 A. 7. B. Environmental Impact Assessment** - An *Environmental Impact Assessment* is needed if the project involves one or more of the following characteristics:
- (a) proposes an additional thirty (30) or more parking spaces;
  - (b) proposes a building footprint of fifteen thousand (15,000) square feet or greater;
  - (c) proposes to disturb thirty thousand (30,000) square feet of land or greater.

*The Applicant has requested a waiver from this requirement. Due to the presence of wetlands on the property, a Notice of Intent has been filed with the Medway Conservation Commission and the Massachusetts Department of Environmental Protection for site work in the buffer zone of the wetland resources. The Applicant has also filed an application for a Land Disturbance Permit with the Conservation Commission. The site is already disturbed due to its most recent past uses as a single family dwelling and a gym with paved parking at the front of the site. The site had formerly been used for poultry farming and there are a number of abandoned concrete slabs from previously demolished buildings; these will be removed. Given the highly disturbed nature of the site, it does not contain substantive undisturbed animal habitats nor are there any endangered species on the site. Movement of wildlife will not be impeded by the development as there are no large parking areas and the landscaping will include native trees, grasses and bushes. For the foregoing reasons, the Board approves this waiver request.*

- 3) **Section 204-5 C. 3. Existing Landscape Inventory** – 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.

*The Applicant has requested a waiver from this requirement because all trees need to be removed from the site to accommodate the proposed development. Locating the trees on site would be an unnecessary additional expense as there will be no opportunity to retain the existing trees in the interior of the site given the scope of the proposed development. Undertaking this task provides no added value. For the foregoing reasons, the Board approves this waiver request.*

## **SITE PLAN DEVELOPMENT STANDARDS**

- 1) **Section 205-3 B. 2 Internal Site Driveways** - No part of any driveway shall be located within fifteen (15) feet of a side property line.

*The Applicant has requested a waiver from this requirement as it pertains to the location of the main roadway into the development from Village Street. It borders, in part, the eastern boundary of 276 Village Street. The location of the proposed roadway is where the current driveway to the site has been located for many*



years, an existing condition. Moving the driveway 15 feet easterly would eliminate the driveways in front of seven of the residential units, resulting in an inferior site design with parking located on portion of the property facing Village Street. The affected abutter at 276 Village Street (and co-applicant) is satisfied with the driveway location and overall site design as it reflects a land swap with the Applicant and an associated easement over the roadway that will give the abutter access to the rear portion of their property. **The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.**

- 2) **Section 205-6 Parking G. 3. a) Parking Spaces/Stalls** - Car parking spaces/stalls shall be ten (10) feet by twenty (20) feet

*The Applicant has requested a waiver from this requirement seeking authorization for 9' x 18' parking spaces which is consistent with the parking space size provisions of the Bylaw. The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

- 3) **Section 205-6 Parking H. Curbing** – The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

*The Applicant has requested a waiver from this requirement and proposes to use Cape Cod berm in lieu of vertical granite curbing on the perimeter of the parking areas. The curbing elsewhere on the property will be Cape Cod berm. Granite curbing shall be retained for use at the roundings of the entrance and exits to the site. The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

- 4) **Section 205-9. F. Landscaping - 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. The replacement trees may be placed on or off site as recommended by the Board.

*The Applicant has requested a waiver from this standard due to the extensive land clearance which is needed for the site, the consequent extent of tree removal, and the demands of meeting this standard. A general tree inventory performed by Legacy Engineering LLC found that 45 existing trees over 10" in diameter at breast height need to be cleared; the approximate total diameter of those 45 trees is 620". Based on the revised landscape plan dated January 8, 2020, 112 new deciduous trees (ornamental and clump style) and evergreen trees are planned for an estimated total of 253 caliper inches of replacement trees. In addition, 165 shrubs in the common areas are planned throughout the site along with 240 shrub plantings and 333 perennial plants, ornamental grasses and groundcover plantings around building foundations. The Board approves this waiver request*

***as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

**VIII. CONDITIONS** The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this site plan complies with the *Bylaw*, Section 3.4 (Special Permits) and Section 5.6.4 (Multi-Family Housing), is consistent with *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. The Board's issuance of a special permit and site plan approval is subject to the following conditions:

**SPECIFIC CONDITIONS OF APPROVAL**

- A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
  - 1. The maximum number of dwelling units to be developed under this special permit shall be twelve (one unit in the existing building and eleven new units).
  - 2. The tract(s) of land on which this multi-family development will be located shall not be altered or used except:
    - a) as granted by this special permit;
    - b) substantially as shown on the site plan entitled *William Wallace Village* dated July 1, 2019, last revised December 27, 2019, to be modified as referenced herein; and
    - c) in accordance with subsequent approved plans or amendments to this special permit.
  - 3. The tracts of land and buildings comprising William Wallace Village shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided.
- B. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan set for William Wallace Village dated July 1, 2019, last revised December 27, 2019, prepared by Daniel Merrikin, P.E, of Legacy Engineering LLC. including a landscaping plan by Cosmos Associates and architectural drawings including building elevations, floor plans and renderings, shall be further revised to reflect all Conditions and required revisions as specified herein, including those as follows, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.
- C. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the December 27, 2019 site plan shall be revised as follows:
  - 1. Include the list of APPROVED Requests for Waivers

