

**Tuesday February 25, 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>Attendance</b>	<b>Absent with Notice</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

**The meeting is being broadcast and recorded by Medway Cable Access.**

**ALSO PRESENT:**

Susy Affleck-Childs, Planning and Economic Development Coordinator  
Planning Consultant Gino Carlucci, PGC Associates  
Steve Bouley, Tetra Tech  
Amy Sutherland, Recording Secretary

The Vice Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

**ZBA Petitions:**

The Board is in receipt of the following petitions to the Zoning Board of Appeals: (See Attached)

- 21 Summer Hill Road
- 83 Lovering Street
- 119 A & 119 B and 1 Elm Street

**21 Summer Hill Road:**

This petition is for an Accessory Family Dwelling Unit Special Permit under Section 8.2 of the Zoning Bylaw. The Board has no issue or comments on this petition.

**83 Lovering Street:**

This petition is for a two-family dwelling special permit under Section 5.4 to convert an existing single-family home into a two-family house that has the exterior appearance of a single-family dwelling on the lot. The Board has no issue or comments on this application.

**119 A & 119 B and 1 Elm Street:**

This petition is for a modification of the variances granted in December 5, 2018 to construct 2, two-family duplexes. This allowed the duplexes to not have the appearance of single-family homes. The modification would be to allow the two duplexes to be accessed from a common driveway from Main Street instead of Elm Street as originally intended. The change is due to the wetland resources on the property in the Elm Street area. There is a concern about public safety if the access is on Main Street; the Board would prefer the access to be from Elm Street. This application seems like an attempt to not have to comply with the *Subdivision Rules and*

*Regulations.* This also presents challenges regarding construction standards for the “driveway”. Susy Affleck-Childs recommended that the Board could recommend that the “driveway” be constructed to the private way standards. The Board would like something sent to the Zoning Board noting the various concerns.

### **Choate Trail Way Subdivision – Public Hearing Continuation**

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

- Public Hearing Continuation Notice dated 1-30-2020
- Communication from Tree Warden Steve Carew dated 2-14-2020
- Sidewalk construction estimate from Tetra Tech dated 2-20-2020
- Decision of Street Naming Committee dated February 10, 2020 – Copper Drive
- Draft Decision dated February 21, 2020

The Vice Chairman opened the continued hearing for Choate Trail Way.

Project Engineer Vito Colonna from Connorstone Engineering was present along with applicant Matthew Silverstein. Mr. Colonna explained the latest revisions to the plan. There was a meeting about the trees with Steve Carew, the Town of Medway Tree Warden. There are 7 trees in need of removal. Based on the formula, this would necessitate a total of 413 square inches of tree replacement. There are 12-inch dead trees which could be waived. This would require 59 trees to be replaced in total. The Tree Warden recommends that the replacement of the 12-inch dead trees be waived. It was also recommended that planting 59 trees would not be warranted since it may result in overcrowding on the site. It was suggested that Choate Trail LLC and the Conservation Commission come up with a suitable planting location to include some additional plantings in the wetland buffer zones. The applicant indicated that they will be putting together a plan to review with the Conservation Commission. If the applicant wants to make a payment in lieu it would be \$20,945, an equivalent payment to purchase 59 trees. Mr. Colonna indicated that there are 7 smaller trees which are on the edge of the property and these need to be checked to see whose property the branches are over. Steve Carew noted that if it has 25% root flair onto Town property, it is considered to be a Town tree.

The next topic discussed was the trail easement which will be put in on Lot 4. The width will be 15 ft.

Mr. Colona explained that the he spoke with Eversource and it was recommended to have the electrical wires come off the existing pole on the other side of Highland Street, come across above ground to connect to a pole on the project side of Highland Street and then go underground. He noted that the proposed streetlight was taken off the plan. The sidewalk was able to be switched over to the eastern side of the roadway with a smaller shoulder which will connect to the trail easement. Susy would still like to follow-up with Sergeant Watson about the street light. She also asked about the landscaping plan for the island in the cul-de-sac. This area will be maintained by the Homeowners Association. This will be Cape Cod berm.

The estimate for the payment in lieu of sidewalk construction along Highland Street would be \$10,085. The driveway for house on Lot #1 will come off Copper Drive. The Operation and Maintenance plan will include an estimated dollar amount to fund the ongoing maintenance of the stormwater system. The Board was also informed that the street naming committee met and decided the street name would be Copper Drive.

Comments from public:

Paul Atwood, Trail Club member, would like to be able to review the easement documents for the trail. He informed all that the width of a trail is 5 ft. wide. The applicant indicated that the trail will be cleared but stone dust will not be placed on trail. Susy suggested that a plan of the trail be provided with details so this document can be recorded along with the easement.

Resident Johana Madge, 38 Highland Street:

Ms. Madge informed the Board that her bocce court is in the back yard near the trail path. She wanted to know if there could be a barrier or fence in this location. The applicant will work with the abutter. A possibility is some landscaping to provide a buffer.

Extension of Action Deadline:

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to extend the action deadline for Choate Trail Way Subdivision to March 31, 2020.**

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to continue the hearing for the Choate Trail Way Subdivision to March 24, 2020 at 7:30 pm.**

Evergreen Village – Public Hearing Continuation:

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

- Public Hearing Continuation Hearing Notice Dated 1-30-2019
- Email dated 2-24-20 from applicant Maria Varicchione requesting a continuation of the public hearing.

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to continue the hearing for Evergreen Village to March 5, 2020 at 7:15 pm.**

Medway Mill Site Plan – Fee Estimates:

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

- Project Narrative provided with the application
- PGC & Associates estimate dated 2-20-20 for \$550.00
- Tetra Tech estimate dated 2-29-20 for \$3,912.00

The Board was informed that the public hearing for Medway Mill Site Plan will be held on March 24, 2020. This project will also be reviewed by the Conservation Commission for an Order of Conditions and a Land Disturbance Permit.

Member Di Iulio asked about the status of his report to the Town about observing fluids flowing out of a pipe from the mill building into Chicken Brook. He had reported this to Conservation Agent Bridget Graziano. He stated he didn't feel the Board should accept an application if there is a violation. Susy Affleck-Childs indicated that Bridget Graziano had discussed this with DPW which was investigating. Ms. Affleck-Childs noted that the Board could not refuse an application as suggested by Mr. Di Iulio. She reminded the Board of its discussion several weeks ago about a possible future general bylaw to prohibit permits from being issued for development projects where there was a violation or enforcement order on the property.

**On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted to approve the fee estimate from PGC Associates in the amount of \$500.00 and Tetra Tech in the amount of \$3,912.00. (Member Di Iulio abstained)**

**Hill View Estates Subdivision:**

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

- Endorsed Subdivision Plan from 2017.
- ANR Plan from 2018
- Performance Security Agreement
- 2-20-20 email from Christine Price authorizing Tony Biocchi to act on her behalf.

Tony Biocchi was present on behalf of owner Christine Price. It was explained that there was a buyer for the new lot which was created by the 2017 Hill View Estates Subdivision plan. The potential owner was present. The boundaries of the lot were modified in 2018 by an ANR Plan. The buyer needs to undertake the construction of the roadway and drainage system. There is in place a performance security bond in the amount of \$93,389 with the Hanover insurance Company that had been put up by Christine Price. There is no covenant. As there is no covenant, there is no lot release process. The potential buyer has filed with the Building Department for a building permit and was to be in front of the Board of Health for a new septic and the meeting was cancelled since the agent was sick. Susy Affleck-Childs wanted to know if the Board thinks this entails a plan modification. The Board suggests that Tetra Tech review this and the applicant will provide an updated bond. The applicant would like to be placed on the agenda for March 5, 2020 at 8:30 pm.

**20 Broad Street – Public Hearing Continuation:**

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

- Public Hearing Continuation Notice
- Revised draft decision dated 2/19/20
- Design Review Letter dated 2/25/20
- 20 Broad Street – Tree Planting notes

The Vice Chairman opened the continued public hearing for 20 Broad Street.

Applicant Steve Brody was present to discuss the remaining items. It was communicated that the Design Review Committee has provided a letter dated February 25, 2020. The letter references that the DRC is satisfied that the current landscape plan and that the planting scheme is appropriate to the site. The Board is also in receipt of a landscaping plan dated February 25, 2020. Mr. Brody explained that GLM performed a tree inventory. There are three existing trees over 10” in diameter at breast height that need to be cleared from site to construct the new building. The total diameter of those trees is 93”. This calculation does not include a 24” dead maple tree located at the eastern edge of the property. The proposed landscape plan will include 8 new deciduous trees and 3 blue spruce evergreen trees. There will also be 92 shrubs. The Board was comfortable with the landscaping plan.

The Board reviewed the draft decision dated February 19, 2020. This document was received and reviewed by the applicant.

The following areas of the decision will be revised or amended:



- Page 16. Sidewalk Construction/Replacement on Broad Street.
- Page 17. Section on Stormwater Management during Construction
- Page 18. Conditions pertaining to Groundwater Protection District Special Permit

**Findings:**

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to approve the Findings as written.**

**Waivers:**

**On a motion made by Tom Gay and seconded by Matt Hayes, the Board voted unanimously to approve the Waivers as discussed and amended.**

**Conditions and Decision:**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve the Conditions and Decision as amended.**

**Close Hearing:**

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to close the hearing for 20 Broad Street.**

**NOTE** – The Board signed the decision document for 20 Broad Street to be filed with the Town Clerk on February 26<sup>th</sup>.

**Construction Reports:**

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

- Field Report dated 2-23-20 from SMMA, the Town's project engineer, on DPS Building Construction.
- Salmon project is progressing. The applicant will need to come back to the Board to discuss revisions to the phasing plan.
- Millstone should be done with the final check list next week.

**Town Meeting Warrant Articles:**

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

- Schedule for Public Hearings
- Memo from Caroline Wells of Weston and Sampson
- Draft revised bylaw amendments (Environmental Standards)– showing edits
- Draft revised bylaw amendments (Environmental Standards) – clean version
- 2-11-20 email from John Lally

**Noise Section:**

The Board reviewed the document from Consultant Caroline Wells from Weston and Sampson regarding the Medway Zoning Bylaw and proposed Environmental Standards update. There was an inclusion of a chart which indicated the Octave Band Center Frequency column, Daytime column, and Nighttime Column. It was suggested to include the time intervals at the column headings. Resident Lally is recommending that the noise levels for nighttime noise be lowered. The research data that he has looked at accepted range levels should be 30-40 dba. The 60 dba is considered 50% louder than generally accepted noise levels. It is his opinion that the proposed numbers in this would be worse when compared to when 2 Marc Road finished its mitigation. It

was recommended to check with the consultant on the noted numbers in the chart. The Board wants Susy Affleck-Childs to also check in with the noise consultant that had worked on 2 and 4 Marc Road to have them weigh in on it. There was a question about if the numbers are lowered, would this create non-conformance noise levels everywhere else and would this become an enforcement issue. The new levels, once decided, would apply to new projects going forward.

**Odor Section:**

Resident John Lally next wanted to discuss the proposed odor section. The section which was concerning to him was “for the purposes of this section, the odor threshold is a dilution-to-threshold (D/T) of seven (7) or less using a field olfactometer at the property line from where the odor is created.” Mr. Lally referenced an article from *Popular Mechanics* which noted the level of 7 is equivalent to smelly feet and an armpit without deodorant. This threshold number is too high. Agricultural is exempt from this and the provisions protect farmers. Mr. Lally expressed that he cannot support this as written. He would like to see this section further refined. The Board would like Susy to reach out to the Board’s odor consultant for further refinement.

**MINUTES:**

**February 4, 2020 and February 11, 2020:**

**On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted unanimously to approve the minutes from February 4<sup>th</sup> and 11<sup>th</sup>, 2020 as amended.**

**SALMON plan modification** – Re-endorsement

The Board signed the re-endorsement for the site plan modification for Salmon ARCPUD.

**FUTURE MEETING:**

- Thursday, March 5, 2020

**ADJOURN:**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting at 9:44 pm.**

The meeting was adjourned at 9:44 pm.

Prepared by,

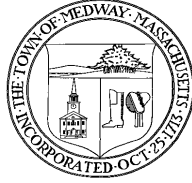


Amy Sutherland  
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



**February 25, 2020**  
**Medway Planning & Economic Development Board**  
**Meeting**

**ZBA Petitions**

- 119A & 119B Main Street and 1 & 3 Elm Street  
Modification of Decision Request
  - The application is for **modification** of the variances granted December 5, 2018 to construct 2, two-family duplexes which do not have the appearance of single family homes. The modification is to allow the two duplexes to be accessed from a common driveway from Main Street instead of Elm Street as presently authorized. The reason for the change is due to wetland resources on the property on Elm Street.
    - 119A & 119B Main Street and 1 & 3 Elm Street Modification Request Application
    - 2020-02-10 in color sketch 119 Main and 1 Elm
- 119A & 119B Main Street and 1 & 3 Elm Street –  
Variance Request (specifically for 1 Elm Street but all other parcels are involved)
  - The application is for the issuance of a **variance** from Section 6.1 of the Zoning Bylaw to allow access to be provided to the proposed single family home on Lot 3 (1 Elm St.) not from the lot frontage; and to use a

common driveway to access two duplexes and the single family home from Main Street; and to cross over the CB District for access to the single family home.

- 119A & 119B Main Street and 1 & 3 Elm Street Variance Request Application
- 2020-02-10 in color sketch 119 Main and 1 Elm

- 21 Summer Hill Road – Accessory Family Dwelling Unit Special Permit Request

- The application is for the issuance of a **special permit** under Section 8.2 of the Zoning Bylaw to construct an Accessory Family Dwelling Unit (“AFDU”) to the existing home.

- 21 Summer Hill Road AFDU Application

- 83 Lovering Street – Two-Family Dwelling Special Permit Request

- The application is for the issuance of a **special permit** under Section 5.4, Table 1.C of the Zoning Bylaw to convert an existing single family home into a two-family house that has the exterior appearance of a single family dwelling on the lot.

- 83 Lovering Street Application Special Permit Application



## TOWN OF MEDWAY

### ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

## GENERAL APPLICATION FORM

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

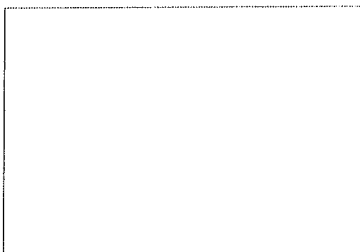
Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

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

#### TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s):	Application Request(s):
Maritime Housing Fund, LLC	
Property Owner(s): Thomas P. Steeves	Appeal <input type="checkbox"/>
	Special Permit <input type="checkbox"/>
Site Address(es): 119 A Main Street (Lot 1)	Variance <input checked="" type="checkbox"/>
119 B Main Street (Lot 2)	Determination/Finding <input type="checkbox"/>
1 Elm Street (Lot 3)	Extension (provide previous case #) <input type="checkbox"/>
3 Elm Street (Lot 4)	Modification (provide previous case #) <input checked="" type="checkbox"/>
Parcel ID(s):	Withdrawal <input type="checkbox"/>
48-047-0001(Lot 1),48-047(Lot 2)	Comprehensive Permit <input type="checkbox"/>
48-047-0002 (Lot 3), 48-047-0003 (Lot 4)	
Zoning District(s): ARII, CB	
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: Book 33875 Page 228, February 4, 2016	

TOWN CLERK STAMP



#### TO BE COMPLETED BY STAFF:

Check No.:  
Date of Complete Submittal:  
Comments:

## GENERAL APPLICATION FORM

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

**APPLICANT/PETITIONER INFORMATION**

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

<b>Applicant/Petitioner(s):</b> Maritime Housing Fund, LLC	<b>Phone:</b> 617-480-4448
	<b>Email:</b>
<b>Address:</b> P.O. Box 540073, Millis, MA 02054	
<b>Attorney/Engineer/Representative(s):</b> Stephen J. Kenney, Kenney & Kenney	<b>Phone:</b> 508-533-6711
	<b>Email:</b> sjk@kenney-law.com
<b>Address:</b> 181 Village Street, Medway, MA 02053	
<b>Owner(s):</b> Thomas P. Steeves	<b>Phone:</b> 617-480-4448
	<b>Email:</b>
<b>Mailing Address:</b> P.O. Box 540073, Millis, MA 02054	

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

None

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

None

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

\_\_\_\_\_  
Signature of Applicant/Petitioner or Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature Property Owner (if different than Applicant/Petitioner)

\_\_\_\_\_  
Date

# GENERAL APPLICATION FORM

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

## APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw: Section 3.2, 3.4 and Table 1;	Requesting Waivers?	<input type="radio"/>	<input checked="" type="radio"/>
6.2.E.3	Does the proposed use conform to the current Zoning Bylaw?	<input checked="" type="radio"/>	<input type="radio"/>
Present Use of Property: Vacant Land	Has the applicant applied for and/or been refused a building permit?	<input type="radio"/>	<input checked="" type="radio"/>
	Is the property or are the buildings/ structures pre-existing nonconforming?	<input type="radio"/>	<input checked="" type="radio"/>
Proposed Use of Property: 2 Two Family/Duplex and Single Family Residence	Is the proposal subject to approval by the BOH or BOS?	<input type="radio"/>	<input checked="" type="radio"/>
	Is the proposal subject to approval by the Conservation Commission?	<input checked="" type="radio"/>	<input type="radio"/>
Date Lot was created: March 27, 2018	Is the property located in the Floodplain District?	<input type="radio"/>	<input checked="" type="radio"/>
Date Building was erected: N/A	Is the property located in the Groundwater Protection District?	<input type="radio"/>	<input checked="" type="radio"/>
Does the property meet the intent of the Design Review Guidelines? Yes	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="radio"/>	<input checked="" type="radio"/>
<p><b>Describe Application Request:</b></p> <p>Applicant seeks to modify the decision dated December 5, 2018 by allowing the 2 Duplexes to have a common driveway from Main Street instead of Elm Street; and to grant variance to allow Applicant to cross over CB Zoning District to access the 2 Duplexes and a single family dwelling on Lot 3; and to grant variance to allow access to principal building not provided from lot frontage for a single family residence</p>			

# GENERAL APPLICATION FORM

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

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Vacant Land	2 Duplexes and single family residence
B. Dwelling Units	Five	None	Five
C. Lot Size	30,000	127,080;81,073;40,229	127,080;81,073;40,229
D. Lot Frontage	150'	150';197.74';150.03	150;197.74;150.03
E. Front Setback	35'	N/A	all in conformity
F. Side Setback	15'	N/A	all in conformity
G. Side Setback	15'	N/A	all in conformity
H. Rear Setback	15'	N/A	all in conformity
I. Lot Coverage	30%	N/A	all in conformity
J. Height	35'	N/A	all in conformity
K. Parking Spaces			
L. Other			

## FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

\_\_\_\_\_  
Date Reviewed

\_\_\_\_\_  
Medway Building Commissioner

Comments:

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



## MODIFICATION FORM


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

 155 Village Street  
 Medway MA 02053

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

TOWN CLERK STAMP

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

**TO BE COMPLETED BY THE APPLICANT**

*Please attach the decision in question. Please provide attachments detailing the Reason(s) for requesting a modification to the existing decision and citation(s) of the portion(s) of the decision to be modified. Please provide any additional waiver requests as needed.*

<b>Applicant/Petitioner(s):</b>	<b>Previous Decision was for:</b>
<b>Martime Housing Fund, LLC</b>	Variance <span style="float: right;"><input checked="" type="checkbox"/></span>
<b>Property Owner(s):</b>	Special Permit <span style="float: right;"><input type="checkbox"/></span>
<b>Thomas P. Steeves</b>	Comprehensive Permit <span style="float: right;"><input type="checkbox"/></span>
<b>Site Address(es):</b> 119 A Main Street (Lot 1), 119 B Main Street (Lot 2), 1 Elm Street (Lot 3) and 3 Elm Street (Lot 3)	Appeal <span style="float: right;"><input type="checkbox"/></span>
<b>Parcel ID(s):</b>	
48-047-0001 (Lot 1), 48-047 (Lot 2),	
48-047-0002 (Lot 3), and 48-047-0003 (Lot 4)	<b>Date of Previous Decision: December 5, 2018</b>
<b>Zoning District(s):</b> ARII, CB	

Signature of Applicant/Petitioner or Representative

Date

Signature Property Owner (if different than Applicant/Petitioner)

Date

## **Reasons For Requesting A Modification To The Existing Decision And Citations Of The Portions Of The Decision To Be Modified**

The Decision for which the Petitioner is requesting a Modification is a Decision dated December 5, 2018, in which Variances were granted to Maritime Housing Fund, LLC as Applicant and Thomas Steeves as Owner, for property located at 119 A and 119 B Main Street (formerly 123 Main Street).

The Zoning Board of Appeals granted a Use Variance to construct two, two-family dwellings with the appearance of two family dwellings and required as a condition of approval that the access to the two, two-family dwellings be from Elm Street rather than Main Street. Because the ZBA required as a condition of approval that the access to the two, two-family dwellings be from Elm Street rather than Main Street, the Use Variance to cross the CB Zoning District to access the dwellings was not allowed. Because the ZBA granted the Use Variance to construct the two, two-family dwellings with the appearance of two family dwellings, a special permit application for two, two-family dwellings with the exterior of the dwellings to have the appearance of a single family house is moot and was not granted.

The Modification to the Decision that the Petitioner is now seeking is to allow the two, two-family units to have a common driveway from Main Street instead of Elm Street, due to the suggestion and the request of the Conservation Commission based upon recommendation by the Conservation Commission Agent, Bridget Graziano.

As background the Petitioner went before the Conservation Commission to deal with the wetlands issues on the various lots in questions. The Conservation Commission, by and through it's Conservation Agent, Bridget Graziano, suggested and recommended that it would be more beneficial to the Conservation Commission and the Town, in order to avoid any disruption of the wetlands, that the common driveway run from Main Street as opposed to Elm Street. It is for that

reason that the Petitioner is now before the ZBA once again in order to seek a Modification of the prior Decision dated December 5, 2018, in order to allow the access to the two, two-family dwellings to be from Main Street rather than from Elm Street.

The Petitioner is also seeking Variances to allow the Applicant to cross over CB Zoning District to access the two duplex units and a single family dwelling unit on Lot 3 and to to allow access to a principal building not provided from lot frontage for a single family residence.

The Citation To The Portions Of The Decision To Be Modified Are As Follows:

IV. 2. "Access to the two, two-family dwellings to be constructed on Lots 1 and 2 shall be by a common driveway to be constructed from Elm Street across remaining land of the applicant (Lot 4 on the ZBA plan, now assessor's parcel 48-047-0003), not from Main Street as shown on the ZBA plan." to allow the two, two-family dwellings to be constructed on Lots 1 and 2 to have access by a common driveway to be constructed from Main Street and not from Elm Street across remaining land of the applicant.



RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

CERTIFY

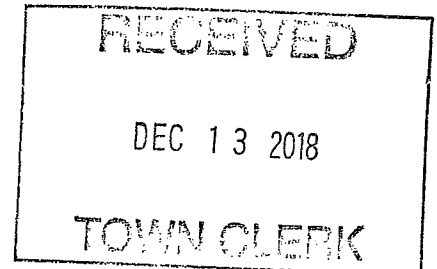
*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

Town of Medway  
**ZONING BOARD OF APPEALS**  
155 Village Street, Medway, MA 02053

Rori Stumpf, Chair  
Brian White, Vice Chair  
Carol Gould, Clerk  
Christina Oster, Member  
Gibb Phenegar, Member

**DECISION  
VARIANCES**

**119A AND 119B MAIN STREET  
(FORMERLY 123 MAIN STREET)**



**Date Application Filed:**

August 28, 2018

**Applicant(s):**

Maritime Housing Fund, LLC ("the Applicant")  
P.O. Box 540073  
Millis, MA 02054

*20 day appeal period  
January 2, 2019*

**Owner:**

Thomas Steeves

**Location of Property:**

Applicant applied for property at 123 Main Street (Assessor Parcel ID: 48-047); however, 123 Main Street has been divided into four parcels; the current application is for Lots 1 and 2 as shown on the ZBA plan; Lot 1 on the ZBA Plan is now identified as Assessor Parcels 48-047-0001 (119A Main Street); Lot 2 on the ZBA Plan is now identified as Assessor Parcels 48-047 (119B Main Street);

**Approval Requested:**

Special permit under Section 5.4 and Table 1; Variance from Sections 3.2, 3.4, and Table 1 to construct two duplex units on Lots 1 and 2 of ZBA Plan, with exterior to have appearance of duplex, and to cross over CB zoning district to provide access to lots and for common driveway

**Members Participating:**

Rori Stumpf (Chair), Brian White (Vice Chair), Carol Gould, Christina Oster, and Gibb Phenegar

**Members Voting:**

Rori Stumpf (Chair), Brian White (Vice Chair), Carol Gould, Christina Oster, and Gibb Phenegar

**Hearing Opened:**

October 3, 2018; continued to November 7, 2018; December 5, 2018

**Hearing Closed:**

December 5, 2018

**Date of Decision:**

December 5, 2018

**Decision:**

VARIANCES GRANTED AS DETAILED BELOW

Vote of the Board  
123 Main Street

## **I. PROCEDURAL HISTORY**

1. On August 28, 2018, the Applicant's representative filed an application for a special permit under Section 5.4 and Table 1; and for Variances from Sections 3.2, 3.4, and Table 1 to construct two duplex units on Lots 1 and 2 of plan submitted, with exterior to have appearance of duplex, and to cross over CB zoning district to provide access to lots and for common driveway.
2. Notice of the public hearing was published in the Milford Daily News on September 19, 2018 and September 26, 2018, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
3. The public hearing was opened on October 3, 2018 at which time testimony was taken. The hearing was continued to November 7, 2018; the November 7<sup>th</sup> hearing was continued without the taking of any testimony to the December 5, 2018 meeting, as only three members of the Board were present on November 7<sup>th</sup>. The hearing was closed on December 5, 2018.
4. The Property is currently located in the Central Business (CB) Zoning District. The property at 123 Main Street, including Lots 1 and 2, was split-zoned for many years, with the frontage located along Elm and Main Street in the Central Business District and the rear portion of the lots located in the Agricultural Residential II District (AR-II). The rear portion of the property was rezoned from AR-II to CB on May 8, 2017. However, an ANR plan for the property was endorsed by the Planning and Economic Development Board on April 11, 2017; therefore, the use provisions of the Zoning Bylaw that were in effect when the ANR plan was endorsed were "frozen" for three years from the date of endorsement of the ANR plan. Accordingly, the rear portion of the property, where the Applicant proposes the two duplexes, can still be used in accordance with the Table 1 uses for the AR-II district as in effect on April 11, 2017.
5. The AR-II district in effect on April 11, 2017 allowed a "two family dwelling, provided that the exterior of the dwelling has the appearance of a single family dwelling". Although the ANR froze the use provisions, it does not protect the property from current dimensional requirements. In the CB zone, the front setback requirement is 10 feet, the side setback is 10 feet or 25 if abutting a residential zone, and rear setback is 25 feet. The minimum lot area requirement is 10,000 sq. ft. and there is no minimum frontage requirement. According to the plan submitted with the application, entitled "Proposed Structure Location Plan of Land in Medway, MA", dated May 23, 2018, (the "ZBA Plan") Lot 1 has 48,253 square feet of upland, and Lot 2 has 43,747 square feet of upland, each sufficient for a two-family home under the AR-II requirements.
6. The Applicant was represented by Stephen Kenney, esquire of Kenney & Kenney, 181 Village Street, Medway, MA.

7. The application identifies the property as 123 Main Street, Assessors' Parcel number 48-047. This address and Assessors' Parcel number apply to the entire property that is shown on the ANR plan. As a result of the ANR plan, there are now four lots, identified on the ANR plan as Lots 1, 2, 3 and 4. Lots 1 and 2 have frontage on Main Street, and are the two lots that are each proposed to have a two-family dwelling. Lots 1, 2, 3 and 4 have been assigned separate Assessor Parcel numbers, which are:

48-047-0001 119A Main Street (Lot 1 as shown on the ANR plan)

48-047 119B Main Street (Lot 2 as shown on the ANR plan)

48-047-0002 1 Elm Street (Lot 3 as shown on the ANR plan)

48-047-0003 3 Elm Street (Lot 4 as shown on the ANR plan)

8. The Board notified Town departments, boards and committees of this application. The Board received comments from the Fire Department, Department of Public Services, Building Commissioner, Assessing Department, Conservation Agent, Treasurer/Collector and the Planning and Economic Development Board.
9. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Section IV of this Decision.

## II. TESTIMONY

The public hearing was opened by the Board on October 3, 2018. The Applicant's representative, Stephen Kenney, provided an overview of the request. The applicant has submitted two applications, for a special permit and a variance. The first is for a special permit to construct duplexes on Lots 1 and 2 of the plan with the exterior of the units having the appearance of duplex units and the second is for a variance to cross over the Central Business (CB) zoning district to provide driveways for the units.

He addressed the criteria for a special permit. There is sufficient land for duplexes and the use is compatible with the surrounding area as there are single and tow family residences on Main Street and Elm Street. He stated there are adequate facilities and the development will be in compliance with the Board of Health, Zoning Bylaws, conservation, fire, Department of Public Services and Planning and Economic Development Board requirements. The development will not create a hazard to pedestrians, etc. and will not be detrimental to surrounding properties because it is two duplexes which is less intrusive than commercial use. He stated that it is in harmony with Zoning Bylaw because ARII allows two-family by special permit and it is consistent with the Master plan which calls for additional housing and it is not detrimental to the public good to have two duplexes.

He then addressed the criteria for a variance. The first criterion of shape, topography or soil conditions he explained that the original shape of the property is a large "L". There are significant wetlands on the site near Elm Street and to the rear of the property. The size of the lot and the limited frontage in relation to the size are unique. It is difficult to develop because of the wetlands. The buildable area is difficult to access because of the wetlands. The second

Vote of the Board  
123 Main Street

criterion of hardship he explained is that the applicant has been trying to develop the land for a several years and does not wish to develop a 40B project. The plan presented seems to be the most economical and beneficial to the community. The third criterion of the grant of relief will not substantially derogate from the intent of the Bylaw and there will be no substantial detriment to the public good. The lot borders a residential area on Elm Street and the zoning was ARII until last year and the two duplexes will not nullify the intent of the Bylaw or be detrimental to the public good.

Mr. Merriken then addressed the comments from town officials. He stated they will comply with the Fire Chief's concerns in regards to the turning of trucks on the site, the surface of the driveway, the sweep analysis and the ability to support the fire apparatus. He also stated that fire hydrants within 400' of the duplexes will be addressed. Attorney Kenney stated that the water pressure can be dealt with in regards to comments made by Department of Public Services.

Chairman Stumpf questioned why the driveway could not be off Elm Street and also referenced the letter from the Planning and Economic Development Board and wants a chronology of the history of the lot to determine if this is a self-imposed hardship.

Ms. Oster questioned why the lots could not be developed for commercial use. Attorney Kenney stated that it is a hard fit and there is not a lot of room with the wetlands.

Mr. Gibb was concerned that the exterior of the buildings did not "read" as single family homes and Attorney Kenney responded that they are more marketable with separate entrances.

The hearing was continued to the November 7, 2018 meeting, where it was continued to the December 5, 2018 meeting without taking testimony.

At the December 5, 2018 hearing, Attorney Kenney provided a brief overview of the project. He stated that the applicant is willing to change the location of the driveway from Main Street to Elm Street but that the preference is for a common driveway which would require a variance. He also requested a variance for the two duplexes to look like duplexes and to not look like single family homes.

Glenn Trindade stated he would support the driveway off Elm Street but was opposed to the driveway being on Main Street. Blair Hamilton of 121 Main Street presented photographs of stormwater concerns on his property. Board members noted that the applicant will need to file with the Conservation Commission, which will address stormwater.

The members discussed that it would be better to have the entrance on Elm Street, and that a common driveway would be better than individual driveways to minimize impacts to wetlands. Members also noted that the two buildings would not be visible from the street, so they did not have any concern about the request to allow the two-families to have the appearance of two-families. It was also noted that this property is on the border between a single family neighborhood and a commercial area, and two-family homes would make sense in this location.

### III. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40A, as amended, and by the Medway Zoning Bylaw. The Board also considered evidence and testimony presented at the public hearing and comments submitted by residents placed in the public record during the course of the hearings.

#### A. Variance Criteria

1. *Are there circumstances relating to the shape, topography, or soil conditions of the subject property, which do not generally affect other land in the zoning district.*

**Upon motion by Chairman Stumpf, seconded by Mr. White the Board finds that the "L" shape of the property, the wetlands and the limited frontage are conditions related to shape and soil conditions which do not generally affect other land in the zoning district. Vote passes unanimously (5-0-0)**

2. *Is there substantial hardship caused by the circumstances from Criterion A.1 when the Zoning Bylaw is literally enforced.*

**Upon motion by Chairman Stumpf, seconded by Mr. White the Board finds that the literal enforcement of the Bylaw will provide a hardship to the owner in regards to frontage, wetland coverage and location with respect to the Central Business district which make it difficult to use the property within the current Zoning Bylaw. Vote passes unanimously (5-0-0)**

3. *Would the grant of relief nullify or derogate from the intent of the Zoning Bylaw.*

**Upon motion by Mr. White, seconded by Mr. Phenegar this relief would not derogate from the intent of the Zoning Bylaw because the land had been zoned ARII which allows for residential development. Vote passes with Chairman Stumpf opposing. (4-1-0)**

4. *There would not be substantial detriment to the public good.*

**Upon motion by Mr. Phenegar, seconded by Chairman Stumpf this location is not firmly within a residential or commercial district and is far enough away from residential abutters to not be detrimental. Vote passes unanimously (5-0-0)**

The Board requires as a condition of approval that the access to the two, two-family dwellings be from Elm Street rather than Main Street, therefore, the use variance to cross the CB zoning district to access the dwellings was not allowed. Further, because the Board granted the use variance to construct the two, two-family dwellings with the appearance of two-family



dwellings, the special permit application for two, two-family dwellings where the exterior of the dwellings would have the appearance of a single family house is moot and was not granted.

#### IV. CONDITIONS OF APPROVAL

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board hereby GRANTS the Applicant, Maritime Housing LLC, and owner Thomas Steeves, use Variances under Section 3.2 and Table 1 to construct two, two-family units on Lots 1 and 2 as shown on the ZBA Plan, with exterior to have appearance of two-family dwelling, and for use of a common driveway; and a Variance from Section 6.2.E.3 of the Zoning Bylaw, which requires access to a principal building be provided from the lot frontage, (Parcel ID: 48-047 and 48-047-0001), subject to the **CONDITIONS** herein:

1. The Variances are subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the special permit that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a modification.
2. Access to the two, two-family dwellings to be constructed on Lot 1 and Lot 2 shall be by a common driveway to be constructed from Elm Street across remaining land of the applicant (Lot 4 on the ZBA Plan, now Assessors Parcel 48-047-0003), not from Main Street as shown on the ZBA Plan.
3. The applicant shall comply with Massachusetts Stormwater Management Standards and Town of Medway General Bylaws Article XXVI, Stormwater Management and Land Disturbance.
4. Any work or use that deviates from this Decision shall be a violation of the Medway Zoning Bylaw.
5. In accordance with General Laws c.40A, §10: "If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section."
6. In accordance with Fire Chief Lynch's email of September 11, 2018, the applicant shall provide an access road that is a minimum of 20 feet wide, composed of tar or cement, and capable of supporting vehicles of 75,000 pounds. Further, the applicant will provide a

Vote of the Board  
123 Main Street

“sweep analysis” that shows that the Town’s fire apparatus can make it into and out of the site. There must also be a fire hydrant within 400 feet of each two-family dwelling.

7. The applicant shall comply with Town of Medway water and sewer regulations.

## **V. INDEX OF DOCUMENTS**

**A.** The application included the following plans and information that were provided to the Board at the time the application was filed:

1. Plan of Land in Medway, MA dated March 5, 2018, last revised March 27, 2018, endorsed as approval under Subdivision Control Law not required
2. Plan entitled “Proposed Structure Location Plan of Land in Medway, MA” dated May 23, 2018
3. “3D Isometric Concept Double Concord Cape TBD” from Preferred Building Systems
4. Photos of typical two-family house designs

**B.** During the course of the review, the following materials were submitted to the Board by Town Departments/Boards:

1. Comments: Department of Public Services, dated September 25, 2018
2. Comments: Fire Department, dated September 11, 2018
3. Comments: Conservation Agent, dated September 25, 2018
4. Comments: Building Commissioner, dated August 29, 2018
5. Comments: Treasurer/Collector, dated September 5 and September 28, 2018
6. Letter from Planning and Economic Development Board dated September 25, 2018
7. Comments: Director of Community and Economic Development, dated September 28, 2018
8. Email correspondence between Director of Community and Economic Development and attorney Kenney, dated September 26 and 27, 2018
9. Quitclaim deed from Maritime Housing, LLC to Thomas P. Steeves, recorded at Norfolk County Registry of Deeds on February 25, 2016

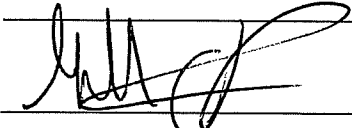
Mullin Form: Submitted by Brian White, Zoning Board of Appeals member, dated November 4, 2018

**C.** During the course of the review, the following materials were submitted to the Board by residents:

1. Photographs of Main Street flooding (10) from resident Blair Hamilton, 121 Main Street regarding stormwater concerns submitted at the meeting on December 5, 2018.

## VI. VOTE OF THE BOARD

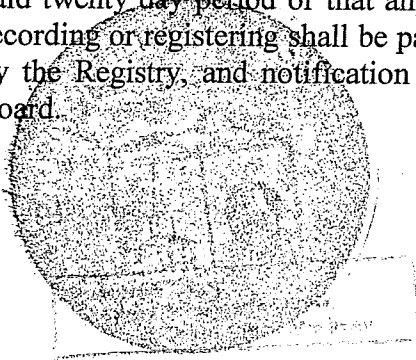
By a vote of 5 to 0 on a motion made by Mr. White and seconded by Mr. Phenegar, the Zoning Board of Appeals hereby GRANTS the Applicant, Maritime Housing Fund, LLC, and owner Thomas Steeves, Use Variances under Section 3.2 and Table 1 to construct two, two-family dwelling units, one on Lot 1 and one on Lot 2 as shown on the ZBA Plan, with exteriors to have appearance of two-family dwellings, and for use of a common driveway; and a Variance from Section 6.2.E.3 of the Zoning Bylaw, which requires access to a principal building be provided from the lot frontage. (Parcel ID: 48-047 and 48-047-0001), subject to the **CONDITIONS** herein. No other relief is granted.

Member:	Vote:	Signature:
Rori Stumpf	Yes	_____
Brian White	Yes	_____
Carol Gould	Yes	_____
Christina Oster	Yes	_____
Gibb Phenegar	Yes	 _____

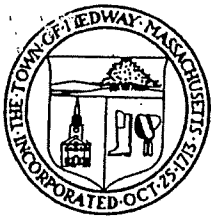
The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms hereinafter set forth. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided 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 20 days after the filing of this notice in the office of the Medway Town Clerk.

In accordance with MGL c. 40A, Section 11, no variance or 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 any duly filed appeal has been dismissed or denied. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.



Vote of the Board  
123 Main Street



## MEDWAY TOWN CLERK

155 VILLAGE STREET  
MEDWAY, MASSACHUSETTS 02053  
(508) 533-3204 • FAX: (508) 533-3287  
mwhite@townofmedway.org

**MARYJANE WHITE, CMMC**

CERTIFIED MASSACHUSETTS MUNICIPAL CLERK

JUSTICE OF THE PEACE

NOTARY PUBLIC

### CERTIFICATE

I, TOWN CLERK OF THE TOWN OF MEDWAY, HEREBY CERTIFY THAT NOTICE OF THE VARIANCE DECISION OF THE MEDWAY ZONING BOARD HAS BEEN

RECEIVED IN THE MATTER OF:

MARITIME HOUSING FUND, LLC  
THOMAS STEEVES  
119A AND 119B MAIN ST  
MEDWAY, MA 02053

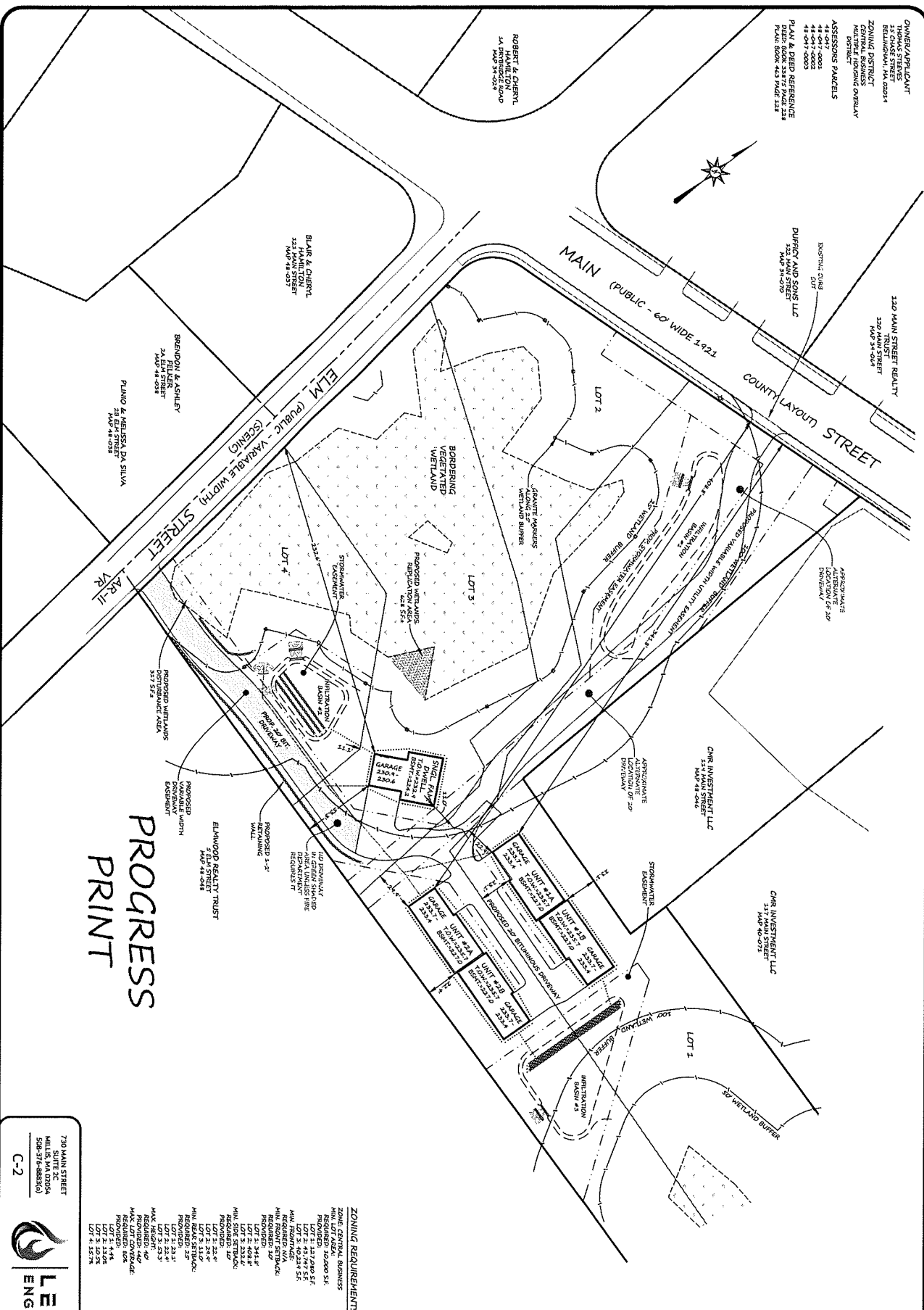
FILED IN THE TOWN CLERK'S OFFICE ON DECEMBER 13, 2018

AND NO APPEAL WAS RECEIVED DURING THE NEXT TWENTY DAYS AFTER SUCH RECEIPT AND RECORDING OF SAID DECISION.