2. Add reference to the architectural elevations, floor plans and renderings to the Legend
  3. Include a new plan revision date
  4. Add language that the development is subject to a performance security Covenant to be executed by the Board and recorded with the special permit and plan.
  5. Add a reference to the Long Term Stormwater Operations and Maintenance Plan to the Legend
- D. ***Other Plan Revisions*** – Prior to plan endorsement, the following plan revisions shall be made to the December 27, 2019 Site Plan.
1. Change all references to “driveway” on all sheets of the plan to “Sterling Circle”
  2. Show the access easement across Sterling Circle for the benefit of Keith and Judith Spinney of 276 Village Street; approximately 25’ wide and 230’ long.
  3. Change “Bedelia Way” to “Bedelia Lane” on all applicable plan sheets.
  4. Denote the elimination of the driveway for Keith and Judith Spinney of 276 Village Street that presently exists on what will become Sterling Circle.
  5. Add information to specify the color and type of the Versa-Lok blocks for the retaining wall to run along approximately 80’ along the western edge of Sterling Circle, both to be approved by the Design Review Committee.
  6. Change the detail for the type of fencing planned for installation adjacent to the 276 Village Street property from a stockade style to be vinyl with a natural, non-glossy wood tone.
  7. Revise information on the building siding color palette pursuant to the October 21, 2019 DRC memorandum, said revised color palette to be approved by the Design Review Committee.
  8. Per the recommendation of the Design Review Committee, the building elevations shall be revised to show consistently square columns on the building units’ front porches/entryways and side porches and the gas stove-bump out on the south façade of unit #1 shall be removed. The building elevation drawings shall also indicate that Clopay Gallery garage doors shall be used on all garages. The plans shall also be dated and attributed to the designer.
  9. A sheet shall be added to the plan set to document the property’s Long Term Stormwater Operations and Maintenance Plan.
  10. Street addresses, as assigned by the Assessor’s office, shall be added to the plan set in addition to the existing unit numbers.
  11. Incorporate the details as specified in the January 21, 2020 review memo from the Medway Design Review Committee. .
- E. ***Other Documentation*** - Prior to plan endorsement, the Applicant shall provide the following additional documentation to the Board:
1. Revised color palette for building siding as recommended by the Design Review Committee in its October 21, 2019 letter, to be approved by the Design Review Committee



2. Proposed color and type of Versa-Lok stones for retaining wall along western edge of Sterling Circle, to be approved by the Design Review Committee.
3. Copy of the deed conveying the portion of 276 Village Street from Keith B. and Judith M. Spinney, shown as Parcel A on the ANR Plan, to the Permittee and a copy of the deed conveying the portion of 274 Village Street from the Permittee to Keith B. and Judith M. Spinney, shown as Parcel B on the ANR Plan. NOTE - Said deeds are to be recorded prior to recording this Decision and endorsed plan.
4. Copy of the access easement across Sterling Circle from the Permittee for the benefit of Keith and Judith Spinney of 276 Village Street in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable.
5. Copy of the Performance Security Covenant to be executed by the Permittee and the Board in a form acceptable to the Board and suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
6. Copy of the Restrictive Covenant from the William Wallace Estates Condominium Association (Bedelia Lane) for an approximately 10' wide by 180' long, permanent "no cut zone" along the western edge of the adjacent William Wallace Estates (Bedelia Lane) property behind Units 4-7 of the William Wallace Village property, in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
7. Copy of the stormwater and sewer easements from the William Wallace Estates Condominium Association (Bedelia Lane) for the benefit of the Permittee and assigns, in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
8. Copy of the Long Term Stormwater Management Operations & Maintenance Plan prepared by Legacy Engineering.
9. Copy of a sample deed to be used to convey each dwelling unit for review, comment, amendment and approval by Town Counsel. The deed shall clearly state that the William Wallace Village Condominium Trust shall own and be responsible for the maintenance and upkeep of development's private roadway (Sterling Circle), the stormwater management system, and all other infrastructure.
10. Written communication from the owners of 1 and 3 Bedelia Lane agreeing, in principle, to the granting of stormwater and sewer easements on the William Wallace Estates Condominium property (Bedelia Lane) and the establishment of a restrictive covenant for a 10' no cut zone along the western edge of the William Wallace Estates Condominium property (Bedelia Lane) in the area behind units 4-7 of William Wallace Village.

F. ***Recording of Plans and Documents***

1. The Plan of Record associated with this special permit is titled: *William Wallace Village*, dated July 1, 2019, last revised December 27, 2019 to be further revised as specified herein, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC. of Millis, MA with additional sheets

provided by other building, design and landscape architectural consultants.

2. No construction shall begin on the site and no building permit for any of the new units shall be issued before the following documents are recorded at the Norfolk County Registry of Deeds:
  - a) This special permit decision with the Plan of Record endorsed by the Board
  - b) Performance Security Covenant with the Board
3. The following documents which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds prior to the issuance of the first occupancy permit for the development.
  - a) William Wallace Village Condominium Master Deed
  - b) Declaration of Trust of William Wallace Village Condominium Association
  - c) Access easement on Sterling Circle granted by the Permittee to Keith and Judith Spinney of 276 Village Street to allow access to the rear of the 276 Village Street property.
  - d) A stormwater and sewer easement through the adjacent William Wallace Estates Condominium (Bedelia Lane) property granted to the Permittee from the William Wallace Estates (Bedelia Lane) Condominium Association.
  - e) A restrictive covenant by the William Wallace Estates Condominium Association (Bedelia Lane) for a 10' wide by approximately 180' long "no cut zone" zone along the western edge of the adjacent William Wallace Estates condominium property (Bedelia Lane) behind Units 4-7 of the William Wallace Village property.
4. The following documents which shall be in compliance with the conditions of this decision shall also be recorded at the Norfolk County Registry of Deeds.
  - a) If and to the extent approved by DHCD, an affordable housing deed rider in compliance with the requirements of the Massachusetts Department of Housing and Community Development's Local Initiative Program.
  - b) Executed Affordable Housing Regulatory Agreement with DHCD, if and to the extent approved by DHCD.
5. Within thirty days of recording, the Permittee or its assigns or successors shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that the specified documents have been duly recorded, or supply another alternative verification that such recording has occurred.

**G. *Open Space/Yard Area***

1. At least 15% of the site shall be retained as open space and/or yard area in perpetuity. This is an ongoing obligation of the William Wallace Village Condominium Association. This area shall be unpaved but may be landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area may include a play area or other communal

recreational space, subject to plan modification requirements. The no-cut zone on western edge of the adjacent William Wallace Estates Condominium property (Bedelia Lane) shall not be included in the minimum required 15% open space area.