DATED AT MEDWAY, MA, JANUARY 4, 2019

A TRUE COPY  
ATTEST

*MaryJane White*



PROGRESS  
PRINT

C-2



**LEGACY  
ENGINEERING**

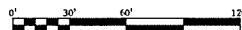
730 MAIN STREET  
SUITE 20

THE CORNER OF ELM & MAIN  
LAYOUT  
PLAN OF LAND  
IN  
MEDWAY, MA

PLAN DATE: DECEMBER 10, 2019

[illegible]

PLAN SCALE: 1"=30'



[illegible]

ZONE: CENTRAL BUSINESS  
ZONING REQUIREMENTS:  
MIN. LOT AREA:  
REQUIRED: 10,000 S.F.  
LOT 1: 2,270 SQ. F.  
LOT 2: 2,270 SQ. F.  
LOT 3: 10,244 S.F.  
MIN. FRONTAGE:  
REQUIRED: 10' 0"  
MIN. FRONT SETBACK:  
REQUIRED: 10'  
MIN. SIDE SETBACK:  
REQUIRED: 10'  
MIN. REAR SETBACK:  
REQUIRED: 10'  
LOT 1: 32.2' 0"  
LOT 2: 32.2' 0"  
LOT 3: 32.2' 0"  
MIN. REAR SETBACK:  
REQUIRED: 35'  
LOT 1: 32.2' 0"  
LOT 2: 32.2' 0"  
LOT 3: 32.2' 0"  
MAX. HEIGHT: 40'  
PROVIDED: 40'  
MAX. LOT COVERAGE:  
PROVIDED: 80%  
LOT 1: 14.4%  
LOT 2: 14.4%  
LOT 3: 14.4%  
LOT 4: 10.0%  
LOT 5: 15.7%

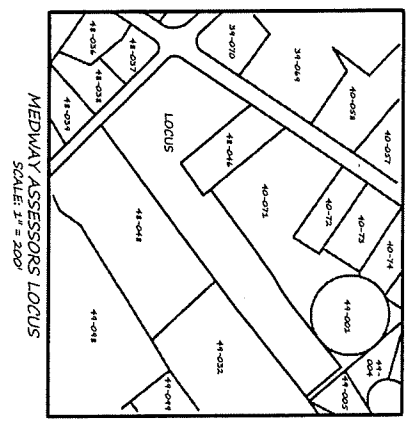
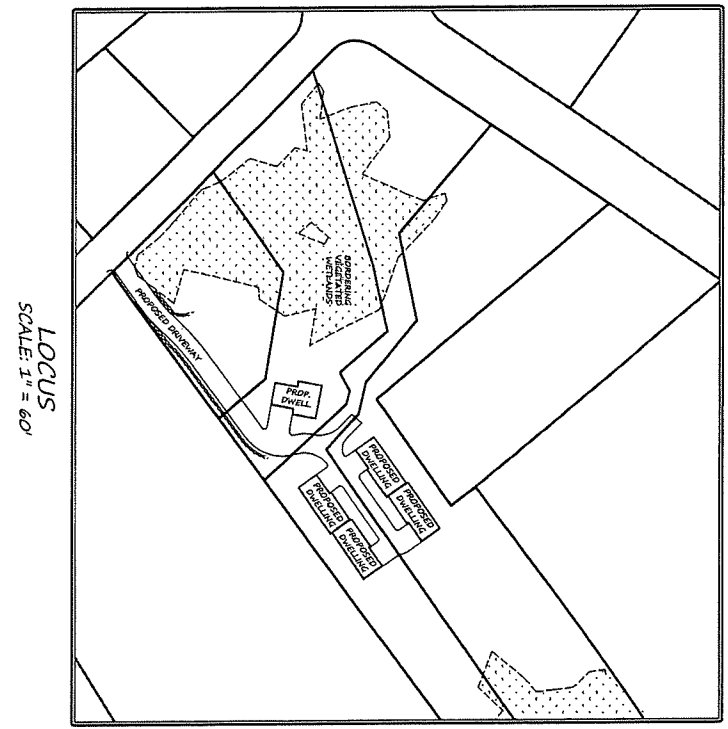
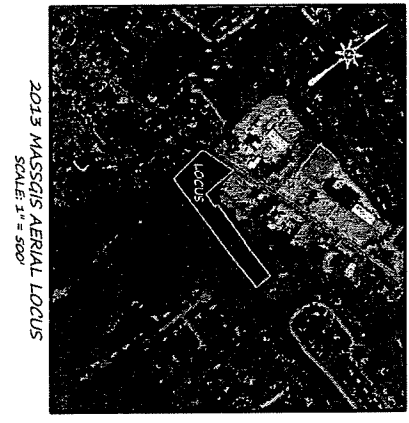
[illegible]

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

# THE CORNER OF ELM & MAIN MEDWAY & MAIN STEEVES PLAIN DECEMBER 10, 2019

PREPARED FOR:  
THOMAS STEEVES  
15 CHASE STREET  
BELLINGHAM, MA 02019

OWNER/ARCHITECT  
THOMAS STEEVES  
15 CHASE STREET  
BELLINGHAM, MA 02019  
ZONING DISTRICT  
RURAL RESIDENTIAL  
MULTIPLE HOUSING OVERLAY  
DISTRICT  
ASSESSORS PARCELS  
44-001-0001  
44-001-0002  
44-001-0003  
44-001-0004  
PLAN # DEED REFERENCE  
PLAN BOOK 32815 PAGE 228  
PLAN BOOK 443 PAGE 128



SHEET LEGEND  
C-0 COVER SHEET  
C-1 EXISTING CONDITIONS  
C-2 PROPOSED DRIVEWAY  
C-3 PROPOSED DWELLING  
C-4 PROPOSED PARKING  
C-5 UTILITIES  
C-6 DETAILS

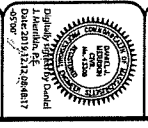
730 MAIN STREET  
SUITE 2C  
MILLS, MA 02054  
253-219-8880  
C-0



THE CORNER OF ELM & MAIN  
COVER SHEET  
PLAN OF LAND  
IN  
MEDWAY, MA

PLAN DATE: DECEMBER 10, 2019			
REVISION	DATE	BY	

PLAN SCALE: AS NOTED







TOTAL BUFFER ZONE = 48,485 S.F.  
 1. PROPOSED WORK AREA IN BUFFER ZONE = 43,169 S.F.



**LEGACY**  
ENGINEERING

PLAN DATE: DECEMBER 10, 2019

[illegible]

A horizontal graphic scale bar with alternating black and white segments. It is marked with '0'', '40'', '80'', and '160'' at regular intervals.



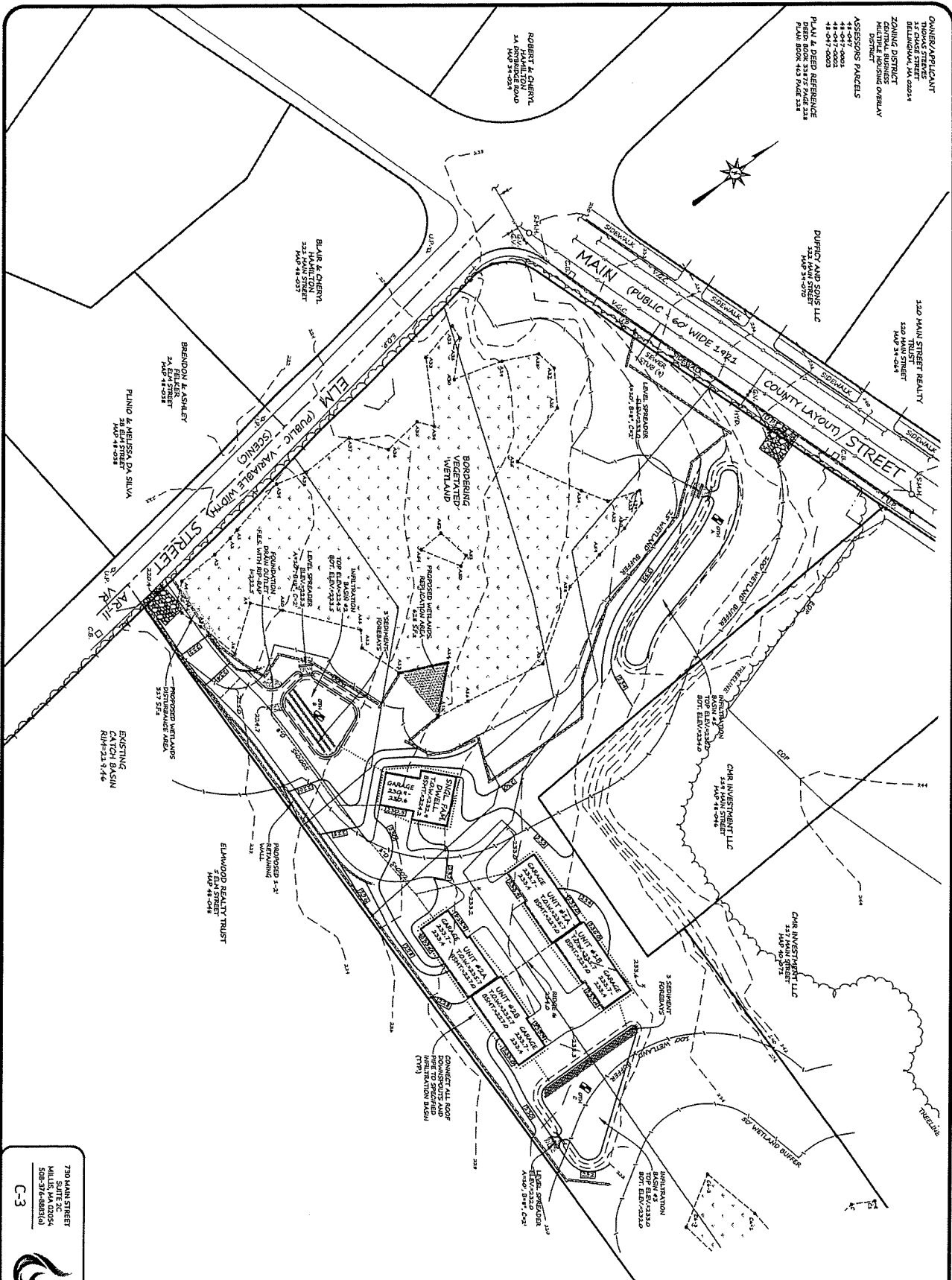
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**OWNER/APPLICANT**  
THOMAS STEVENS  
15 CHASE STREET  
BELLINGHAM, WA 98224

**ZONING DISTRICT**  
CENTRAL BUSINESS  
MULTIPLE HOUSING OVERLAY  
DISTRICT

**ASSESSOR'S PARCELS**  
48-0-47  
48-0-47-0001  
48-0-47-0002  
48-0-47-0003

**PLAN & DEED REFERENCE**  
DEED BOOK 33875 PAGE 228  
PLAN BOOK 465 PAGE 228



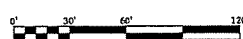
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THE CORNER OF ELM & MAIN  
GRADING & DRAINAGE  
PLAN OF LAND  
IN  
MEDWAY, MA

[illegible]

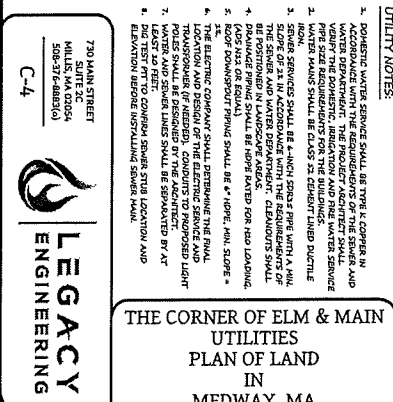
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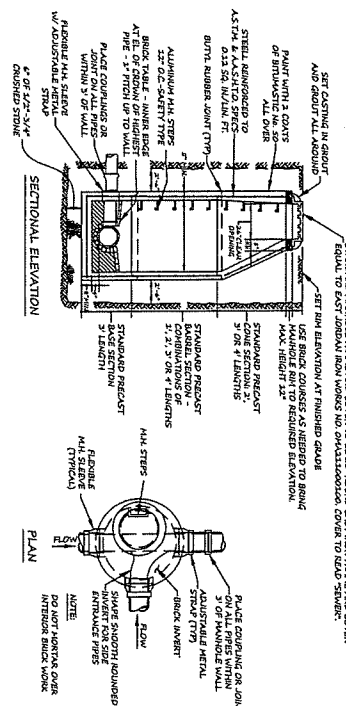
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320-21-0001

320 MAIN STREET  
TRUST  
320 MAIN STREET  
320-21-0001

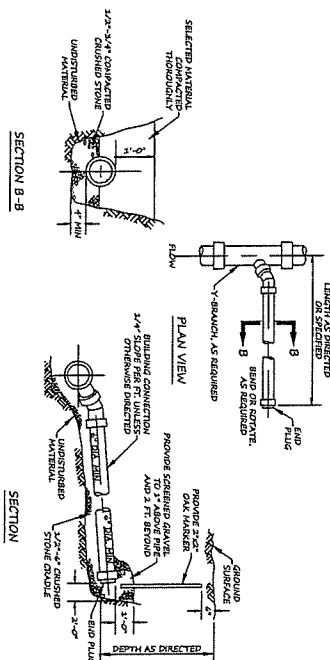
SIDEWALK  
CITY LAYOUT  
STREET

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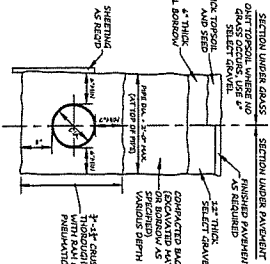
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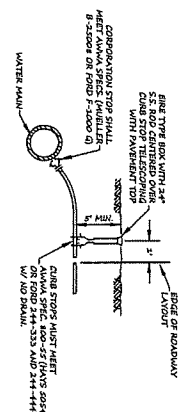
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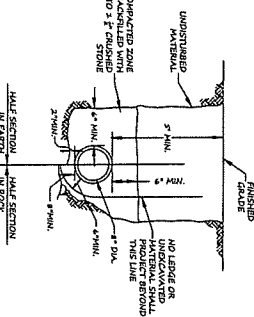
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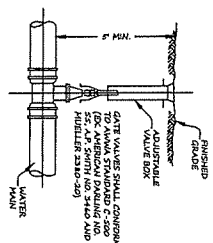
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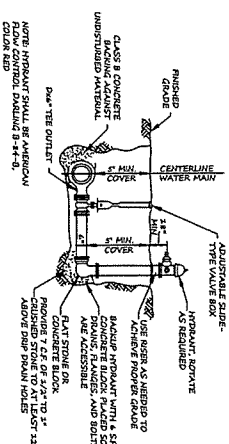
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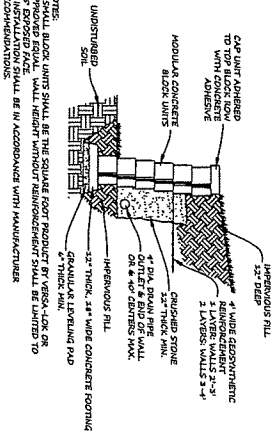
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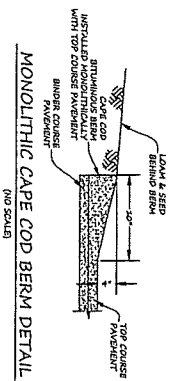
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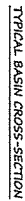
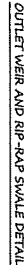


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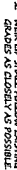
PLAN DATE: DECEMBER 10, 2019

[illegible]

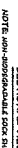


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NOT TO SCALE



**NOT TO SCALE**



NOT TO SCALE

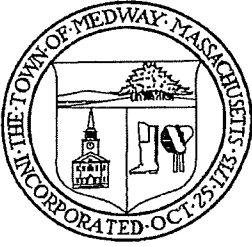
**TREASURER/COLLECTOR CERTIFICATION****TOWN OF MEDWAY**  
**ZONING BOARD OF APPEALS**155 Village Street  
Medway MA 02053Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)**TO BE COMPLETED BY THE APPLICANT**

<b>Applicant/Petitioner(s):</b>
Maritime Housing Fund, LLC
<b>Property Owner(s):</b>
Thomas P. Steeves
<b>Site Address(es):</b>
119 A Main Street (Lot 1), 119 B Main Street (Lot 2), 1 Elm Street (Lot 3) and 3 Elm Street (Lot 3)
<b>Parcel ID(s):</b>
48-047-0001 (Lot 1), 48-047 (Lot 2), 48-047-0002 (Lot 3), and 48-047-0003 (Lot 4)
<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b>
Book 33875, Page 228 February 4, 2016

\_\_\_\_\_  
*Signature of Applicant/Petitioner or Representative*\_\_\_\_\_  
*Date***FOR TOWN HALL USE ONLY***To be filled out by the Treasurer/Collector:*\_\_\_\_\_  
Date Reviewed\_\_\_\_\_  
Medway Treasurer/Collector

Tax Delinquent: Y N

Comments:



TOWN OF MEDWAY  
BOARD OF ASSESSORS  
155 VILLAGE STREET  
MEDWAY, MA 02053  
PHONE: 508-533-3203 FAX: 508-321-4981  
www.townofmedway.org

## REQUEST FOR ABUTTERS

Date of Request: \_\_\_\_\_  
Property owner: Thomas P. Steeves  
Property location: 119 A Main St. (Lot1), 119 B Main St. (Lot 2), 1 Elm St. (Lot 3), and 3 Elm St. (Lot 4)  
Parcel (Property) ID: 48-047-0001 (Lot 1) 48-047 (Lot 2), 48-047-0002 (Lot 3) and 48-847-0003 (Lot 4)

Please specify: 100', 300' or 500' from subject parcel: 300'

### THIS LIST IS REQUESTED FOR:

- ☐ Planning & Economic Development Board  
☒ Zoning Board of Appeals  
☐ Conservation Commission

### REQUESTER INFORMATION:

Name: Maritime Housing Fund, LLC Email address: \_\_\_\_\_  
Address: P.O. Box 540073  
Millis, MA 02054  
Phone: 617-480-4448

**Please Return to MEDWAY ZBA  
Mackenzie Leahy or Stephanie Mercandetti  
Community & Economic Development Department**

THERE IS A FEE OF \$15.00 DUE AT THE TIME OF REQUEST. THE LIST IS VALID FOR 90 DATE OF CERTIFICATION DATE.  
THE BOARD OF ASSESSORS RESERVES 10 WORKING DAYS TO PROVIDE ALL CERTIFIED LISTS OF ABUTTERS.  
\*\*\*IF YOU WISH TO HAVE THE LISTS MAILED BACK TO YOU,  
YOU MUST PROVIDE A SELF ADDRESSED STAMPED ENVELOPE LARGE ENOUGH FOR THREE SETS OF LABELS.\*\*\*



*Please Note: This form must be returned to the Zoning Board of Appeals when submitting your application.*



**TOWN OF MEDWAY**  
Zoning Board of Appeals  
155 Village Street, Medway, MA 02053  
Phone: (508) 5321-4915 • Fax: (508) 321-4988

**Site Access Agreement Form**

*Please complete this form, sign at the bottom, and return to the address indicated above.*

By submitting this form with an application to the Zoning Board of Appeals (the Board),

I, Maritime Housing Fund, LLC, hereby give the Board, and/or Staff to the Board, access to the  
(Print Name)  
property in order to complete a site visit, if determined necessary. The Board, and/or Staff to the Board,  
may also determine and request the necessary site visits from other Town of Medway Staff, Consultants,  
Boards, and/or Committees.

This request is made by Maritime Housing Fund, LLC, who is the applicant for this project and/or  
(Print Name)  
the rightful property owner.

This form is submitted with the application for Variance and Modification with respect to the property  
(Special Permit, Variance, or Appeal)  
located at 119 A Main St., 119 B Main St., 1 Elm St., and 3 Elm St.  
(Property Address and/or Parcel ID)

<b>I am the:</b>	<input type="checkbox"/> <b>Applicant</b>
(Check All That Apply)	<input type="checkbox"/> <b>Property Owner</b>

**Signature:** \_\_\_\_\_

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

*By declining or neglecting to submit this form, you are denying access to the property prior to opening of the hearing. Upon opening of the hearing, the Board and/or Staff to the Board may determine that a site visit is necessary.*



**LEGACY**  
ENGINEERING





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

155 Village Street  
Medway MA 02053

**GENERAL APPLICATION FORM**

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

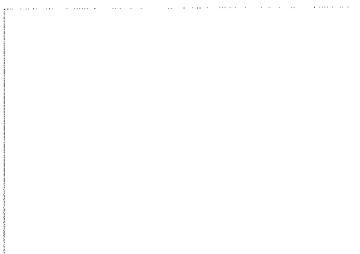
Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

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

**TO BE COMPLETED BY THE APPLICANT**

<b>Applicant/Petitioner(s):</b> Maritime Housing Fund, LLC	<b>Application Request(s):</b>
<b>Property Owner(s):</b> Thomas P. Steeves	Appeal <input type="checkbox"/>
	Special Permit <input type="checkbox"/>
<b>Site Address(es):</b> 119 A Main Street (Lot 1)	Variance <input checked="" type="checkbox"/>
119 B Main Street (Lot 2)	Determination/Finding <input type="checkbox"/>
1 Elm Street (Lot 3)	Extension (provide previous case #) <input type="checkbox"/>
3 Elm Street (Lot 4)	Modification (provide previous case #) <input checked="" type="checkbox"/>
<b>Parcel ID(s):</b>	Withdrawal <input type="checkbox"/>
48-047-0001(Lot 1), 48-047(Lot 2)	Comprehensive Permit <input type="checkbox"/>
48-047-0002 (Lot 3), 48-047-0003 (Lot 4)	
<b>Zoning District(s):</b> ARII, CB	
<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b> Book 33875 Page 228, February 4, 2016	

TOWN CLERK STAMP



**TO BE COMPLETED BY STAFF:**

Check No.:  
Date of Complete Submittal:  
Comments:

**GENERAL APPLICATION FORM**

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

**APPLICANT/PETITIONER INFORMATION**

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

<b>Applicant/Petitioner(s):</b> Maritime Housing Fund, LLC	<b>Phone:</b> 617-480-4448
	<b>Email:</b>
<b>Address:</b> P.O. Box 540073, Millis, MA 02054	
<b>Attorney/Engineer/Representative(s):</b> Stephen J. Kenney, Kenney & Kenney	<b>Phone:</b> 508-533-6711
	<b>Email:</b> sjk@kenney-law.com
<b>Address:</b> 181 Village Street, Medway, MA 02053	
<b>Owner(s):</b> Thomas P. Steeves	<b>Phone:</b> 617-480-4448
	<b>Email:</b>
<b>Mailing Address:</b> P.O. Box 540073, Millis, MA 02054	

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

None

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

None

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

\_\_\_\_\_  
Signature of Applicant/Petitioner or Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature Property Owner (if different than Applicant/Petitioner)

\_\_\_\_\_  
Date

# GENERAL APPLICATION FORM

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

## APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw: Section 3.2, 3.4 and Table 1;	Requesting Waivers?	<input type="radio"/>	<input checked="" type="radio"/>
6.2.E.3	Does the proposed use conform to the current Zoning Bylaw?	<input checked="" type="radio"/>	<input type="radio"/>
Present Use of Property: Vacant Land	Has the applicant applied for and/or been refused a building permit?	<input type="radio"/>	<input checked="" type="radio"/>
	Is the property or are the buildings/ structures pre-existing nonconforming?	<input type="radio"/>	<input checked="" type="radio"/>
Proposed Use of Property: 2 Two Family/Duplex and Single Family Residence	Is the proposal subject to approval by the BOH or BOS?	<input type="radio"/>	<input checked="" type="radio"/>
	Is the proposal subject to approval by the Conservation Commission?	<input checked="" type="radio"/>	<input type="radio"/>
Date Lot was created: March 27, 2018	Is the property located in the Floodplain District?	<input type="radio"/>	<input checked="" type="radio"/>
Date Building was erected: N/A	Is the property located in the Groundwater Protection District?	<input type="radio"/>	<input checked="" type="radio"/>
Does the property meet the intent of the Design Review Guidelines? Yes	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="radio"/>	<input checked="" type="radio"/>
<p><b>Describe Application Request:</b></p> <p>Applicant seeks to modify the decision dated December 5, 2018 by allowing the 2 Duplexes to have a common driveway from Main Street instead of Elm Street; and to grant variance to allow Applicant to cross over CB Zoning District to access the 2 Duplexes and a single family dwelling on Lot 3; and to grant variance to allow access to principal building not provided from lot frontage for a single family residence</p>			

**GENERAL APPLICATION FORM**

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

**FILL IN THE APPLICABLE DATA BELOW**

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Vacant Land	2 Duplexes and single family residence
B. Dwelling Units	Five	None	Five
C. Lot Size	30,000	127,080;81,073;40,229	127,080;81,073;40,229
D. Lot Frontage	150'	150';197.74';150.03	150;197.74;150.03
E. Front Setback	35'	N/A	all in conformity
F. Side Setback	15'	N/A	all in conformity
G. Side Setback	15'	N/A	all in conformity
H. Rear Setback	15'	N/A	all in conformity
I. Lot Coverage	30%	N/A	all in conformity
J. Height	35'	N/A	all in conformity
K. Parking Spaces			
L. Other			

**FOR TOWN HALL USE ONLY***To be filled out by the Building Commissioner:*\_\_\_\_\_  
Date Reviewed\_\_\_\_\_  
Medway Building Commissioner*Comments:*

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

## VARIANCE FORM



### TOWN OF MEDWAY

#### ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

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

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

#### TO BE COMPLETED BY THE APPLICANT

*Please provide evidence regarding how the Variance Criteria, outlined below, is met. All Variance Criteria must be met to be considered. Provide attachments if necessary.*

1. What circumstances exist relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district? (See MGL c. 40A Section 10)

See Attached

2. What substantial hardship, financial or otherwise, is caused by the circumstances listed above when the literal enforcement of Medway Zoning Bylaw is applied? (See MGL c. 40A Section 10) (Cannot be *personal hardship*)

See Attached

3. State why desirable relief may be granted without substantial detriment to the public good.

See Attached

4. State why relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

See Attached

Signature of Applicant/Petitioner or Representative

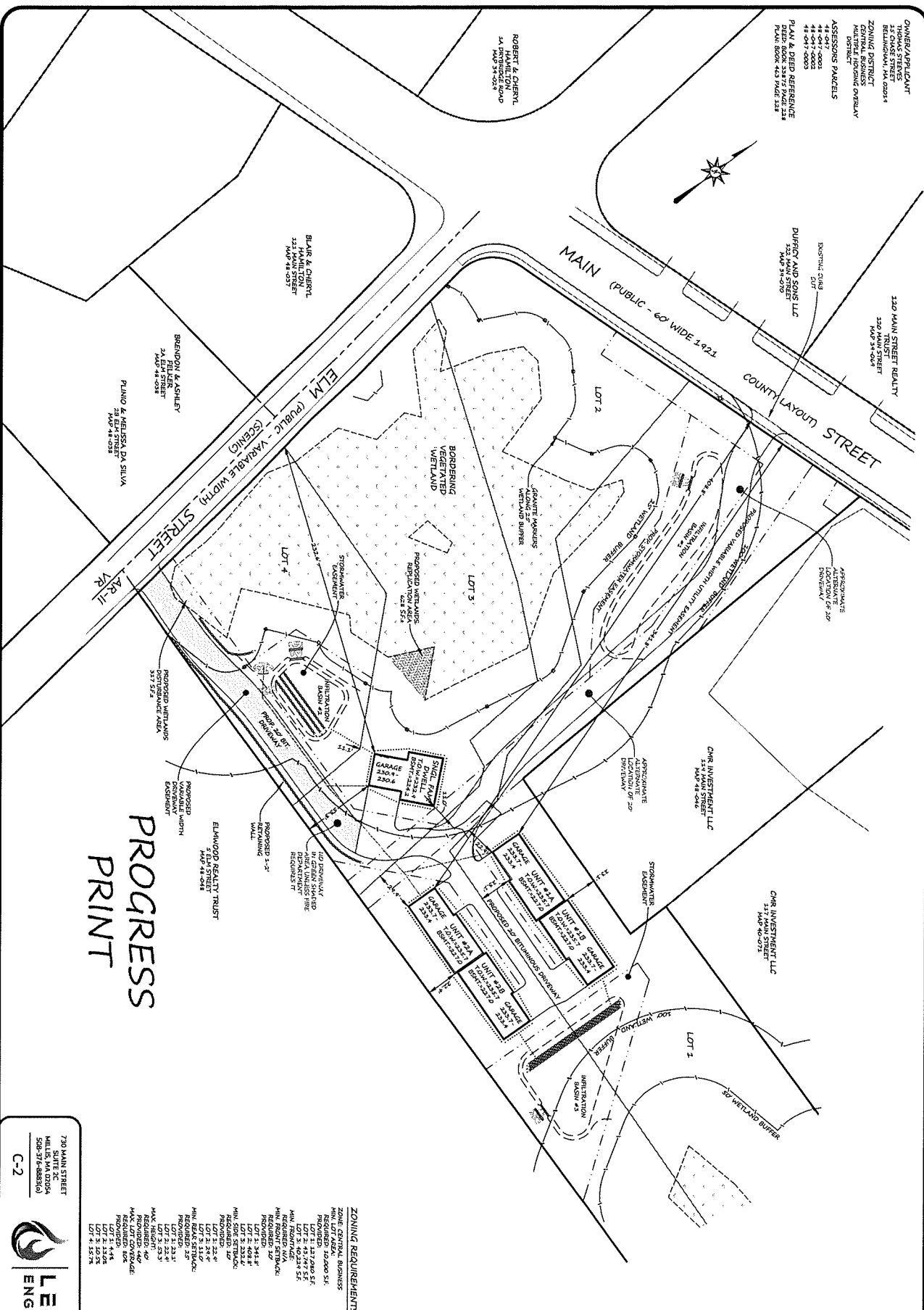
Date



1. The circumstances that exist relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district are as follows. The shape of the three lots upon which the Petitioner seeks to construct duplex structures and a single family residence, are as can be seen from the plan presented with the petition, irregular and run from Main Street. The Planning and Economic Development Board on March 27, 2018, endorsed an Approval Not Required plan which was subsequently recorded with the Norfolk County Registry of Deeds at Plan Book 669, Plan 15, on May 2, 2018. As a result of the shape of the lot, the Petitioner is seeking to have a driveway running over Lot 1 and a portion of Lot 2, which could be up to twenty feet wide, to service the duplex units and a single family residence which would sit on Lots 1, 2 and 3. The Petitioner believes that this would most likely be the most sensible and advantageous manner in which to access the lots as there would be no wetlands crossing necessary, the driveway would be more than wide enough to service the two duplex units and single family residence and there would only be the necessity of one means of ingress and egress for the three lots on Main Street. The shape of the lots were necessitated by the original shape of the lot that was divided into four lots, with frontage on Main Street and Elm Street and in essence a large reverse "L" shape lot as viewed from Elm Street. The one driveway servicing the three lots would not create any additional congestion on Main Street and there already exists a curb cut on Main Street for this particular parcel of land. The variances required are either the single driveway servicing the three lots or for one driveway on each Lots 1, 2 and 3 servicing the duplex units on Lots 1, 2, and single family residence on Lot 3, as they run through the CB District into the AR II District. This lot is divided as a result of a zoning freeze into the AR II District, upon which the duplex units were set and the CB District, upon which the driveway servicing the units would lie. Without the zoning freeze the entire parcel of land would lie in the CB District. The Zoning ByLaw is silent on the use of common driveway, which is the reason that the petition is seeking a variance for a common driveway running over Lot 1 and a portion of Lot 2 to service both Lots 1, 2 and 3. The fact that the Zoning ByLaw is silent as to common driveways, except in one particular district, creates a question as to whether it is allowed in other districts. The Petitioner believes that the best plan is to have the one common driveway running over Lot 1 and a portion of Lot 2 to service Lots 1, 2 and 3.
2. The substantial hardship, financial or otherwise, caused by the circumstances listed above when the literal enforcement of the Zoning ByLaw is applied is as follows. Petitioner has been attempting to develop this land for a number of years and initially had a 40 B Project approved. The Petitioner chose not to develop the 40 B project for a number of reasons, one of which was financial circumstances. The Petitioner does not wish to develop a 40 B Project on this particular parcel of land, as the Petitioner does not believe that it is the best use of the land based upon its location in the Town of Medway. As a result, the Petitioner has attempted different plans in order to develop the parcel and to make the parcel the most economically beneficial parcel that it can be. This is keeping in mind the use of the parcel as was it originally designated with part of it being in the CB District and part of it being in the AR II District. The Petitioner believes that two duplex units on Lots 1 and 2, and a single family residence on Lot 3 would be the best use of the parcel not only for the Petitioner but also for the Town of Medway. Elm Street is a

residential street, although it directly intersects with Main Street. The houses and the duplex units would be off of Main Street by some degree, and would actually appear to front on Elm Street. If access is to come from Main Street, the Petitioner does not want to have another curb cut on Main Street, other than the one that is presently there for this parcel of land. The residences in this particular district would not be vastly different from the district as it presently lies, as there are properties on Elm Street and it quickly becomes a residential area off of Main Street.

3. Desirable relief maybe granted without substantial detriment to the public good as the area in which the two duplexes and single family residence is sought to be built borders a residential district, as well as single family residences and other duplex units. The public good will not be detrimentally affected by the construction of the two duplex units and the single family residence. This will add additional affordable housing in the Town of Medway, which can only lead to benefiting the public good. There will be no noxious odors, no pollution created, no disturbance to the wetlands, no disturbance to Elm Street or the residences on Elm Street, and no overtaxing of Town facilities and utilities created by the construction of the two duplex units and the single family residence.
4. The grant of relief would not nullify or substantially derogate from the intent or purpose of the Zoning Bylaw. The zoning district, as a result of the zoning freeze, and prior to the change in the Zoning Bylaw to make the entire parcel of land in the CB District, was as an AR II District in a residential area. Although, the property is now in a CB District, it is across the street on Elm Street from, a residential district, and a majority of the parcel fronts on Elm Street which is a residential area. The construction of duplex units and a single family residence in this area and the traveling over the CB District to access those duplex units and single family residence with a common driveway, would certainly not nullify or derogate from the intent of the Zoning Bylaw, as it would allow land that is now zoned CB but previously zoned AR II and across the street from a residential area, to be developed as residences.



PROGRESS  
PRINT

C-2



**LEGACY  
ENGINEERING**

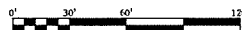
730 MAIN STREET  
SUITE 20

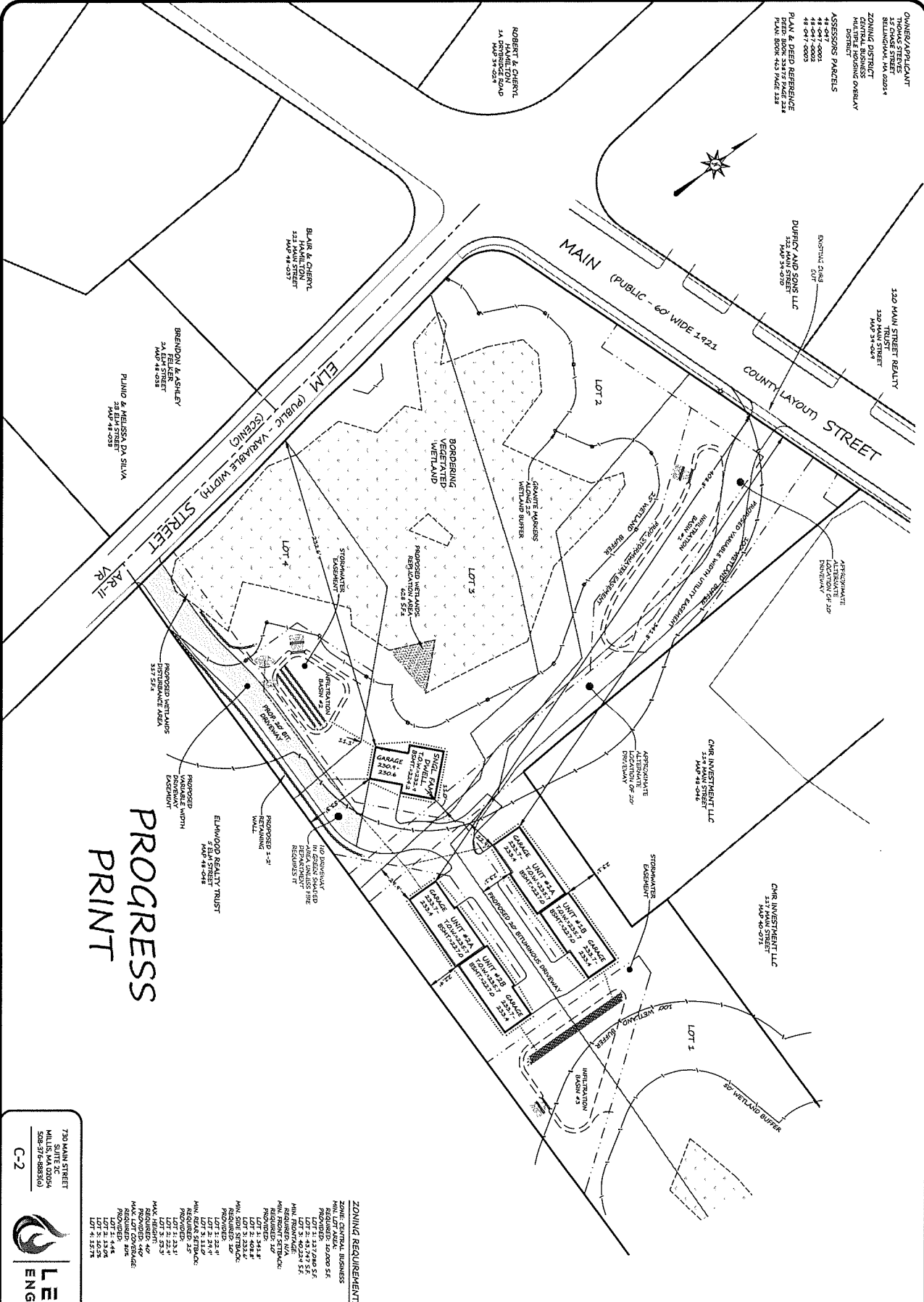
THE CORNER OF ELM & MAIN  
LAYOUT  
PLAN OF LAND  
IN  
MEDWAY, MA

PLAN DATE: DECEMBER 10, 2019

[illegible]

PLAN SCALE: 1"=30'





PROGRESS  
PRINT

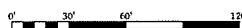
**ZONING REQUIREMENTS**

<b>ZONE: CENTRAL BUSINESS</b>	<b>MIN. LOT AREA:</b>
<b>PROVIDED:</b>	10,000 S.F.
<b>REQUIRED: 100'</b>	LOT 3: 45,749 S.F.
<b>MIN. REQUIRED: 100'</b>	LOT 3: 40,224 S.F.
<b>MIN. REQUIRED: N/A</b>	
<b>REQUIRED: SIDEWALK</b>	
<b>PROVIDED:</b>	444' S.F.
<b>REQUIRED: 100'</b>	LOT 2: 408' S.F.
<b>MIN. REQUIRED: 100'</b>	MIN. SIDE SETBACK:
<b>PROVIDED:</b>	100'
<b>LOT 1: 32.4'</b>	LOT 2: 32.4'
<b>LOT 2: 34.4'</b>	LOT 3: 34.4'
<b>MIN. REAR SETBACK:</b>	
<b>PROVIDED: 35'</b>	
<b>LOT 1: 32.3'</b>	LOT 2: 32.3'
<b>LOT 2: 32.3'</b>	LOT 3: 32.3'
<b>MIN. REQUIRED: 40'</b>	
<b>PROVIDED: 40'</b>	
<b>MIN. REQUIRED: 30%</b>	
<b>PROVIDED:</b>	44%
<b>LOT 1: 32.4'</b>	LOT 2: 32.4'
<b>LOT 2: 32.4'</b>	LOT 3: 32.4'
<b>LOT 3: 32.4'</b>	LOT 4: 32.4'

PLAN DATE: DECEMBER 10, 2019

[illegible]

PLAN SCALE: 1"=30'



THE CORNER OF ELM & MAIN  
LAYOUT  
PLAN OF LAND  
IN  
MEDWAY, MA

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

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C-2

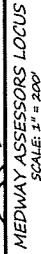
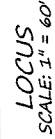
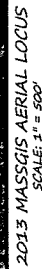


**LEGACY  
ENGINEERING**

# MEADOWAY, MA

PREPARED FOR:  
THOMAS STEEVES  
15 CHASE STREET  
BELLINGHAM, MA 02019

DECEMBER 10, 2019



PLAN & DEED REFERENCE  
DEED: BOOK 33875 PAGE 223  
PLAN: BOOK 463 PAGE 128



Digitally signed by Daniel  
J. Merikidn, P.E.  
Date: 2019.12.12 08:48:17

PLAN SCALE: AS NOTED

[illegible]

THE CORNER OF ELM & MAIN  
COVER SHEET  
PLAN OF LAND  
IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054



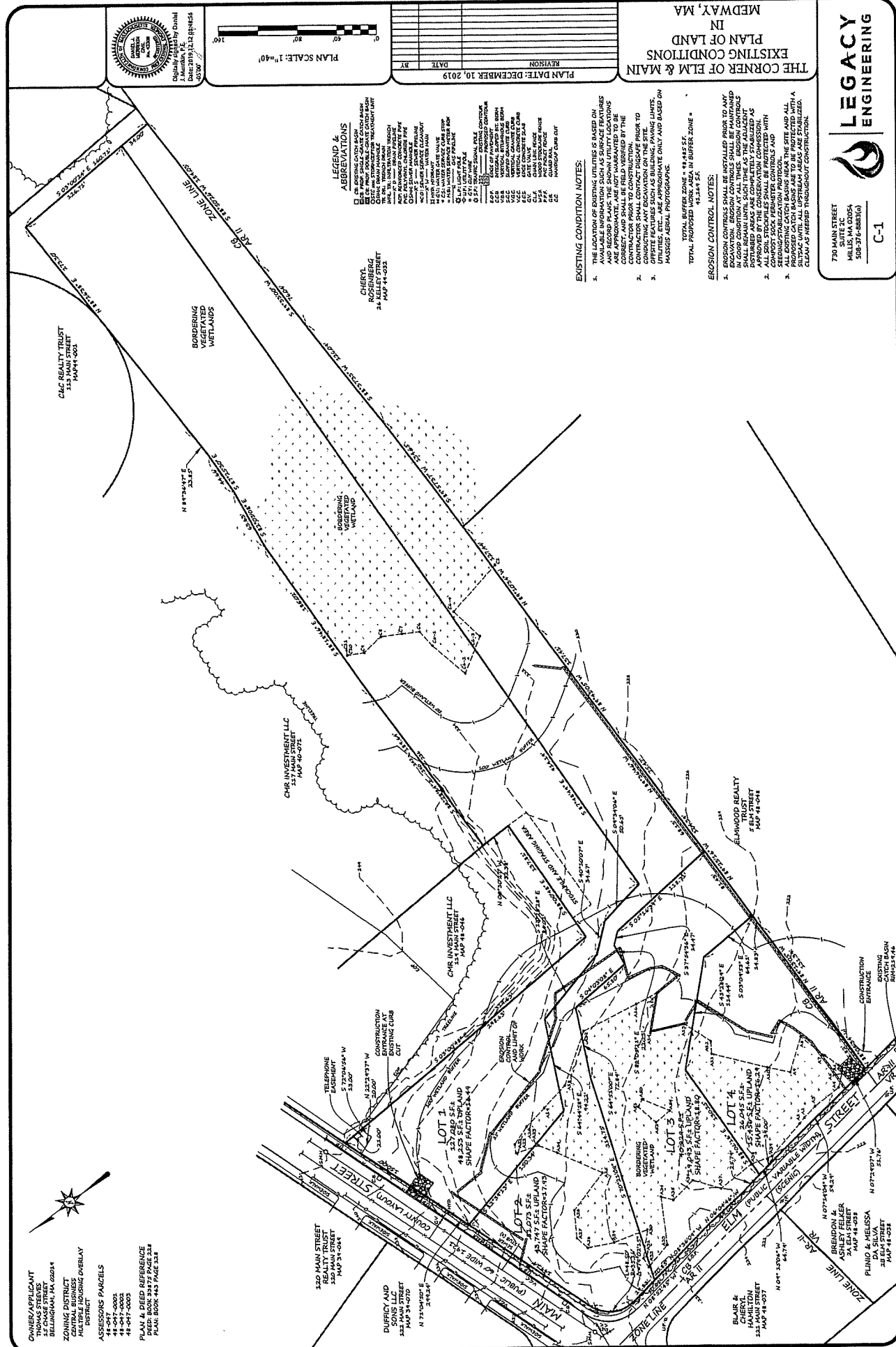
**LEGACY  
ENGINEERING**

OWNER/APP/CO-OWN  
15 CHASE STREET  
THOMAS STREETS  
BELLINGHAM, WA 98224

ZONING DISTRICT  
MULTIPLE HOUSING OVERLAY  
DISTRICT

ASSESSING PARCELS  
44-011-0001  
44-011-0002  
44-011-0003

PLAN & DEED REFERENCE  
DEED BOOK 28172 PAGE 22  
PLAN BOOK 443 PAGE 128



PLAN SCALE: 1"=40'  
0' 10' 20' 30' 40'

REVISION	DATE
BY	DATE

- LEGEND & ABBREVIATIONS**
- 1. 1/4" = 40' SCALE
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  - 3. 1/4" = 40' SCALE
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  - 99. 1/4" = 40' SCALE
  - 100. 1/4" = 40' SCALE

THE CORNER OF ELM & MAIN  
IN  
PLANNED LAND  
EXISTING CONDITIONS  
MEDWAY, MA

- EXISTING CONDITION NOTES:**
1. THE LOCATION OF EXISTING UTILITIES IS BASED ON AVAILABLE INFORMATION SUCH AS SURFACE FEATURES, RECORD DRAWINGS, AND FIELD SURVEY. THE LOCATION OF UTILITIES IS NOT GUARANTEED AND IS NOT TO BE USED FOR CONSTRUCTION. CONTRACTOR SHALL CONTACT DIGSAFE PRIOR TO ANY EXCAVATION OR DRILLING OPERATIONS TO VERIFY THE LOCATION OF UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
  2. THE LOCATION OF EXISTING UTILITIES IS BASED ON AVAILABLE INFORMATION SUCH AS SURFACE FEATURES, RECORD DRAWINGS, AND FIELD SURVEY. THE LOCATION OF UTILITIES IS NOT GUARANTEED AND IS NOT TO BE USED FOR CONSTRUCTION. CONTRACTOR SHALL CONTACT DIGSAFE PRIOR TO ANY EXCAVATION OR DRILLING OPERATIONS TO VERIFY THE LOCATION OF UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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- EROSION CONTROL NOTES:**
1. EROSION CONTROL SHALL BE INSTALLED PRIOR TO ANY EXCAVATION OR DRILLING OPERATIONS. EROSION CONTROL SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION. EROSION CONTROL SHALL BE REMOVED AFTER CONSTRUCTION IS COMPLETE. EROSION CONTROL SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION. EROSION CONTROL SHALL BE REMOVED AFTER CONSTRUCTION IS COMPLETE. EROSION CONTROL SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION. EROSION CONTROL SHALL BE REMOVED AFTER CONSTRUCTION IS COMPLETE.
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**LEGACY ENGINEERING**

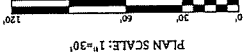
730 MAIN STREET  
SUITE 2C  
MILLS, MA 02054  
508-376-8886

C-1





Digitally signed by Daniel J. Merrick, P.E.  
Date: 2019.12.06:50:25  
+05'00'

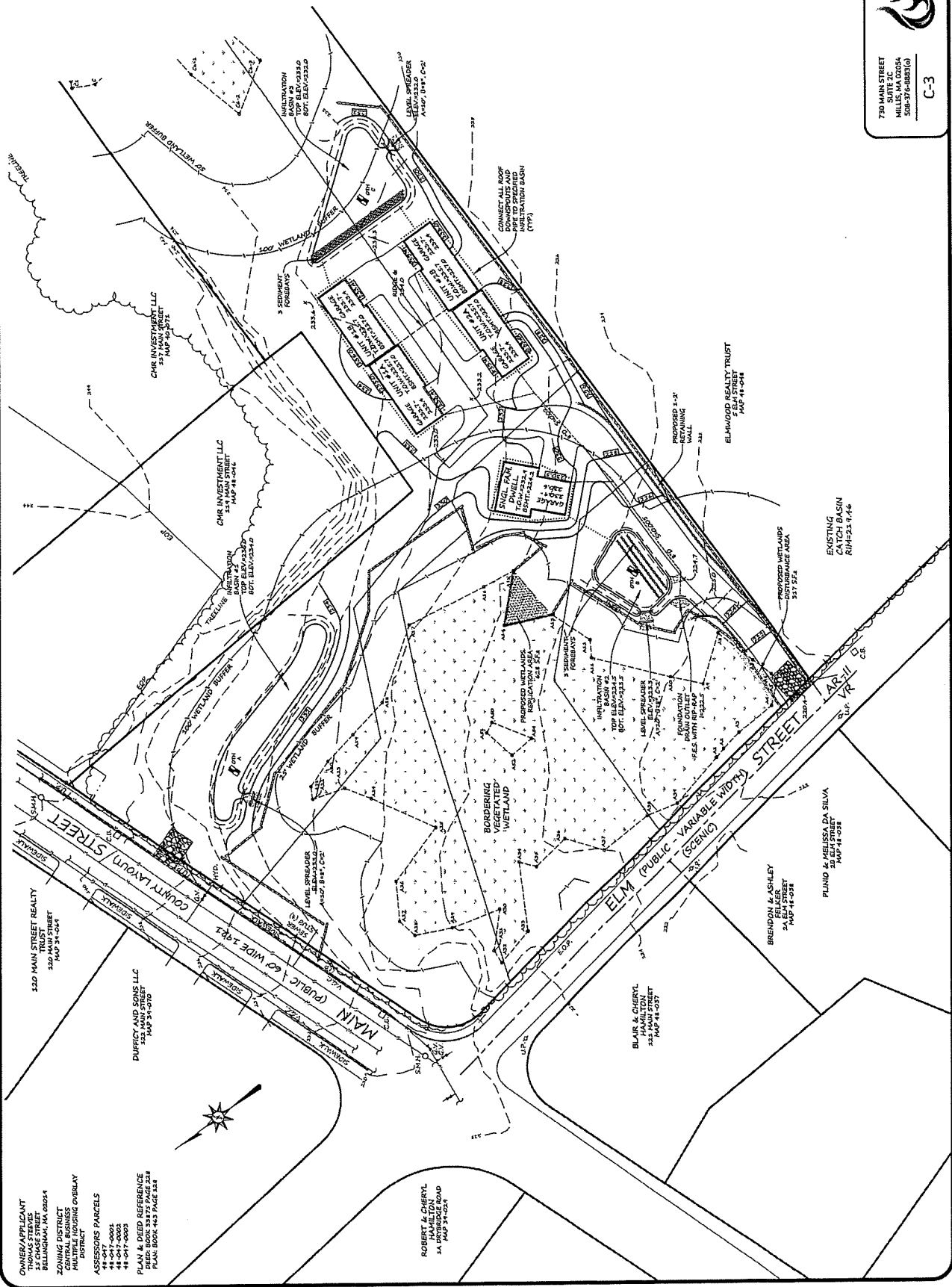
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THE CORNER OF ELM & MAIN  
GRADING & DRAINAGE  
PLAN OF LAND  
IN  
MEDWAY, MA

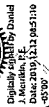


730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)


C-3







PLAN SCALE: 1"=30'



PLAN DATE: DECEMBER 10, 2019	
REVISION	DATE
BY	

THE CORNER OF ELM & MAIN  
UTILITIES  
PLAN OF LAND  
IN  
MEDWAY, MA

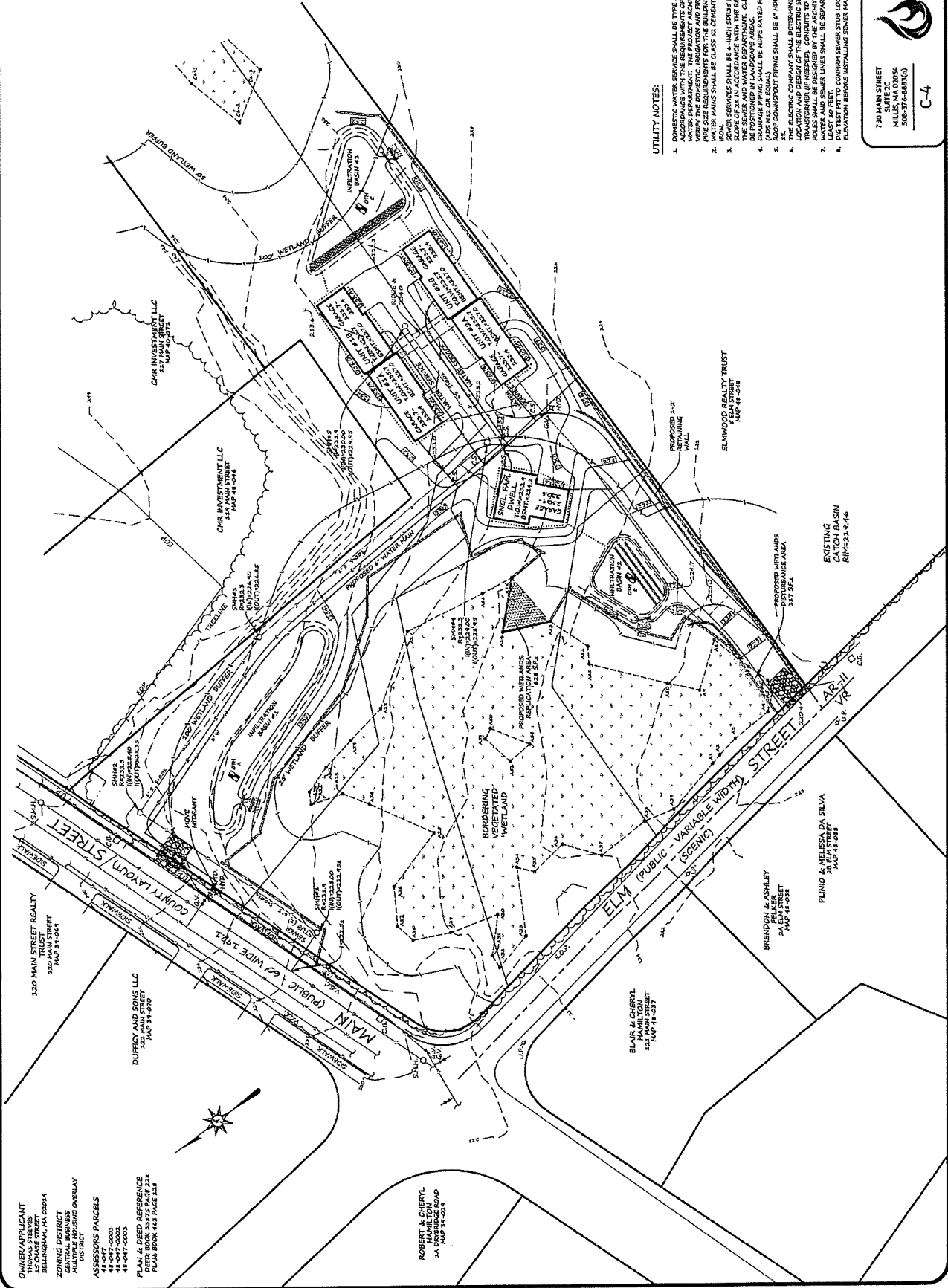
**UTILITY NOTES:**

1. DOMESTIC WATER SERVICE SHALL BE TYPE K COPPER IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOWER AND SEWER DEPARTMENT. THE WATER SERVICE SHALL BE 12" MINIMUM DOWNSIZE TO THE DOMESTIC IRIGATION AND FIRE WATER SERVICE. THE WATER MAINS SHALL BE 42" OR 48" DEPEND UPON DUCTILE IRON.
2. SEWER SERVICES SHALL BE 8" OR 9" SDR 35 PIPE WITH A MIN. COVER OF 18" MINIMUM. THE SOWERS SHALL BE 18" MINIMUM DOWNSIZE TO THE SOWER AND SEWER DEPARTMENT. CEMENTS SHALL BE POSITIONED IN LANDSCAPE AREAS.
3. ALL SOWERS SHALL BE IMPRVED RATED FOR TWO LOADING. (400 LBS OR EQUAL)
4. RADIOPROOFED PIPING SHALL BE 6" HOPE, MIN. SLOPE = 1/8"
5. THE ELECTRIC COMPANY SHALL DETERMINE THE FINAL LOCATION AND DESIGN OF THE ELECTRIC SERVICE AND TRANSMISSION (IF REQUIRED). CONDUIT AND RADIOPROOF LIGHT SHALL BE 12" MINIMUM DOWNSIZE TO THE SERVICE.
6. WATER AND SEWER LINES SHALL BE SEPARATED BY AT LEAST 40 FEET. OVERHEAD STANDING WATER LINES AND ELEVATION BEFORE INSTALLING STUDY MAIN.

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(6)

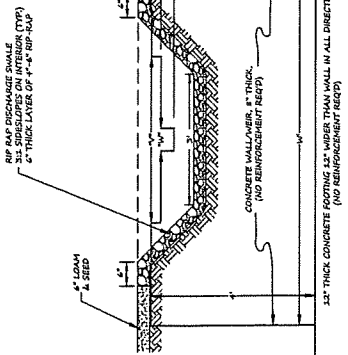
C-4

**LEGACY  
ENGINEERING**





OWNER/APPLICANT  
THOMAS STEVENS  
1111 MAIN STREET  
BELLINGHAM, WA 98204  
ZONING DISTRICT  
CENTRAL BUSINESS  
DISTRICT  
ASSESSING PARCELS  
44-047-0003  
44-047-0003  
44-047-0003  
PLAN & DEED REFERENCE  
RECORD BOOK 18179 PAGE 218  
PLAN BOOK TWO PAGE 248



OUTLET WEIR AND RIP-RAP SWALE DETAIL

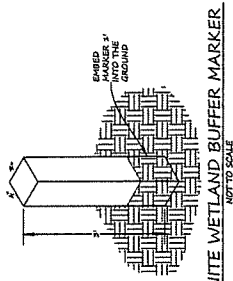
- NOTES:
- SEE GRADING SHEETS FOR SIZE OF INLETS AND OUTLETS. OUTLET STRUCTURE SPECIFICATIONS, ELEVATION OF BOTTOM OF BASIN, INLET ELEVATION, AND ELEVATION OF TOP OF BASIN SHALL BE UNDER DIMENSIONAL REQUIREMENTS FOR EACH BASIN.
  - ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
  - THE BASIN BOTTOM SHALL BE CLEAN GRAVEL. FILL FOR BASINS MAY BE CLEAN GRAVEL OR 1/2\"/>

TYPICAL BASIN CROSS-SECTION

SCHEDULE OF DIMENSIONS AND ELEVATIONS				
	BASIN #1	BASIN #2	BASIN #3	BASIN #4
TOP OF BASIN ELEVATION "X"	334.0	333.5	333.0	333.0
BOTTOM OF BASIN ELEVATION "Y"	333.0	332.5	332.0	332.0
TOP OF BASIN ELEVATION "Z"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "W"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "V"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "U"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "T"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "S"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "R"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "Q"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "P"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "O"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "N"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "M"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "L"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "K"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "J"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "I"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "H"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "G"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "F"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "E"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "D"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "C"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "B"	334.0	333.5	333.0	333.0
DISCHARGE BRIDGE INVERT "A"	334.0	333.5	333.0	333.0

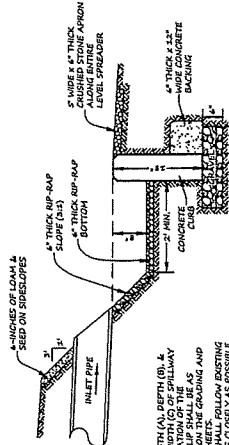
TYPICAL INFILTRATION BASIN CROSS-SECTION

NOT TO SCALE



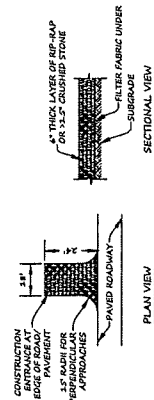
GRANITE WETLAND BUFFER MARKER

NOT TO SCALE



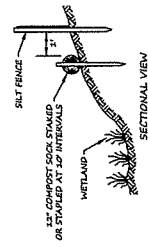
LEVEL SPREADER DETAIL

NOT TO SCALE



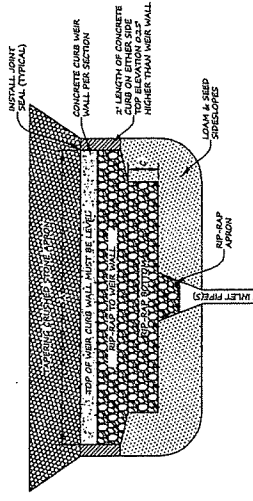
CONSTRUCTION ENTRANCE DETAIL

NOT TO SCALE



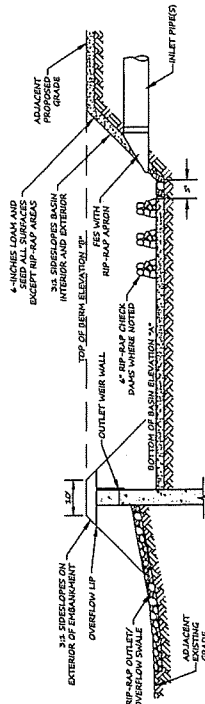
EROSION CONTROL DETAIL (FILTER SOCK)

NOT TO SCALE



TYPICAL SECTIONAL VIEW

PLAN VIEW



TYPICAL BASIN CROSS-SECTION

NOT TO SCALE



Thomas Stevens  
1111 Main Street  
Bellingham, WA 98204  
Date: 2019.12.13.05327

PLAN SCALE: N.T.S.



REVISION	DATE
1	2019.12.13.05327

THE CORNER OF ELM & MAIN  
IN  
DETAIL  
PLAN OF LAND  
MEDWAY, MA

LEGACY  
ENGINEERING

770 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8885 (o)  
C-6

**TREASURER/COLLECTOR CERTIFICATION**



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

155 Village Street  
Medway MA 02053

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

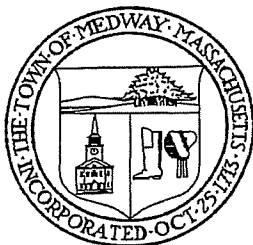
**TO BE COMPLETED BY THE APPLICANT**

<b>Applicant/Petitioner(s):</b>
<b>Maritime Housing Fund, LLC</b>
<b>Property Owner(s):</b>
<b>Thomas P. Steeves</b>
<b>Site Address(es):</b>
119 A Main Street (Lot 1), 119 B Main Street (Lot 2), 1 Elm Street (Lot 3) and 3 Elm Street (Lot 3)
<b>Parcel ID(s):</b>
48-047-0001 (Lot 1), 48-047 (Lot 2), 48-047-0002 (Lot 3), and 48-047-0003 (Lot 4)
<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b>
Book 33875, Page 228 February 4, 2016

\_\_\_\_\_  
*Signature of Applicant/Petitioner or Representative*

\_\_\_\_\_  
*Date*

<b>FOR TOWN HALL USE ONLY</b>	
<i>To be filled out by the Treasurer/Collector:</i>	
_____ Date Reviewed	_____ Medway Treasurer/Collector
Tax Delinquent:    Y    N	
Comments:	



TOWN OF MEDWAY  
BOARD OF ASSESSORS  
155 VILLAGE STREET  
MEDWAY, MA 02053  
PHONE: 508-533-3203 FAX: 508-321-4981  
www.townofmedway.org

## REQUEST FOR ABUTTERS

Date of Request: \_\_\_\_\_  
Property owner: Thomas P. Steeves  
Property location: 119 A Main St. (Lot 1), 119 B Main St. (Lot 2), 1 Elm St. (Lot 3), and 3 Elm St. (Lot 4)  
Parcel (Property) ID: 48-047-0001 (Lot 1) 48-047 (Lot 2), 48-047-0002 (Lot 3) and 48-847-0003 (Lot 4)

Please specify: 100', 300' or 500' from subject parcel: 300'

### THIS LIST IS REQUESTED FOR:

- ☐ Planning & Economic Development Board  
☒ Zoning Board of Appeals  
☐ Conservation Commission

### REQUESTER INFORMATION:

Name: Maritime Housing Fund, LLC Email address: \_\_\_\_\_  
Address: P.O. Box 540073  
Millis, MA 02054  
Phone: 617-480-4448

**Please Return to MEDWAY ZBA  
Mackenzie Leahy or Stephanie Mercandetti  
Community & Economic Development Department**

THERE IS A FEE OF \$15.00 DUE AT THE TIME OF REQUEST. THE LIST IS VALID FOR 90 DATE OF CERTIFICATION DATE.  
THE BOARD OF ASSESSORS RESERVES 10 WORKING DAYS TO PROVIDE ALL CERTIFIED LISTS OF ABUTTERS.

\*\*\*IF YOU WISH TO HAVE THE LISTS MAILED BACK TO YOU,  
YOU MUST PROVIDE A SELF ADDRESSED STAMPED ENVELOPE LARGE ENOUGH FOR THREE SETS OF LABELS.\*\*\*





**TOWN OF MEDWAY**  
Zoning Board of Appeals  
155 Village Street, Medway, MA 02053  
Phone: (508) 5321-4915 • Fax: (508) 321-4988

**Site Access Agreement Form**

*Please complete this form, sign at the bottom, and return to the address indicated above.*

By submitting this form with an application to the Zoning Board of Appeals (the Board),

I, Maritime Housing Fund, LLC, hereby give the Board, and/or Staff to the Board, access to the  
(Print Name)  
property in order to complete a site visit, if determined necessary. The Board, and/or Staff to the Board,  
may also determine and request the necessary site visits from other Town of Medway Staff, Consultants,  
Boards, and/or Committees.

This request is made by Maritime Housing Fund, LLC, who is the applicant for this project and/or  
(Print Name)  
the rightful property owner.

This form is submitted with the application for Variance and Modification with respect to the property  
(Special Permit, Variance, or Appeal)  
located at 119 A Main St., 119 B Main St., 1 Elm St., and 3 Elm St.  
(Property Address and/or Parcel ID)

I am the: ☒ Applicant  
(Check All That Apply) ☒ Property Owner

Signature: \_\_\_\_\_

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

*By declining or neglecting to submit this form, you are denying access to the property prior to opening of the hearing. Upon opening of the hearing, the Board and/or Staff to the Board may determine that a site visit is necessary.*







# GENERAL APPLICATION FORM



## TOWN OF MEDWAY ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

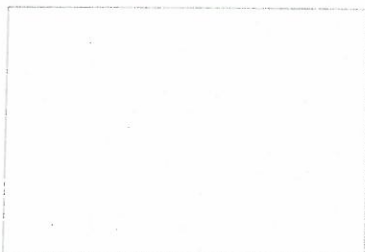
Phone: 508-321-4915 | zoning@townofmedway.org  
www.townofmedway.org/zoning-board-appeal

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

### TO BE COMPLETED BY THE APPLICANT

<b>Applicant/Petitioner(s):</b> Stephanie Pratt	<b>Application Request(s):</b>
<b>Property Owner(s):</b> Stephanie Pratt	Appeal <input type="checkbox"/> Special Permit <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Determination/Finding <input type="checkbox"/> Extension <input type="checkbox"/> Modification <input type="checkbox"/> Comprehensive Permit <input type="checkbox"/>
<b>Site Address(es):</b> 21 Sommer Hill Rd	
<b>Parcel ID(s):</b> 27-040-0000	
<b>Zoning District(s):</b> AR-1	
<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b>	

TOWN CLERK STAMP



### TO BE COMPLETED BY STAFF:

Check No.:  
Date of Complete Submittal:  
Comments:

*[Signature]*

2/10/2020

# GENERAL APPLICATION FORM

## APPLICANT/PETITIONER INFORMATION

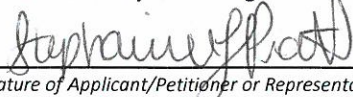
The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of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

<b>Applicant/Petitioner(s):</b> Stephanie Pratt	<b>Phone:</b> 508-272-9152
	<b>Email:</b> StephanieLpratt@gmail.com
<b>Address:</b> 21 Sommer Hill Rd Medway MA 02053	
<b>Attorney/Engineer/Representative(s):</b>	<b>Phone:</b>
	<b>Email:</b>
<b>Address:</b>	
<b>Owner(s):</b>	<b>Phone:</b>
	<b>Email:</b>
<b>Mailing Address:</b>	

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

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

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

  
Signature of Applicant/Petitioner or Representative

2/10/20  
Date

Signature Property Owner (if different than Applicant/Petitioner)

Date

## APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw: <u>8.2 Accessory</u>	Requesting Waivers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Family Dwelling Unit</u>	Does the proposed use conform to the current Zoning Bylaw?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Present Use of Property: <u>residential</u>	Has the applicant applied for and/or been refused a building permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Is the property or are the buildings/structures pre-existing nonconforming?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Use of Property: <u>residential with in-law</u>	Is the proposal subject to approval by the BOH or BOS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the proposal subject to approval by the Conservation Commission?	<input type="checkbox"/>	<input type="checkbox"/> 7
Date Lot was created: <u>1984</u>	Is the property located in the Floodplain District?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date Building was erected: <u>1984</u>	Is the property located in the Groundwater Protection District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the property meet the intent of the Design Review Guidelines?	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Describe Application Request:</b></p> <p>I am trying to build an in-law residence for my parents so that they can sell their place in Maine. They provide weekly childcare for my son + soon-to-be daughter + are currently driving back + forth every week. This space will allow them the space they need but still have some privacy while helping me out since I work 40+ hours and am about to have my second child in April. This in-law apartment will include another garage space, small kitchenette, bedroom, bathroom + living area.</p>			

2/10/2020



# GENERAL APPLICATION FORM

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use			
B. Dwelling Units		1	1 + 1 AFDU
C. Lot Size		45,666 A	45,666
D. Lot Frontage		180'	180'
E. Front Setback		45.6'	45.6'
F. Side Setback		48.3'	36
G. Side Setback			
H. Rear Setback		OK	OK
I. Lot Coverage			
J. Height		32'	32'
K. Parking Spaces		1 car garage	2 car
L. Other			

## FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed

Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to [zoning@townofmedway.org](mailto:zoning@townofmedway.org) and 4 paper copies to the Community & Economic Development Department.



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

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

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

TO BE COMPLETED BY THE APPLICANT

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

1. The proposed site is an appropriate location for the proposed use:
2. Adequate and appropriate facilities will be provided for the operation of the proposed use:
3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment:
4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area:
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:
6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district:

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

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

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



Signature of Applicant/Petitioner or Representative

Date



Town of Medway  
**ZONING BOARD OF APPEALS**  
155 Village Street, Medway MA 02053  
(508) 321-4915

Rori Stumpf, Chair  
Brian White, Vice Chair  
Gibb Phenegar, Clerk  
Christina Oster, Member  
Tom Emero, Member  
Carol Gould, Associate Member  
Brian Cowan, Associate Member

**Legal Notice Billing Agreement Form**

The Zoning Board of Appeals will prepare and submit a legal notice to be published in the *Milford Daily News*. This legal notice will appear in two consecutive issues of the newspaper, at least 14 days prior to the date of your hearing. The cost varies based upon the applicant request and information required for the notice. The Zoning Board of Appeals will forward the ad proof with the total to be paid by the applicant.

Stephanie Pratt  
Applicant Name

21 Summer Hill Rd Medway  
Property Address

508 272 9152  
Telephone Number

27-040-0000  
Parcel ID

StephanieLpratt@gmail.com  
Email Address

AR-1  
Zoning District

I hereby agree to provide a check in the sum of the ad proof total provided by the Zoning Board of Appeals for the required legal notice for a public hearing before the Zoning Board of Appeals.

Stephanie Pratt  
Applicant Signature

2/6/20  
Date

**Please Note:** This form must be returned to the Zoning Board of Appeals when submitting your application.

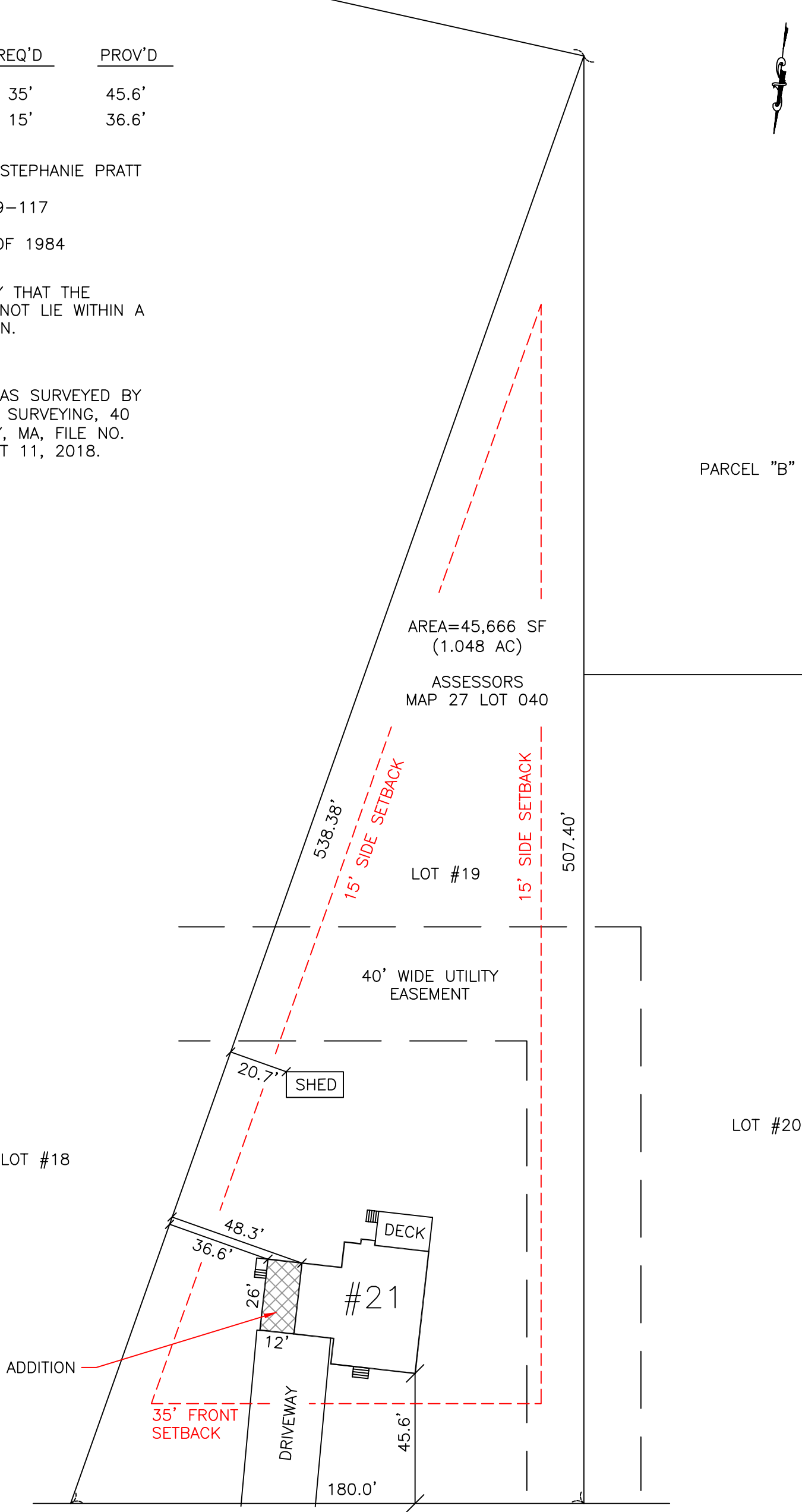
ZONE : AR-1

SETBACK	REQ'D	PROV'D
FRONT	35'	45.6'
SIDE	15'	36.6'

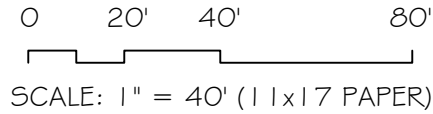
RECORD OWNER: STEPHANIE PRATT  
DEED N/F: 34319-117  
PLAN No. 1245 OF 1984

I HEREBY CERTIFY THAT THE  
PROPERTY DOES NOT LIE WITHIN A  
FEMA FLOOD PLAIN.

THE PROPERTY WAS SURVEYED BY  
O'DRISCOLL LAND SURVEYING, 40  
COTTAGE, MEDWAY, MA, FILE NO.  
1951, DATED SEPT 11, 2018.



SUMMER HILL ROAD



SCALE: 1" = 40' (11x17 PAPER)



I HEREBY CERTIFY THAT THE DIMENSIONS  
SHOWN REPRESENT THE LOCATION OF  
THE PROPOSED STRUCTURE

CHRISTOPHER M. KIRBY, P.E. 2/10/2020  
CHRISTOPHER M. KIRBY, P.E. DATE

LOCATION:

21 SUMMER HILL ROAD  
MEDWAY, MA 02053

TITLE:

PLOT PLAN

DATE:

2/10/2020



Project:

650 SF ACCESSORY APARTMENT  
ADDITION TO AN EXISTING SINGLE  
FAMILY HOME

Location:

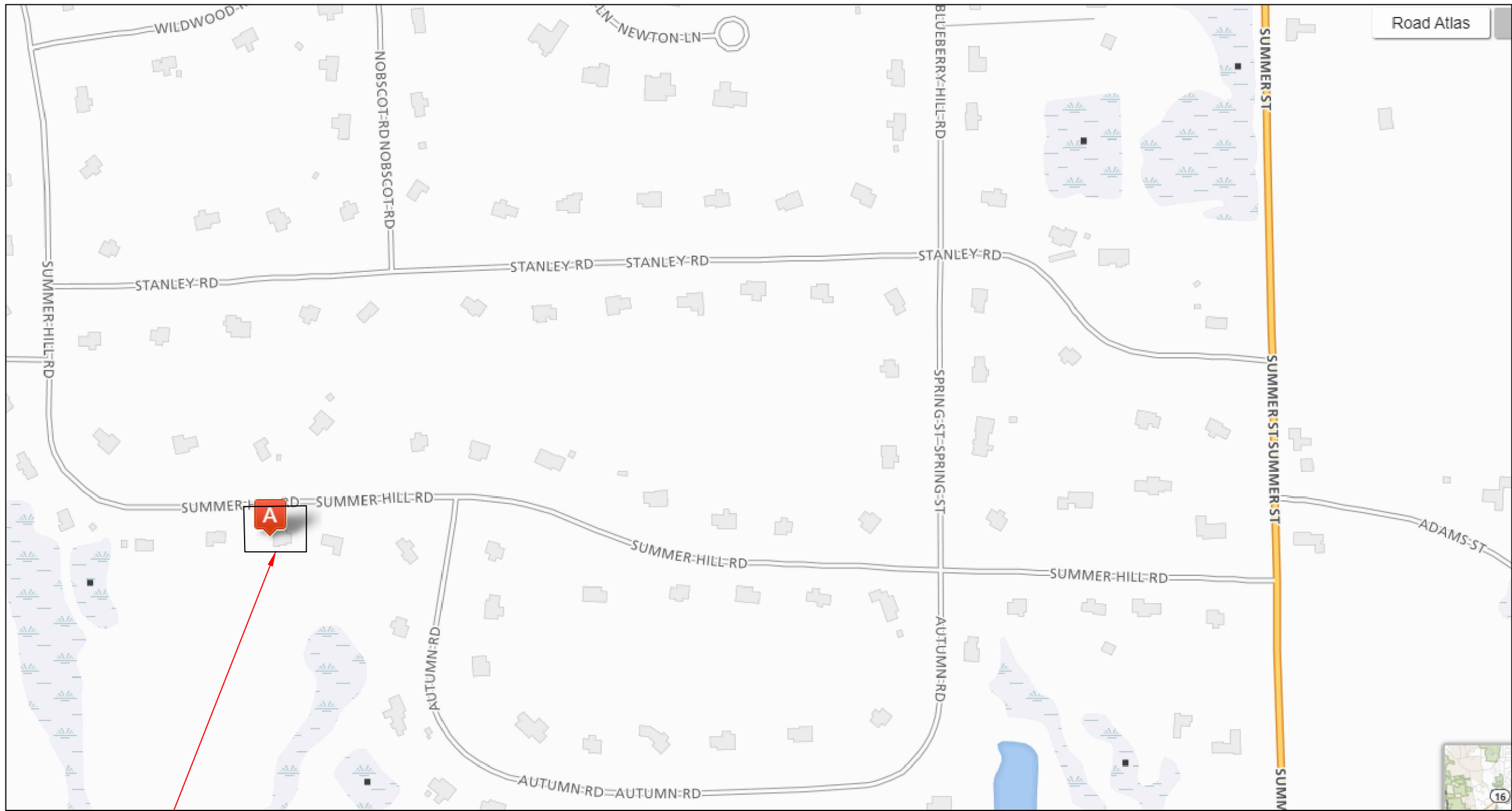
21 SUMMER HILL ROAD  
MEDWAY, MA 02053

Prepared by:

CM KIRBY ENGINEERING, PLLC  
CHRISTOPHER M. KIRBY, PE  
P.O. BOX 291  
NORWOOD, MA 02062  
(617) 872-5553  
CKIRBY83@GMAIL.COM  
PE LICENSE NO. 41662, EXPIRES 6/30/2020



FRONT ELEVATION



PROJECT

LOCUS

CODE INFORMATION:

BUILDING CODE: MA STATE BUILDING CODE, 9th EDITION  
2015 IRC w/ MA AMENDMENTS

USE GROUP: R3 - SINGLE FAMILY DETACHED

CONSTRUCTION TYPE: V-B (UNPROTECTED WOOD FRAME)

FLOOR LOADS:

DESIGN LIVE LOADS AS PER TABLE (R)301.5:

COMMON AREAS (OTHER THAN SLEEPING): 40 PSF  
SLEEPING AREAS : 30 PSF  
RESIDENTIAL ATTICS w/ FIXED STAIRS: 30 PSF  
RESIDENTIAL ATTICS(STORAGE): 20 PSF  
RESIDENTIAL ATTICS(NO STORAGE): 10 PSF  
DECKS: 40 PSF

SNOW LOADING:

GROUND SNOW LOAD PER TABLE (R)301.2(4):  
GROUND SNOW LOAD, Pg = 40 PSF

WIND LOADING:

WIND LOAD PER TABLE (R)301.2(4):  
BASIC WIND SPEED (ULTIMATE), Vult =129 MPH  
BASIC WIND SPEED (ALLOWABLE), Vasd = 100 MPH  
(WIND SPEED CONVERSION PER TABLE (R)301.2.1.3)

SQUARE FOOTAGE:

EXISTING FINISH FLOOR AREA = 1635 SF  
SECOND FLOOR IN-LAW ADDITION = 650 SF  
TOTAL = 2285 SF

NOTES:

1. NO WORK SHALL COMMENCE UNTIL A BUILDING PERMIT HAS BEEN OBTAINED.
2. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS AND APPROVALS REQUIRED BY THE LOCAL ZONING AND BUILDING DEPARTMENTS AND ANY OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER THE WORK.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, 9th EDITION.
4. DRAWINGS ARE NOT TO BE SCALED. ALL WORK SHALL BE LAID OUT BY DIMENSIONS. ANY DEVIATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER IMMEDIATELY. ALL DEVIATIONS SHALL BE CORRECTED BY CONTRACTOR BEFORE HE BEGINS HIS PORTION OF THE WORK.
5. DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND SHALL NOT BE COPIED OR DUPLICATED IN ANY MANNER.
6. CONSTRUCTION SHALL BE PERFORMED IN SUCH A MANNER AS TO PROTECT WORKMEN AND GENERAL PUBLIC FROM INJURY & ADJACENT PROPERTY FROM DAMAGE.
7. THE DRAWINGS ARE PREPARED FOR THE PURPOSE OF PERMIT APPLICATION ONLY.
8. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE ENGINEER IN CASE OF ANY OR ALL DEVIATIONS FOR THESE DRAWINGS. THE ENGINEER SHALL BE HELD HARMLESS AS A RESULT OF ANY UNAUTHORIZED CHANGES TO THESE PLANS. ADDITIONAL FEES MAY OCCUR FOR "AS-BUILT" DOCUMENTATION DUE TO CIRCUMSTANCES BEYOND THE ENGINEERS CONTROL, OR OWNER / CONTRACTOR CHANGES TO THESE DRAWINGS.