2. The Permittee has agreed to convey an easement of that portion of the railroad right of way (Medway Assessors Map 51, Parcel 26) that is north of and adjacent to the William Wallace Village property, to whatever extent the land is under ownership of the Permittee or its successors, to the Medway Conservation Commission pursuant to G.L. c. 40 for conservation and passive recreation purposes.

**H. *Ownership/Maintenance of Common Areas***

1. Sterling Circle, the stormwater drainage facilities, and all other infrastructure shall be owned and maintained by the William Wallace Village Condominium Trust. It is the intent of the Board that these facilities will not be accepted by the Town of Medway.
2. The Board requires that the following aspects of the development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of same:
  - a) Sterling Circle and parking areas
  - b) Stormwater management facilities
  - c) Sidewalks
  - d) Snowplowing/sanding
  - e) Landscaping
  - f) Street lights

**I. *Building Permits***

1. For the First Building - The Board authorizes the Permittee to apply for a building permit to begin construction of the first building (Units 1 & 2) prior to installation of the base coat of paving (binder course) on the development's roadway, Sterling Circle. One of the units will be used as a model home for the development.
2. For the Remaining Buildings - Before the Board will authorize a building permit for the second structure, the following items, at a minimum must be installed and inspected and approved by the Board:
  - a) Roadway and parking area gravel sub-base (excluding unit driveways)
  - b) Roadway and parking area binder course (excluding unit driveways)
  - c) Drainage system completed to the proposed outfall with frame and grates set to binder grade, as well as stormwater basins, swales, infiltrations systems or any other stormwater management facilities.
  - d) As-built plan of each stormwater basin and forebay and all critical elevations and details of the associated structures, pipes and headwalls.
  - e) Street name signs in a size and form as specified by the Medway Department of Public Works, and all regulatory signs as specified on the approved Plan.
  - f) Stop line pavement markings.



- g) Provisions for fire prevention and protection. Private water main/ service to be constructed, installed and functional.
- J. **Buffer** – The Applicant has agreed to work with the adjacent William Wallace Estates Condominium Association (Bedelia Lane) to the east to establish a permanent 10' wide by approximately 180' long “no cut zone” along a portion of the western edge of the William Wallace Estates Condominium property (Bedelia Lane) behind Units 4-7 of the William Wallace Village property. Prior to plan endorsement, the Permittee shall provide a suitable easement or comparable restriction to the Board for review.
- K. **Patios** – To not increase stormwater runoff, all patios to be constructed in the development shall be fabricated with pervious paving materials as patio surface areas are not included in the impervious coverage calculations for stormwater.
- L. **Sidewalk Construction** – Any damage to the sidewalk on the north side of Village Street along the subject site's frontage resulting from site infrastructure and building construction work, shall be repaired or replaced to the satisfaction of the Medway Department of Public Works before the occupancy permit is issued for the 6<sup>th</sup> condominium unit.
- M. **Easements**
  - 1. The Applicant has agreed to grant an access easement across the William Wallace roadway to Keith and Judith Spinney of 276 Village Street to provide access to the rear of the 276 Village Street property.
  - 2. The William Wallace Estates Condominium Association (Bedelia Lane) will grant an easement(s) to the Permittee and his assigns for stormwater and sewer access through a portion of the adjacent William Wallace Estates Condominium property (Bedelia Lane)
- N. The Declaration of Trust for the William Wallace Village Condominium shall include the following language: *“The construction and operation of the condominium is authorized by a Multi-family Housing Special Permit and Site Plan approval granted by the Medway Planning and Economic Development Board on January 28, 2020, a copy of which is available for inspection at the Town Clerk's office and which is recorded at the Norfolk County Registry of Deeds.*
- O. **Affordable Housing**
  - 1. In accordance with the *Bylaw*, Section 8.6 Affordable Housing, 1.2 dwelling units within William Wallace Village shall be “Affordable” and comply with the requirements for inclusion on the Town's Subsidized Housing Inventory as maintained by the MA Department of Housing and Community Development (DHCD). All provisions of Section 8.6 shall apply to William Wallace Village. To fulfill its affordable housing responsibilities under the *Bylaw*, the Permittee shall provide one affordable housing unit on site and make a cash payment to the Medway Affordable Housing Trust in an amount equal to 20% of the median sales price of Medway market-rate homes comparable in type, size and number of bedrooms over a period of eighteen months prior to the date of application

(December 2017 – May 2019). Based on data provided by the Medway Assessor's office, that median sales price is \$425,919. The 20% payment amount = \$85,184. The payment schedule shall be as follows: 1/11 of that amount (\$7,744) shall be paid at or prior to the closing on the sale of each market rate unit except that the total amount shall be paid in full before the Town issues a building permit for the last market rate unit.