DRAWING LIST

1. COVER PAGE
2. GENERAL NOTES
3. ELEVATIONS - EXISTING
4. ELEVATIONS - PROPOSED
5. BASEMENT PLAN
6. FIRST FLOOR PLAN
7. SECOND FLOOR PLAN
8. FOUNDATION & GARAGE FLOOR FRAMING PLANS
9. SECOND FLOOR & ROOF FRAMING PLANS
10. CROSS SECTION

FULL SCALE: 24x36 ARCH D  
HALF SCALE: 12x18

0	2/4/2020	CMK	FOR SUBMISSION
REV. NO.	DATE	CHKD	REMARKS



ENGINEER:  
CM KIRBY ENGINEERING, PLLC  
P.O. BOX 291  
NORWOOD, MA 02062  
(617) 872-5553 CKIRBY83@GMAIL.COM  
MA PE LICENSE NO. 41662 EXP 6/30/2020

PROJECT LOCATION:  
21 SUMMER HILL ROAD  
MEDWAY, MA 02053

DRAWING TITLE:  
COVER PAGE

DRAWING NO.  
1  
REVISION NO.  
0



GENERAL CONSTRUCTION NOTES

- ALL DIMENSIONS ARE CALCULATED FROM OUTSIDE FACE OF EXTERIOR WALLS TO THE CENTERLINE OF INTERIOR STUD WALLS UNLESS OTHERWISE NOTED. STUD WALLS NOT DIMENSIONED ARE TYPICALLY 2x6 (5 1/2") FOR BOTH INTERIOR AND EXTERIOR WALLS.
- THE PROJECT IS A NEW STRUCTURE. EXACT DIMENSIONS, ELEVATIONS, TIE-IN POINTS, ROOF SLOPES, BEARING POINT LOCATIONS ARE REPRESENTED AS ACCURATE AS KNOWN AT THE TIME OF THE DRAWING SET CREATION. FIELD VERIFICATION OF ALL ELEMENTS IS REQUIRED BY THE CONTRACTOR AND IF INCONSISTENCIES OCCUR, NOTIFY THE ENGINEER FOR DIRECTION. THE ENGINEER IS NOT RESPONSIBLE FOR CHANGES TO THE PLANS WITHOUT DIRECTION.
- WINDOWS APPEARING ON THE FLOOR PLANS AND EXTERIOR ELEVATIONS ARE TO BE CONFIRMED BY THE OWNER.
- THE WINDOW FINAL SILL HEIGHT AT THE FIRST FLOOR IS 24" ABOVE FINISH FLOOR UNLESS NOTED OTHERWISE.
- GENERAL CONTRACTOR TO REVIEW ALL BUILT IN REQUIREMENTS WITH THE OWNER INCLUDING SHELVEING, CLOSETS, PANTRY, ETC., IF APPLICABLE.
- ALL REQUIREMENTS FOR SECURITY SYSTEMS, CENTRAL VACUUM, AND ANY AUDIO, COMPUTER OR CABLE TELEVISION SYSTEMS TO BE COORDINATED WITH OWNER.
- ALL PERMITS AND VARIANCES, IF NECESSARY, ARE THE RESPONSIBILITY OF THE OWNER AND GENERAL CONTRACTOR PRIOR TO START OF CONST.
- ALL FINISH COLORS TO BE THE RESPONSIBILITY OF THE OWNER.

GENERAL FLOOR PLAN NOTES

- DO NOT SCALE DRAWINGS. FOLLOW DRAWING DIMENSIONS ONLY. DIMENSION IS NOT CALLED OUT, VERIFY DIMENSIONS WITH ENGINEER.
- ALL DIMENSIONS ARE CALCULATED FROM OUTSIDE FACE OF EXTERIOR WALLS TO THE CENTERLINE OF INTERIOR STUD WALLS (UNO). STUD WALLS NOT DIMENSIONED ARE TYPICALLY 2x6 FOR EXTERIOR WALLS AND 2x4 FOR INTERIOR WALLS (UNO).
- ALL INTERIOR WALLS ARE TO BE COVERED WITH 1/2" GYPSUM BOARD, METAL CORNER REINFORCING, TAPE SEAMS AND PLASTER SKIMCOAT.
- ALL WALLS IN THE GARAGE TO HAVE A LAYREER OF 5/8", TYPE "X" FIRE RATED GYPSUM BOARD (UNO).
- ALL BATH AND TOILET AREA WALLS AND CEILINGS ADJACENT TO WET AREAS TO HAVE WATER RESISTANT GYPSUM BOARD.
- BEDROOM WINDOWS TO HAVE A MINIMUM NET CLEAR OPENING OF 3.38 SQFT., A MINIMUM NET CLEAR OPENING OF 20" WIDE x 24" HIGH IN EITHER DIRECTION, AND HAVE A MAXIMUM FINISHED SILL HEIGHT OF 44" FROM FINISHED FLOOR.
- ALL GLASS LOCATED WITHIN 18" OF FLOOR OR 24" OF A DOOR SWING MUST BE TEMPERED GLASS.
- BATHROOMS AND UTILITY ROOMS TO BE VENTED TO THE OUTSIDE WITH A MINIMUM OF 50 CFM FAN. RANGE HOODS TO BE VENTED TO THE OUTSIDE.
- SUBCONTRACTOR TO FIELD VERIFY ALL CABINET DIMENSIONS BEFORE FABRICATION.

GENERAL ELEVATION NOTES

- ICE & WATER SHIELD TO BE INSTALLED CORRECTLY AT ALL CONNECTIONS BETWEEN ROOFS, WALLS, CHIMNEYS, PROJECTIONS, AND PENETRATIONS AND UNDER FIRST 36" OF PERIMETER OF ROOF.
- ICE & WATER SHIELD TO BE PLACE OVER ENTIRE ROOF SURFACE WHEN ROOF SLOPE IS BELOW A 4/12 PITCH.
- ADEQUATE ATTIC VENTILATION AND ROOF VENTS ARE TO BE PROVIDED AS SHOWN ON PLANS.
- ALL PLUMBING AND MECHANICAL VENTS TO BE LOCATED CLOSE TOGETHER WITHIN THE ATTIC SPACE WHEN POSSIBLE TO MINIMIZE THE NUMBER OF ROOF PENETRATIONS. ALL PLUMBING AND MECHANICAL VENTS WHICH APPEAR ABOVE THE ROOF TO BE LOCATED AWAY FROM ANY PROMINENT VIEW. NO VENT TO BE ALLOWED ON THE FRONT ROOF. ALL METAL AND PVC VENTS AND PENETRATIONS TO BE PRIMED AND PAINTED TO CLOSELY MATCH ROOF COLOR.
- GUTTERS AND DOWN SPOUTS ARE NOT LOCATED ON ELEVATION DRAWINGS. LOCATIONS OF DOWN SPOUTS ARE TO BE DETERMINED ON-SITE DUE TO TOPOGRAPHICAL CONDITIONS TO ALLOW POSITIVE DRAINAGE AWAY FROM THE HOUSE. DOWN SPOUTS NOT TO BE LOCATED IN PROMINENT LOCATIONS, GUTTERS AND DOWN SPOUTS ARE TO CLOSELY MATCH TRIM COLOR OF THE HOUSE.
- ALL FLASHING TO BE OF THE SAME MATERIAL. DISSIMILAR METALS NOT ALLOWED.
- OWNER RESPONSIBLE FOR SELECTING ROOF COLOR.

GENERAL STAIRWAY NOTES

- STAIRWAYS SHALL NOT BE LESS THAN 36" IN CLEAR WIDTH AT ALL POINTS ABOVE THE PERMITTED HANDRAIL HEIGHT AND THE PERMITTED HEADROOM HEIGHT. THE MINIMUM WIDTH AT OR BELOW THE HANDRAIL HEIGHT SHALL NOT BE LESS THAN 32" WHERE A HANDRAIL IS INSTALLED ON ONE SIDE AND 28" WHERE HANDRAILS ARE PROVIDED ON BOTH SIDES.
- THE MINIMUM HEADROOM IN ALL PARTS OF THE STAIRWAY SHALL NOT BE LESS THAN 6'-8" MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING OR THE NOSING FROM THE FLOOR SURFACE OF THE LANDING OR PLATFORM.
- THE MAXIMUM RISER HEIGHT SHALL BE 8 1/4" AND THE MINIMUM TREAD DEPTH SHALL BE 9". TREAD NOSING SHALL NOT EXTEND MORE THAN 1 1/2" BEYOND THE FACE OF THE RISER BELOW.
- OPEN SIDES OF STAIRS WITH A TOTAL RISE OF MORE THAN 30" ABOVE THE FLOOR/GRADE SHALL HAVE GUARDRAILS, WHICH SHALL ALSO SERVE AS HANDRAILS, NOT LESS THAN 36" IN HEIGHT.
- REQUIRED GUARDRAILS ON OPEN SIDES OF STAIRWAYS, BALCONIES, PORCHES, DECKS AND RAISED FLOOR AREAS, SHALL HAVE BALUSTERS WHICH PREVENT THE PASSAGE OF AN OBJECT 4" OR MORE IN DIAMETER.

GENERAL FOUNDATION NOTES

- ALL CONCRETE WORK SHALL CONFORM WITH THE LATEST REQUIREMENTS OF THE AMERICAN CONCRETE INSTITUTE (ACI).
- THE MINIMUM COMPRESSIVE STRENGTH OF CONCRETE AT THE END OF 28 DAYS SHALL BE 4000 PSI.
- ALL SLABS TO BE PLACED ON A 6 MIL VAPOR BARRIER OVER 6" OF COMPACTED GRAVEL.
- PROVIDE A 1/2" EXPANSION JOINT MATERIAL BETWEEN ALL CONCRETE SLABS ON ABUTTING CONCRETE OR MASONRY WALLS OCCURRING IN EXTERIOR OR UNHEATED AREAS.
- PROVIDE DEEP SCORE CONTROL JOINTS AT MID POINTS OF ALL SLABS, BOTH DIRECTIONS.

SMOKE, CARBON MONOXIDE AND HEAT ALARMS

- INSTALL THE REQUIRED SMOKE ALARMS, CARBON MONOXIDE ALARMS AND HEAT DETECTORS PER 2015 IRC SECTION R314, NFPA 70 AND APPENDIX J OF THE MASSACHUSETTS RESIDENTIAL AMENDMENTS.
- WHERE MORE THAN 1 DEVICE (SMOKE, CARBON MONOXIDE OR HEAT) IS REQUIRED, THE ALARM DEVICES SHALL BE INTERCONNECTED, R314.4
- SMOKE ALARMS SHALL BE THE PHOTOELECTRIC TYPE, R314.1.1
- SMOKE ALARMS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS, R314.3:
  - IN EACH SLEEPING ROOM
  - OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS
  - ON EACH STORY OF THE DWELLING, INCLUDING BASEMENTS AND HABITABLE ATTICS, AND NOT INCLUDING CRAWL SPACES AND UNINHABITABLE ATTICS
  - SMOKE ALARMS SHALL BE INSTALLED NOT LESS THAN THREE FEET HORIZONTALLY FROM THE DOOR OR OPENING OF A BATHROOM THAT CONTAINS A BATHTUB OR SHOWER FOR EACH 1,000 SF OF AREA OR PART THEREOF
  - NEAR ALL STAIRS
- HEAT DETECTORS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS, R314.8:
  - ANY GARAGE ATTACHED TO OR UNDER THE DWELLING
- COMMON AREAS, R314.9
  - IN ALL BUILDINGS WHICH ARE NOT PROTECTED WITH SPRINKLERS, EACH UNIT SHALL HAVE ADDITIONAL INTERCONNECTED SMOKE DETECTORS ON THE STAIRWAY SIDE OF ALL DOORS LEADING TO COMMON INTERIOR STAIRWAYS. IF THERE IS A COMMON BASEMENT, A SEPARATE INTERCONNECTED SYSTEM OF SMOKE DETECTORS, INCLUDING SMOKE DETECTORS ON THE STAIRWAY SIDE OF ALL DOORS LEADING TO INTERIOR STAIRWAYS, SHALL BE PROVIDED TO SERVE THE BASEMENT LEVEL ONLY.
- CARBON MONOXIDE ALARMS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS, R315.3:
  - SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA WITHIN 10 FEET OF THE BEDROOMS.
  - ONE ALARM ON EACH STORY OF THE DWELLING UNIT, INCLUDING BASEMENTS AND CELLARS BUT NOT CRAWL SPACES OR UNINHABITABLE ATTICS.

GENERAL FRAMING NOTES:

LOCATION	LIVE (PSF)	DEAD (PSF)	DEFLECTION
COMMON AREAS	40	15	L / 360
SLEEPING AREAS	30	15	L / 360
ATTIC (STORAGE)	20	15	L / 240
ATTIC (NO STORAGE)	10	15	L / 240
ROOF (SNOW LOAD)	VARIES	15	L / 240
DECK	40	15	L / 360
BALCONY	60	15	L / 360

- ALL FRAMING MATERIAL TO BE MINIMUM #2 OR BETTER KD LUMBER.
- ALL WOOD FRAMING IN CONTACT WITH CONCRETE OR MASONRY TO BE PRESSURE TREATED (PT).
- PROVIDE DOUBLE FLOOR JOISTS UNDER ALL WALLS WHICH RUN PARALLEL TO THE DIRECTION OF THE JOIST SPAN,
- PROVIDE 1"x3" CROSS BRIDGING OR 2"x6" BLOCKING AT THE MIDSPAN OF ALL FLOOR JOISTS,
- FLOOR CONSTRUCTION: 3/4" TONGUE AND GROOVE SUBFLOOR GLUED AND SCREWED TO FLOOR FRAMING. FINISH FLOORING TO BE EITHER 3/4" HARDWOOD,
- ALL STUD FRAMED WALLS TO BE FRAMED AT 16" ON CENTER, MAXIMUM,
- ALL ANGLED WALLS ARE TO BE FRAMED AT 45 DEGREES (UNO),
- HEADER SIZE OVER WINDOWS TO BE (3)2"x8" (UNO),
- ALL HEADERS TO BE FREE FROM SPLITS AND CHECKS,
- PROVIDE FULL SOLID BEARING OR STUD BEARING UNDER ALL BEAM BEARING POINTS,
- ALL BEAM AND JOIST INTERSECTIONS TO BE FLUSH FRAMED WITH GALVANIZED JOIST HANGERS AND INSTALLED PER MANUFACTURERS RECOMMENDATIONS,
- UNLESS OTHERWISE NOTED, PROVIDE DOUBLE HEADER JOIST AND TRIMMERS AT ALL FLOOR OPENINGS,
- STAIR CONSTRUCTION TO CONSIST OF 3--2"x12" STRINGERS, MINIMUM,
- TEMPORARY GUARDRAILS MUST BE INSTALLED AT ALL FLOOR OPENINGS,
- ALL WALLS OVER 10'-0" HIGH TO BE 2"x6's AT 16" ON CENTER AND RECEIVE 1 ROW OF 2"x6" BLOCKING AT MID-HEIGHT,
- 2"x6" EXTERIOR WALLS TO BE SHEATHED WITH 1/2" EXTERIOR GRADE PLYWOOD. SHEATHING TO SPAN OVER ALL PLATES AND HEADERS. INSTALL SHEATHING WITH AN 1/8" GAP BETWEEN PANELS AND BLOCK ALL SEAMS -- BOTH VERTICAL AND HORIZONTAL,
- FLOOR FRAMING LAYOUT IS CONSTRUCTED AS TO PROVIDE BEST POSSIBLE ACCESS TO THE HVAC DUCTS AND UNOBSCTURED RUNS FOR THE DUCT WORK,
- PROVIDE BLOCKING AT ALL CABINET LOCATIONS,
- PROVIDE 2"x4" RAFTER TIES AT ALL PLATES WHERE JOIST RUN IS PERPENDICULAR TO RAFTERS,
- HIP VALLEY RAFTERS AND RIDGE BOARDS TO BE ONE SIZE LARGER THAN TYPICAL RAFTERS UNLESS OTHERWISE NOTED ON PLANS,
- PROVIDE 1"x6" COLLAR TIES AT UPPER 1/3 OF VERTICAL DISTANCE BETWEEN RIDGE BOARD AND CEILING JOIST AT 48" ON-CENTER,
- PROVIDE INSULATION BAFFLES AT EAVE VENTS BETWEEN RAFTERS,
- REQUIRED GUARDRAILS ON BALCONIES, PORCHES, DECKS, AND RAISED FLOOR AREAS, SHALL HAVE A MINIMUM HEIGHT OF 36" MEASURED VERTICALLY FROM THE FINISHED FLOOR,
- ALL HARDWARE AND FLASHING IN CONTACT WITH ACO TREATED LUMBER MUST BE HOT DIPPED GALVANIZED OR STAINLESS STEEL,

25. IF ON-SITE CONDITIONS DIFFER FROM THOSE SHOWN ON THE PLANS, CONTRACTOR TO NOTIFY ENGINEER IMMEDIATELY FOR DIRECTION.

GENERAL ELECTRICAL NOTES

- ELECTRICAL CONTRACTOR TO BE RESPONSIBLE FOR ADHERING TO ALL CODES AND SAFETY REQUIREMENTS.
- GENERAL AND ELECTRICAL CONTRACTOR TO REVIEW THE PLAN(S) AND WALK THROUGH THE JOB TO VERIFY THAT THE DESIGN INTENT IS MAINTAINED.
- ELECTRICAL SERVICE TO BE PROVIDED AS REQUIRED FOR ALL APPLIANCES AND EQUIPMENT SUCH AS REFRIGERATOR, DISH WASHER, DISPOSAL, HVAC EQUIPMENT, ALARM PANEL, LAWN SPRINKLER SYSTEM, ETC. OUTLET TO BE PROVIDED ABOVE THE RANGE FOR MICROWAVE OR HOOD VENT IF FINAL KITCHEN LAYOUT REQUIRES.
- ALL OUTLETS PLACED NEAR ANY WATER CONDITION TO BE G.F.C.I.
- SWITCHES AND OUTLETS TO BE COORDINATED WITH OWNER.
- PROVIDE EXTERIOR WATERPROOF OUTLETS AS REQUIRED BY CODE.
- ALL PHONE OUTLETS, COMPUTER OUTLETS, CABLE TV OUTLETS, AND ELECTRONIC DEVICE OUTLETS TO BE VERIFIED BY OWNER.
- DIMMERS TO BE SIZED FOR THE APPROPRIATE LOAD OF THE FIXTURES AND LAMPS SELECTED
- VERIFY TRIM SIZE FOR ALL DOORS AND WINDOWS PRIOR TO LOCATING SWITCHES. ALL LOCATIONS SHOULD BE CLOSE TO TRIM AND ALIGNED WITH ONE ANOTHER, IF THERE ARE MULTIPLE.
- BLOCK AND PREWIRE SEPARATE SWITCHES TO EACH LIGHT AND CEILING.
- IF EXTERIOR SECURITY LIGHTING IS DESIRED BY OWNER THE TYPE, LOCATION, AND REQUIRED SWITCHING MUST ALL BE VERIFIED BY OWNER.
- IF AN ALARM IS DESIRED ALL OF THE REQUIREMENTS MUST BE COORDINATED WITH THE OWNER.
- PANEL BOX TO BE SIZED TO ACCOMMODATE ALL CALCULATED LOADS AND PROVIDE FOR A MINIMUM OF EIGHT (8) SPARES.
- RECESSED FIXTURES LOCATED IN FIRE RATED WALLS (i.e. -- GARAGE CEILINGS OR FIRE SEPARATION ASSEMBLIES) SHALL BE RATED FIXTURES, FIRE RATED TO THE LEVEL OF FIRE SEPARATION OF THE WALL/CEILING IN WHICH THE FIXTURE IS INSTALLED.
- PROVIDE ENERGY EFFICIENT LIGHTING AS REQUIRED PER THE 2015 IECC.

GENERAL PLUMBING/HVAC NOTES

- PLUMBING SUBCONTRACTOR IS RESPONSIBLE FOR ADHERING TO ALL APPLICABLE CODES AND SAFETY REQUIREMENTS.
- PROVIDE GAS SERVICE TO ALL WATER HEATERS, APPLIANCES, AND HVAC EQUIPMENT,AS REQUIRED.
- IF WALL PLATES OR JOISTS ARE CUT DURING INSTALLATION OF PLUMBING FIXTURES OR EQUIPMENT, PROVIDE BRACING TO TIE FRAMING BACK TOGETHER.
- ALL GAS WATER HEATERS TO BE VENTED AT TOPOUT.
- ALL PLUMBING AND MECHANICAL VENT STACKS TO BE LOCATED CLOSE TOGETHER IN THE ATTIC. VENT STACKS TO BE LOCATED TO THE REAR OF THE HOUSE AWAY FROM PROMINENT VIEW. ALL VENT STACKS TO BE PRIMED AND PAINTED TO CLOSELY MATCH ROOF COLOR.
- HVAC CONTRACTOR TO PROPERLY SIZE HEATING AND COOLING SYSTEM FOR THE STRUCTURE.
- IF A NEW KITCHEN EXHAUST FAN OVER 400 CFM IS INSTALLED, AN OUTSIDE MAKE-UP AIR SYSTEM IS REQUIRED.

ENERGY EFFICIENCY

- ENERGY EFFICIENCY TO BE THE "PRESCRIPTIVE METHOD" IN ACCORDANCE WITH CHAPTER 4 (RESIDENTIAL ENERGY EFFICIENCY) OF THE THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE (2015 IECC). SEE THIS CHAPTER FOR COMPLETE REQUIREMENTS.
- THE BUILDINGS (NEW PORTION) THERMAL ENVELOPE SHALL MEET THE REQUIREMENTS OF TABLE R402.1.2. A SHORT VERSION OF TABLE R402.1.2 IS LISTED BELOW AND THE FULL VERSION SHALL BE REVIEWED FOR COMPLETE REQUIREMENTS.
- THE 2015 IECC HAS STRICT REQUIREMENTS FOR ENERGY EFFICIENCY AND CHANGES TO THE CODE INCLUDE; HIGHER WALL R-VALUES, PERMANENT CERTIFICATE OF BUILDING COMPONENTS POSTED, AIR LEAKAGE TEST, BASEMENT INSULATION TO A DEPTH OF 10 FEET BELOW GRADE OR THE BASEMENT FLOOR (WHICHEVER IS LESS), RIM JOIST/WALL SEALING, RECESSED LIGHTING SHALL BE SEALED FIXTURES, JUNCTION BOXES ON EXTERIOR WALLS SHALL BE INSULATED, ATTIC ACCESS SHALL BE SEALED, ETC.

TABLE R402.1.2 -- PARTIAL LIST (2015 IECC)					
CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	FLOOR R-VALUE
5	0.30	0.55	49	20	30

FULL SCALE: 24x36 ARCH D  
HALF SCALE: 12x18

0	2/4/2020	CMK	FOR SUBMISSION
REV. NO.	DATE	CHKD	REMARKS



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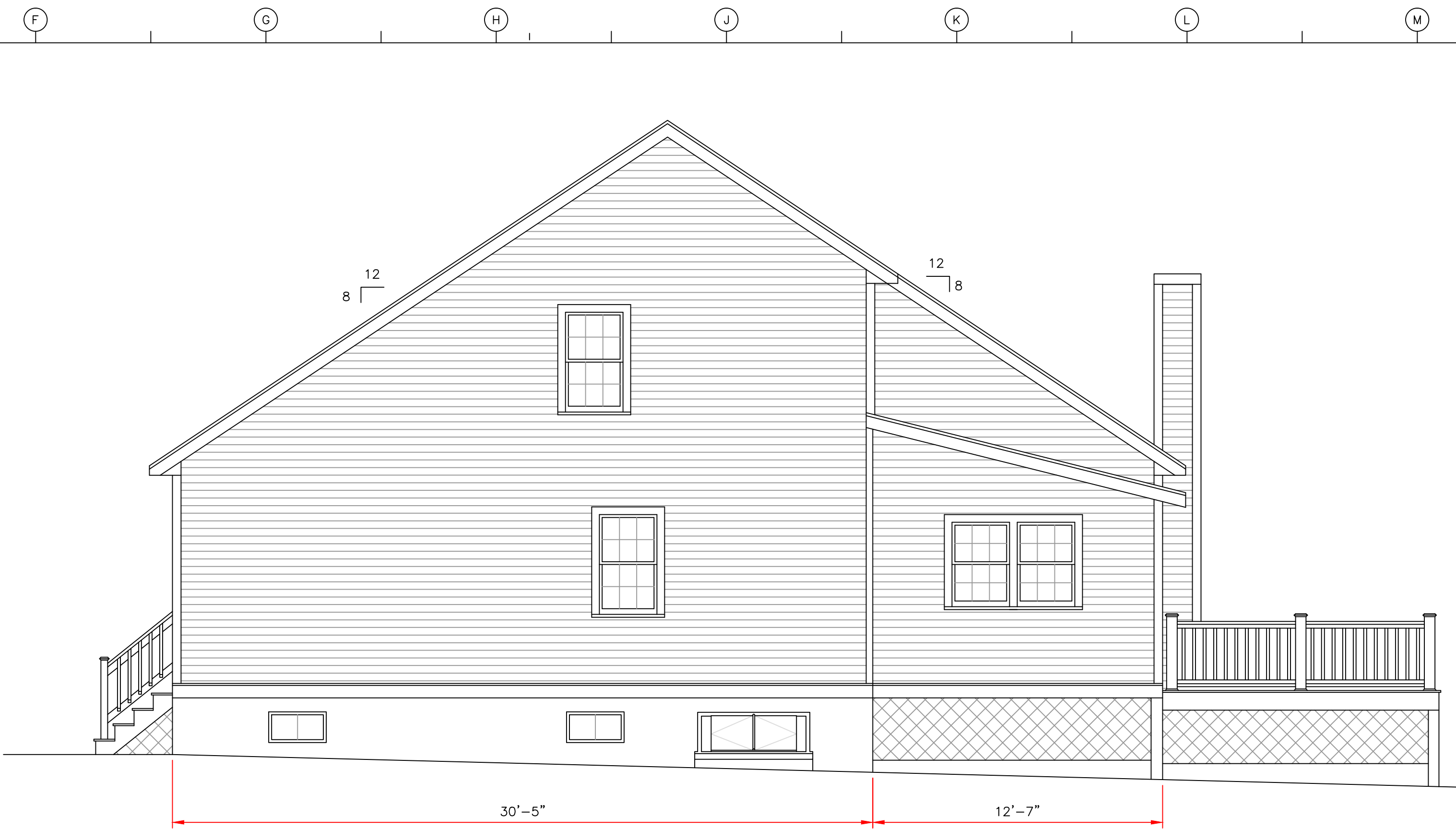
DRAWING TITLE:  
GENERAL NOTES

DRAWING NO.  
2  
REVISION NO.  
0

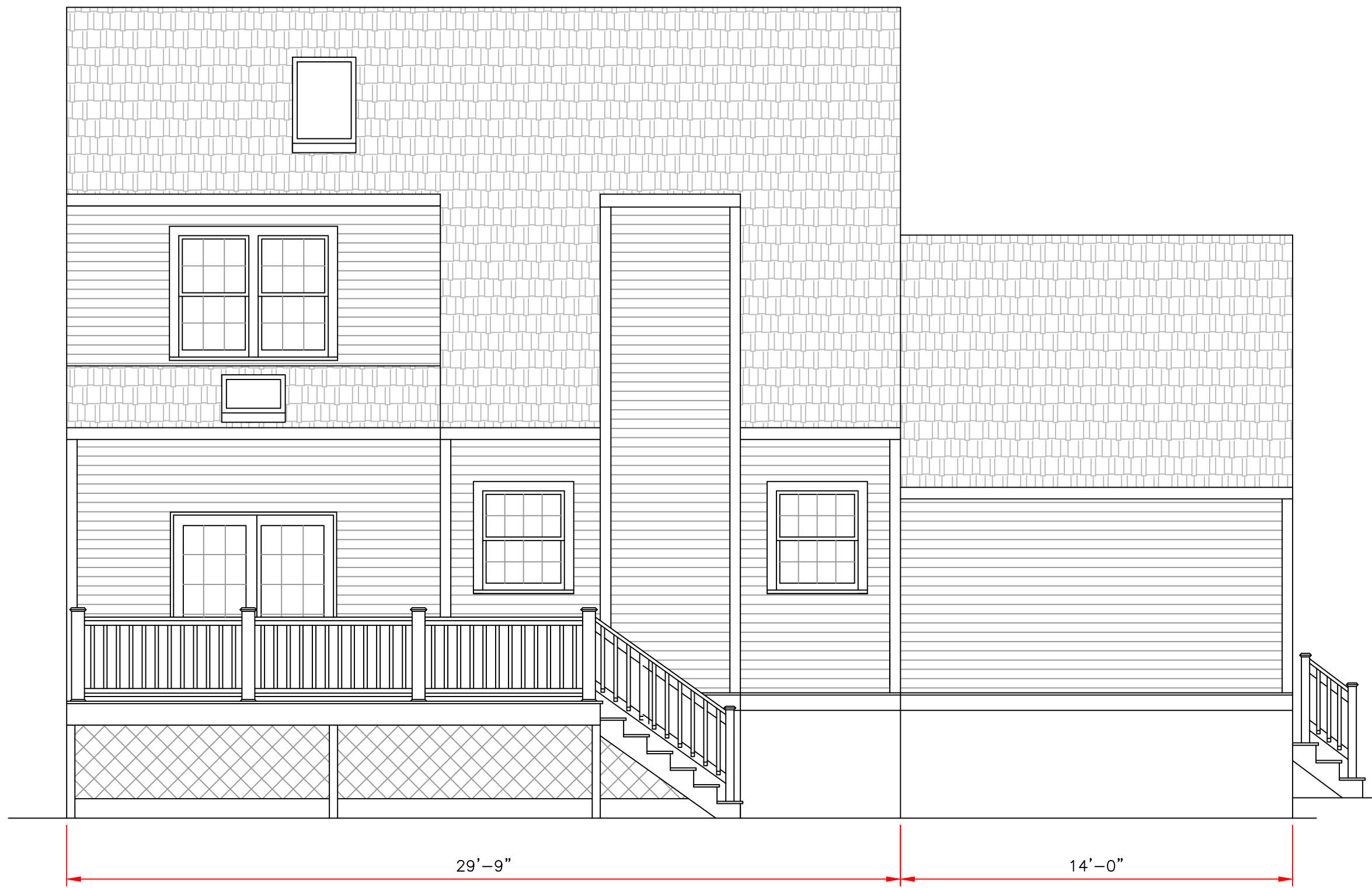




FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

SECOND FLOOR PLAN - PROPOSED

0' 2' 4' 8'  
FULL SCALE:  $\frac{1}{4}" = 1'-0"$  (24x36 ARCH D)  
HALF SCALE:  $\frac{1}{8}" = 1'-0"$  (12x18)

REV. NO.	DATE	CHKD	REMARKS
0	2/4/2020	CMK	FOR SUBMISSION

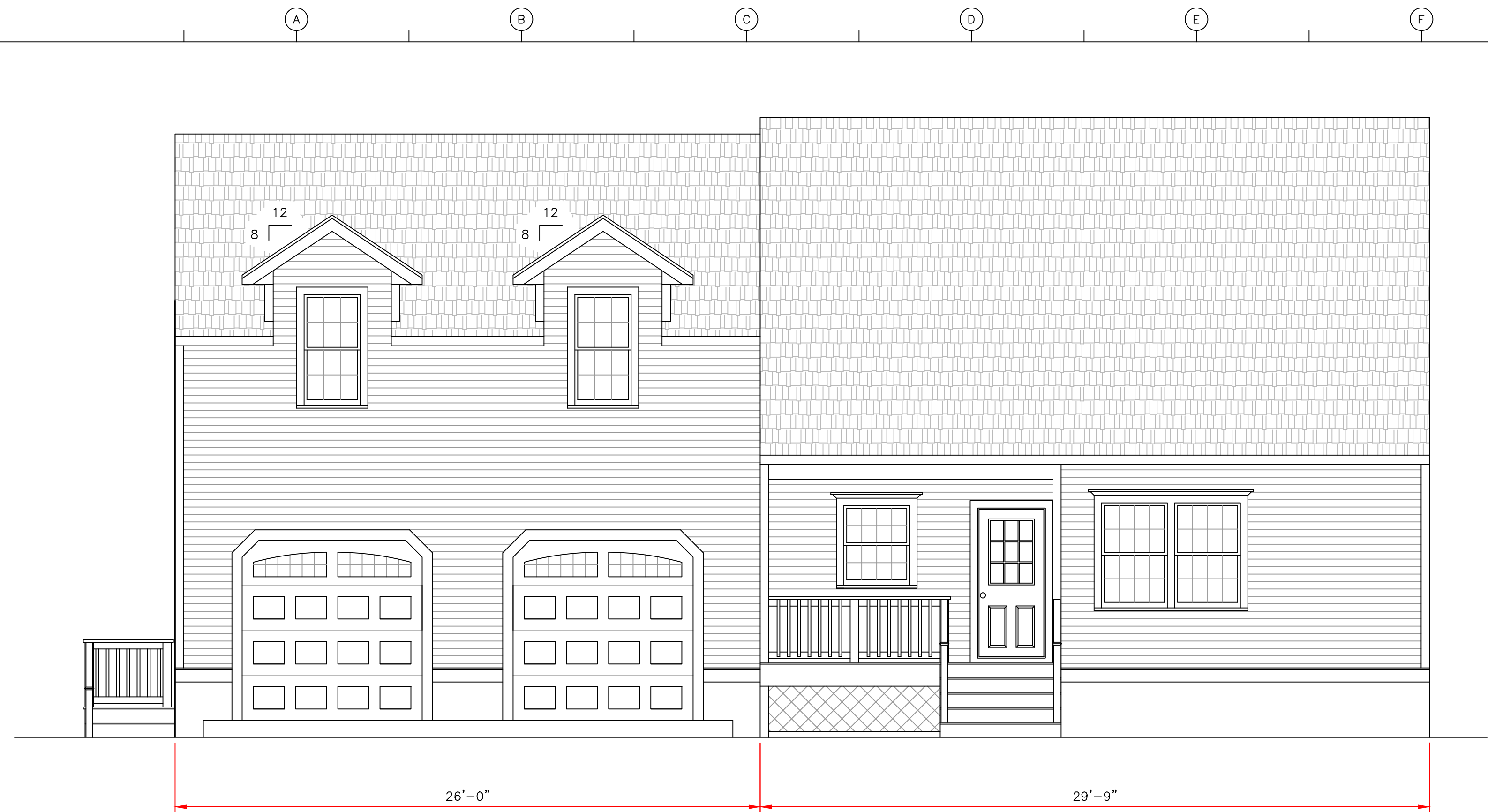


ENGINEER:  
CM KIRBY ENGINEERING, PLLC  
P.O. BOX 291  
NORWOOD, MA 02062  
(617) 872-5553 CKIRBY83@GMAIL.COM  
MA PE LICENSE NO. 41662 EXP 6/30/2020

PROJECT LOCATION:  
21 SUMMER HILL ROAD  
MEDWAY, MA 02053

DRAWING TITLE:  
ELEVATIONS - EXISTING

DRAWING NO.  
3  
REVISION NO.  
0



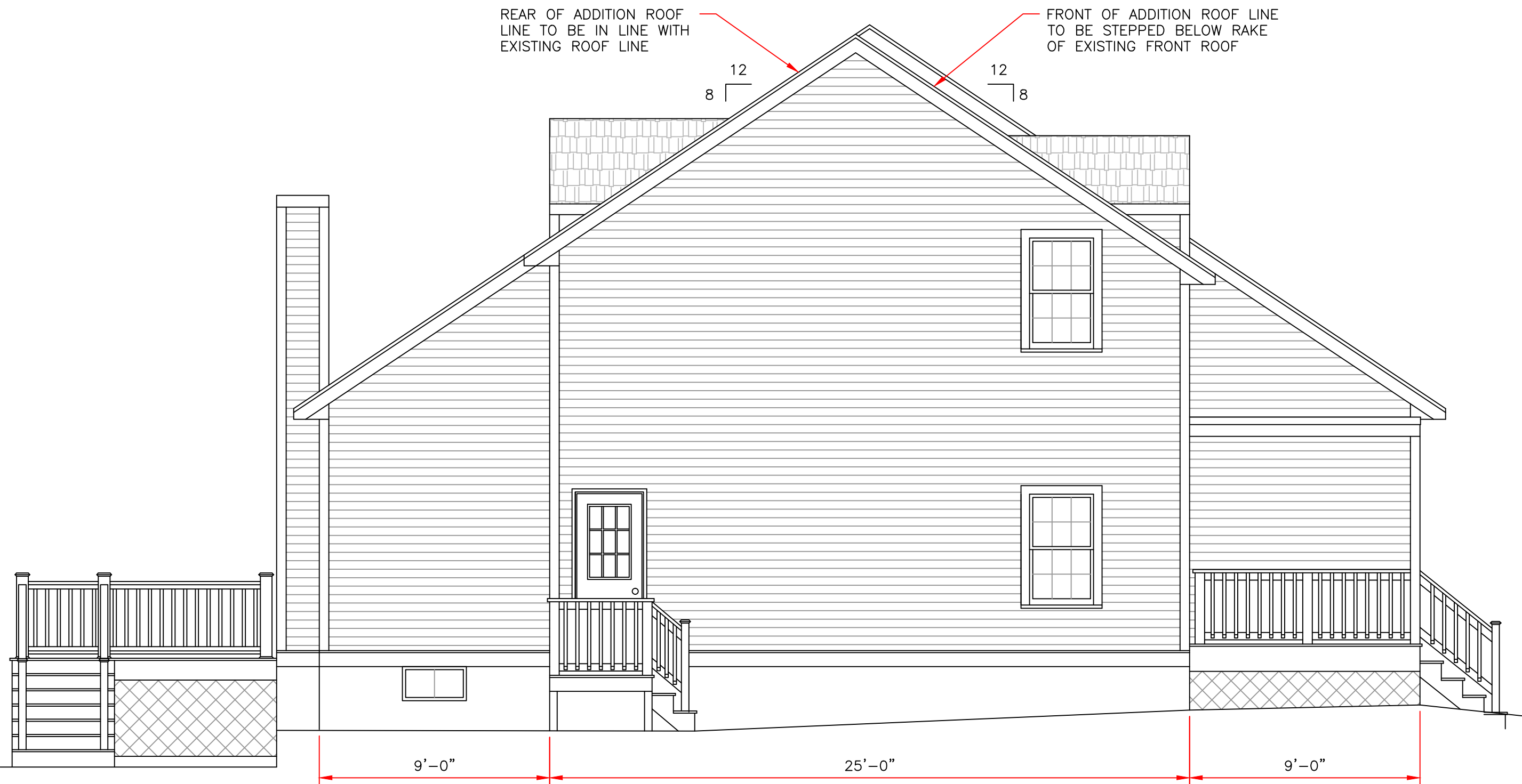
FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