2. Within 180 days after the Decision and Plan are recorded at the Norfolk County Registry of Deeds, the Permittee shall apply to DHCD's Local Initiative Program (LIP) for inclusion of the proposed Affordable Housing Unit as Local Action Unit on the Town's Subsidized Housing Inventory and thereafter shall diligently pursue DHCD approval of the LIP/Local Action Unit Application. Prior to submitting the LIP Application to DHCD, the Permittee shall meet with the Medway Board of Selectmen and the Medway Affordable Housing Committee and Trust for purposes of securing their support for the LIP/LAU application including the proposed marketing plan and local preference guidelines.
3. The Affordable Housing Unit shall be subject to a perpetual affordable housing deed rider, in a form acceptable to DHCD, to be recorded at the Norfolk County Registry of Deeds with the deed for the affordable housing unit as required by LIP. The Affordable Housing Unit shall be sold and resold in accordance with the provisions of the affordable housing deed rider.
4. One Affordable Housing Unit shall to be located within the development as required by DHCD for approval of the project's LIP application. The location of the affordable housing unit shall comply with the provisions of Section 8.6 Affordable Housing of the *Bylaw*, F. Location and Comparability of Affordable Housing Units. The Applicant has proposed condominium unit #11 as the Affordable Housing Unit. The unit location must be approved by DHCD. Upon direction by DHCD or request of the Permittee (*without effect to the Subsidized Housing Inventory eligibility*), the Board shall permit a change in the location of the Affordable Housing Unit. In the event that DHCD does not approve of the project's eligibility under the Subsidized Housing Inventory, the Permittee shall work diligently with the Town to take any action necessary to ensure the unit is included on the Town's Subsidized Housing Inventory.
5. Affordable Housing Regulatory Agreement – If and to the extent that DHCD approves the Affordable Housing Unit pursuant to 760 CMR 56.04(7) and 56.05 (10)(b), the Permittee shall prepare or cause to be prepared and submit to DHCD, before an occupancy permit is issued for the first dwelling unit, an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Permittee (DTRT, LLC or its successors/assigns) and the Massachusetts DHCD. After such submittal to DHCD, the Permittee shall diligently pursue DHCD approval of the Regulatory Agreement. Upon execution, the Regulatory Agreement shall be recorded at the Norfolk County Registry of Deeds. To the extent approved by DHCD, the Affordable Housing Unit shall be subject to the

Regulatory Agreement and shall be sold and resold in accordance with its provisions.

6. The Permittee shall select and compensate a Lottery Agent to prepare the LIP/Local Action unit application and Regulatory Agreement, and manage the marketing and initial sale of the Affordable Housing Unit. Any such Lottery Agent must meet DHCD's experience requirements so that the Affordable Housing Unit may be counted on the Town's Subsidized Housing Inventory. The Permittee and/or the William Wallace Village Condominium Trust shall identify such Lottery Agent to the Board and any changes thereto.
7. DHCD shall oversee the initial sale of the Affordable Housing Unit pursuant to the LIP/LAU program in conjunction with the selected Lottery Agent.
8. The ongoing Monitoring Agent for the affordable unit shall be DHCD. The Board hereby names the Town of Medway Affordable Housing Trust, if approved by DHCD, as an additional Monitoring Agent for the sale and resale of the Affordable Housing Unit.
9. The William Wallace Village Condominium Master Deed and all legal documents related to the Affordable Housing Units shall include language to specify:
  - a) the unit number of the designated Affordable Housing Unit;
  - b) that the Affordable Housing Unit shall be sold to income eligible persons or households that meet the income restrictions;
  - c) that the local preference criteria for the sale and re-sale of the Affordable Housing Unit shall be in accordance with the Massachusetts Department of Housing and Community Local Initiative Program or other applicable state housing program
  - d) that the Affordable Housing Unit is eligible for inclusion on the Town's Subsidized Housing Inventory;
  - e) that the Affordable Housing Unit is subject to a use restriction; and
  - f) that the Affordable Housing Unit shall not be encumbered for any financing purposes beyond the original mortgage amount without the express advance written permission of the Monitoring Agent.
10. Timing of construction of affordable units
  - a) No building permit for units other than Units 1 and 2 shall be issued until the Board of Selectmen has approved the Affordable Housing Regulatory Agreement and the Permittee has submitted it to DHCD.
  - b) The building permit for the 7<sup>th</sup> dwelling unit shall not be issued until the Affordable Housing Regulatory Agreement is approved by DHCD and recorded with the Norfolk County Registry of Deeds.
  - c) The building permit for the 8<sup>th</sup> market rate unit shall not be issued before the building permit for the affordable dwelling unit is issued.
  - d) The occupancy permit for the 10<sup>th</sup> market rate unit shall not be issued before the affordable unit is determined to be occupiable by



the Building Commissioner.

11. Comparability of construction of affordable housing units
  - a) The Permittee shall construct the affordable housing units to be indistinguishable from other units in the development from the exterior including the provision of garages and parking spaces. The units shall be equivalent to the market-rate units in terms of design, quality of construction and workmanship, mechanical, plumbing, heating and cooling systems, roofing, insulation, windows and energy efficiency.
  - b) The affordable housing units shall contain complete living facilities and include an equivalent quantity of cabinets, countertops, appliances, lighting, kitchen and bathroom plumbing fixtures, closets, and washer/dryer hookups, and heating and air conditioning equipment to those provided for market rate units. The affordable units shall contain good quality and highly durable interior finishes, flooring, lighting and plumbing fixtures that are consistent with contemporary standards for new housing and installed with equivalent workmanship to the market rate units.
  - c) Product and system warranties for the affordable housing units shall be equivalent to those supplied for market rate units.
- P. **Fire Protection** – In lieu of providing a secondary access to the site, the Applicant has agreed to install sprinklers in all 12 of the dwelling units on the property in accordance with the Fire Chief's request/approval.
- Q. **Underground Utilities** - All electric, telephone, cable TV, and other utilities shall be located underground.
- R. **Water Conservation** – The development is relying on the Town's public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
  1. private well water for landscape irrigation
  2. rain-gauge controlled irrigation systems
  3. low flow household fixtures
  4. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
- S. **Addresses** – The addresses for the William Wallace Village units shall be as determined by the Medway Assessor's office upon consultation with the Medway Fire and Police Departments.
- T. **Development Signage** – Any future development signage for this project shall comply with the sign regulations of the *Bylaw* and is subject to review by the Design Review Committee.
- U. **Stormwater Management**
  1. Until transferred to the William Wallace Village Condominium Trust, the Permittee 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 Board.

2. The stormwater drainage system, water and sewer systems shall be maintained by the Permittee, its successors and assigns, and the William Wallace Village Condominium Trust and shall not be dedicated to the Town. It is the intent of the Board and the Applicant that these systems shall not be accepted by the Town.
  3. The Permittee and its successors and assigns shall maintain the stormwater management system in accordance with the long term operation and maintenance plan included with the stormwater/drainage report submitted with the application, as revised.
  4. In the event a management company is engaged by the condominium association, the stormwater maintenance and operation plan shall be incorporated by reference in the management contract.
  5. In the event that the Permittee, its successors and assigns, its agent, and the William Wallace Village Condominium Trust fail 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 Permittee shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Permittee fails to so reimburse the Town, the Town may place a lien on the site or any unit therein to secure such payment.
- V. **Order of Conditions** – As a component of this development, the Permittee shall comply fully with the Amended Order of Conditions issued by the Medway Conservation Commission on January 28, 2020 and the associated Land Disturbance Permit.
- W. **Design Review** – The Permittee shall comply with the provisions of the Design Review Committee’s review memo dated January 21, 2020.

## **GENERAL CONDITIONS OF APPROVAL**

- A. **Fees** - Prior to plan endorsement by the Board, the Permittee shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town’s engineering, planning or other consultants; and
  2. any construction inspection fee that may be required by the Board; and
  3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

The Permittee's failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.

- B. ***Other Permits*** – This permit does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.
- C. ***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 Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. ***Construction Time*** - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement and construction deliveries shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays and federal and state legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as painting, installation of drywall, flooring, etc.
  2. The Permittee 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.
  3. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that 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 Permittee 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.
  4. The Permittee 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.
  5. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
  6. ***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.



7. *Noise* - Construction noise shall not exceed the noise standards as specified in the Medway General Bylaws and the *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b). as may be amended.

D. ***Landscape Maintenance***

1. The site's landscaping shall be maintained in good condition throughout the life of the 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.
2. Within 60 days after two years after the last occupancy permit is issued, the Town's Consulting Engineer or the Building Commissioner 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. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Building Commissioner/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

E. ***Snow Storage and Removal***

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Bylaw*.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.

F. ***Right to Enter Property*** – Board members, its staff, consultants or other designated agents of the Town shall have the right to enter upon the common areas of the William Wallace Village Condominium to inspect the site at any time, to ensure continued compliance with the terms and conditions of this special permit and the endorsed plan.

G. ***Construction Oversight***

1. Construction Account
  - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare bond estimates, conduct other reasonable inspections until the site work is completed and determined to be

- satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*).
- b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer.
  - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
  - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
2. The Department of Public Works 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 and the sewer and water connection permits.
  3. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection. Failure of the Permittee to provide these reports may be reason to withhold building or occupancy permits.

**H. *On-Site Field Changes***

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the *Bylaw* nor conflict with a specific condition of the decision. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written

authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

**I. Plan Modification**

1. Proposed modifications (not including on-site field changes) to the endorsed plan shall be subject to review by the Board.
2. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from an approved site plan shall be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification and such approval is provided in writing by the Board.
4. The request for a *Modification* to a previously approved plan shall be subject to the same application and review process including a public hearing including the payment of plan modification filing fee and plan review fee and all costs associated with another public hearing including legal notice advertising. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Permittee. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

**J. Plan Compliance**

1. The Permittee shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto.
2. The Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. The Conditions of Approval are enforceable under Section 3.1. F. of the *Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

**K. Performance Security**

1. *Covenant* - Prior to plan endorsement, the Permittee shall sign a *Covenant*, on a form provided by the Board, to be reviewed and approved by Town Counsel, to secure construction of the roadway and all related infrastructure and installation of utilities and services, sidewalks and site amenities as specified in the approved Plan. Reference to the *Covenant* shall be noted on the cover sheet of the Approved Plan. The *Covenant* shall specify that no unit except Units 1 and 2 may be occupied or conveyed until such services are completed or an alternative form of security is provided. The *Covenant* shall specify that the roadway and parking area (excluding unit driveways) and all infrastructure including the stormwater management system shall be constructed and all utilities



and services shall be installed to the satisfaction of the Board within three years of the date of plan endorsement. The Covenant shall be recorded at the Norfolk County Registry of Deeds at the same time the Decision and Plan are recorded.

2. *Alternative Performance Security*

- a) At such time as the Permittee wishes to secure a building permit for the second building within the development, or secure an occupancy permit for any dwelling unit, the security provided by the *Covenant* shall be replaced by one of the types of performance guarantees set forth in M.G.L. Ch. 41, Section 81U, which method or combination of methods may be selected and from time to time varied by the Permittee, in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector and Town Counsel. The performance guarantee shall be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
  - 1) the date by which the Permittee shall complete construction
  - 2) a statement that the agreement does not expire until released in full by the Board
  - 3) procedures for collection upon default.
- b) *Amount* - The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the roadway and installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Decision and Plan that remain unfinished at the time the performance guarantee estimate is prepared if the Permittee failed to do so. The security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. 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 services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency. A performance security agreement shall be executed by the Permittee, the Board and the selected surety.

3. *Adjustment of Performance Guarantee* – At the Permittee's written request, the amount of the performance guarantee may be reduced from time to time over the course of the construction project by vote of the Board upon the partial completion of the roadway 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 on the approved Plan 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 Mass Department of Transportation. 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 cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. 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: the estimate of the Town's Consulting Engineer of the cost to complete the work; plus a 30% contingency. The Board may authorize up to three reductions in the amount of performance security however, the Board shall not reduce the performance security below \$40,000.

4. *Final Release of Performance Security* - Final release of performance security is contingent on project completion.

L. ***Project Completion***

1. Special permit approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. The approved site plan shall be completed by the Permittee or its assignees within three years of the date of plan endorsement. Upon receipt of a written request by the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.
2. Prior to issuance of the occupancy permit for the twelfth dwelling unit, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the Permittee shall:
  - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and
  - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the

Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

- M. **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.
- N. **Conflicts** – If there is a conflict between the site plan and the Decision's Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the *Bylaw*, the *Bylaw* shall apply.