0' 2' 4' 8'  
FULL SCALE:  $\frac{1}{4}" = 1'-0"$  (24x36 ARCH D)  
HALF SCALE:  $\frac{1}{8}" = 1'-0"$  (12x18)

REV. NO.	DATE	CHKD	REMARKS
0	2/4/2020	CMK	FOR SUBMISSION

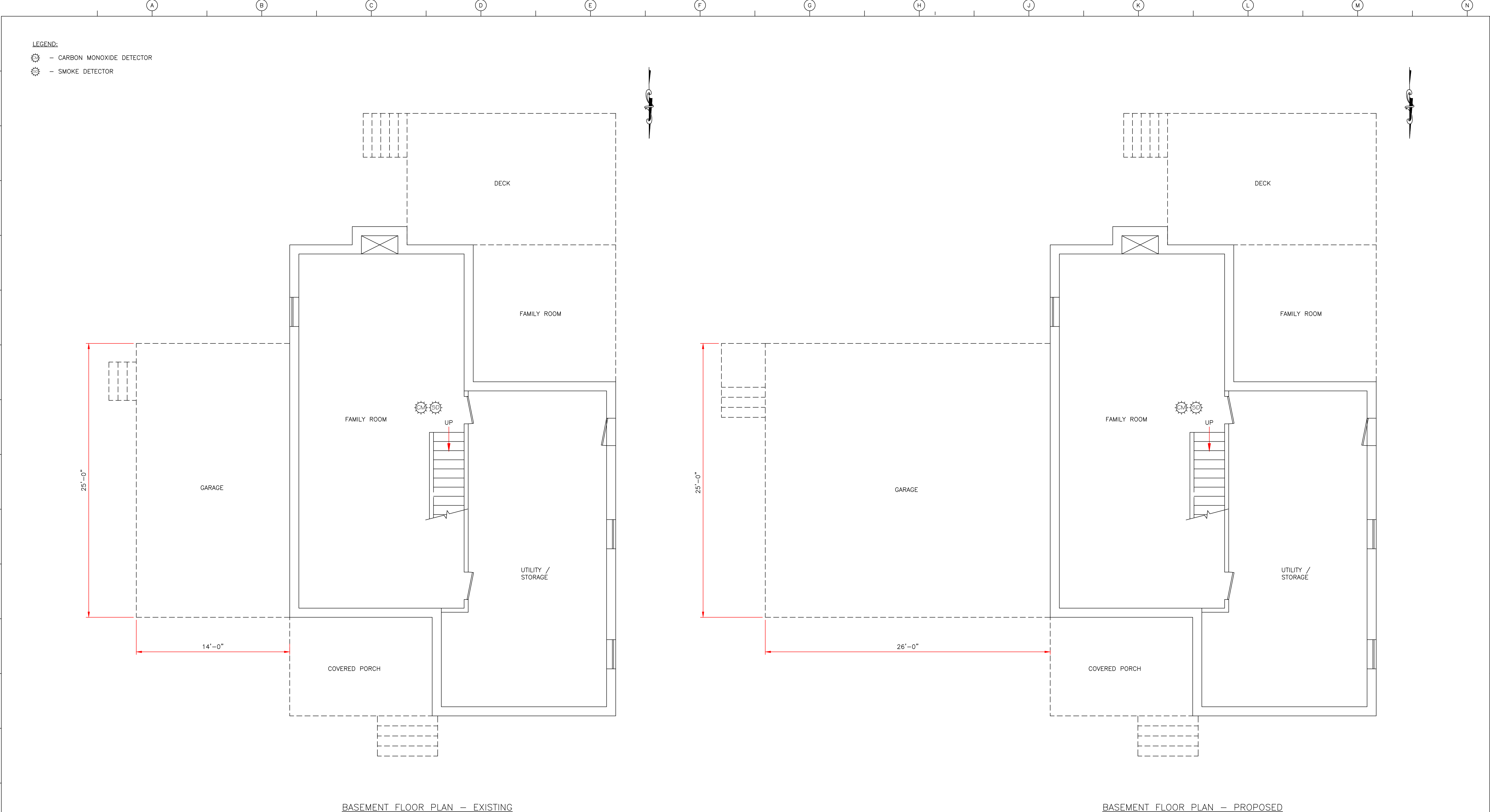


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MA PE LICENSE NO. 41662 EXP 6/30/2020

PROJECT LOCATION:  
21 SUMMER HILL ROAD  
MEDWAY, MA 02053

DRAWING TITLE:  
ELEVATIONS - PROPOSED

DRAWING NO.  
4  
REVISION NO.  
0



0' 2' 4' 8'

FULL SCALE:  $\frac{1}{4}" = 1'-0"$  (24x36 ARCH D)  
HALF SCALE:  $\frac{1}{8}" = 1'-0"$  (12x18)

0	2/4/2020	CMK	FOR SUBMISSION
REV. NO.	DATE	CHKD	REMARKS



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MA PE LICENSE NO. 41662 EXP 6/30/2020

PROJECT LOCATION:

21 SUMMER HILL ROAD  
MEDWAY, MA 02053





DRAWING TITLE:

BASEMENT FLOOR PLAN

DRAWING NO.	5
REVISION NO.	0



LEGEND:

-  - CARBON MONOXIDE DETECTOR
-  - SMOKE DETECTOR
-  - HEAT DETECTOR
-  - EXHAUST FAN

DOOR CALL OUT:  
2868 - 2'-8" x 6'-8" DOOR

WINDOW CALL OUT:  
3054 - 3'-0" WIDE x 5'-4" HIGH RO (±)

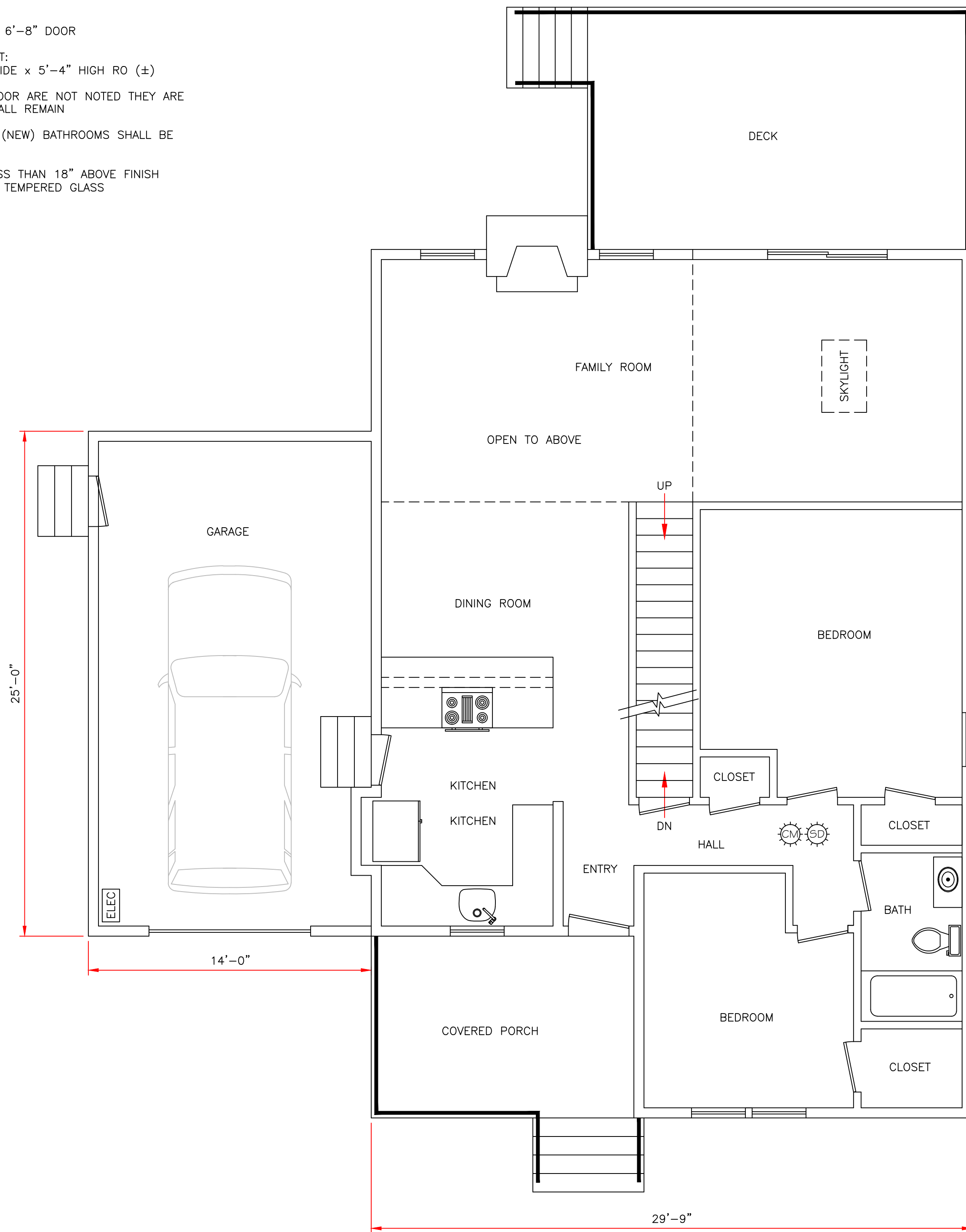
IF WINDOW OR DOOR ARE NOT NOTED THEY ARE EXISTING AND SHALL REMAIN

ALL WINDOWS IN (NEW) BATHROOMS SHALL BE TEMPERED GLASS

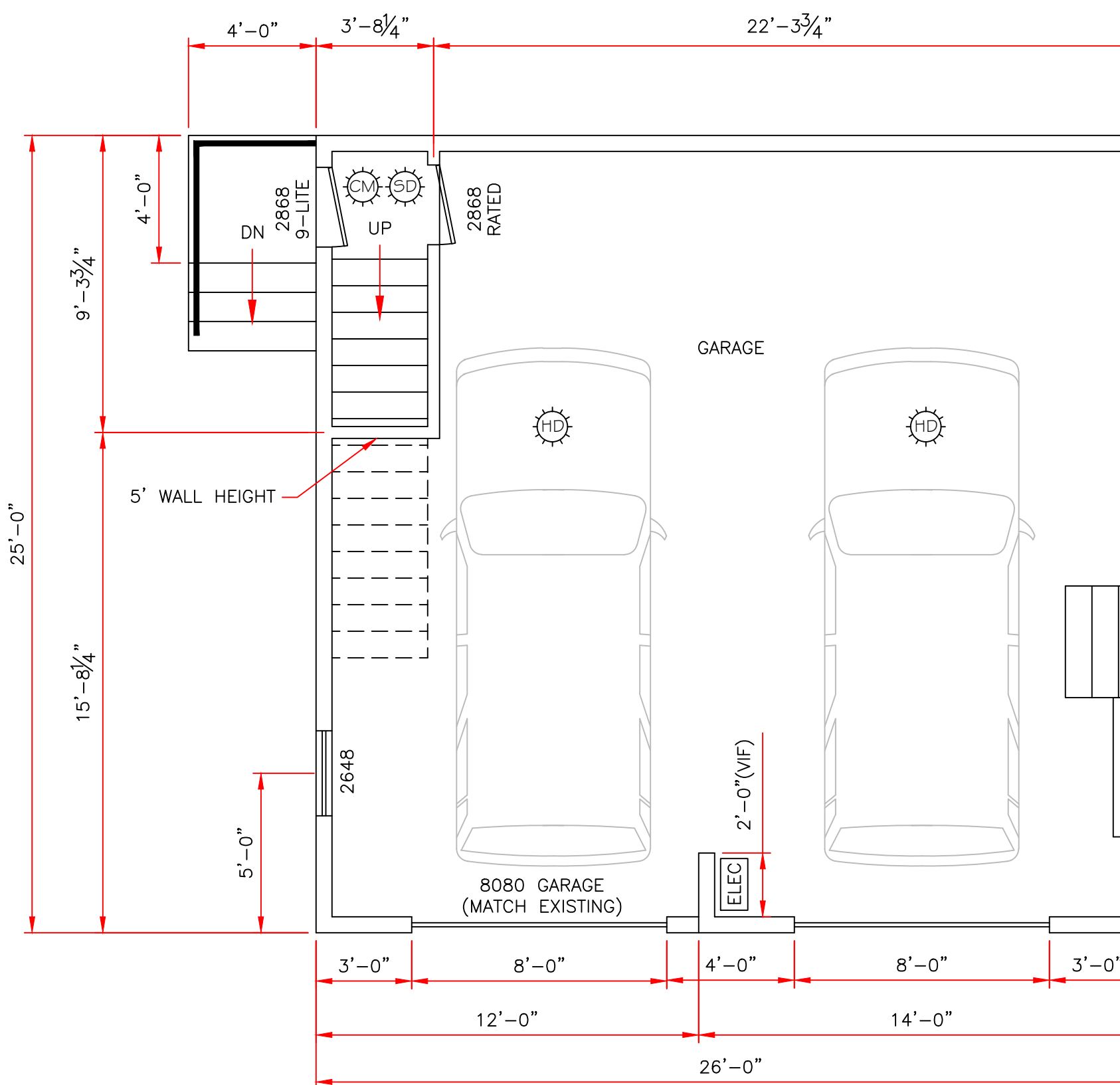
ALL WINDOWS LESS THAN 18" ABOVE FINISH FLOOR SHALL BE TEMPERED GLASS

FINISH NOTES:

1. ALL WALLS/CEILINGS FINISHED SMOOTH WITH ½" BLUEBOARD AND PLASTER (UNLESS NOTED),
2. ALL WALLS/CEILINGS IN GARAGE FINISHED SMOOTH WITH ½" TYPE "X" GYPSUM,
3. ALL WALLS IN WET AREAS (SHOWER STALL) TO BE ½" CEMENT BOARD,
4. ALL WALLS/CEILING SURFACES TO BE PRIMED AND THEN PAINTED WITH 2 COATS OF BENJAMIN MOORE PAINT (OR EQUAL). OWNER TO SELECT COLOR(S),
5. WINDOW SIZE AND GRILLES TO MATCH EXISTING WINDOW PATTERNS. OWNER TO CONFIRM PRIOR TO ORDERING,
6. NEW DOORS TO MATCH EXISTING.



FIRST FLOOR — EXISTING



FIRST FLOOR — PROPOSED

0' 2' 4' 8'

FULL SCALE: ¼" = 1'-0" (24x36 ARCH D)  
HALF SCALE: ½" = 1'-0" (12x18)



ENGINEER:  
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P.O. BOX 291  
NORWOOD, MA 02062  
(617) 872-5553 CKIRBY83@GMAIL.COM  
MA PE LICENSE NO. 41662 EXP 6/30/2020





PROJECT LOCATION:  
21 SUMMER HILL ROAD  
MEDWAY, MA 02053

DRAWING TITLE:  
FIRST FLOOR PLAN

DRAWING NO.  
6  
REVISION NO.  
0

REV. NO.	DATE	CHKD	REMARKS
0	2/4/2020	CMK	FOR SUBMISSION

LEGEND:

-  - CARBON MONOXIDE DETECTOR
-  - SMOKE DETECTOR
-  - HEAT DETECTOR
-  - EXHAUST FAN

DOOR CALL OUT:  
2868 - 2'-8" x 6'-8" DOOR

WINDOW CALL OUT:  
3054 - 3'-0" WIDE x 5'-4" HIGH RO (±)

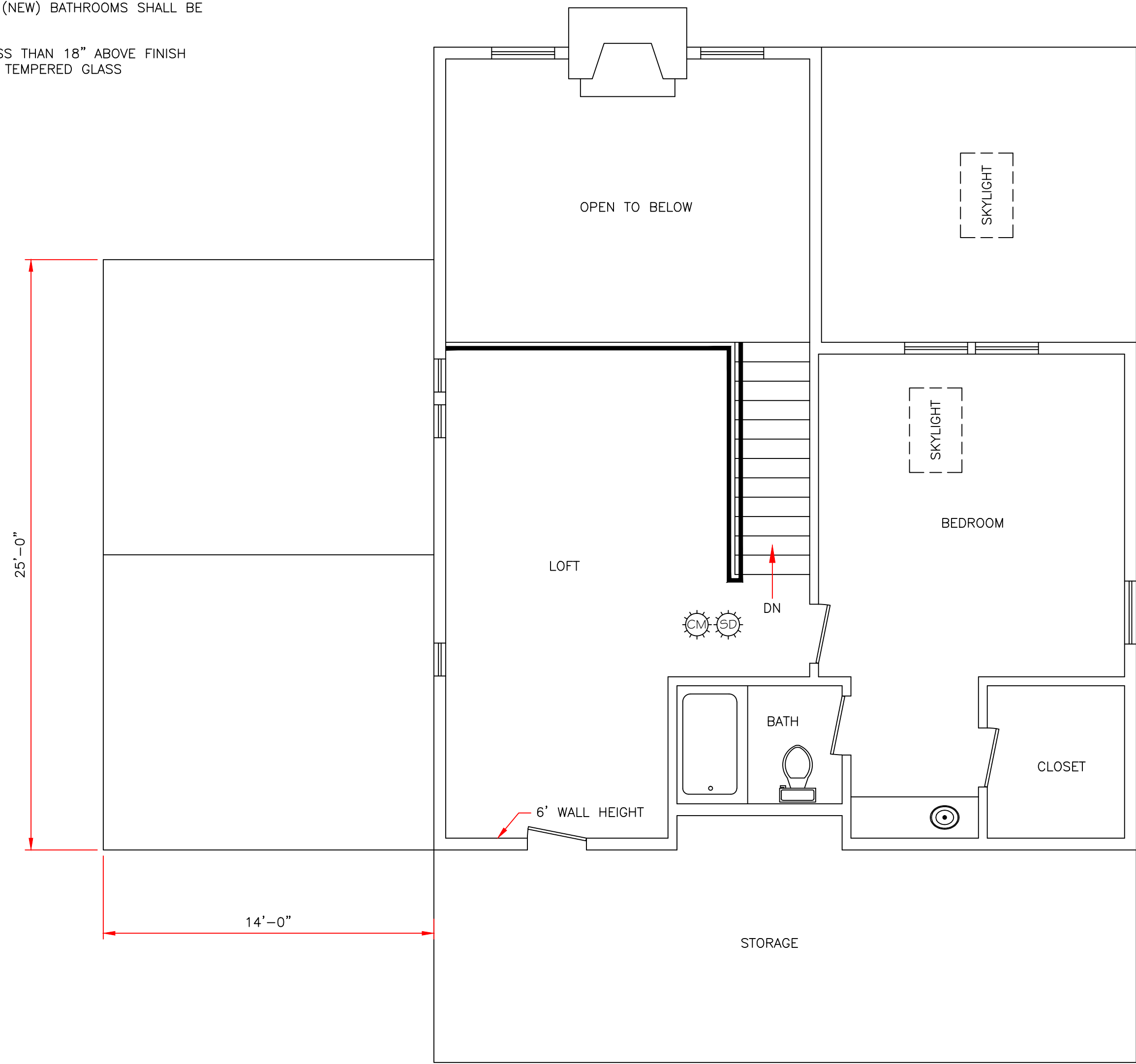
IF WINDOW OR DOOR ARE NOT NOTED THEY ARE  
EXISTING AND SHALL REMAIN

ALL WINDOWS IN (NEW) BATHROOMS SHALL BE  
TEMPERED GLASS

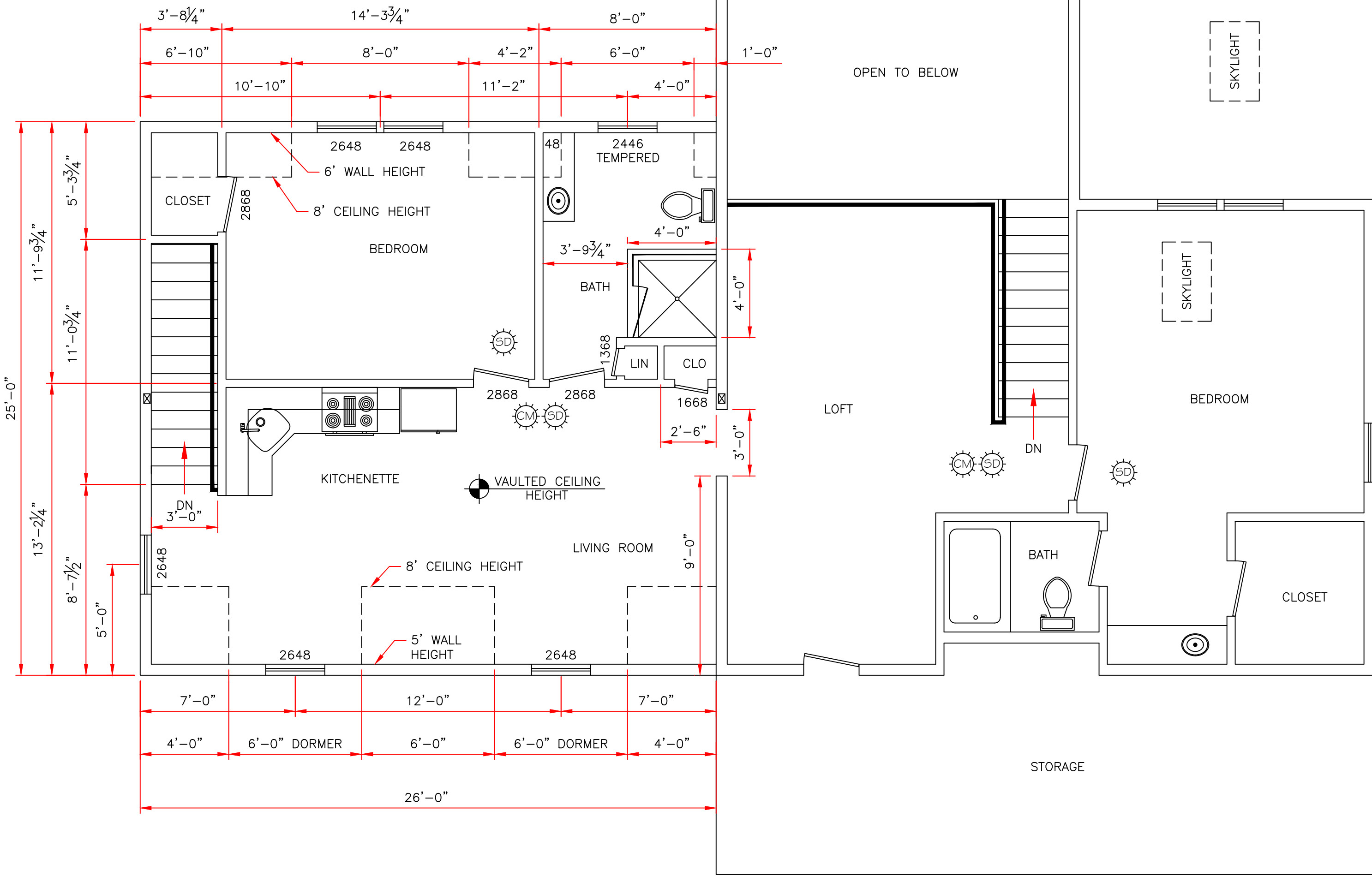
ALL WINDOWS LESS THAN 18" ABOVE FINISH  
FLOOR SHALL BE TEMPERED GLASS

FINISH NOTES:

- ALL WALLS/CEILINGS FINISHED SMOOTH WITH  $\frac{1}{2}$ " BLUEBOARD  
AND PLASTER (UNLESS NOTED),
- ALL WALLS IN WET AREAS (SHOWER STALL) TO BE  $\frac{1}{2}$ " CEMENT  
BOARD,
- ALL WALLS/CEILING SURFACES TO BE PRIMED AND THEN  
PAINTED WITH 2 COATS OF BENJAMIN MOORE PAINT (OR  
EQUAL). OWNER TO SELECT COLOR(S),
- WINDOW SIZE AND GRILLES TO MATCH EXISTING WINDOW  
PATTERNS. OWNER TO CONFIRM PRIOR TO ORDERING,
- NEW DOORS TO MATCH EXISTING.



SECOND FLOOR - EXISTING



SECOND FLOOR - PROPOSED

0' 2' 4' 8'

FULL SCALE:  $\frac{1}{4}$ " = 1'-0" (24x36 ARCH D)  
HALF SCALE:  $\frac{1}{8}$ " = 1'-0" (12x18)



ENGINEER:  
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MA PE LICENSE NO. 41662 EXP 6/30/2020

PROJECT LOCATION:

21 SUMMER HILL ROAD  
MEDWAY, MA 02053

DRAWING TITLE:

SECOND FLOOR PLAN

DRAWING NO.

7

REVISION NO.

0





A B C D E F G H J K L M N

1

2

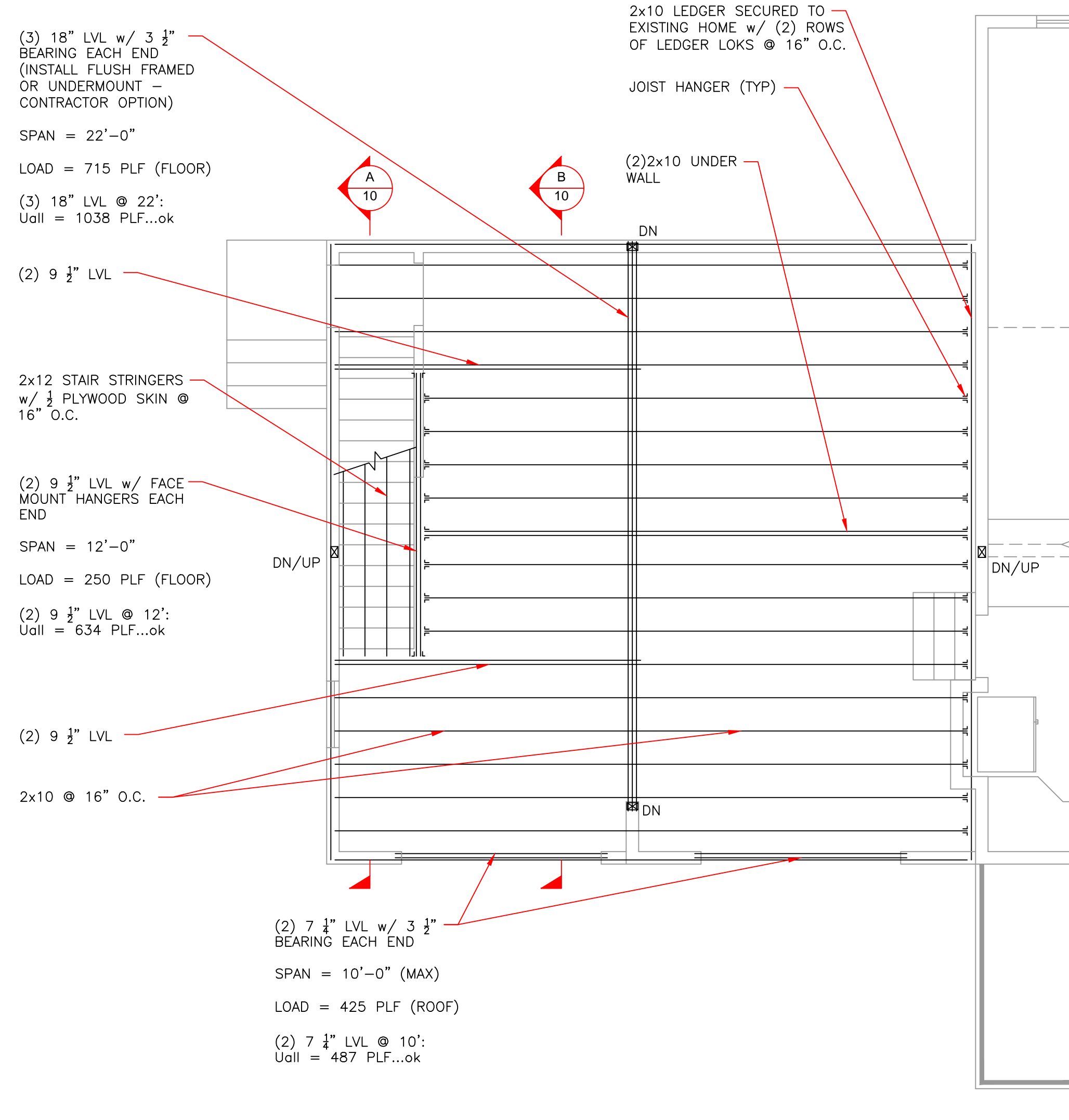
3

4

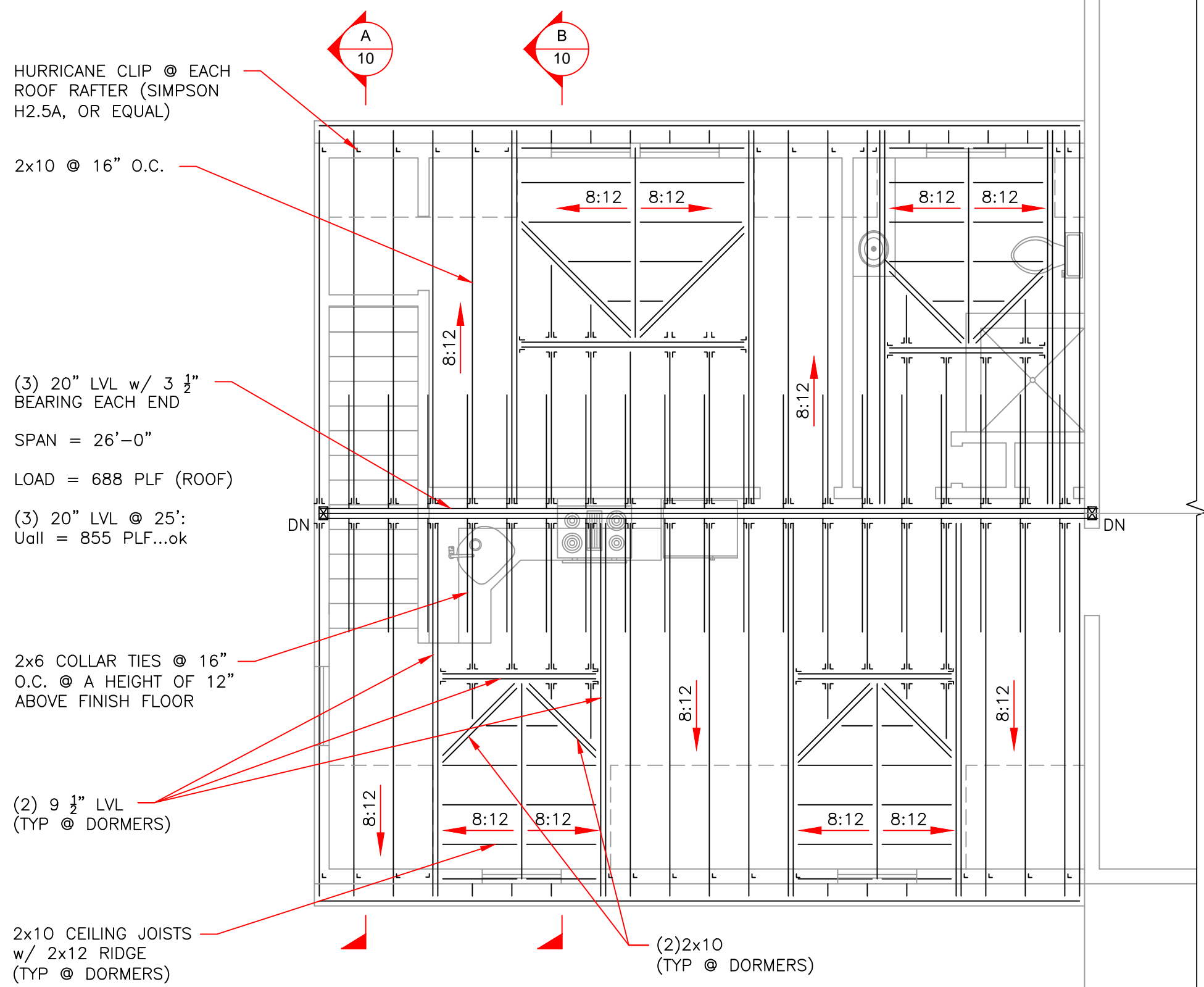
5

6

7



SECOND FLOOR FRAMING PLAN



ROOF FRAMING PLAN

0' 2' 4' 8'  
FULL SCALE: 1/4" = 1'-0" (24x36 ARCH D)  
HALF SCALE: 1/8" = 1'-0" (12x18)

0	2/4/2020	CMK	FOR SUBMISSION
REV. NO.	DATE	CHKD	REMARKS

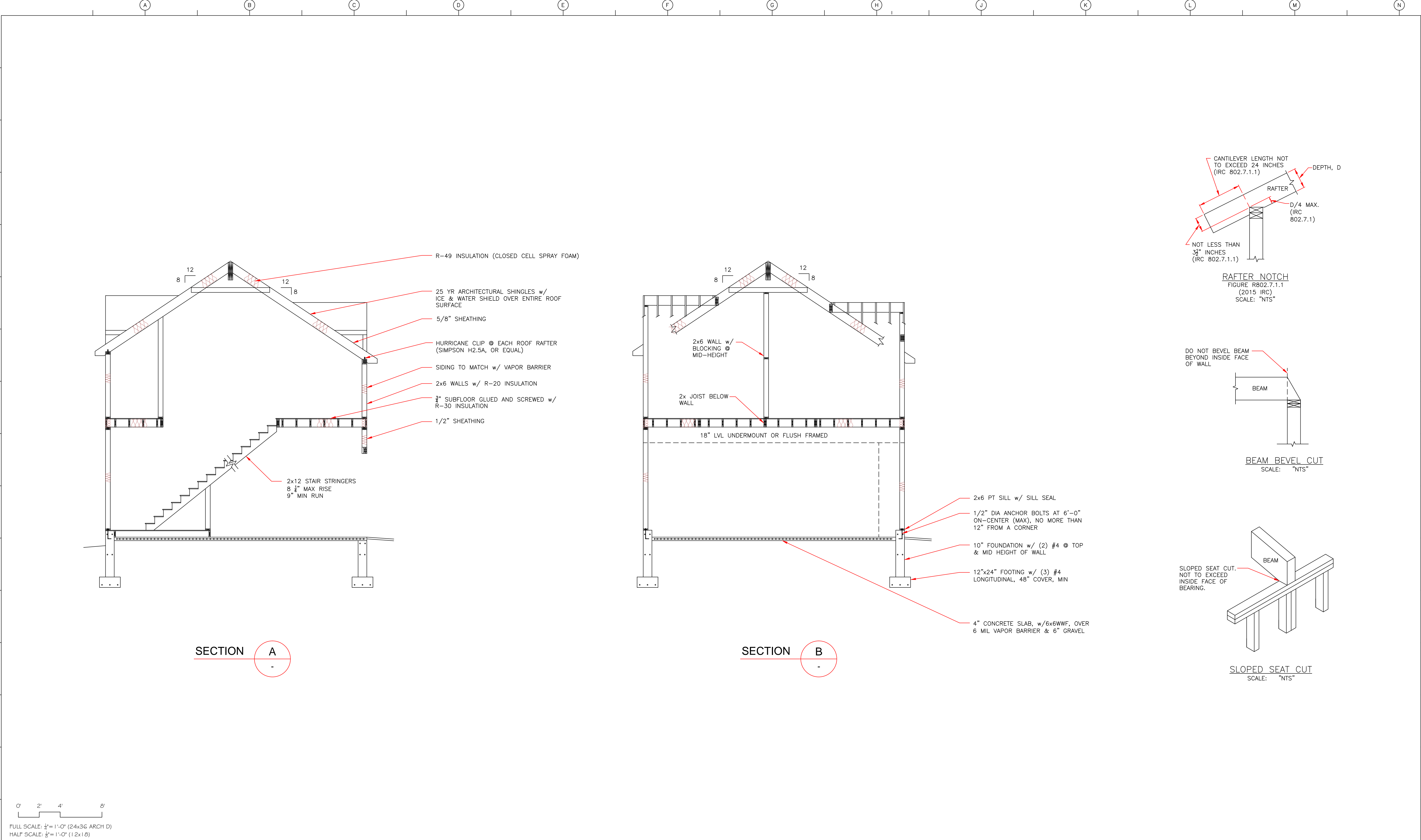


ENGINEER: CM KIRBY ENGINEERING, PLLC  
P.O. BOX 291  
NORWOOD, MA 02062  
(617) 872-5553 CKIRBY83@GMAIL.COM  
MA PE LICENSE NO. 41662 EXP 6/30/2020

PROJECT LOCATION:  
21 SUMMER HILL ROAD  
MEDWAY, MA 02053

DRAWING TITLE:  
SECOND FLOOR &  
ROOF FRAMING PLANS

DRAWING NO.  
9  
REVISION NO.  
0



0' 2' 4' 8'

FULL SCALE:  $\frac{1}{4}" = 1'-0"$  (24x36 ARCH D)  
HALF SCALE:  $\frac{1}{8}" = 1'-0"$  (12x18)

0	2/4/2020	CMK	FOR SUBMISSION	
REV. NO.	DATE	CHKD	REMARKS	



ENGINEER: CM KIRBY ENGINEERING, PLLC  
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MA PE LICENSE NO. 41662 EXP 6/30/2020

PROJECT LOCATION:  
21 SUMMER HILL ROAD  
MEDWAY, MA 02053

DRAWING TITLE:  
CROSS SECTIONS

DRAWING NO.  
10  
REVISION NO.  
0

# GENERAL APPLICATION FORM



## TOWN OF MEDWAY

### ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

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

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

#### TO BE COMPLETED BY THE APPLICANT

<b>Applicant/Petitioner(s):</b> Medway Meadows LLC	<b>Application Request(s):</b>	
c/o Michael Larkin, Manager		
<b>Property Owner(s):</b> Medway Meadows, LLC	Appeal	<input type="checkbox"/>
c/o Michael Larkin, Manager	Special Permit	<input checked="" type="checkbox"/>
<b>Site Address(es):</b> 83 Lovering Street (Lot 4), Medway	Variance	<input type="checkbox"/>
	Determination/Finding	<input type="checkbox"/>
	Extension	<input type="checkbox"/>
	Modification	<input type="checkbox"/>
<b>Parcel ID(s):</b> Map 21 Parcel 057	Comprehensive Permit	<input type="checkbox"/>
<b>Zoning District(s):</b> ARII		
<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b> Norfolk Registry of Deeds Book 36947, Page 448 recorded July 9, 2019		

TOWN CLERK STAMP

#### TO BE COMPLETED BY STAFF:

Check No.:  
Date of Complete Submittal:  
Comments:



# GENERAL APPLICATION FORM

## APPLICANT/PETITIONER INFORMATION

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

Applicant/Petitioner(s): Medway Meadows, LLC c/o Michael Larkin		Phone: 978-658-0333
		Email: michael@lawlarkin.com
Address:  P.O. Box 129, Medfield, MA 02052		
Attorney/Engineer/Representative(s): Colonial Engineering, Inc. c/o Paul DeSimone		Phone: 508-533-1644
		Email: colonial.eng@verizon.net
Address:  11 Awl Street, Medway, MA 02053		
Owner(s): Medway Meadows, LLC c/o Michael Larkin		Phone: 978-658-0333
		Email: michael@lawlarkin.com
Mailing Address:  P.O. Box 129, Medfield, MA 02052		

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

Patrick Larkin, member of Medway Meadows, LLC

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

None

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

Signature of Applicant/Petitioner or Representative

2-10-2020

Date

Signature Property Owner (if different than Applicant/Petitioner)

Date

# GENERAL APPLICATION FORM

## APPLICATION INFORMATION

		YES	NO
<b>Applicable Section(s) of the Zoning Bylaw:</b>	Requesting Waivers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3.4 Special Permits, 5.4 Table of Uses</b>	Does the proposed use conform to the current Zoning Bylaw?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Present Use of Property:</b> Single Family Home with Inlaw	Has the applicant applied for and/or been refused a building permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Proposed Use of Property:</b> Two family home	Is the property or are the buildings/structures pre-existing nonconforming?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Date Lot was created:</b> August 13, 2019	Is the proposal subject to approval by the BOH or BOS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Date Building was erected:</b> 1780	Is the proposal subject to approval by the Conservation Commission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Does the property meet the intent of the Design Review Guidelines?</b> Yes	Is the property located in the Floodplain District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the property located in the Groundwater Protection District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Describe Application Request:</b> Applicant is requesting a special permit from Section 5.4, Table 1, Section C for district AR-II of the Medway Zoning Bylaws to allow for a two family dwelling/duplex, provided that the exterior of the dwelling has the appearance of a single family dwelling.			

# GENERAL APPLICATION FORM

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use			
B. Dwelling Units	Two family	Single Family	Two Family
C. Lot Size	30,000 s.f.	30,000 s.f.	30,000 s.f.
D. Lot Frontage	150'	152.9'	152.9'
E. Front Setback	35'	20.5	20.5
F. Side Setback	15'	37.4'	37.4'
G. Side Setback	15'	37.4'	37.4'
H. Rear Setback	15'	55.3	55.3
I. Lot Coverage	30%	<30%	<30%
J. Height	35'	<35'	<35'
K. Parking Spaces	n/a	6+	6+
L. Other			

## FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed

Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to [zoning@townofmedway.org](mailto:zoning@townofmedway.org) and 4 paper copies to the Community & Economic Development Department.



## TOWN OF MEDWAY

## ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

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

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

## TO BE COMPLETED BY THE APPLICANT

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

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

The private property is located in the Agricultural Residential II District, which allows for two family dwellings.

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

N/A

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

The existing building has been in existence since 1780 and will not create any hazard to the neighbors.

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

The private property is located in the Agricultural Residential II District, which allows for two family dwellings. The proposed two family dwelling will have only one driveway entrance/exit and the dwelling has the appearance of a single family.

**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:**

N/A

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

The proposed two family dwelling will be appropriately located in a residential AR -II district.



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

The property meets the zoning requirements to construct a two family dwelling. The existing building has been in existence since 1780 and has been used as a two family over its lifetime. The private property is located in the Agricultural Residential II District, which allows for two family dwellings. The proposed two family dwelling will have only one driveway entrance/exit and the dwelling has the appearance of a single family.

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

The proposed two family dwelling will be appropriately located in a residential AR-II district and is consistent with the goals of the Medway Master Plan.

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

The private property is located in the Agricultural Residential II District, which allows for two family dwellings and as such will not be detrimental to the public good.



2/10/2020

Signature of Applicant/Petitioner or Representative

Date



**TREASURER/COLLECTOR CERTIFICATION****TOWN OF MEDWAY****ZONING BOARD OF APPEALS**

155 Village Street  
Medway MA 02053

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

**TO BE COMPLETED BY THE APPLICANT**

<b>Applicant/Petitioner(s):</b>
<b>Medway Meadows LLC</b>
<b>Property Owner(s):</b>
<b>Medway Meadows LLC</b>
<b>Site Address(es):</b>
<b>83 Lovering Street</b>
<b>Parcel ID(s):</b>
<b>21-057</b>
<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b>
<b>Norfolk Registry of Deeds Book 36947, Page 448 recorded July 9, 2019</b>

Signature of Applicant/Petitioner or Representative

**1-16-2020**

Date

**FOR TOWN HALL USE ONLY**

To be filled out by the Treasurer/Collector:

Date Reviewed

Medway Treasurer/Collector

Tax Delinquent: **Y** **N**

Comments:

21

057

Map

Parcel

Unit

1 of 1  
CARD

RESIDENTIAL

Town of Medway

APPAISED:

USE VALUE:

ASSESSED:

Total Card / Total Parcel  
 432,300/ 432,300  
 432,300/ 432,300  
 432,300/ 432,300



**Patriot**  
Properties Inc.

## USER DEFINED

Prior Id # 1: 5  
 Prior Id # 2: 200-1A  
 Prior Id # 3:  
 Prior Id # 1: W1  
 Prior Id # 2:  
 Prior Id # 3:  
 Prior Id # 1:  
 Prior Id # 2:  
 Prior Id # 3:

ASR Map:

Fact Dist:

Reval Dist:

Year:

Land Reason:

Bld Reason:

Civil District:

Ratio:

## PRINT

Date Time  
 01/16/20 11:28:04

## LAST REV

Date Time  
 03/02/17 12:56:46

asmyth

2490

## PAT ACCT.

## IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	4.510	220,900	19,600	191,800	432,300
Total Card					
4.510 220,900 19,600 191,800 432,300					
Total Parcel					
4.510 220,900 19,600 191,800 432,300					
Source: Market Adj Cost Total Value per SQ unit /Card: 155.28 /Parcel: 155.28					

## Legal Description

## User Acct

5-200-1A

## GIS Ref

## GIS Ref

## Insp Date

03/02/17

## Parcel ID

21-057

## PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	101	PV	228,900	19600	4.51	170,100	418,600		preliminary	6/7/2018
2018	101	FV	228,900	19600	4.51	170,100	418,600		Year End Roll	12/4/2017
2018	101	PV	226,900	19600	4.51	159,200	405,700		preliminary bil	6/7/2017
2017	101	FV	258,300	49600	4.51	159,200	467,100		Year End Roll	12/12/2016
2016	101	FV	244,800	49600	4.51	153,900	448,300		Year end	12/22/2015
2016	101	PV	198,500	49600	4.51	146,100	394,200			6/1/2015
2015	101	FV	198,500	49600	4.51	146,100	394,200		Year End Roll	10/24/2014
2015	101	CERT	198,500	49600	4.51	146,100	394,200		prelim	10/1/2014

## SALES INFORMATION

## TAX DISTRICT

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
WILSON TRUSTEE,	31310-166	QT	5/8/2013	CONVENIENCE		100	No	No	
WILSON PAUL R.	14213-067		6/14/2000	OTHER		100	No	No	
N/A	3494-590		1/1/1900	OTHER			No	No	

## BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
4/7/2007	07-418	RENOVIAL	3,970	C	6/20/2003			new door
2/16/2005	05-373	RENOVIAL	6,489	C	8/14/2006			4 replment windows
11/22/2004	05-261	RENOVIAL	6,489	C	8/18/2005			4 replcement windo
6/7/2004	04-657	RENOVIAL	6,670	C	10/25/2004			replc 4 windows
12/3/2001	02-254	RENOVIAL	4,950	C				RE ROOF
10/23/1998	99-157	RENOVIAL		C				

## ACTIVITY INFORMATION

Date	Result	By	Name
3/2/2017	INS & MEAS	AJS	AJS
6/20/2008	MEAS EXT	MR	MR
6/20/2008	REVIEW/ADJ	FVH	
10/28/2002	INSPECTED	RH	

Sign:

VERIFICATION OF VISIT NOT DATA

/ /

## PROPERTY LOCATION

No	Alt No	Direction/Street/City
81		LOVERING ST, MEDWAY

## OWNERSHIP

Owner 1:	Owner 2:	Owner 3:	Street 1:	Street 2:	Twn/City:	St/Prov:	MA	Cntry:	Own Occ:	Postal:	02053	Type:
WILSON TRUSTEE LENORE B	PISINI TRUSTEE STEPEHN C	MAFFEO TRUSTEE STEPHEN J	81 LOVERING ST.		MEDWAY	MA				02053		

## PREVIOUS OWNER

Owner 1:	Owner 2:	Street 1:	Twn/City:	St/Prov:	MA	Cntry:	Postal:	02053
WILSON TRUSTEE - LENORE B	PISINI TRUSTEE - STEPEHN C	81 LOVERING ST.	MEDWAY	MA			02053	

## NARRATIVE DESCRIPTION

This parcel contains 4.51 ACRES of land mainly classified as ONE FAMILY with a OLD STYLE Building built about 1780, having primarily Clapboard Exterior and 2784 Square Feet, with 1 Unit, 1 Bath, 2 3/4 Baths, 0 HalfBath, 10 Rooms, and 5 Bdrms.

## MOBILE HOME

Make:	Model:	Serial #:	Year Bld:	Color:

## PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z				water	30	PUB WTR/SE
o				Sewer		
n				Electri		
Census:				Exmpt		
Flood Haz:						
D				Topo		
s				Street		
t				Gas:		

## LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAMILY		43560		SQUARE FESITE			0	4.	1.00	4									174,240						174,200	
101	ONE FAMILY		3.51		ACRES	EXCESS	1.0	0	5,000.	1.00	4									17,550						17,600	

Total AC/HA: 4.51000 Total SF/SM: 196456 Parcel LUC: 101 ONE FAMILY Prime NB Desc: RES 4

Total: 191,790 Spl Credit: Total: 191,800

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro - FY2019

donnag

2019



### SKETCH

A photograph of a two-story, light-colored wooden house with a steep gable roof. The house has several windows, including a small dormer window in the gable. A small porch with a white railing is visible on the left side. The house is surrounded by trees and a lawn.



TOWN OF MEDWAY  
BOARD OF ASSESSORS  
155 VILLAGE STREET  
MEDWAY, MA 02053  
PHONE: 508-533-3203 FAX: 508-321-4981  
www.townofmedway.org

## REQUEST FOR ABUTTERS

Date of Request: 1-15-2020

Property owner: Medway Meadows LLC

Property location: 83 Lovering Street

Parcel (property) ID(S): 21-057

Please specify: 100', 300' or 500' from subject parcel: 300'

### THIS LIST IS REQUESTED FOR:

- ☐ Planning & Economic Development Board
- ☒ Zoning Board of Appeals
- ☐ Conservation Commission
- ☐ Historical Commission

### REQUESTER INFORMATION:

Name: Michael Larkin

Email address: michael@lawlarkin.com

Address: 383 Main Street

Medfield, MA 02052

Phone: 978-658-0333

**Please Return to MEDWAY ZBA  
Community and Economic Development Department**

THERE IS A FEE OF \$15.00 PER PARCEL DUE AT THE TIME OF REQUEST. THE LIST IS VALID FOR 90 DATE OF CERTIFICATION DATE. **THE BOARD OF ASSESSORS RESERVES 10 WORKING DAYS TO PROVIDE ALL CERTIFIED LISTS OF ABUTTERS.** \*\*\*IF YOU WISH TO HAVE THE LISTS MAILED BACK TO YOU, YOU MUST PROVIDE A SELF ADDRESSED STAMPED ENVELOPE LARGE ENOUGH FOR THREE SETS OF LABELS.\*\*\*





Town of Medway  
**ZONING BOARD OF APPEALS**  
155 Village Street, Medway MA 02053  
(508) 321-4915

Rori Stumpf, Chair  
Brian White, Vice Chair  
Gibb Phenegar, Clerk  
Christina Oster, Member  
Tom Emero, Member  
Carol Gould, Associate Member  
Brian Cowan, Associate Member

**Legal Notice Billing Agreement Form**

The Zoning Board of Appeals will prepare and submit a legal notice to be published in the *Milford Daily News*. This legal notice will appear in two consecutive issues of the newspaper, at least 14 days prior to the date of your hearing. The cost varies based upon the applicant request and information required for the notice. The Zoning Board of Appeals will forward the ad proof with the total to be paid by the applicant.

Medway Meadows LLC

Applicant Name

83 Lovering Street

Property Address

978-658-0333

Telephone Number

21-057

Parcel ID

michael@lawlarkin.com

Email Address

AR-II

Zoning District

I hereby agree to provide a check in the sum of the ad proof total provided by the Zoning Board of Appeals for the required legal notice for a public hearing before the Zoning Board of Appeals.



Applicant Signature

1-15-2020

Date

**Please Note:** This form must be returned to the Zoning Board of Appeals when submitting your application.

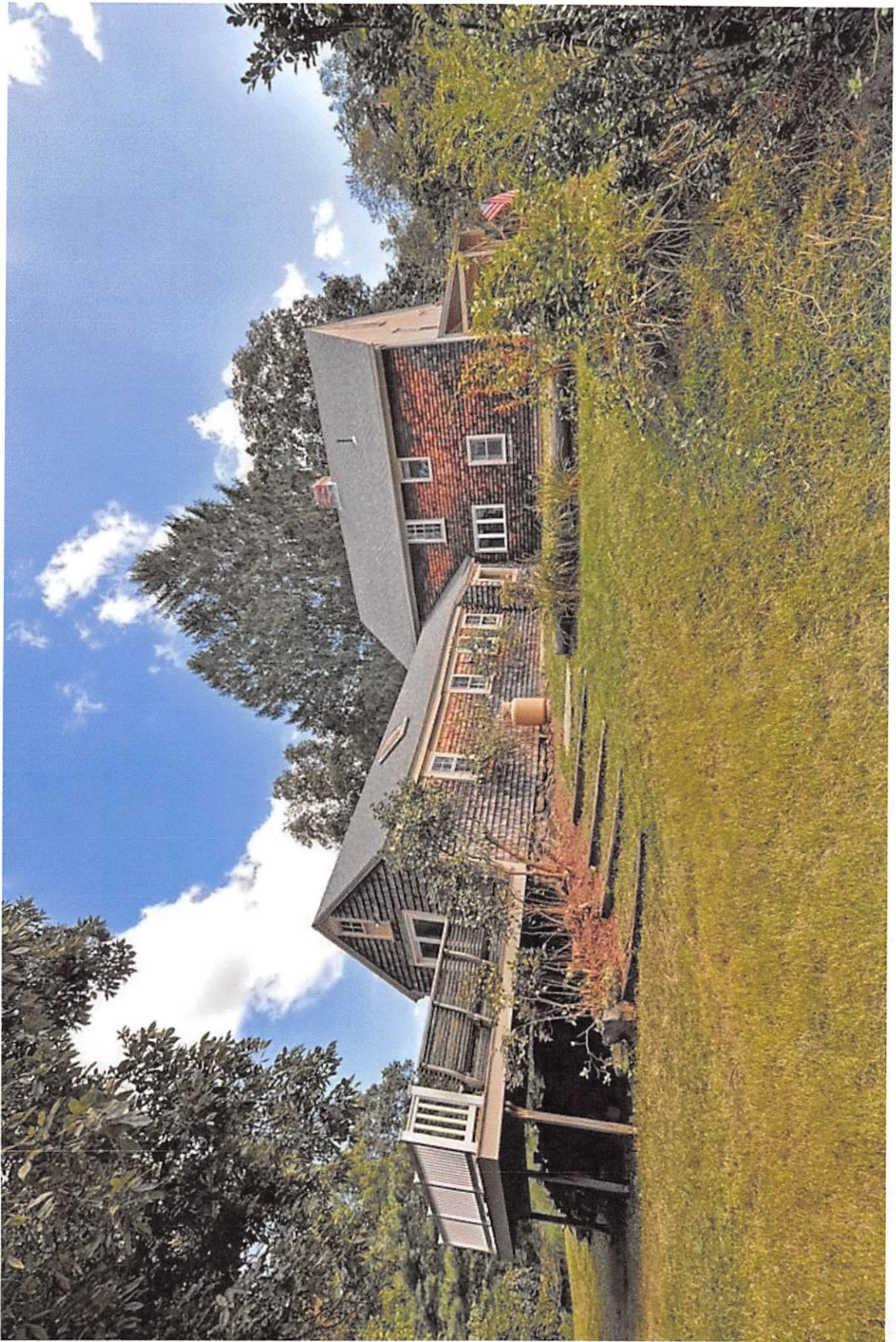


83 Lowery - front















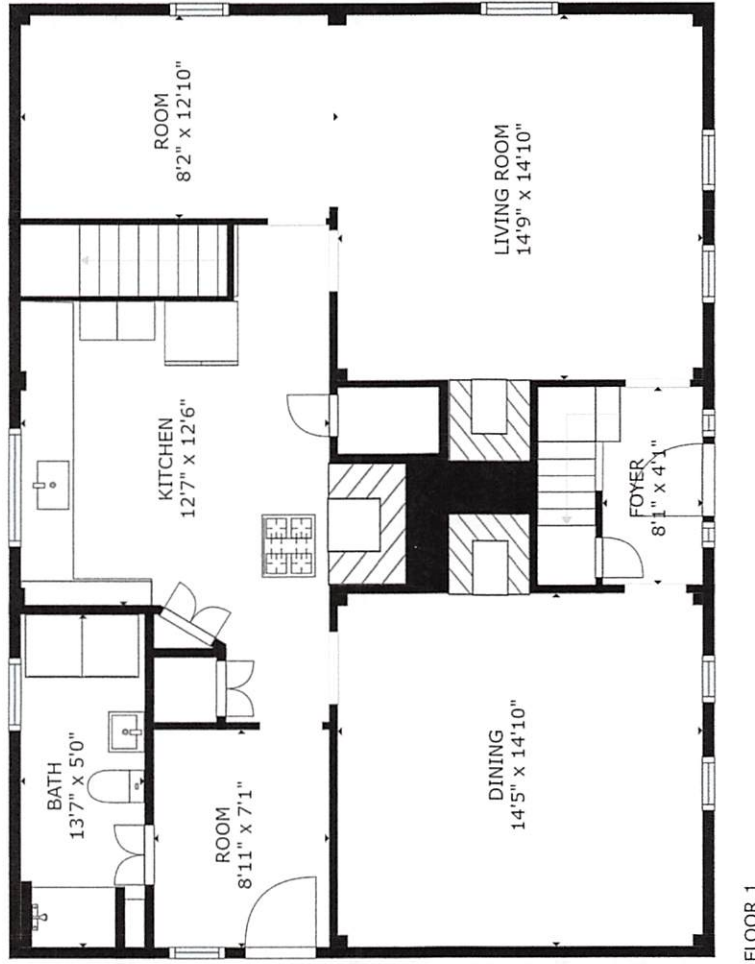




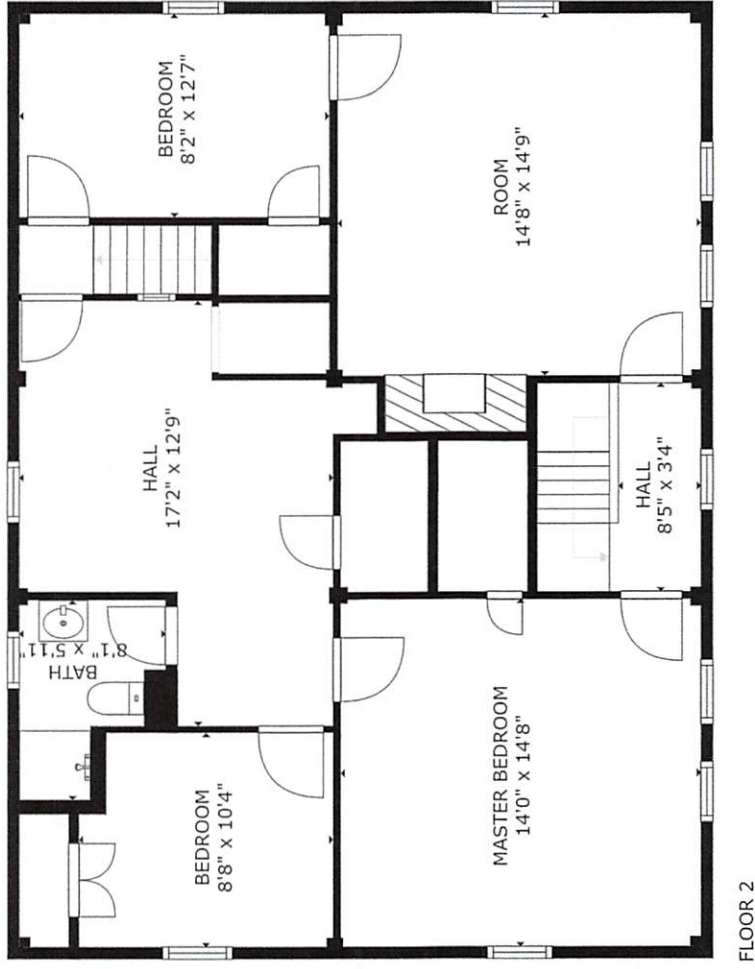




# 83 Lowering - Main House



FLOOR 1



FLOOR 2

GROSS INTERNAL AREA

FLOOR 1: 1048 sq ft, FLOOR 2: 1043 sq ft

TOTAL: 2091 sq ft

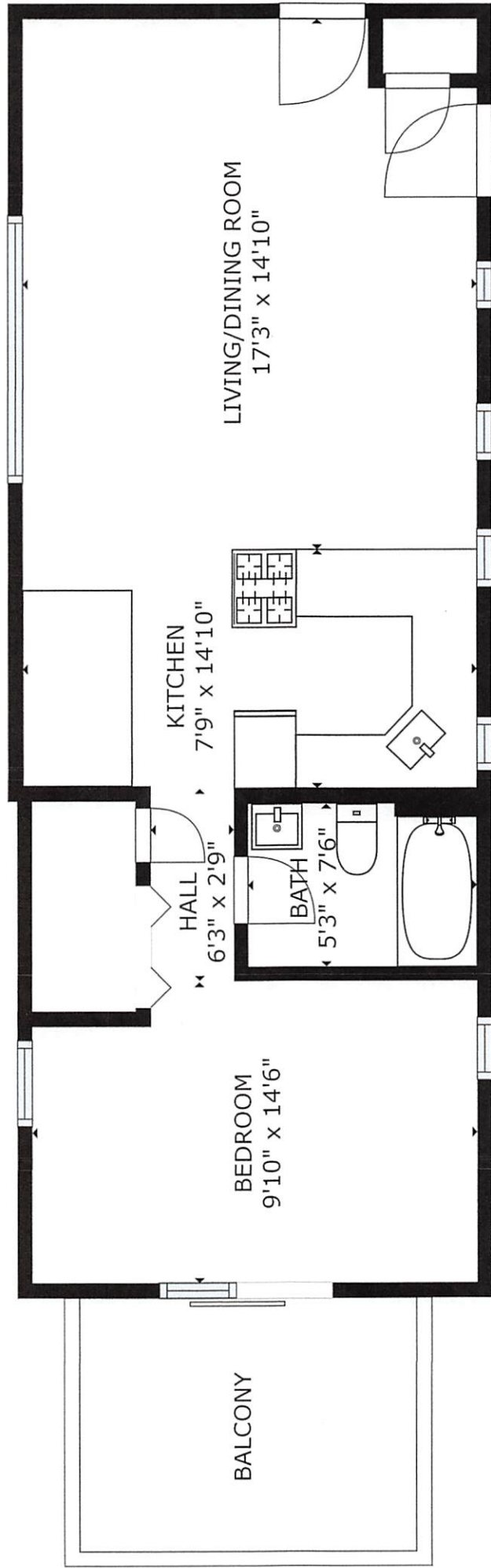
SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.



GLASSHOUSE  
MEDIA

POWERED BY  
**matterport**

# 83 Living - Second unit



GROSS INTERNAL AREA  
FLOOR 1: 604 sq ft  
TOTAL: 604 sq ft

SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.

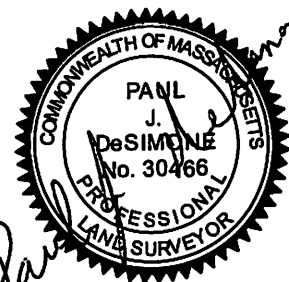
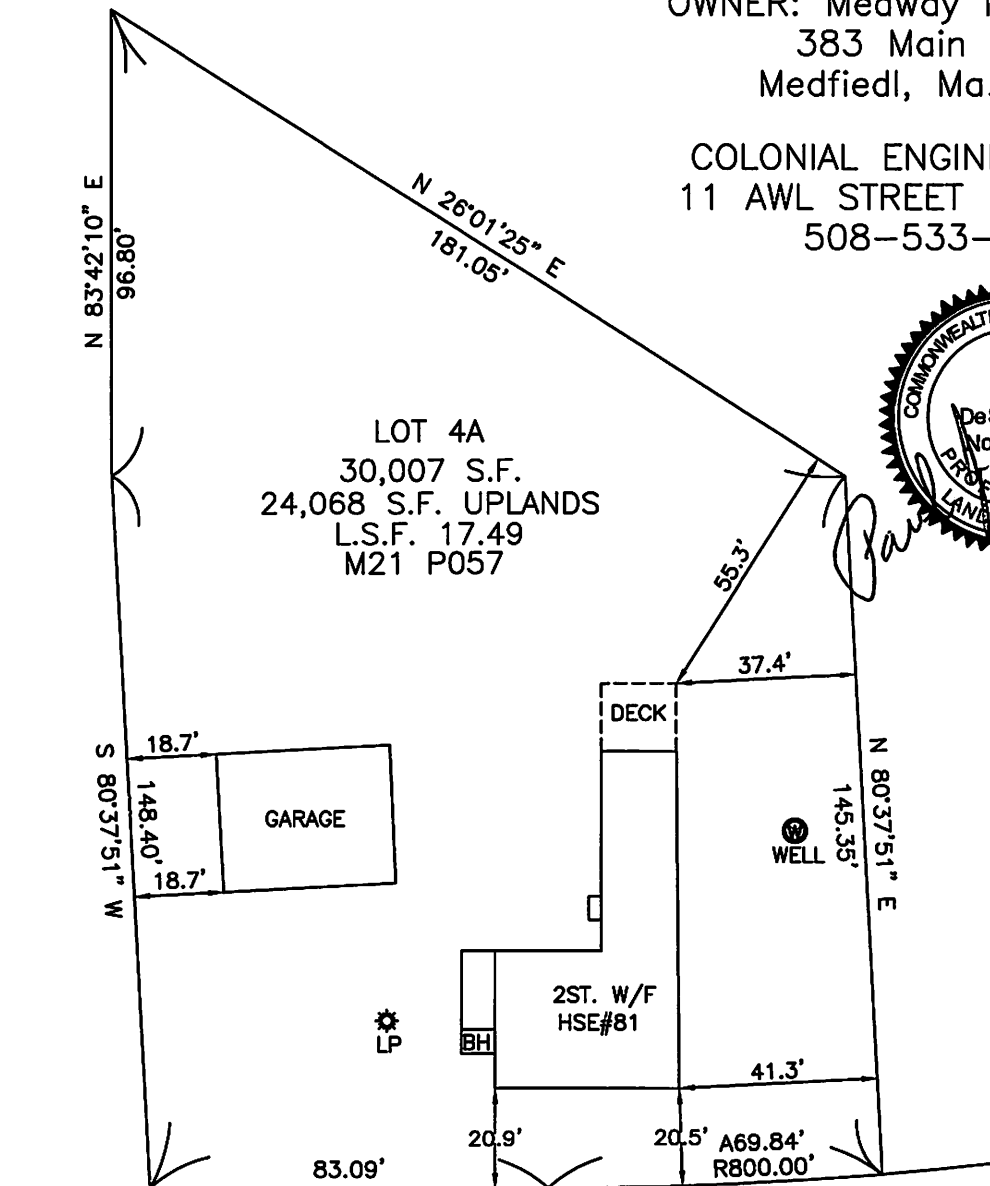


PLAN OF LAND  
IN  
**MEDWAY, MA.**

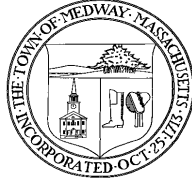
SCALE: 1"=40' JAN. 16, 2020

OWNER: Medway Meadows LLC  
383 Main Street  
Medfield, Ma. 02052

COLONIAL ENGINEERING INC.  
11 AWL STREET MEDWAY, MA  
508-533-1644



**LOVERING STREET**  
(PUBLIC 60' COUNTY LAYOUT OF 1955 & 1981)



**February 25, 2020**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Choate Trail Way Subdivision – Public**  
**Hearing Continuation**

- Public Hearing Continuation Notice dated 1-30-2020
- Communication from Tree Warden Steve Carew dated 2-14-2020
- Sidewalk construction estimate from Tetra Tech dated 2-20-2020
- Decision of Street Naming Committee dated February 10, 2020 – Copper Drive
- Draft decision dated February 21, 2020

**Discussion Questions**

1. Do you want to have a 15' no cut or selective cutting zone on the perimeter of each house lot?
2. Resolution on location of utility pole?
3. Resolution on street light? Add a waiver request to not be required to install a new street light.
4. Material for paving and edging around landscaped island in cul-de-sac?

5. Driveway for house on Lot #1 to come off of Copper Drive, not Highland Street
6. Tree preservation – The Existing Conditions Sheet identifies trees greater than 12” in diameter.  
Next steps – Identify which trees are likely to be removed for construction, then designate the remaining trees for preservation.
7. Condition idea requested by abutter to require developer to put up advance \$\$ to help fund the ongoing upkeep/maintenance of the stormwater system.





**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)

**MEMORANDUM**

January 30, 2020

**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

TO: Maryjane White, Town Clerk  
Town of Medway Departments, Boards and Committees

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

RE: **Public Hearing Continuation: Choate Trail Way Definitive  
Subdivision Plan & Scenic Road Work Permit  
42 and 42R Highland Street**

**Continuation Date: Tuesday, February 25, 2020 at 7:15 p.m.**  
**Location: Medway Town Hall, 155 Village Street**



At its meeting on January 28, 2020, the Planning and Economic Development Board (PEDB) voted to continue the public hearings on the applications of The Residences at Choate Trail, LLC of Nashua, NH for approval of a scenic road work permit and a definitive subdivision plan for a proposed 4 lot residential subdivision to be located at 42 and 42R Highland Street. The hearing will take place at 7:15 p.m. on Tuesday, February 25, 2020 in Sanford Hall at Medway Town Hall, 155 Village ST, Medway, MA.

Owned by The Residences at Choate Trail, LLC, the 5.88 acre parcel (*Medway Assessors Map 37, Parcels 67 & 64*) is located on the north side of Highland Street in the Agricultural Residential I zoning district. The *Choate Trail Way Definitive Subdivision Plan* is dated November 8, 2019 and was prepared by Connorstone Engineering, Inc. of Northborough, MA. The plan shows the division of the property into four residential lots, one lot with the existing house at 42 Highland Street, and three new house lots with frontage on a proposed, 578' long permanent private road. The property includes wetland resources under the jurisdiction of the Medway Conservation Commission which shall also review the proposed development for a Land Disturbance Permit.

The applications, definitive subdivision plan and associated documents for the proposed Choate Trail Way subdivision are on file with the Medway Town Clerk and at the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular business hours. The materials have also been posted to the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/choate-trail-way-definitive-subdivision-plan>

Please review the plan and provide comments to me at your earliest convenience. Please don't hesitate to contact me if you have any questions. Thanks.

RECEIVED

JAN 30 2020

TOWN CLERK



TOWN OF MEDWAY  
DEPARTMENT OF PUBLIC WORKS  
OFFICE OF THE TREE WARDEN  
MEDWAY, MASSACHUSETTS

STEVE CAREW  
TREE WARDEN

February 14, 2020

## **42 Highland St. Scenic Road Permit**

### **Tree Warden Recommendations**

There are 7 trees in need of removal according to the permit request from The Residences at Choate Trail LLC. Pursuant to section 405- B of The Town of Medway's Scenic Road Rules and Regulations, tree replacement shall be 1 square inch per 2 square inch replacement basis. Per the accepted formula this results in a total of 413 square inches of tree replacement, if the 12 inch dead tree is waived as recommended in the following. Based on using 3 inch caliper replacement tree, 59 trees would need to be planted in total.

I, Steve Carew, Tree Warden, am recommending the following:

The replacement of the 12 inch dead tree to be waived, as the removal of this tree provides the Town of Medway multiple benefits. The high risk of a struck by incident will no longer be present and the cost of the removal of this tree will not be absorbed by the Town of Medway.

Upon review of the site plan and an inspection of the site, planting 59 trees at this site may not be warranted and actually may result in overcrowding the area as the trees mature. I would recommend that The Residences at Choate Trail LLC review with the Conservation Commission suitable planting locations and quantities as conservation buffer zones are impacted. I would refer The Residences at Choate Trail LLC to the Conservation Commission's approved list of replacement trees and shrubs. In lieu of planting the replacement trees, The Residences of Choate Trail LLC could make a donation to the Town of Medway's tree fund or combination of planting and donation. The current market price for a tree in the 2.5-3 inch caliper is approximately \$355(\$355 x 59 = \$20,945).

Steve Carew  
Tree Warden

**TETRA TECH**

**Sidewalk Estimate  
42 Highland Street  
Medway, Massachusetts  
February 20, 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	36	CY	\$35.00	\$1,260
Gravel Borrow	16	CY	\$45.00	\$720
Fine Grading & Compacting	62	SY	\$5.00	\$310
HMA Binder	6	TON	\$120.00	\$720
Vertical Granite Curb	110	FT	\$45.00	\$4,950
Accessible Ramps	7	SY	\$100.00	\$700
HMA Top	5	TON	\$120.00	\$600
Loam	5	CY	\$55.00	\$275
Seed	25	SY	\$2.00	\$50
<b>Total</b>				<b>\$10,085</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 02/2019 - 02/2020. 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: 110 ft., Excavation Depth/Width=12 in./7.5 ft., Gravel Depth/Width=8 in./5 ft., Curb Length=110 ft., Sidewalk Width=5 ft., Loam Depth/Width=6 in./2 ft., Seed Width=2 ft.



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

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

DRAFT - February 21, 2020

***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 January 13, 2020  
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 located 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.
- 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 sent 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, and to \_\_\_\_\_ when it was closed. During the course of the public hearing, the applicant submitted \_\_\_\_\_ revisions to the Choate Trail Way Definitive Subdivision Plan, one dated January 13, 2020 and another dated \_\_\_\_\_.
- 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 \_\_\_\_\_ 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 13, 2020

Revised – \_\_\_\_\_

***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

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

December 4, 2019

January 23, 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

***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

***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

**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

**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.

**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. 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.

\*\*\*\*\*

**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 connection point is feasible. The right of way is very narrow and the installation of 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 Tree Fund. See Condition # \_\_\_\_\_

\*\*\*\*\*

**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 street lights within the subdivision, but to have individual lot light posts. The Police Department's Traffic Safety Officer has not asked for a street light at the intersection of Copper Drive and Highland Street. There is an existing street light on Highland Street . . . .

#### **MITIGATION PLAN**

- A. The Applicant shall make a payment to the Town in the amount of \_\_\_\_\_ in lieu of constructing sidewalk along the Highland Street frontage of the Choate Trail Way Subdivision.
- B. The new road 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. Trail area on Lot #4 . . .

**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 \_\_\_\_\_ 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 plan dated \_\_\_\_\_ 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 indicate APPROVED WAIVERS instead of WAIVER REQUESTS.
  - The plan shall be revised to specify Copper Drive as the roadway name. 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 cover sheet shall be revised to add a space for 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 \_\_\_\_\_ Subdivision*
- Show Trail on Lot #4 . . .

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

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** – Per \_\_\_\_\_, the plan should be revised to show a "selective cut zone" around the non-street perimeter of each house lot. Size of selective cut zone? 15 feet? 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** – Sheet \_\_\_\_ of the plan shows \_\_\_\_ hardwood trees larger than 12 inches in diameter to be preserved/retained.

Commented [SA1]: Trees to be saved need to be identified.

- a. The applicant shall make the fullest possible effort to preserve/retain these trees and prevent their removal, demise or damage during construction.
  - b. If any of the above noted trees are removed or damaged during construction, the applicant shall be responsible for tree restoration by replacing the removed or damaged trees with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis within (1) year after the tree removal or damage has occurred. The one (1) square inch per two (2) square inch replacement amount is calculated by squaring 1/2 the established diameter of each tree that is removed or damaged and multiplying that amount by 3.14 to determine its trunk area (tree radius squared x pi rounded to 3.14). The resulting figure is halved and that square inch total is the amount of required square inches of the replacement tree(s). A 3" caliper tree equals seven (7) sq. inches. The location of the replacement trees 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).
9. **Sidewalk Construction** – In lieu of sidewalk construction along the frontage of 42 Highland Street, the applicant shall provide \$\_\_\_\_\_ to the Medway Sidewalk Fund before the Building Department issues an occupancy permit for the \_\_\_\_\_ house in the subdivision.

10. **Trail**

11. **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.
12. **Homeowners Association** - There shall be established a 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, and maintain the landscaped island in the cul-de-sac. Prior to plan endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the homeowners' association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. The 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.
13. **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, and the upkeep of the landscaped island in the cul-de-sac. The document shall specifically refer to the Long-Term Pollution Prevention Plan and associated Stormwater Operations and Management Plan included in the most recent version of the Choate Trail Way Stormwater Report prepared by Connorstone Engineering and approved by the Medway Conservation Commission.

14. **Lot Deeds** – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deeds to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. The deed shall refer to the definitive subdivision plan and **the selective cut zone** (See Condition \_\_\_\_\_ herein). Each deed shall state that the Applicant shall reserve to itself ownership of an easement in Copper Drive and easements shown on the subdivision plan for future conveyance to the homeowners association. Each deed shall be accompanied by a Lot Sketch Plan to be recorded with the deed which shall depict all easements and the **Selective Cut Zone**.
15. **Road Easement** – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey an easement in Copper Drive, and all drainage and utility easements shown on the plan to the homeowners association, for review, comment, amendment and approval by Town Counsel.
16. **Maintenance Responsibility During Construction** – Until transferred to the homeowners association, 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.
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 rests with the 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, street lights, or upkeep of the landscaped island in the Copper Drive cul-de-sac; that responsibility rests with the Homeowners Association. The homeowners 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. **Order of Conditions** – Prior to plan endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all “*Order of Conditions*” as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the definitive subdivision plan that may be required under the “*Order of Conditions*” shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a modification to the definitive subdivision plan. The Planning and Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the “*Order of Conditions*” that may be deemed appropriate by the Planning and Economic Development Board and the Town’s Consulting Engineer and acceptable to the applicant. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty-day appeal period must be received from the Town Clerk’s office before the Planning and Economic Development Board endorses the plan modification.

## **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:

- 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:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**Date Signed:** \_\_\_\_\_

**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  
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





**TOWN OF MEDWAY  
STREET NAMING APPLICATION**

Please attach a plan/map showing the street location(s).

Please complete and submit this application to the Medway Planning & Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA 02053 or email to: sachilds@townofmedway.org

APPLICANT'S NAME: Robert Pace, David Spatner DATE: 11/15/19  
COMPANY/BUSINESS NAME: THE RESIDENCES AT CHATE TRAIL, LLC  
MAILING ADDRESS: 56 CENTRAL AVE, UNIT 1  
NEWTON, MA 02460  
PHONE NUMBER: 508-395-3170  
EMAIL ADDRESS: dspectner@gmail.com, silversm33@yahoo.com  
PROPOSED STREET NAME(S): MUSTANG ROAD, WHEELLOCK ST,  
CHATE CIRCLE, COPPER DRIVE, SQUIRREL ST.  
LOCATION: 42 Highland St  
NAME OF DEVELOPMENT: \_\_\_\_\_

Please do not write below this line.

\*\*\*\*\*

APPROVED: ✓ DISAPPROVED: \_\_\_\_\_

REASON FOR DISAPPROVAL: \_\_\_\_\_

FINAL STREET NAME(S): Copper Drive

DATE OF ACTION: February 10, 2019

SIGNATURES OF STREET NAMING COMMITTEE MEMBERS:

[Signature] [Signature]  
[Signature] [Signature]  
[Signature] [Signature]  
February 10, 2020



**TOWN OF MEDWAY  
STREET NAMING APPLICATION**

Please attach a plan/map showing the street location(s).

Please complete and submit this application to the Medway Planning & Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA 02053 or email to: sachilds@townofmedway.org

APPLICANT'S NAME: Robert Pace, David Spitzer DATE: 11/15/19  
COMPANY/BUSINESS NAME: THE RESIDENCES AT CHATE TRAIL, LLC  
MAILING ADDRESS: 56 CENTRAL AVE, UNIT 1  
NEWTON, MA 02460  
PHONE NUMBER: 508-395-3170  
EMAIL ADDRESS: dspectner@gmail.com, silversm33@yahoo.com  
PROPOSED STREET NAME(S): MUSTANG ROAD, WHEELLOCK ST,  
CHATE CIRCLE, COPPER DRIVE, SQUIRREL ST.  
LOCATION: 42 Highland St  
NAME OF DEVELOPMENT: \_\_\_\_\_

Please do not write below this line.

\*\*\*\*\*

APPROVED: ✓ DISAPPROVED: \_\_\_\_\_

REASON FOR DISAPPROVAL: \_\_\_\_\_

FINAL STREET NAME(S): Copper Drive

DATE OF ACTION: February 10, 2019

SIGNATURES OF STREET NAMING COMMITTEE MEMBERS:

[Signature] [Signature]  
[Signature] [Signature]  
[Signature] [Signature]  
February 10, 2020

## Susan Affleck-Childs

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**From:** David Spertner <dspertner@gmail.com>  
**Sent:** Monday, February 24, 2020 9:20 AM  
**To:** Susan Affleck-Childs  
**Cc:** Robert Pace; Vito Colonna  
**Subject:** Re: Choate Trail Way Subdivision

Dear Planning and Economic Development Board,

Please accept this email as authorization to extend the time period to **March 31, 2020** for the Planning and Economic Development Board to act on our application for approval of the Choate Trail Way definitive subdivision plan.

Respectfully submitted,

David Spertner

Please provide a written authorization to extend the time period for the Planning and Economic Development Board to act on your application for approval of the Choate Trail Way definitive subdivision plan. This extension is needed in order to provide additional time for you to revise the plan based on the last public hearing, for the Planning and Economic Development Board to review a revised plan, and for the Board to coordinate with the Conservation Commission so that both boards end up with the same plan for the site.

Kindly forward your authorization to me at your earliest convenience. I suggest an extension through March 31, 2020. Thanks.

On Mon, Feb 24, 2020 at 9:12 AM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

It has not yet been provided.

Thanks for checking in.

**Susan E. Affleck-Childs**

**Planning and Economic Development Coordinator**

**Town of Medway**

**155 Village Street**

**Medway, MA 02053**

**508-533-3291**

**From:** David Spertner [mailto:[dspertner@gmail.com](mailto:dspertner@gmail.com)]

**Sent:** Monday, February 24, 2020 9:07 AM

**To:** Susan Affleck-Childs

**Cc:** Robert Pace; Vito Colonna

**Subject:** Re: Choate Trail Way Subdivision

Did anyone provide this while I was away?

Dave

On Thu, Feb 20, 2020 at 12:41 PM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi,

Please provide a written authorization to extend the time period for the Planning and Economic Development Board to act on your application for approval of the Choate Trail Way definitive subdivision plan. This extension is needed in order to provide additional time for you to revise the plan based on the last public hearing, for the Planning and Economic Development Board to review a revised plan, and for the Board to coordinate with the Conservation Commission so that both boards end up with the same plan for the site.

Kindly forward your authorization to me at your earliest convenience. I suggest an extension through March 31, 2020. Thanks.

Best regards,

**Susan E. Affleck-Childs**

**Planning and Economic Development Coordinator**

**Town of Medway**

**155 Village Street**

**Medway, MA 02053**

**508-533-3291**

--

**David Spertner** | 617.549.1200



Like and follow us on [Facebook](#)

[StockwoodRealty.com](#)



*Newton:* 56 Central Ave #1 Newton, MA 02460

*Southie:* 10 Andrew Square Boston, MA 02127

--

**David Spertner** | 617.549.1200

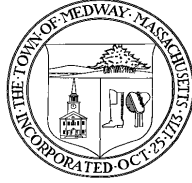


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*Southie:* 10 Andrew Square Boston, MA 02127



**February 25, 2020**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Evergreen Village – Public Hearing**  
**Continuation**

- Public Hearing Continuation Notice dated 1-30-2020
- Email dated 2-24-2020 from applicant Maria Varicchione requesting a continuation of the public hearing



**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)

**MEMORANDUM**

January 30, 2020

**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

TO: Maryjane White, Town Clerk  
Town of Medway Departments, Boards and Committees

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

RE: **Public Hearing Continuation: Evergreen Village Multi-Family Special Permit, Site Plan Review and Scenic Road Work Permit**  
**22 Evergreen Street**  
**Continuation Date: Tuesday, February 25, 2020 at 8 p.m.**  
**Location: Medway Town Hall, 155 Village Street**



At its meeting on January 28, 2020, the Planning and Economic Development Board (PEDB) voted to continue the public hearings on the applications of Sampson Pond LLC of Medway, MA for a multi-family housing special permit, major site plan approval, and a scenic road work permit to develop a six unit, townhouse condominium community and associated site improvements at 22 Evergreen Street. The hearing will take place at 8:00 p.m. on Tuesday, February 25, 2020 in Sanford Hall at Medway Town Hall, 155 Village ST, Medway, MA.