## **IX. APPEAL**

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

In accordance with G.L. c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

###



**Medway Planning and Economic Development Board  
SITE PLAN and SPECIAL PERMIT DECISION  
William Wallace Village – 274 and a portion of 276 Village Street**

Approved by the Medway Planning & Economic Development Board: \_\_\_\_\_

**AYE:**

**NAY:**

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

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

**ATTEST:**

\_\_\_\_\_  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

\_\_\_\_\_  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
David D'Amico, Department of Public Works  
Stephanie Carlisle, DPW Compliance Officer  
Michael Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department  
Larry Rucki  
Dan Merrikin, Legacy Engineering  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates

**Medway Planning and Economic Development Board  
SITE PLAN and MULTI-FAMILY SPECIAL PERMIT DECISION  
William Wallace Village – 274 and a portion of 276 Village Street**

Approved by the Medway Planning & Economic Development Board: January 28, 2020

**AYE:**

cdy fah  
Barbara D. DiStasio  
Janet J. Lynn

**NAY:**

[Signature]

**ATTEST:**

Susan E. Affleck-Childs  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

January 28, 2020  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
David D'Amico, Department of Public Works  
Stephanie Carlisle, DPW Compliance Officer  
Michael Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department  
Larry Rucki  
Dan Merrikin, Legacy Engineering  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates

**Multi-Family Housing Development Covenant**  
**Planning and Economic Development Board - Town of Medway, MA**  
**April \_\_, 2020**

This Covenant is entered into this \_\_\_\_ day of April, 2020 by and between the Town of Medway, a Massachusetts municipal corporation, acting through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053, (hereinafter referred to as the "Board") and DTRT, LLC, a Massachusetts limited liability company with an office at 11 Lawrence Way, Truro, MA (hereinafter referred to as the "Owner".)

PREAMBLE

WHEREAS, on January 28, 2020, based on the application of the Owner dated July, 2019, and after a duly noticed public hearing(s), the Board approved a special permit authorizing a multi-family housing development {"MFHD"} containing twelve (12) residential units all as set forth in a decision of the Town of Medway Planning and Economic Development Board filed with the Town Clerk for the Town of Medway on January 29, 2020 ("Decision ") to be recorded herewith at the Norfolk County Registry of Deeds (the "Registry of Deeds"); and

WHEREAS, the approved MFHD is shown on a plan entitled William Wallace Village, Medway, MA Site Plan," prepared by Legacy Engineering LLC, dated June 25, 2019, last revised March 24, 2020. ("MFHD Plan") to be recorded herewith; and

WHEREAS, the approved MFHD Plan shows a parcel of land located at 274 Village Street, Medway, MA (hereinafter referred to as "Locus") and further described in a deed to the Owner recorded with the Registry in Book 36923, Page 590; and

WHEREAS, Condition E5 of the Decision requires the Owner to secure the construction of ways and the installation of stormwater management facilities, utilities, services, pedestrian facilities/trails/pathways, all site amenities including but not limited to lighting and landscaping and any off-site improvements (hereinafter "the Improvements") before endorsement of the MFHD Plan; and

WHEREAS, the Owner has decided to secure construction of ways and installation of the Improvements in the MFHD by means of a Covenant;

WHEREAS, the Board has determined that the form of Covenant is sufficient to secure the construction of ways and installation of the improvements in the MFHD;

WHEREAS, the Owner's construction of ways and installation of the Improvements are subject to the requirements of the Decision, the Planning Board's MFHD Rules and Regulations applicable to this MFHD, and all conditions of approval of this MFHD and made an enforceable part of this Covenant; the approved MFHD Plan, and all of the provisions set forth in this Covenant (hereinafter referred to as the "Approval Instruments");

NOW, THEREFORE, for and in consideration of the mutual promises set forth below, and for good and valuable consideration, the parties agree as follows:



## SECTION 1. INCORPORATION OF PREAMBLE

The Preamble is incorporated into and is an enforceable part of this Covenant.

## SECTION 2. EFFECTIVE DATE

This Covenant shall be effective upon its execution, subject to endorsement of approval of the MFHD Plan by the Board and the recording or registering of the plan and this Covenant by the Owner.

## SECTION 3. RUNS WITH THE LAND

This Covenant shall run with the land and shall be binding on all subsequent parties who have any title, interest, or rights in and to Locus, or a portion thereof. This Covenant shall operate as a restriction upon the land until release.

## SECTION 4. OBLIGATIONS, DUTIES AND RIGHTS OF THE PLANNING and ECONOMIC DEVELOPMENT BOARD

A. Upon construction of a portion of the ways and installation of a portion of the Improvements in accordance with the approval instruments, the Board may release the Owner from this Covenant as to those units that are adequately serviced by the ways and Improvements so constructed, so long as the construction of ways and the Improvements are, in the opinion of the Board, sufficiently secured by another method of performance guarantee by any of the methods provided in M.G.L. ch. 41, Section 81U. A Certificate of Partial Release shall be executed by a majority of the members of the Board and shall be recorded or registered at the Registry of Deeds by the Owner.

B. Upon completion of ways and installation of the improvements in accordance with the approval instruments, the Board shall release the Owner from this Covenant and shall issue a Certificate of Completion and Release that shall be executed by a majority of the members of the Board and shall be recorded or registered at the Registry of Deeds by the Owner.

## SECTION 5. OBLIGATIONS, DUTIES AND RIGHTS OF THE OWNER

A. The Owner shall not convey any Unit or allow any Unit to be occupied, except Units 1 and 2, until construction of the ways and installation of the Improvements are completed or an alternative form of security are provided as set forth in Condition K.1 of the Decision.

B. The Owner shall complete construction of the ways and installation of the Improvements for this MFHD no later than three (3) years from the date of plan endorsement, or such further time as permitted by the Board.

C. The Owner agrees and understands that the Board will not release this Covenant in full, unless another method of security is provided, or until the ways and the improvements have been deemed by the Board to be constructed and installed in accordance with the approval instruments.