The proposed development includes two 3-unit townhouse buildings on the 1.44 acre site. One affordable dwelling unit will be provided. Access will be from a single curb cut from Evergreen Street. A total of 12, off-street parking spaces will be provided plus each unit will have a 2 car garage. Sub-surface stormwater management facilities will be installed as will landscaping, lighting, and a gardening area. Connections will be made to existing Town sewer and water services in Evergreen Street. 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. The site contains wetland resources under the jurisdiction of the Conservation Commission which will also review the project for stormwater and a Land Disturbance Permit. The site plan entitled *Evergreen Village* dated Sept. 5, 2019, last revised Nov. 20, 2019 was prepared by Ronald Tiberi, P.E. of Natick MA.

The applications, site plan and associated documents for the proposed Evergreen Village townhouse development are on file with the Medway Town Clerk and at the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular business hours. The materials have also been posted to the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/evergreen-village-condominium-development-22-evergreen>

Please review the plan and provide comments to me at your earliest convenience. Please don't hesitate to contact me if you have any questions. Thanks.

RECEIVED

JAN 30 2020

TOWN CLERK

**Susan Affleck-Childs**

---

**From:** Maria Varrichione <[dreamhomesmv@gmail.com](mailto:dreamhomesmv@gmail.com)>  
**Sent:** Monday, February 24, 2020 12:11 PM  
**To:** Susan Affleck-Childs  
**Subject:** Re: Evergreen Village

Please continue to next soonest meeting

On Mon, Feb 24, 2020 at 10:20 AM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi,

I think it would be better to wait until Conservation is done with its review for wetlands and stormwater. I understand Evergreen is on the agenda for the 2-27 Conservation Meeting.

Please send me a separate email requesting a continuation of the hearing to the next available meeting. Thanks.

**Susan E. Affleck-Childs**

**Planning and Economic Development Coordinator**

**Town of Medway**

**155 Village Street**

**Medway, MA 02053**

**508-533-3291**

**From:** Maria Varrichione [mailto:[dreamhomesmv@gmail.com](mailto:dreamhomesmv@gmail.com)]  
**Sent:** Wednesday, February 19, 2020 7:57 PM  
**To:** Susan Affleck-Childs  
**Subject:** Re: Evergreen Village

Ron said to ask your thoughts on whether we should come to meeting knowing the review is complete by engineer for conservation but it was after their last meeting, they requested an extension for review time so we have not been back to them.

On Wed, Feb 19, 2020 at 1:19 PM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

No worries. Thanks. I am amazed at some of the crazy things I type when my hands aren't positioned correctly!!

Please let me know as soon as you can.

**Susan E. Affleck-Childs**

**Planning and Economic Development Coordinator**

**Town of Medway**

**155 Village Street**

**Medway, MA 02053**

**508-533-3291**

**From:** Maria Varrichione [mailto:[dreamhomesmv@gmail.com](mailto:dreamhomesmv@gmail.com)]

**Sent:** Wednesday, February 19, 2020 1:18 PM

**To:** Susan Affleck-Childs

**Subject:** Re: Evergreen Village

Fat fingers yes Ron



On Wed, Feb 19, 2020 at 1:10 PM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Thanks.

Who is Tom that you are referring to? Did you mean Ron Tiberi?

**Susan E. Affleck-Childs**

**Planning and Economic Development Coordinator**

**Town of Medway**

**155 Village Street**

**Medway, MA 02053**

**508-533-3291**

**From:** Maria Varrichione [mailto:[dreamhomesmv@gmail.com](mailto:dreamhomesmv@gmail.com)]

**Sent:** Wednesday, February 19, 2020 12:56 PM

**To:** Susan Affleck-Childs

**Subject:** Re: Evergreen Village

I double check with Tom but Concom requested more time throwing us off the last meeting schedule but I did see a letter from Engineer that all outstanding items had been addressed.

On Wed, Feb 19, 2020 at 12:51 PM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi Maria,

Evergreen Village is on the schedule for a hearing at next Tuesday's PEDB meeting (2-25-20) at 8 pm.

Where do things stand with your project? Do you want to keep that hearing date? Continue?

Please advise at your earliest convenience.

**Susan E. Affleck-Childs**

**Planning and Economic Development Coordinator**

**Town of Medway**

**155 Village Street**

**Medway, MA 02053**

**508-533-3291**

--

**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

--

**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

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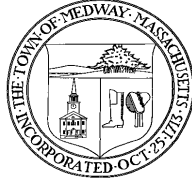
**Maria Varrichione**

**[dreamhomesmv@gmail.com](mailto:dreamhomesmv@gmail.com)**

Mobile- 508-561-6048  
**RE/MAX Executive Realty**  
Platinum Club, Hall of Fame  
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--

**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



**February 25, 2020**

**Medway Planning & Economic Development Board  
Meeting**

**Medway Mill Site Plan - Fee Estimate**

- Project Narrative provided with the application
- PGC & Associates estimate dated 2-20-20 for \$550
- Tetra Tech estimate dated 2-29-20 for \$ 3,912

NOTE – Public Hearing will begin March 24, 2020. This project will also be reviewed by the Conservation Commission for an Order of Conditions and a Land Disturbance Permit.

**Major Site Plan  
Medway Mills Site Plan  
163-165 Main Street  
Medway, Massachusetts**

**Project Objective:**

The Applicant is proposing several site improvements to address safety concerns of the tenants and their customers, increase parking accommodations, protect the bordering resource areas as well as incorporate stormwater management standards for the new parking area.

**Site Description:**

The Medway Mills Complex (“Site”) is located off Main Street within the Agricultural Residential II (ARII) Zoning District, Multi-Family Overlay District, Mill Conversion Subdistrict and Adaptive Use Overlay District (AUOD) and consists of approximately 7+ acres of land that straddles Chicken Brook. The Site was previously developed in the 1800’s and utilized as a mill for various trades along the southeast side Chicken Brook. The Site is accessible off Main Street to the north and Lincoln Street to the west, which is a Scenic Road and has 83 parking spaces to accommodate the current businesses. The property is bordered by residential and commercial uses, woods, and wetlands with Chicken Brook flowing beneath the Stone Mill Building and located within the bordering vegetated wetlands buffer and riverfront associated with Chicken Brook, as well as flood hazard zones.

The property is mixed commercial with office space and consists of multiple structures constructed on the foundation of the original Stone Mill from the 1800s. The existing buildings have been recently renovated and are now utilized by 45+ local businesses for retail, storage and office space, with the primary entrance off Main Street and secondary entrance off Lincoln Street. However, access to the either side of Chicken Brook is limited to a narrow bridge crossing and inadequate parking accommodations compelling tenants and patrons to park alongside the entrance/egress drive off Lincoln Street restricting traffic flow as well as in close proximity to the bordering resource areas. Based on the existing uses, 134 parking spaces are required. However, there are only 83 spaces provided. The limited amount of parking spaces increases the potential for dangerous parking conditions as well as impede emergency vehicle accessibility.

**Project Description:**

The Applicant is proposing the following site improvements to meet the projects objective:

- Construct a 41-space overflow parking area on the northwesterly side of Chicken Brook;
- Incorporate stormwater management improvements on the northwest side of the property;
- Expand the bridge crossing Chicken Brook, within a previously disturbed area; and
- Provide new plantings within the 0-50’ buffer to the bordering vegetated wetlands on both sides of Chicken Brook consisting of River Birch, Mountain Pepperbush, High Bush Blueberry, Winterberry, Juniper and Cinnamon Ferns to re-establish and protect the resource areas.



**Major Site Plan  
Medway Mills Site Plan  
163-165 Main Street  
Medway, Massachusetts**

Proposed Parking Area and Associated Drainage Improvements

The proposed parking area on the northwest side of Chicken Brook consists of (41) 9'x18' parking spaces, (2) electric charging stations, bike rack and associated stormwater management system, landscaping and lighting that will connect to the lower parking area with a 4' wide pervious paver walkway. The proposed parking area has been designed in accordance with Section 7.1 of the Zoning Bylaws. The proposed drainage improvements are further discussed in the Stormwater Report.

Proposed Bridge Expansion

The Applicant is proposing to expand the bridge crossing approximately 25 linear feet on each side of the brook to accommodate two car widths on the southeast side of Chicken Brook. Currently, only one car is able to pass between the bridge and existing building limiting the access/egress of another vehicle and/or patron at the same time. The expansion is proposed to span over the brook with new footings that will be installed on the outside of two existing concrete walls. No new structures within the existing brook are proposed. Therefore, flow is not anticipated to be disrupted.

Proposed Plantings within the 0-50' Buffer to Bordering Vegetated Wetlands

Currently, there are multiple pre-disturbed areas within the Site that the Applicant is proposing to re-establish with new wetland-type plantings on both sides of Chicken Brook to deter parking in close proximity to the resource areas. As shown on Sheet 10 of 12, Areas A, B and C, consisting of approximately 10,370 sf, is proposed to be re-established within the 0-50' buffer zone to the bordering vegetated wetlands with a New England Conservation seed mix, and various plantings including River Birch, Mountain Pepperbush, High Bush Blueberry, Winterberry, Juniper and Cinnamon Ferns.

---

**PGC ASSOCIATES, LLC**

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

---

February 20, 2020

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

**RE: MEDWAY MILLS SITE PLAN REVIEW**

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed major site plan review for Medway Mills. The owner/applicant John Greene, Trustee, 165 Main Street Realty Trust.

The proposal is to add a parking lot, expand a bridge and install drainage improvements within the existing site. Some landscaping is also proposed. The plan was prepared by Guerriere and Hanlon, Inc. of Franklin, and is dated February 14, 2020.

The property is located at 165 Main Street in the AR-II district and is within the Medway Mill Conversion subdistrict of the Adaptive Use Overlay District.

<b><u>Task</u></b>	<b><u>Hours</u></b>
Technical review and comment on initial submittal in relation to zoning and regulations pertaining to site plans.	2.0
Attendance at Planning Board meetings/hearings	2.0
Review and comment on draft decision	1.5
Total	5.5
<b>TOTAL ESTIMATE (@\$100)</b>	<b>\$550.00</b>

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

Sincerely,



Gino D. Carlucci, Jr.



February 19, 2020

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

**Re: Medway Mill  
Site Plan Review  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (PEDB) (the Client) for professional engineering services associated with the Medway Mill Site Plan Review in Medway, Massachusetts (the Project). The objective of our services is to review the site plan package and provide comments as they relate to latest Town of Medway Rules and Regulations Chapter 200 – Submission and Review of Site Plans (Site Plan Regulations) and sound engineering practice. We have excluded from our scope, the review of the application package as it relates to Stormwater and the Town of Medway Zoning By-Laws which will be conducted by separate board/consultant.

## Scope of Services

The following specifically describes the Scope of Services to be completed:

### Task 1 Site Visit

- A. Perform one (1) site visit to review the site and its surroundings.
- Budget Assumption: 1 Visit  
2 hours @ \$143/hr = \$286  
Total = \$286

### Task 2 Design Review

- A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item 2.C below.
- Budget Assumption: 1 hour @ \$143/hr = \$143  
1 hour @ \$112/hr = \$112  
Total = \$255
- B. Review the proposed Plans against the regulations mentioned above and incorporate comments into review letter in Item 2.C below.
- Budget Assumption: 4 hours @ \$143/hr = \$572  
4 hours @ \$112/hr = \$448  
Total = \$1,020
- C. Prepare a letter summarizing findings for presentation to the Town of Medway PEDB.
- Budget Assumption: 2 hours @ \$143/hr = \$286  
4 hours @ \$112/hr = \$448  
Total = \$734
- D. Coordinate with applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Plans and/or Stormwater Report will require additional funds.
- Budget Assumption: 4 hours @ \$143/hr = \$572  
Total = \$572

### Task 3 Meetings

- A. Participate in two (2) hearings/meetings with the Town of Medway PEDB.
- Budget Assumption: 2 Meetings @ 3 hours per meeting = 6 Hours  
6 hours @ \$143/hr = \$858  
Total = \$858

### Budget

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech's and existing Town of Medway contract rates. Direct expenses will be billed at a fixed fee of five (5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	\$286
Task 2	Design Review	\$2,581
Task 3	Meetings	\$858
<b>Labor Subtotal</b>		<b>\$3,725</b>
Expenses (5%)		\$187
<b>Total</b>		<b>\$3,912</b>

### Schedule and Conditions

We recognize that timely performance of these services is an important element of this proposal and will put forth our best effort, consistent with accepted professional practices to complete the work described within the Client's schedule. We are not responsible for delays in performance caused by circumstances beyond our control or that could not have been anticipated or prevented.

To signify your acceptance of this Agreement, please sign and return one copy and the retainer to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra Tech, Inc. (ENGINEER) and Town of Medway Planning and Economic Development Board (CLIENT). The Agreement is subject to the attached Engineering, Environmental, and Transportation Statement of Terms and Conditions. The price is valid for 60 days from the date of this letter.

We appreciate the opportunity to provide these services, and we look forward to working with you. Please contact us if you have any questions or require additional information.

Very truly yours,



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



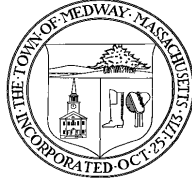
Sean P. Reardon, P.E.  
Vice President

Date Approved by Medway PEDB \_\_\_\_\_

Certified by:

\_\_\_\_\_  
Susan E. Affleck-Childs  
Medway PEDB Coordinator

\_\_\_\_\_  
Date



**February 25, 2020**

**Medway Planning & Economic Development Board  
Meeting**

**Hill View Estates Subdivision – Update**

- Endorsed Subdivision Plan from 2017
- ANR plan from 2018
- Performance Security Agreement
- 2-20-20 email from Christine Price authorizing Tony Biocchi to act on her behalf.

Property owner Christine Price has a buyer for the new house lot created by the 2017 Hill View Estates Subdivision Plan; the boundaries of that lot were modified in 2018 via an ANR plan. The buyer will undertake construction of the roadway and drainage system. At the time of plan endorsement, Ms. Price provided a performance security bond in the amount of \$98,389 with the Hanover Insurance Company. This was instead of the standard subdivision covenant which is the usual mechanism for the initial performance security. Because there is no covenant, there is no lot release process. Will you authorize the buyer to start the road and drainage construction at the same time?

Tony Biocchi will brief you on the project.



# SUBDIVISION AREA CHART

TOTAL AREA OF EXIST. LAND = 553,447 SQ. FT.  
 TOTAL NUMBER OF LOTS & PARCELS = 3  
 TOTAL AREA OF LOTS & PARCELS = 553,447 SQ. FT.  
 TOTAL AREA DEDICATED TO STREET PURPOSES = 25,592 SQ. FT.  
 TOTAL AREA DEDICATED TO EASEMENTS = 16,331 SQ. FT.  
 TOTAL AREA DEDICATED TO OPEN SPACE = 0  
 TOTAL SUM OF ABOVE 1,148,820 = TO 553,447 SQ. FT.

## GENERAL NOTES

- 1) ALL IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH MASS DOT HANDICAP REQUIREMENTS AND THE CURRENT ADA/AMC REQUIREMENTS IN EFFECT AT THE TIME OF CONSTRUCTION.
- 2) THE PROPOSED LOCATIONS FOR THE ELECTRIC, TELEPHONE, AND CABLE CONDUITS SHALL BE DETERMINED BY THE UTILITIES SERVICE PROVIDER.

## APPROVED WAIVER LIST

- 7.5.2 B) WATER FACILITIES INSTALLATION  
 REQUEST WAIVER FROM INSTALLATION OF WATER MAIN, HYDRANT AND VALVES AND OTHER FITTINGS REQUIRE FOR WATER MAIN TIE IN.
- 7.7.2 F) STORM WATER  
 REQUEST WAIVER FROM REQUIRED 30 FT SETBACK FROM PROPERTY LINES
- 7.9.5 B) GRADE  
 REQUEST WAIVER FROM REQUIRED PERMANENT PRIVATE WAY MAX. CENTERLINE ROAD GRADE OF 8% TO EXISTING GRADE OF 10.5%.
- 7.8.7 C) ROADWAY LOCATION  
 REQUEST WAIVER FROM REQUIRED PERMANENT PRIVATE WAY MIN. 18 FT. PAVEMENT WIDTH TO EXISTING 12 FT OF PAVEMENT AND 3 FT OF CRUSHED STONE ON SHOULDER.
- 7.9.7 H) ROADWAY CONSTRUCTION  
 REQUEST WAIVER FROM REQUIRED INSTALLATION OF HOT MIX ASPHALT ROAD PAVEMENT HAMMER HEAD AREA.
- 7.10.1 VERTICAL GRANITE CURBING  
 REQUEST WAIVER FROM REQUIRED INSTALLATION OF VERTICAL GRANITE CURBING AT C&D-DE-S&D ENTRANCE
- 7.10.2 CURBS AND BERM  
 REQUEST WAIVER FROM REQUIRED INSTALLATION OF HOT MIX ASPHALT DRIVE C&D BERM.
- 7.11.1 FIRE PREVENTION  
 REQUEST WAIVER FROM REQUIRED INSTALLATION OF FIRE ALARM SYSTEM.
- 7.19.2 TREES AND SLOPE STABILIZATION  
 REQUEST WAIVER FROM REQUIRED INSTALLATION OF TREES ALONG PROPOSED PRIVATE ROAD.
- 7.21 STREET LIGHTS  
 REQUEST WAIVER FROM REQUIRED INSTALLATION OF STREET LIGHTS.

NOTE: PRESENT AND FUTURE OWNERS ARE SUBJECT TO DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS AND PRIVATE ROADWAY AGREEMENT GOVERNING THE HILL VIEW ESTATES SUBDIVISION.

## NOTE:

THE SUBJECT PROPERTY IS NOT CLASSIFIED AS CHAPTER 61A OR 61B. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE FLOOD PLAIN. HILL STREET IS AN SCENIC ROAD

## STREET INFORMATION

STREET	PUBLIC VARIABLE WIDTH	21 FT WIDE PAVEMENT (SCENIC ROAD)
HILL STREET	45 FT PUBLIC WAY	19 FT. WIDE PAVEMENT
SITTING DRIVE	50 FT PUBLIC WAY	26 FT WIDE PAVEMENT
FANSHAW LANE	50 FT PRIVATE WAY	19 FT WIDE PAVEMENT
NESTLEBROOK LANE	50 FT PRIVATE WAY	10 FT WIDE PAVEMENT
VICTORY LANE	50 FT PRIVATE WAY	10 FT WIDE PAVEMENT

## NOTE:

This plan is subject to the certificate of action which shall be recorded with the Definitive Subdivision Plan at the Norfolk County Register of Deeds.

The present and future owners of Lot's 10A & 10B are to provide a performance bonded secured insurance agreement to be recorded with the Definitive Subdivision Plan at the Middlesex and Norfolk County Register of Deeds.

The house address numbers shall be marked on a post at the end of each house lot driveway to facilitate easy identification from the private roadway for emergency and safety vehicles.

LEGAL REFERENCE  
 PL BK 275 PL # 408  
 PL BK 286 PL # 1027  
 PL BK 480 PL # 668-2000  
 DEED BK 38021 PG 60  
 DEED BK 14550 PG 498

## MEDWAY ZONE AR-1

MIN. FRONTAGE 180 FT.  
 FRONT SETBACK 35 FT.  
 SIDE SETBACK 15 FT.  
 REAR SETBACK 15 FT.  
 MIN. LOT AREA 44,000 SQ. FT.

APPROVAL UNDER SUBDIVISION CONTROL  
 LAW IS REQUIRED

DATE APPROVED: 12/1/13  
 [Signature]

HOLLISTON PLANNING BOARD

DATE ENDORSED: 12/1/13

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL, AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

DATE: 12/1/2013  
 [Signature]  
 TOWN CLERK

Middlesex Registry of Deeds  
 Southern District  
 Cambridge, Massachusetts  
 Plan No. 2013-012 of 2013  
 Rec'd 12-05-13 2013  
 at 11:54 AM A.M.

Attest  
 [Signature]  
 Registrar

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: 12/1/13

[Signature]  
 [Signature]

APPROVAL UNDER SUBDIVISION CONTROL  
 LAW IS REQUIRED

DATE APPROVED: 2-11-2014  
 [Signature]  
 [Signature]

MEDWAY PLANNING BOARD

DATE ENDORSED: 10-10-2013

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL, AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

DATE: 10-10-2013  
 [Signature]  
 TOWN CLERK

NOTE:  
 THE SUBJECT PROPERTY IS NOT CLASSIFIED AS CHAPTER 61A OR 61B.

## HILL VIEW ESTATES

DEFINITIVE SUBDIVISION  
 PERMANENT PRIVATE WAY

PLAN OF LAND  
 IN  
 MEDWAY, MA  
 MAP 8 PARCEL 18  
 ZONING ARI-1 DISTRICT

OWNER: CHRISTINE PRICE  
 328 HILL STREET  
 MEDWAY, MA 02053

DATE: MARCH 12, 2012  
 SCALE: 1" = 200'

COLONIAL ENGINEERING, INC.  
 730 MAIN STREET (SUITE #2)  
 MIDDLESEX, MA 02053  
 508-233-1644

MORRISON ENGINEERING, LLP  
 730 MAIN STREET (SUITE #2)  
 MIDDLESEX, MA 02053  
 508-233-1644

REVISION DATE: OCTOBER 20, 2013  
 COMMENTS FROM FEBRUARY 7, 2013  
 FROM POC ASSOCIATES & TETRA TECH

REVISION DATE: MARCH 25, 2014  
 COMMENTS FROM CERTIFICATE OF ACTION  
 Revised 10/14/17

0' 200' 400' 600'

COVER SHEET  
 SHEET 1 OF 8

1096 of 2017 (1 of 2)

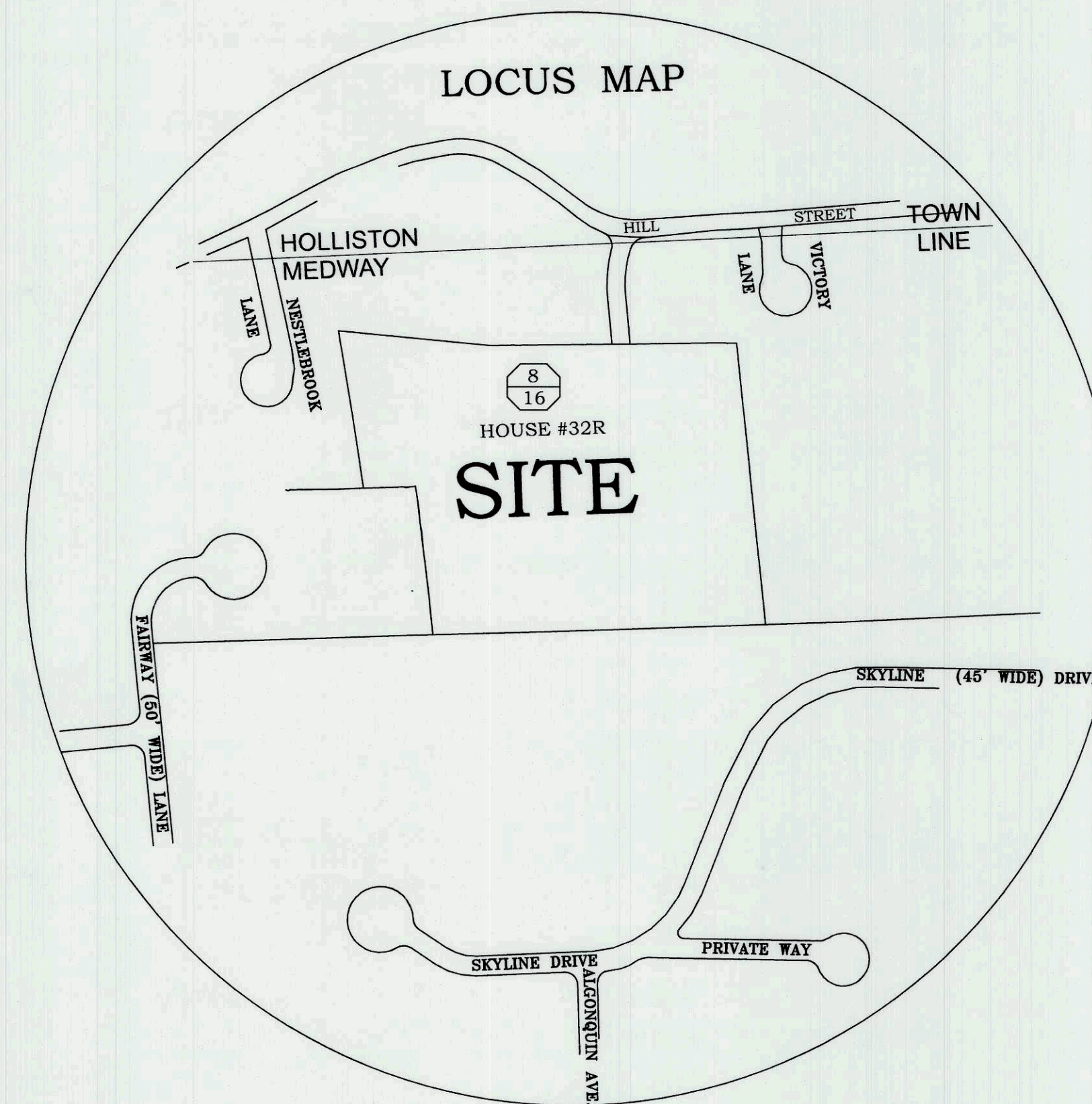




## LEGAL REFERENCE

PL. BK. 664 PL # 6  
PL. BK. 275 PL # 408  
PL. BK. 286 PL # 1027  
PL. BK. 480 PL # 668-2000  
DEED BK 38021 PG 60  
DEED BK 14558 PG 459

## LOCUS MAP



NOTE: LOT 10C & PARCEL C BEING A SUBDIVISION OF LOT 10A AS SHOWN ON A PLAN RECORDED AT THE NORFOLK COUNTY REGISTRY OF DEEDS IN PL. BK #664 PLAN # 6

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: 8/2/18



APPROVAL UNDER SUBDIVISION CONTROL LAW IS NOT REQUIRED.

DATE APPROVED:

APPROVED BY: [Signature]

MEDWAY PLANNING BOARD

DATE ENDORSED: August 28, 2018

"PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAWS."

## NOTE:

THE SUBJECT PROPERTY IS NOT CLASSIFIED AS CHAPTER 61A OR 61B. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE FLOOD PLAIN. HILL STREET IS AN SCENIC ROAD

## MEDWAY ZONE AR-1

MIN. FRONTAGE	180 FT.
FRONT SETBACK	35 FT.
SIDE SETBACK	15 FT.
REAR SETBACK	15 FT.
MIN. LOT AREA	44,000 SQ. FT.

## PLAN OF LAND

IN  
MEDWAY, MA

MAP 8 PARCEL 16

ZONING AR1 DISTRICT

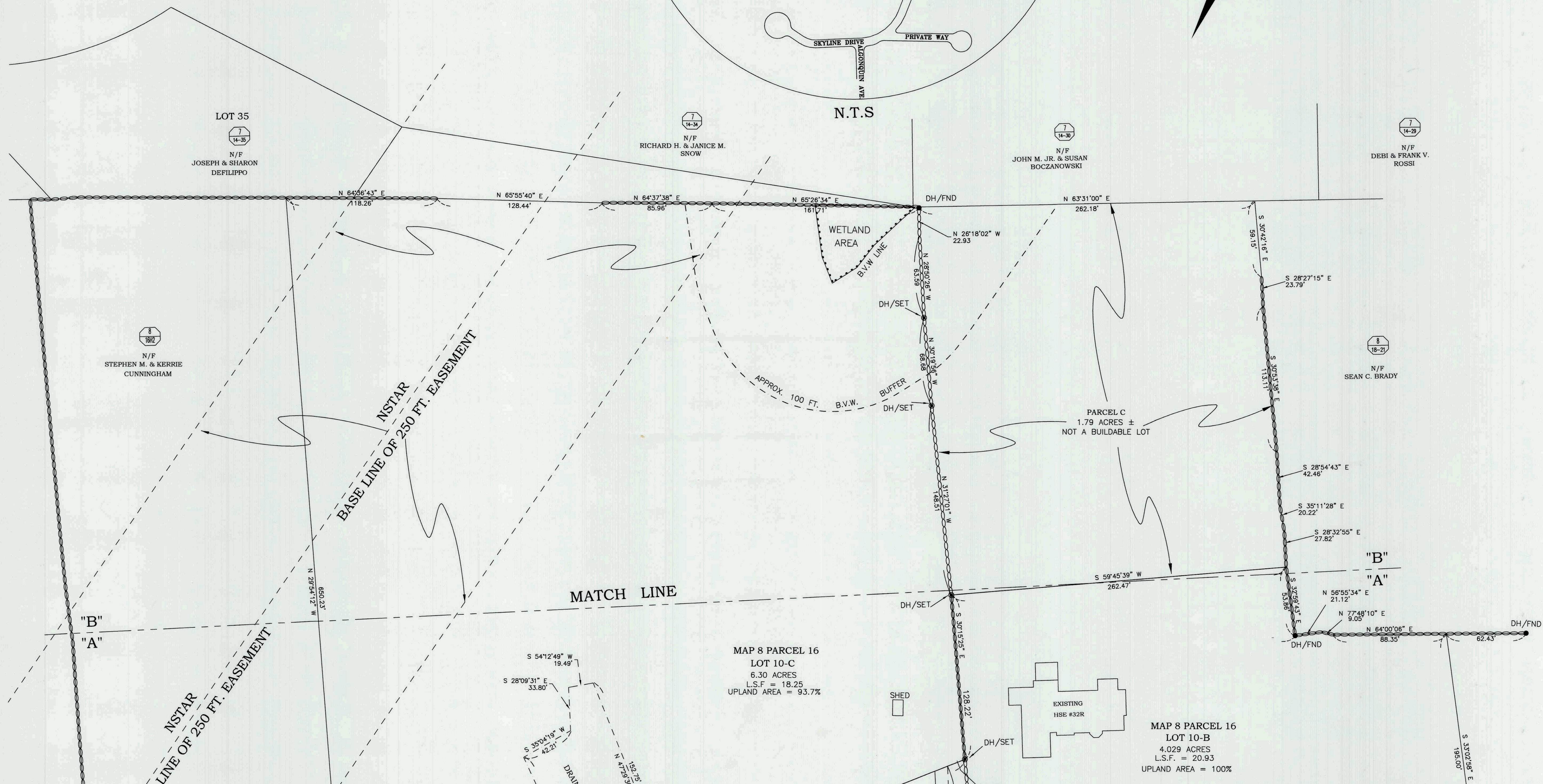
OWNER: CHRISTINE PRICE  
32R HILL STREET  
MEDWAY, MA 02053

DATE: AUGUST 1, 2018  
SCALE 1" = 40'

COLONIAL ENGINEERING, INC.  
11 AWL STREET  
MEDWAY, MA 02053  
508-533-1644



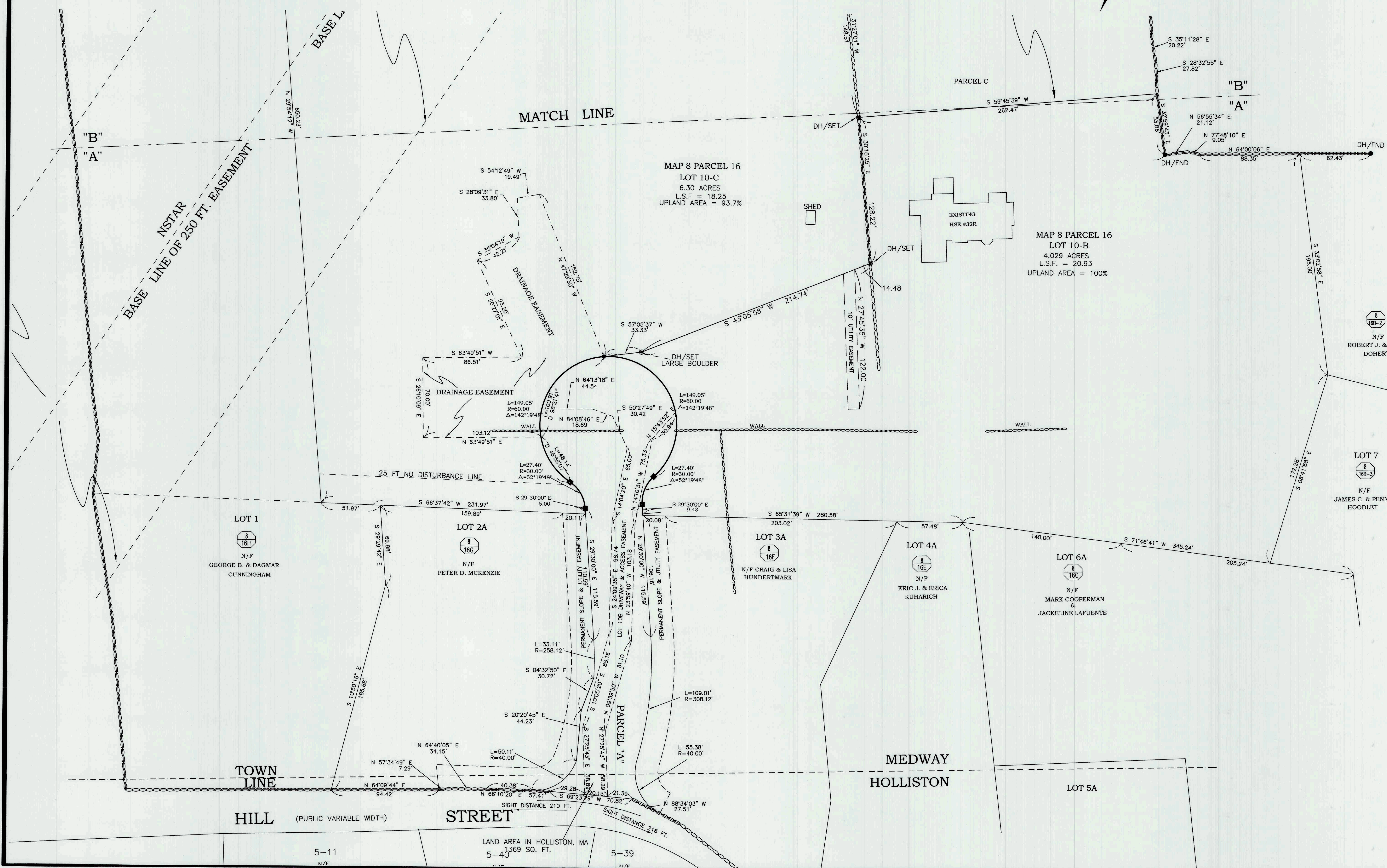
SHEET 1 OF 2





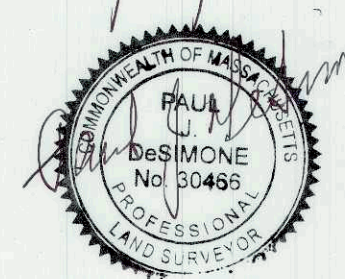
LEGAL REFERENCE  
PL. BK. 664 PL # 6  
PL. BK. 275 PL # 408  
PL. BK. 286 PL # 1027  
PL. BK. 480 PL # 668-2000  
DEED BK 38021 PG 60  
DEED BK 14558 PG 459

NOTE: LOT 10C & PARCEL C BEING A SUBDIVISION  
OF LOT 10A AS SHOWN ON A PLAN RECORDED AT  
THE NORFOLK COUNTY REGISTRY OF DEEDS  
IN PL. BK #664 PLAN # 6



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: 8/2/18



APPROVAL UNDER SUBDIVISION CONTROL  
LAW IS NOT REQUIRED.

DATE APPROVED:

*Paul J. Desimone*  
MEDWAY PLANNING BOARD

DATE ENDORSED August 28, 2018

8  
168-2  
N/F  
ROBERT J. & KAREN L.  
DOHERTY

NOTE:  
THE SUBJECT PROPERTY IS NOT  
CLASSIFIED AS CHAPTER 61A OR 61B.  
THE SUBJECT PROPERTY DOES NOT  
LIE WITHIN THE FLOOD PLAIN.  
HILL STREET IS AN SCENIC ROAD

8  
168-3  
N/F  
JAMES C. & PENNY S.  
HOODLET

MEDWAY ZONE AR-1

MIN. FRONTAGE	180 FT.
FRONT SETBACK	35 FT.
SIDE SETBACK	15 FT.
REAR SETBACK	15 FT.
MIN. LOT AREA	44,000 SQ. FT.

PLAN OF LAND  
IN  
MEDWAY, MA  
MAP 8 PARCEL 16  
ZONING AR1 DISTRICT  
OWNER: CHRISTINE PRICE  
32R HILL STREET  
MEDWAY, MA 02053  
DATE: AUGUST 1, 2018  
SCALE 1" = 40'  
COLONIAL ENGINEERING, INC.  
11 AWL STREET  
MEDWAY, MA 02053  
508-533-1644





***Performance Secured by Surety Agreement***  
***Planning & Economic Development Board***  
***Town of Medway, MA***

This Surety Agreement is entered into this 10<sup>th</sup> day of October, 2107, between the Town of Medway, 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 Christine K. Price, ("Owner"), and Hanover Insurance Company a corporation duly organized and existing under the laws of the state of New Hampshire, licensed and registered to do business in the Commonwealth of Massachusetts, and with a usual place of business and address of 440 Lincoln Street, N477, Worcester, MA 01653, ("Surety"), to secure the construction of ways and installation of municipal services in the subdivision of land shown on an approved subdivision plan described below, in accordance with General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws.

WHEREAS, on February 11, 2014, after a duly noticed public hearing, the Board approved a definitive subdivision plan for the property at 32R Hill Street which is entitled *Hill View Estates Definitive Subdivision Plan*, prepared by Merrikin Engineering of Millis, MA and Colonial Engineering of Medway, MA, dated March 12, 2012, last revised October 28, 2013, subject to conditions included in the Subdivision Certificate of Action; and

WHEREAS, the Subdivision Plan shows the division of a parcel of land located at 32 R Hill Street, Medway, MA and further described in a deed or deeds recorded in the Norfolk County Registry of Deeds in Book 24637, Page 93; and

WHEREAS, the further revised Subdivision Plan dated October 10, 2017 was endorsed by the Board on October 10, 2017 and recorded at the Norfolk County Registry of Deeds on \_\_\_\_\_ in Plan Book \_\_\_\_ Page \_\_\_\_\_ (hereinafter referred to as "the Subdivision Plan"); and

WHEREAS, the Board is required by G.L. c. 41 §81U to secure the construction of ways and installation of municipal services in the subdivision; and

WHEREAS, the Owner has decided to secure the construction of ways and the installation of municipal services in the subdivision by means of a SURETY BOND in the penal sum of \$98,389 dollars.

NOW, THEREFORE, the parties agree as follows:



1. The Owner and Surety hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns to the Town of Medway in the sum of \$ 98,389, and have secured this obligation by means of a SURETY BOND to be used to secure the performance by the Owner of all covenants, conditions, agreements, terms and provisions contained in the following:

- the Subdivision Control Law (G.L. c. 41 §§ 81K-81GG);
- the Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*; the application submitted for approval of this subdivision;
- the Board's Certificate of Action and all conditions of approval of this subdivision as set forth in the Certificate of Action;
- the recommendations of the Board of Health; the approved Subdivision Plan;
- all conditions subsequent to approval of this subdivision due to any amendment, modification or revision of the Subdivision Plan;
- all of the provisions set forth in this Agreement and any amendments thereto; and
- the following additional documents: \_\_\_\_\_  
(hereinafter the "Approval Documents").

2. The Surety shall deliver a surety bond in a form acceptable to the Board to the Treasurer of the Town of Medway, at the time of the execution of this agreement, in the amount of \$98,389 for purpose of securing construction of ways and installation of municipal services in the subdivision.

3. The Owner shall complete the construction of ways and the installation of municipal services no later than five years from the date of the endorsement of the Subdivision Plan. The Subdivision Plan was endorsed on October 10, 2017 and therefore the required completion date is October 10, 2022.

4. Upon completion of all obligations as specified herein on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Owner, or by replacement of this surety bond with a Subdivision Covenant or other form of acceptable performance security, the Board shall release the Owner and Surety from this surety agreement.

5. In the event the Owner should fail to complete the construction of ways and installation of municipal services as specified in the Approval Documents and within the time herein specified, the Board may apply the bond held by the Treasurer of the Town of Medway, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete the construction of ways and installation of municipal services as provided in this agreement. Any portion of the bond that is not applied as set forth above, shall be returned to the Surety upon completion of the construction of ways and installation of municipal services by the Town of Medway

6. The Board may rescind approval of the Subdivision Plan for breach of any provision of this Agreement or any amendments thereof. Such rescission shall be in accordance with G.L. c. 41 §81W.