D. In accordance with the provisions of Condition K.2(a) of the Decision, at such time as the Owner wishes to secure a building permit for the second building within the development, or secure an occupancy permit for any dwelling unit, the security provided this Covenant shall be replaced by one of the types of performance guarantees set forth in M.G.L. Ch. 41, Section 81U, which method or combination of methods may be selected and from time to time varied by the Owner, in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector and Town Counsel, subject to the requirements of Condition K.2(a) of the Decision.

E. The Owner shall at all times provide the Board forthwith (no more than 14 days after transfer of title) with the name of any current owner or owners of this MFHD or portions thereof and the address of such owner or owners, except that units released from the provisions of this Covenant are exempt.

F. The Owner shall at all times provide the Board forthwith (no more than 14 days after transfer of title) with the name of any mortgagee or mortgagees of this MFHD or portions thereof and the address of such mortgagee or mortgages, except that units released from the provisions of this Covenant are exempt. At the time of executing this Covenant, there is no mortgagee of this MFHD.

G. The Owner shall record the approved and endorsed MFHD Plan; this Covenant, upon its execution; and any certificate of release of this covenant, or portions thereof, at the Registry of Deeds and forthwith provide the Board with written evidence thereof. The Owner further agree to pay the costs of such recordings.

#### SECTION 6. MORTGAGEES AND SUCCEEDING OWNERS

Nothing in this Covenant shall preclude the Owner from mortgaging the entire parcel of land, or a portion thereof, which constitutes this MFHD. If the mortgagee acquires title to the entire parcel of land, or a portion thereof, shown on the approved MFHD Plan, through foreclosure or by other means, such as accepting a deed in lieu of foreclosure, then the mortgagee and any succeeding owner of the land transferred by the mortgagee may sell any unit, subject to that portion of this Covenant which provides that no unit shall be conveyed until the ways are constructed and the Improvements are installed to serve such unit. Said mortgagee and any succeeding Owner shall be subject to all other applicable provisions of this Covenant and any amendments thereto.

#### SECTION 7. CONVEYANCE OF LAND OR LOTS SUBJECT TO COVENANT

Nothing in this Covenant shall preclude the Owner from conveying by a single deed, the entire parcel of land shown on the approved MFHD Plan, or all units not previously released from the terms of this Covenant by the Board, so long as the deed provides that the land conveyed is subject to this Covenant, and any amendments thereto, with proper reference to the book and page where this covenant, and any amendments thereto are recorded or registered at the Registry of Deeds.



## SECTION 8. BINDING EFFECT

This Covenant, and any amendments thereto, shall be binding on the Owner, the Owner's agents and representatives, and any successors to the Owner's title interest, and rights in the parcel of land constituting this MFHD, including executors, administrators, devisees heirs, successors and assigns of the owner.

## SECTION 9. USE OF TERMINOLOGY

Use of the term "Owner" in this Covenant is for convenience only and should not be considered as a limitation on those parties who may be subject to and bound by the provisions of this Covenant and any amendments thereto. Use of the terms "Planning Board" or "Board" in this Covenant is for convenience only and may include agents or representatives of the Medway Planning and Economic Development Board.

## SECTION 10. APPOINTMENT OF AN AGENT

If someone other than the Owner will represent the Owner, the Owner must designate such representative below:

Name of representative: Daniel Merrikin, P.E.

Address of representative: Legacy Engineering, LLC, 730 Main Street, Millis, MA 02054

Telephone#: 508-376-8883(c) 508-868-8353(c)

Email: dan@legacy-ce.com

Relationship of representative to Owner: Project Engineer

In executing this Covenant, I hereby authorize the person or persons named above to represent my interest before the Board with respect to the MFHD that is the subject of this Covenant.

## SECTION 11. AMENDMENTS

This Covenant may be amended, in writing, by agreement of all of the parties to this Covenant.

## SECTION 12. GOVERNING LAW

This Covenant, and any amendments thereto, shall be governed by the laws of the Commonwealth of Massachusetts.

## SECTION 13. SEVERABILITY

If a court of competent jurisdiction determines that any provision of this Covenant is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.



IN WITNESS WHEREOF, I, the Owner, hereby certify under the pains and penalties of perjury that the information contained in this Covenant is true and complete; and we, the parties to this Covenant set our hands and seals to this Covenant on the date(s) written below.

OWNER: DTRT, LLC,

By

Gregory A. Rucki, its duly authorized Manager

Date

4/3/2020

Witness

COMMONWEALTH OF MASSACHUSETTS

County of BARNSTABLE

On this 3<sup>RD</sup> day of April, 2020, before me the undersigned Gregory A. Rucki, Manager as aforesaid, proved to me through satisfactory evidence of identification, which was MA. DRIVER LIC, to be the person whose name is signed above and acknowledged to me that he signed it voluntarily for its stated purposes as Manager of DTRT, LLC.

Amalia T. Raftelis  
Notary Public

My Commission Expires:



AMALIA T. RAFTELIS  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires December 26, 2025

## Susan Affleck-Childs

---

**From:** Lee S. Smith <LSmith@k-plaw.com>  
**Sent:** Tuesday, March 24, 2020 11:02 AM  
**To:** Susan Affleck-Childs  
**Subject:** FW: FW: William Wallace Village - legal documents

I have no further comments on my end.

Lee S. Smith, Esq.  
KP | LAW  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654 1809  
C: (617) 699 2935  
F: (617) 654 1735  
[lsmith@k-plaw.com](mailto:lsmith@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

**From:** Daniel Merrikin <dan@legacy-ce.com>  
**Sent:** Tuesday, March 24, 2020 10:56 AM  
**To:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Cc:** Lee S. Smith <LSmith@k-plaw.com>  
**Subject:** Re: FW: William Wallace Village - legal documents

ok - so we are clear to finalize and execute the relevant documents?

Dan

Daniel J. Merrikin, P.E.  
President



Legacy Engineering LLC  
(formerly Merrikin Engineering, LLP)  
730 Main Street  
Suite 2C  
Millis, MA 02054

[www.legacy-ce.com](http://www.legacy-ce.com)

[dan@legacy-ce.com](mailto:dan@legacy-ce.com)

On Tue, Mar 24, 2020 at 10:54 AM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Works for me.

---

**From:** Lee S. Smith [mailto:[LSmith@k-plaw.com](mailto:LSmith@k-plaw.com)]  
**Sent:** Tuesday, March 24, 2020 10:53 AM  
**To:** Susan Affleck-Childs  
**Subject:** RE: FW: William Wallace Village - legal documents

Susy,

In the No Cut restriction and Sewer Easement, we can use the dimensions shown on the plan.

I agree that review of the land swap deeds is not required by Town Counsel. I was just flagging it as absent from the other docs so it does not get overlooked. Now that I see they have been recorded, it's a non-issue. Thanks.

-Lee

Lee S. Smith, Esq.

KP | LAW

101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654 1809

C: (617) 699 2935  
F: (617) 654 1735  
[lsmith@k-plaw.com](mailto:lsmith@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)



This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

---

**From:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Sent:** Tuesday, March 24, 2020 10:15 AM  
**To:** Lee S. Smith <[LSmith@k-plaw.com](mailto:LSmith@k-plaw.com)>  
**Subject:** FW: FW: William Wallace Village - legal documents

Hi Lee,

See note below from project engineer Dan Merrikin who serves as the project's official representative.

Please review and respond.

Best,

Susy

**From:** Daniel Merrikin [<mailto:dan@legacy-ce.com>]  
**Sent:** Tuesday, March 24, 2020 10:13 AM  
**To:** Susan Affleck-Childs  
**Cc:** Larry Rucki ([lrucki51@gmail.com](mailto:lrucki51@gmail.com))  
**Subject:** Re: FW: William Wallace Village - legal documents

Susy,

My reading of 8.E.3 is that we are to provide the executed deeds, not the form of the deed for the land swap. I believe that they have already completed this but will confirm.

I'm attached three of the documents with a comment/question on my end and would ask for Town Counsel's response. I am also attaching a revised draft easement plan.

Dan

Daniel J. Merrikin, P.E.

President



Legacy Engineering LLC

(formerly Merrikin Engineering, LLP)

730 Main Street

Suite 2C

Millis, MA 02054

[www.legacy-ce.com](http://www.legacy-ce.com)

[dan@legacy-ce.com](mailto:dan@legacy-ce.com)

508-376-8883(*office*)

508-868-8353(*cell*)

On Mon, Mar 23, 2020 at 7:45 PM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi,

See note below from Lee Smith, our attorney at KP Law and the attached documents with his edits. Please forward to your attorney for review and acceptance.

Please note that Mr. Smith has noted that the proposed forms of deeds for portions of 274 and 276 Village Street were not provided. Please do so at your earliest convenience for his review.

Best regards.

Susy Affleck-Childs

---

**From:** Lee S. Smith [mailto:[LSmith@k-plaw.com](mailto:LSmith@k-plaw.com)]  
**Sent:** Monday, March 23, 2020 5:50 PM  
**To:** Susan Affleck-Childs  
**Cc:** Barbara Saint Andre; Carolyn M. Murray; Mark R. Reich  
**Subject:** William Wallace Village

Susy,

Attached please find my proposed revisions and comments to the documents required in the Special Permit Decision. I note that the proposed forms of deeds for portions of 274 and 276 Village Street were not provided as is referenced in Section VIII (E)(3). Please let me know if you have any questions or if I can be of further assistance.

-Lee

Lee S. Smith, Esq.

KP | LAW



101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654 1809

C: (617) 699 2935  
F: (617) 654 1735  
[lsmith@k-plaw.com](mailto:lsmith@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

# MEDWAY TOWN CLERK

155 VILLAGE STREET  
MEDWAY, MASSACHUSETTS 02053  
(508) 533-3204 • FAX: (508) 533-3287  
[mwhite@townofmedway.org](mailto:mwhite@townofmedway.org)

**MARYJANE WHITE, CMMC**

CERTIFIED MASSACHUSETTS MUNICIPAL CLERK

JUSTICE OF THE PEACE

NOTARY PUBLIC

## CERTIFICATE

*I, Charlene Tingley, Asst. Town Clerk of the Town of Medway, hereby certify that the notice of the of the Medway Planning and Economic Development Board regarding **William Wallace Village, 274 & a portion of 276 Village St., Medway, MA** has been received in the matter of*

***William Wallace Village***

*Owners:*

*DTRT, LLC  
PO Box 95  
Truro, MA 02666*

*Keith and Judith Spinney  
276 Village St.  
Medway, MA 02053*

*It was received and filed in this office on the following:*

***Jan 29, 2020***

*And no appeal was received during the next twenty days after such receipt and recording of said decision.*

*Dated at Medway, MA March 24, 2020*

*A true copy*

ATTEST.....

*Asst. Town Clerk*



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

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

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

**Date:** April 6, 2020

**Applicant's Name:** DTRT, LLC

**Subject Property Address:** 274 Village Street

**Map/Parcel Number(s):** 59-005

**Property Owner:** DTRT, LLC


**Project Name:** William Wallace Village

**Type of Permit:** Major Site Plan & Multi-Family Housing Special Permit  
Plan Endorsement

**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 and fees owed the Town of Medway **for the subject property** are paid in full as of this date for the subject property noted above.
- ☐ By checking this box and with my signature below, I verify that all taxes and fees 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 **Town is owed taxes or fees** on properties owned by the above noted applicant. Briefly explain on the lines below. Please attach a report that indicates the property address, what taxes are owed, and the respective amounts.

  
Signature

  
Date

**Please complete and return to the Planning and Economic Development office.**