7. The Board, at its discretion, may grant an extension of time and/or reduce the penal amount of the bond and notify the Owner, the Surety and the Treasurer of the Town of Medway of any authorized adjustment.
8. The Owner and Surety agree and understand that the Board will not release this surety bond in full until the ways and municipal services have been deemed by the Board to be constructed and installed in accordance with this agreement, which shall include demonstration of adequate construction and installation for six months prior to said release, or if the surety bond is replaced by a Subdivision Covenant or other acceptable means of performance security. This agreement does not expire until the Board releases the surety bond in full.
9. Failure to complete construction of the ways and installation of the municipal services by the required completion date shall result in automatic rescission of approval of the Subdivision Plan.
10. If a court of competent jurisdiction determines that any provision of this agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.
11. The Surety hereby agrees and admits that Massachusetts law shall govern the adjudication of any dispute regarding this Surety Agreement; and furthermore, the Surety hereby agrees and admits that the Norfolk County Superior Court of Massachusetts shall have personal jurisdiction over the Surety in any litigation regarding this Surety Agreement. The Surety's local (Massachusetts) agent for service of process and their contact information are:

Scott Reinke, Director Transactional Surety  
The Hanover Insurance Company  
440 Lincoln Street  
Worcester, MA 01653  
800-799-6380

IN WITNESS WHEREOF we have hereunto set our hands and seals this 10<sup>th</sup> day of October, 2017.



**TOWN OF MEDWAY  
PLANNING & ECONOMIC DEVELOPMENT BOARD**

[Signature]  
[Signature]  
[Signature]  
[Signature]

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS


On this 10<sup>th</sup> day of Oct, 2017, before me, the undersigned  
notary public, personally appeared the Members of the Medway Planning and

Economic Development Board, Robert Tucker, Thomas Gay,  
Matthew Hayes, Richard DiJulio

proved to me through satisfactory evidence of identification, which was (personal  
knowledge) (Massachusetts driver's license), to be the persons whose names are  
signed on the preceding document, and acknowledged to me that it was signed  
voluntarily for its stated purpose.

Maryanne White  
Notary Public  
My commission expires Aug 19, 2022

**OWNER**

By: CHRISTINE PRICE 

Title/Position: owner- 322 Hill St

Organization: \_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, SS**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, Owner or person duly authorized to execute this surety agreement on behalf of the Owner, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

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

My commission expires: \_\_\_\_\_

- See Attachment  
for Notary -



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of Los Angeles )  
 On October 13, 2017 before me, Martha Gomez, Notary Public  
 Date Here Insert Name and Title of the Officer  
 personally appeared Christine Price  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature \_\_\_\_\_  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Refinance Secured by 1st Mortgage Agreement Document Date: 10/13/17  
 Number of Pages: 7 Signer(s) Other Than Named Above: Daniel M. Tsai

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

**SURETY COMPANY -The Hanover Insurance Company**

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

Daniel M. Fiscus

Title/Position: Daniel M. Fiscus, Attorney-in-Fact

Organization: The Hanover Insurance Company



**COMMONWEALTH OF MASSACHUSETTS**

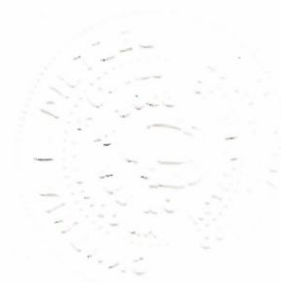
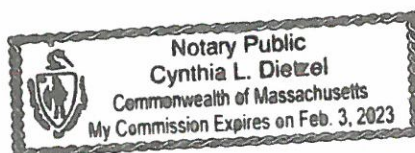
**NORFOLK, SS**

On this 10 day of October 2017, before me, the undersigned notary public, personally appeared the above-named Daniel M. Fiscus, representative of the surety, who is a person duly authorized to execute this surety agreement on behalf of the surety, proved to me through satisfactory evidence of identification, which was Daniel M Fiscus to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

Cynthia S. Dietzel

Notary Public

My commission expires: 2/3/23





**SITE IMPROVEMENT BOND**

Know all men by these presents that

Christine Priceas Principal, and The Hanover Insurance Company

as Surety, are held and firmly bound unto

Town of Medway, Planning Board

as Obligee, in the amount of

Ninety Eight Thousand Three Hundred Twenty Eight Dollars

(\$98,328.00)

for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

Whereas, Principal has agreed to perform improvements at Lot 10A & 10B 32R Hill Streetin the Medway

per the final approved site plan.

Now, therefore, the condition of this obligation is such that, if the Principal shall satisfactorily complete the aforesaid improvements in accordance with the approved plan and the requirements of the

Town of Medway, Planning Board

within a period of two years, from the date of this Agreement, then this obligation shall be null and void, otherwise it shall remain in full force and effect. Provided, that upon the satisfactory completion of the aforesaid improvements within the time specified herein above, the

Town of Medway, Planning Board

will accept the improvements and release the Principal and Surety, and further provided; the liability under this bond shall under no circumstances exceed the amount of the bond.

In witness whereof, the Principal and the Surety cause this bond to be signed, sealed and delivered this 4th day of October, 2017.

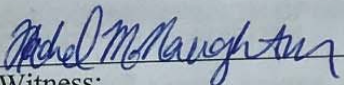
Christine Price

By: 

The Hanover Insurance Company

By: 

Daniel M. Fiscus, Attorney-in-Fact

  
Witness  
Witness:



**Bond Estimate**  
**Hill View Estates**  
**Medway, Massachusetts**  
September 26, 2017

Marlborough Technology Park  
100 Nickerson Road  
Marlborough, MA 01752  
Tel 508.786.2200 Fax 508.786.2201

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Erosion Control	500	LF	\$7.00	\$3,500
Snow Fence	650	LF	\$1.00	\$650
Clearing & Grubbing	0.35	AC	\$22,000.00	\$7,700
Drainage Infrastructure <sup>2</sup>	1	LS	\$15,000.00	\$15,000
Roof Leader Pipe <sup>3</sup>	120	FT	\$30.00	\$3,600
Dense Graded Crushed Stone - Turnaround	43	CY	\$65.00	\$2,795
Gravel Borrow - Turnaround	99	CY	\$36.00	\$3,564
Fine Grading & Compacting - Turnaround	258	SY	\$4.00	\$1,032
Private Utilities	1	LS	\$2,500.00	\$2,500
Landscaping	41	EA	\$100.00	\$4,100
Loam Borrow	441	CY	\$50.00	\$22,050
Seeding	2,210	SY	\$2.00	\$4,420
Bounds	4	EA	\$450.00	\$1,800
Stormwater System Maintenance	1	LS	\$3,000.00	\$3,000
As-Built Plans	1	LS	\$3,000.00	\$3,000
<b>Subtotal</b>				\$78,711
<b>25% Contingency</b>				\$19,678
<b>Total</b>				\$98,389

**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 9/2016 - 9/2017.

<sup>2</sup>Cost for drainage infrastructure includes earthwork for swales/forebays/basins, rip rap check dams and outlet control



## Susan Affleck-Childs

---

**From:** Christine . <doyoga@outlook.com>  
**Sent:** Thursday, February 20, 2020 2:45 PM  
**To:** Susan Affleck-Childs  
**Subject:** Lot 10c proceedings

Just an update - Tony Biocchi has full authority to act on my behalf/sign applications etc for the proceedings/release on this Lot etc.

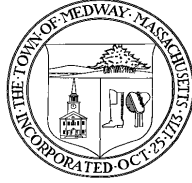
Lmk if you need anything further from me.

Thanks much. As ever.

Perhaps. Maybe. The end is in sight 🙏🙏

Warmly,

Christine Price.



**February 25, 2020**  
**Medway Planning & Economic Development Board**  
**Meeting**

**20 Broad Street - Public Hearing**  
**Continuation**

- Public Hearing Continuation Notice dated February 13, 2020
- Revised draft decision dated February 19, 2020



**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

**MEMORANDUM**

February 13, 2020

TO: Maryjane White, Town Clerk  
Town of Medway Departments, Boards and Committees

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

RE: **Public Hearing Continuation: 20 Broad Street Multi-Family Special Permit, Site Plan Review, Groundwater Protection Special Permit and Land Disturbance Permit**  
**Continuation Date: Tuesday, February 25, 2020 at 8:45 p.m.**  
**Location: Medway Town Hall, 155 Village Street**

At its meeting on February 11, 2020, the Planning and Economic Development Board (PEDB) voted to continue the public hearings on the applications of Village District Development LLC of Medway, MA for approval of a multi-family housing special permit, major site plan, a land disturbance permit, and a groundwater protection district special permit for a proposed 6 unit, multi-family development at 20 Broad Street to Tuesday, February 25, 2020 at 8:45 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

The 23,109 sq. ft. property ((Medway Assessors Map 60, Parcel 232) is located in the Village Commercial Zoning District. The property is also located in the Multi-Family Overlay District and the Groundwater Protection District.

The proposed development will include renovation of the existing three-family building including a 270 sq. ft. addition and construction of a new three-family building for a total of six residential units. Access will be from a single curb cut from Broad Street. A total of 12 off-street, paved parking spaces will be provided. 40.9% of the site will have impervious surfaces. Stormwater management facilities will be installed. Landscaping and site lighting are also proposed. Connections will be made to the Town sewer and water services in Broad Street. The *Site Development Plan 20 Broad Street, Medway, MA* dated September 16, 2019, last revised November 22, 2019, was prepared by GLM Engineering Consultants of Holliston, MA.

The permit applications, site plan, and other associated documents are on file with the Medway Town Clerk and at the office of the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The materials have also been posted to the Planning and Economic Development Board's web page at:

<https://www.townofmedway.org/planning-economic-development-board/pages/20-broad-street-multifamily-housing-development>

**A revised site plan was received on 11-26-19 and has been posted to the Board's web page above. Please review that revised plan set. The Board will continue its review of a draft decision at the February 25<sup>th</sup> hearing and is expected to vote its decision that night.**

RECEIVED

FEB 13 2020

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*

DRAFT – February 19, 2020

**MULTI-FAMILY HOUSING SPECIAL PERMIT,  
GROUNDWATER PROTECTION SPECIAL PERMIT, LAND  
DISTURBANCE SPECIAL PERMIT and SITE PLAN DECISION**  
**20 Broad Street**  
**with Waivers and Conditions**

**Decision Date:** TBD

**Name of Applicant/Permittee:** Village District Development, LLC

**Address of Applicant:** Village District Development, LLC  
9A North Street  
Medway, MA 02053

**Name/Address of Property Owners:** Village District Development, LLC  
9A North Street  
Medway, MA 02053

**Site Plan:** *Site Development Plan – 20 Broad Street*  
Dated September 16, 2019, last revised November 22, 2019 by  
GLM Engineering Consultants, Inc.

**Location:** 20 Broad Street

**Assessors' Reference:** Map 60, Parcel 232

**Zoning District:** Village Commercial  
Multi-Family Housing Overlay District  
Groundwater Protection District



**I. PROJECT DESCRIPTION** – The Applicant proposes to develop a 6-unit residential apartment community at 20 Broad Street. The area of the site is .53 acres (23,109 sq. ft.). The project includes construction of one 3-unit building and the renovation of the existing three-family building with a 270 sq. ft. addition. All six apartment units will have 3 bedrooms.

Access to the development will be from a single curb cut from Broad Street. A total of 12 off-street parking spaces will be provided. 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 Broad 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”), 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, a groundwater protection special permit pursuant to Section 5.6.3 of the *Bylaw*, and a Land Disturbance Permit pursuant to Medway General Bylaws, Article XXVII.

**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 \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, *voted to \_\_\_\_\_ with CONDITIONS a Multi-Family Housing Special Permit, a groundwater protection special permit, and a land disturbance permit to Village District Development, 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, residential apartment community and associated site improvements on the property at 20 Broad Street as shown on the plan titled Site Development Plan for 20 Broad Street, dated September 16, 2019, last revised November 22, 2019 to be further revised as specified herein before endorsement and recording.*

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

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	
Matthew Hayes	
Thomas A. Gay	
Andy Rodenhiser	
Robert Tucker	

### **III. PROCEDURAL HISTORY**

- A. September 19, 2019 – Special permit and site plan applications and associated materials filed with the Board.
- B. September 24, 2019 - Special permit and site plan applications and associated materials filed and the Medway Town Clerk
- C. October 1, 2019 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. October 1, 2019 - Public hearing notice mailed to abutters by certified sent mail.
- E. October 1, 2019 – Site plan information distributed to Town boards, committees and departments for review and comment.

F. October 7 and 15, 2019 - Public hearing notice advertised in *Milford Daily News*.

G. October 22, 2019 - Public hearing commenced. The public hearing was continued to November 26 and December 10, 2019, to January 28, 2020, to February 11 and 25, 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 20 Broad Street 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 September 19, 2019.
2. Major Site Plan application dated September 19, 2019.
3. Groundwater Protection Special Permit application dated September 19, 2019
4. Land Disturbance Permit application dated September 16, 2019
5. *Site Development Plan, 20 Broad Street*, dated September 16, 2019 prepared by Paul Truax, P.E. and Joyce Hastings, PLS, of GLM Engineering Consultants, Inc. of Holliston, MA.
6. Certified Abutters List from Medway Assessor's office dated September 12, 2019.
7. Requests for Waivers from *Site Plan Rules and Regulations* dated September 16, 2019 prepared by GLM Engineering Consultants, Inc.
8. Quit Claim deed dated December 16, 2017 conveying 20 Broad Street from Harold L. Adams to Village District Development, LLC of Medway, MA.
9. *Stormwater Management Report for Site Plan of Land, 20 Broad Street* dated September 16, 2019, prepared by GLM Engineering Consultants, Inc.
10. Building architectural plans including elevations and floor plan, dated August 15, 2018 and September 19, 2019, by Brett Thibault Architect, Mendon, MA
11. Photometric plan dated September 19, 2019, by Brett Thibault Architect, Mendon, MA

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. Groundwater Protection District Description, letter dated October 1, 2019 from Rob Truax, GLM Engineering
2. *Site Development Plan, 20 Broad Street, dated September 16, 2019, revised November 22, 2019* prepared by Paul Truax, P.E. and Joyce Hastings, PLS, of GLM Engineering Consultants, Inc. of Holliston, MA.
2. *Stormwater Management Report for Site Plan of Land, 20 Broad Street* dated September 16, 2019, revised November 22, 2019 prepared by GLM Engineering Consultants, Inc., including a Stormwater Operations and Maintenance Plan.
3. Response and resubmission letter dated November 22, 2019 from Rob Truax, GLM Engineering to the plan review letters from Tetra Tech and PGC Associates.

4. REVISED building architectural plans including elevations and floor plan, dated December 16, 2019 by Brett Thibault Architect, Mendon, MA
5. REVISED Landscape Plan . . . .
6. Email communication dated February 7, 2020 from Rob Truax, GLM Engineering, with information on the amount of designated open space on the property.
7. Revised photometric plan Photometric Plan updated February 6, 2020 by Brett Thibault Architect, Mendon, MA

C. Other documentation submitted to the Board during the course of the public hearing:

1. PGC Associates plan review letters dated October 16 and December 4, 2019
2. Tetra Tech plan review letters dated October 18 and December 4, 2019
3. Email dated October 2, 2019 from Fire Chief Jeff Lynch
4. Design Review Committee comment memorandums dated October 24, 2019 and January 21, 2020.
5. Emails dated November 5, 2019 and December 23, 2019 from Medway DPW Director Dave D'Amico
6. Email dated December 23, 2019 from Medway DPW Deputy Director Pete Pelletier
7. Emails dated November 24, 2019 and January 16, 2020 from abutter Lisa Mitchell, 25 Broad Street
8. Memorandum dated \_\_\_\_\_ from the Medway Design Review Committee regarding revised landscape plan.
9. Email communication dated February 3, 2020 from Fire Chief Jeff Lynch

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.
- Rob Truax, GLM Engineering Consultants, Inc. for the Applicant – Commentary provided throughout the public hearing process
- Stephen Brody, Applicant
- Jason Burns, 18 Broad Street
- Scott Salvucci, 17 Broad Street
- Tracy Batchelor, 24 Broad Street
- Lisa Mitchell, 25 Broad Street

VI. **FINDINGS** - The Board, at its meeting on \_\_\_\_\_ 2020, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ the following **FINDINGS** regarding the site plan, land disturbance application and special permit applications for the proposed multi-family development at 20 Broad 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 Multifamily Housing Overlay District (Section 5.6.4) and thus is eligible for the multifamily housing proposal.*
- 2) Traffic capacity – *Broad Street is a local street off of Village Street, one of Medway's major east/west streets, and has sufficient capacity to handle the traffic from the 6 units that are proposed. This is an increase of 3 units beyond the current 3 family structure on the property. The 6 units do not rise to the level of triggering the requirement for preparation of a traffic study.*
- 3) Parcel size & frontage – *The site consists of .53 acres (23,109 sq. ft.) which exceeds the minimum area requirement of 10,000 square feet for the Village Commercial zoning district. The site has 184.29 feet of frontage on Broad Street, so it meets the minimum 50 foot frontage requirement of Section 5.6.4.B(1) of the Bylaw.*

Dimensional

- 4) Dimension adjustments – *The dimensional requirements of the underlying Village Commercial 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 21 feet from Broad Street; the minimum front setback for the VC district is 20 feet. The plan shows a side setback of 13.7 feet where the minimum required is 10 feet. The plan shows a rear setback of 25 feet where a 10 foot minimum is required. The plans indicate that the project complies with maximum building coverage requirements (17.5% provided vs. 80% maximum allowed). There are no impervious standards for the VC district; the site will be 40.9% impervious upon completion of the building and site improvement construction.*
- 5) Building Height - *As noted on the plans, the height of the six buildings will be approximately 30.8 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 projects is 12 units per whole acre. With .53 acres, the site could include a maximum possible 6 dwelling units. With 6 units proposed, the project meets the allowed density.*

Special Regulations

- 7) Affordable housing - *At 6 units total including only 3 new units, the project is not required to provide an 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 29 % open space provided.*
- 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 12 paved, off-street parking spaces are provided.*
- 10) Town water and sewer service - *The project will be served by Town water and sewer service presently located in Broad Street*

Commented [SA1]: Information provided by Rob Truax 2-7-20



- 11) Number of units - *The number of units proposed (6) equals the 6 unit maximum possible allowed under the Bylaw.*
- 12) Historic Properties – *The existing 1880 building on the site will be renovated as part of the development plan and will include 3 apartment units.*

**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 apartment units; (2) promotes pedestrian oriented development as the subject property is located within an older, walkable neighborhood; (3) encourages the preservation of older and architecturally significant properties. 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, and the positive aesthetics of the building to be renovated and the building 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 rental apartments to the town's housing stock.*
- 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.*

**GROUNDWATER PROTECTION FINDINGS** – The subject property at 20 Broad Street is located within the Groundwater Protection District which is an overlay district superimposed on the underlying zoning districts. Therefore, it is subject to the requirements of Section 5.6.3 of the Bylaw. The overlay district requirements apply to all new construction, reconstruction of existing buildings and new or expanded uses.

- E. 1. **Permitted Uses** – *The proposed use shown on the site plan is an expansion of the existing residential use of the premises which includes a 3-family residential building which will be renovated and have a modest addition built onto it. Additionally, a new building will be constructed to create 3 residential apartments. Enlargement of an existing structure and new construction are permitted uses, subject to certain restrictions, within the Groundwater Protection District. As conditioned herein, the project will comply with those restrictions.*

**E.3. Uses and Activities Requiring a Special Permit** – Specific to this project, the following uses and activities are allowed only upon the issuance of a special permit.

- b. Any use which will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. *The proposed building expansion and site improvements at 20 Broad Street would increase the extent of impervious surface from 4,035 sq. ft. (17.5% of the site) to 9,446 sq. ft. (40.9% of the site), thus triggering the need for a Groundwater Protection special permit.*

**F. Special Permits**

1. *The Board of Appeals is the designated special permit granting authority for the Groundwater Protection District. However, the Bylaw (Section 3.5. Site Plan Review, 4. a.) transfers that authority to the Planning and Economic Development Board when both site plan approval and a special permit are needed so as to consolidate the review process. The Board has notified the Board of Health, the Conservation Commission, and the Medway Department of Public Works of the groundwater special permit application and sought their counsel and input as required by the Bylaw.*

1. a. The proposed use must not adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District.

*The project has been reviewed by the Town's Consulting Engineer to ensure that the planned stormwater management facilities and the associated groundwater recharge does not degrade groundwater quality. This decision includes suitable measures to protect groundwater. A comprehensive stormwater management system has been designed for this site where there are currently no stormwater management facilities whatsoever. The stormwater design provides for the required reduction of total suspended solids off of the paved surfaces through the use of proprietary treatment units, i.e. stormceptors and infiltration system for groundwater recharge; the total suspended solids removal rate will be 95%."*

*Peak stormwater flows will now be managed for all peak storm events. This is a considerable improvement over current conditions where untreated stormwater is presently flowing off the property out to Broad Street.*

*To further protect groundwater, the project is conditioned as included herein; see **Condition \_\_\_\_**.*

1. b. The proposed use shall be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

*The location of the proposed addition to the existing building and the location of the new building are in areas that have been used primarily as a yard for the existing residential building. 59.1% of the site will be impervious after construction which complies with the Dimensional Regulations represented in Table 2 of the Bylaw.*

2. The Board finds that the Applicant has provided sufficiently detailed, definite, and credible information to support positive findings in relation to the standards for a Groundwater Protection special permit as documented in the application materials and additional information provided during the course of the public hearing including a redesign of the stormwater system. The proposed stormwater drainage system will provide groundwater recharge through the use of underground infiltration systems to capture roof runoff. The runoff from the paved surfaces will be directed to subsurface stormwater facilities to provide treatment before recharge.

3. The submission requirements and public hearing procedures have been conducted in accordance with Section 3.4 of the Bylaw and the Board's Site Plan Rules and Regulations including the posting of a public hearing notice with the Town Clerk, abutter notification, and legal advertisement. Information about the project has also been posted to the Board's web page and review and comments have been sought from the Board of Health, Conservation Commission, Sewer and Water Commission and the Department of Public Works.

The Board finds that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or 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. 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 3 residential units on a local street off of Village Street, a major through street. The entrance to the site has adequate sight distance and does not create a hazard to abutters, vehicles, or pedestrians. Sidewalk facilities in front of the subject site exist, although they are not in superb condition. 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. *Broad Street has the capacity to handle the traffic from the additional 3 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 ( ), the development is not permitted to have additional resident parking on Broad 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 an on-site dumpster that will be enclosed and collected by a private service. 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. The new building has been designed to be compatible with and reflective of the architecture of the existing building.*
- 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 apartment development for 20 Broad 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 Broad Street is adequate to safely handle the additional traffic from the 3 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 building is residential and its scale and materials are suitable for the site and use. The design of the new building has been guided by the architecture of the existing building on the site and has been reviewed by the Design Review Committee and is acceptable for its location. The new building does 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. An on-site dumpster for household trash will have an enclosure constructed around it. 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 and not identified any access issues.*
- 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. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the residential development. No stone walls are being removed. There are no wetland resources on the premises. 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 3 residential units on a local 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 east side of Broad Street adjacent to the subject property.*
- 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 features on site. The existing building, built circa 1880, will be renovated as part of the project.*
- 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 revised 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. There are no sensitive environmental or cultural resources on the site.*

#### **LAND DISTURBANCE PERMIT FINDINGS – Medway General By-Laws, Article XXVI**

- 1) The Board finds that the work proposed for the 6 unit multi-family housing development with associated parking, landscaping and stormwater management facilities was presented at a public hearing where the applicant presented evidence sufficient to demonstrate that the proposed activity meets the provisions of Medway General By-Laws, Article XXVI – Stormwater Management and Land Disturbance. Further, this decision includes conditions pertaining to stormwater management practices during both the construction and post-construction period.

**VII. WAIVERS** – At its \_\_\_\_\_, 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.A. 7. - A Development Impact Statement**

*The Applicant has requested a waiver from this requirement due to the relatively small size of this proposed development (6 residential apartments). A traffic impact assessment is not needed as the project scope does not trigger this requirement. There are no wetland resources on the 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 204-4.D** – All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).

*The Applicant's plans reference the National Geodetic Vertical Datum of 1929 (NGVD29). The Applicant's engineer has documented on Sheet 2 of the plan set that the difference between the two versions is .80 feet. **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 D.7** – The landscape plan shall be prepared by a Licensed Landscape Architect.

*The Applicant has requested a waiver from this requirement. Personnel from GLM Engineering have considerable experience in landscape design. Further, the applicant is an experienced landscape contractor with considerable knowledge of landscape materials. **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.***

#### **SITE PLAN DEVELOPMENT STANDARDS**

- 1) **Section 205-6 Parking G. 3. a) Parking Spaces/Stalls** - Car parking spaces/stalls shall be ten (10) feet by twenty (20) feet.

*A waiver is needed from this requirement as the Applicant plans to include 9' x 18' parking spaces. This size complies with the parking space size provisions of the Bylaw and results in less impervious surface area. **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 construct the paved parking area with no curbing. Granite curbing shall be retained for use at the roundings of the driveway 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.

A tree inventory performed by GLM Engineering found that \_\_\_\_ existing trees over 10" in diameter at breast height need to be cleared from the site. The approximate total diameter of those \_\_\_\_ trees is \_\_\_\_\_. (More here on whether any of them are dead. This constitutes \_\_\_\_ square inches of tree removal.

Commented [SA2]: Have asked GLM to fill in this section.

Based on the revised landscape plan dated \_\_\_\_\_, \_\_\_\_ new deciduous trees and evergreen trees are planned for an estimated total of \_\_\_\_ caliper inches of replacement trees for a total estimated amount of \_\_\_\_ square inches of tree replacement. In addition, \_\_\_\_ shrubs are planned throughout the site.

#### **BOARD Decision**

Commented [SA3]: Is this tree planting plan sufficient for the site.

**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), Section 5.6.4 (Multi-Family Housing), and Section 5.6.3 (Groundwater Protection) 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 six (3 units in the existing building and 3 units in one new building).
  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 *Site Development Plan – 20 Broad Street*, dated September 16, 2019, last revised November 22, 2019 by GLM Engineering Consultants, Inc. to be modified as referenced herein; and
    - c) in accordance with subsequent approved plans or amendments to this special permit.
  3. The tract of land and buildings comprising the 20 Broad Street 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 Development Plan for 20 Broad Street* dated September 16, 2019, last revised November 22, 2019, prepared by GLM Engineering Consultants, Inc. and architectural drawings by Brett Thibault Architect including building elevations, floor plans and renderings, 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 November 22, 2019 site plan shall be revised as follows:

1. Include the list of APPROVED Requests for Waivers
2. Add reference to a Site Context Sheet to the Sheet Index
3. Add reference to the architectural elevations, floor plans, and renderings to the Sheet Index
4. Add reference to the updated photometric plan to the Sheet Index
5. Add a reference to the Stormwater Pollution and Prevention Plan (O & M plan) for Construction to the Sheet Index
6. Include a new plan revision date
7. Add a Registry box and whatever other formatting is needed for the plan to be recordable at the Norfolk County Registry of Deeds.
8. 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.
9. Add language for the Town Clerk to document that no appeals were filed.
10. Add open space requirement calculations to the Zoning Table

D. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the *Site Development Plan for 20 Broad Street* dated September 16, 2019, last revised November 22, 2019.

1. The updated photometric plan showing no light trespass off the subject property to comply with Section 7.1.2 (Outdoor Lighting) of the *Bylaw* shall be added to the plan set.
2. Include a sheet providing the Stormwater Pollution Prevention Plan (O & M plan) for Construction.
3. Provide a Site Context sheet in accordance with Section 204-5 B. 1 of the *Site Plan Rules and Regulations*.
4. Subsurface stormwater infiltration system shall be revised to include a separator row with an appropriate access manhole to ensure the system can be actively maintained.
5. Change the detail for the type of fencing planned for the dumpster enclosure from a stockade style to be vinyl with a natural color and non-reflective surface, and be of a height to completely conceal the entire dumpster.
6. An updated and detailed landscaping plan shall be provided for the Design Committee’s review and approval and incorporated into the site plan set for endorsement.
7. Depict the location and quantity of the official “open space” areas
8. A light post specification and detail shall be added to the plan set.
9. A sidewalk paver and detail shall be added to the plan set.

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

1. Third party testing of the proposed proprietary stormwater units for review and approval of the Board's Consulting Engineer.
2. 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.

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

1. The Plan of Record associated with this special permit is titled: *Site Development Plan – 20 Broad Street*, dated September 16, 2019, last revised November 22, 2019 by GLM Engineering Consultants, Inc. and the corresponding architectural drawings by Bret Thibault Architects to be further revised as specified herein, with additional sheets provided by other building, design and landscape architectural consultants.
2. No site improvement construction shall begin on the site and no building permit for the new building 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. 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 owner. 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. ***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

- I. **Building Permits** - The Board authorizes the Applicant to apply for a building permit to begin renovation of the existing building prior to installation of the approved site infrastructure improvements.
- J. **Occupancy Permits** - Before the Board will authorize an occupancy permit for the renovations of the existing building, the following items, at a minimum must be installed and inspected and approved by the Board:
- a) Driveway way and parking area gravel sub-base
  - b) Driveway and parking 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.
- K. **Patios** – To not increase stormwater runoff, any future patios shall be fabricated with pervious paving materials as patio surface areas are not included in the impervious coverage calculations for stormwater.
- L. **Parking** – The plan includes two off-street parking spaces per unit (12 spaces total). The Permittee shall limit occupants of the apartment units to a maximum of two vehicles per unit, throughout contractual apartment unit lease agreements. On-street parking of the occupants of the apartment units shall not be permitted.
- M. **Sidewalk Construction/Replacement on Broad 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 condition of the sidewalk in front of 20 Broad Street is in serious disrepair and it is not practical for the Applicant to replace this portion of sidewalk on Broad Street when the rest of the street is not being addressed. In lieu of sidewalk construction, the Applicant will make a payment to the Town's Sidewalk Fund in the amount of \$7,819 as calculated by the Board's Consulting Engineer as the amount needed to fund 165 linear feet of 5' wide asphalt sidewalk with Cape Cod berm and accessible ramps. The funds shall be held in reserve within the Sidewalk Fund for the expected near future sidewalk improvements on Broad Street to be undertaken by the Town of Medway. The funds shall be paid to the Town by November 20, 2020.
- N. **Underground Utilities** - All electric, telephone, cable TV, and other utilities shall be located underground.
- O. **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.
- P. **Fire Protection** – This project is subject to local, state and federal fire codes.
- Q. **Addresses** – The addresses for the 20 Broad Street apartments shall be as determined by the Medway Assessor's office upon consultation with the Medway Fire and Police Departments.
- R. **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.
- S. **Stormwater Management During Construction** – The project is subject to the *Construction Period Operation and Maintenance plan* included in the Stormwater Management Operation and Maintenance Plan prepared by GLM Engineering, dated September 16, 2019, last revised November 22, 2019.
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.

T. ***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 *Post Construction Period Operations and Maintenance Plan* dated September 16, 2019, last revised November 22, 2019, prepared by GLM Engineering.
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.

T. ***Conditions Pertaining to Groundwater Protection District Special Permit***

1. Storage of hazardous materials and other hazardous materials is prohibited unless in a free-standing container within a building. Any hazardous materials that will be used at the facility shall be identified and a list provided to the Board. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system.

**Commented [SA4]:** This list is the standard conditions we have included in decisions for other properties located within the Groundwater Protection District. Not sure if all of them should be included or are appropriate for this project.

2. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers must be in a free-standing container within a building, have adequate secondary storage capacity or be within a facility designed to prevent the generation and escape of contaminated runoff or leachate. Application of fertilizers on site must be done in a manner to minimize adverse impacts on groundwater.
3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
4. There shall be no outdoor storage of pesticides, herbicides, fungicides or insecticides anywhere on the site. Any such products shall be stored inside.
5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Works.
6. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms. No snow shall be disposed of in the stormwater detention basin.
7. All vehicles shall be parked/stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
8. There shall be no earth removal within six feet of the historical high groundwater level.
9. The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.

#### **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 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*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b). as may be amended.
9. *Stormwater Management* – During construction, the Applicant shall maintain the site and installed stormwater management facilities in accordance with the *Construction Period Operations and Maintenance Plan* dated November 22, 2019 prepared by GLM Engineering.

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*** – 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***

1. 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 (if applicable), the contractors and Applicant's project engineer for a pre-construction meeting. The construction schedule shall be reviewed and the procedures for inspections discussed.

2. 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 Applicant.

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) and violations or non-compliance are subject to the appropriate fine.

**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 driveway, parking area, 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 be occupied 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 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. 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.

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  
20 Broad Street MULTI-FAMILY and GROUNDWATER PROTECTION SPECIAL  
PERMITS, LAND DISTURBANCE PERMIT and SITE PLAN DECISION  
20 Broad Street**

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

**AYE:**

**NAY:**

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**ATTEST:**

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

\_\_\_\_\_  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
David D’Amico, Department of Public Works  
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  
Stephen Brody  
Rob Truax, GLM Engineering Consultants  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates



Town of Medway  
**DESIGN REVIEW COMMITTEE**  
155 Village Street  
Medway MA 02053  
508-533-3291  
[drc@townofmedway.org](mailto:drc@townofmedway.org)

February 25, 2020

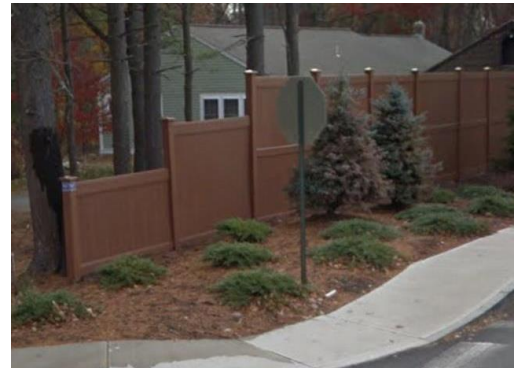
TO: Medway Planning and Economic Development Board  
FROM: Matthew Buckley, Chairman  
RE: DRC Comments – Village District Development LLC - Site plan review  
20 Broad Street

Dear Members of the Medway Planning and Economic Development Board,

The Medway Design Review Committee [DRC] is pleased to provide an updated status letter for the proposed multi-family residential development at 20 Broad Street. The DRC met with property owner Steve Brody on February 3rd, 2020. During that meeting, the DRC reviewed updated landscape plans, which Mr. Brody shared on his computer.

The DRC is satisfied that the current landscape plan complies with the Medway *Design Review Guidelines*. The planting scheme and species are appropriate to the site.

- Mr. Brody indicated that he plans to include fencing with plantings similar to that discussed in prior meetings. A sample image of recommended fencing is shown here.
- The DRC recommended that some plantings be placed along the interior of the fence, at intervals, to provide visual breaks along the great length of fence as proposed.



The DRC is pleased with the overall design of the proposed buildings and site. The DRC remains available to review any of these changes and will gladly provide feedback in the most effective manner that will assist these proceedings.

Sincerely,

Matthew Buckley  
Chairman







PLANTING LIST  
& LAYOUT  
"20 BROAD STREET"  
MEDWAY, MASSACHUSETTS  
PREPARED FOR  
TOWN OF MEDWAY

NO.	DATE	DESCRIPTION
1.	1/25/19	EX. COND. (A.S. ELLIOT ASSOC.)
2.	9/16/19	LANDSCAPE PLAN (GLM)
3.	11/19/19	LANDSCAPE PLAN (GLM)
4.	2/20/20	LANDSCAPE PLAN (VL)

DATE: 2/20/2020

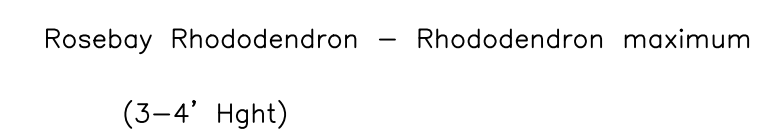
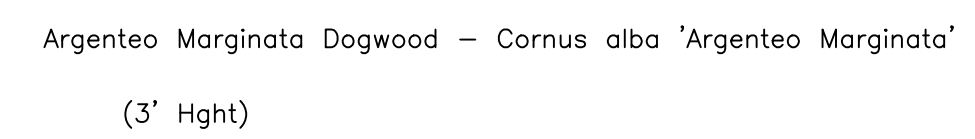
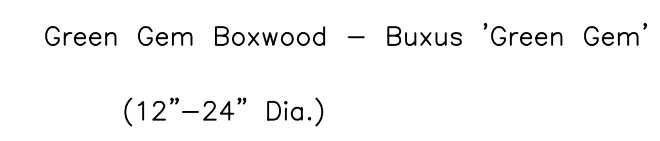
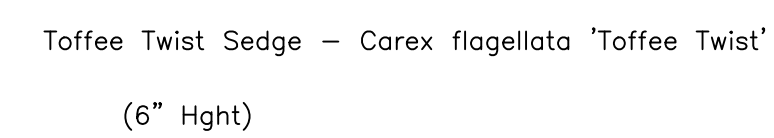
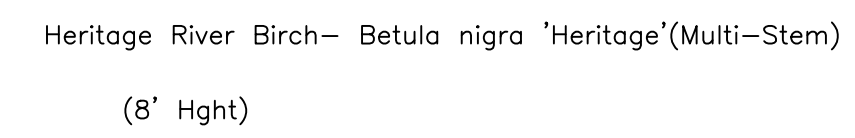
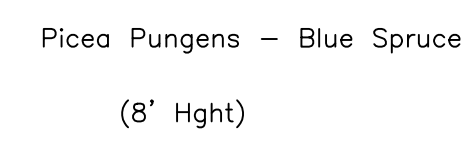
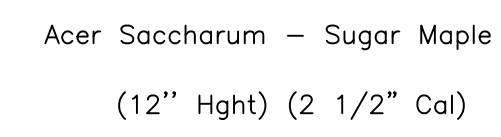
SHEET: LA-2

PLAN#:	254
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### TREE PLANTING DETAIL

NOT TO SCALE

## PLANTING LEGEND



## BRICK WALK

SNOW STORAGE AREA  
(TYP.)

PARKING LOT  
12 SPACES

## -VISUAL FENCING TO STREET

CONC. SIDEWALK

EXISTING DWELLING  
3 FAMILY  
#20 BROAD ST.

# BRICK WALK

# PROPOSED 3-UNIT BUILDING

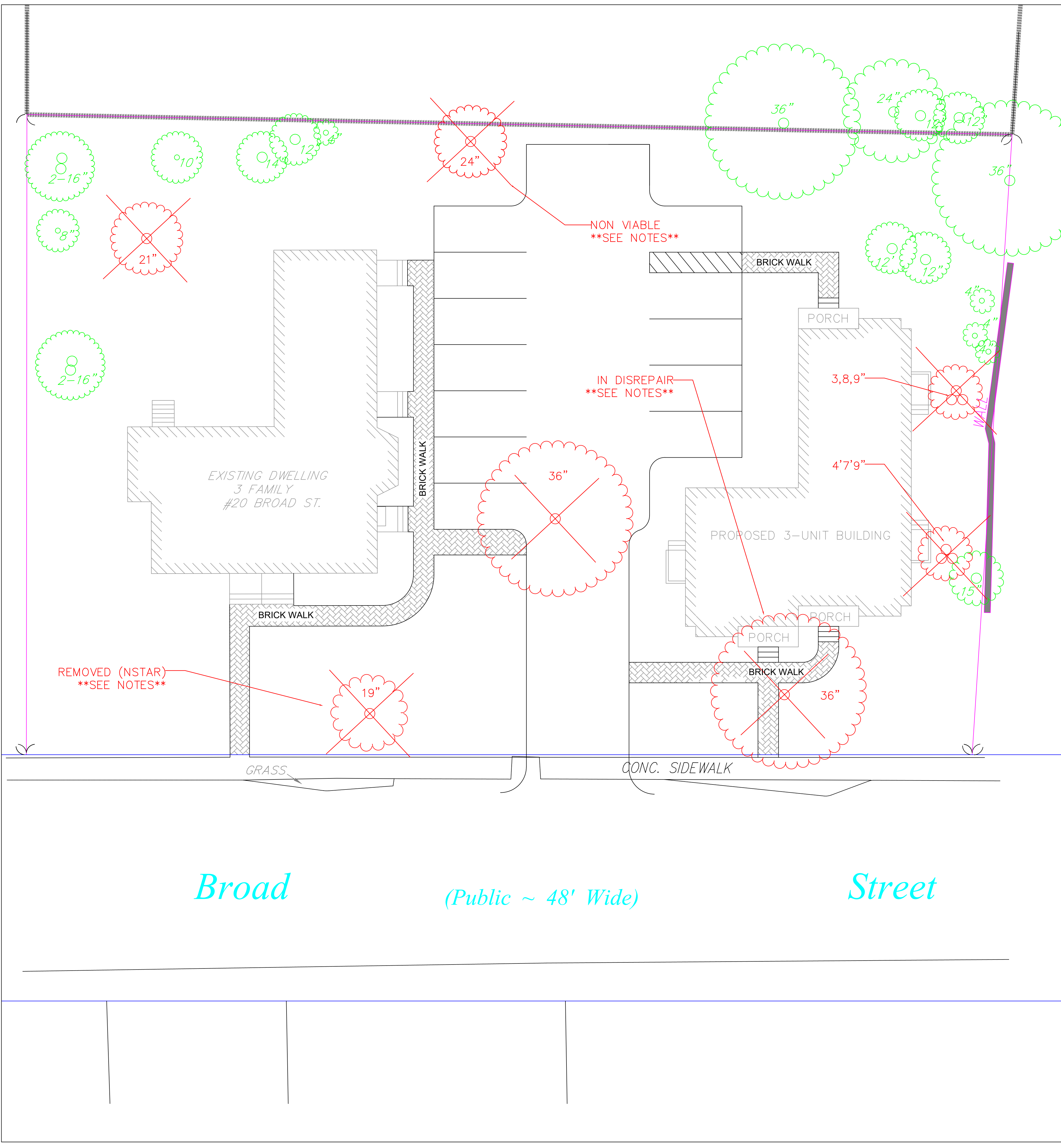
# PORCH

# PORCH

# BRICK WALK

BRICK WALK

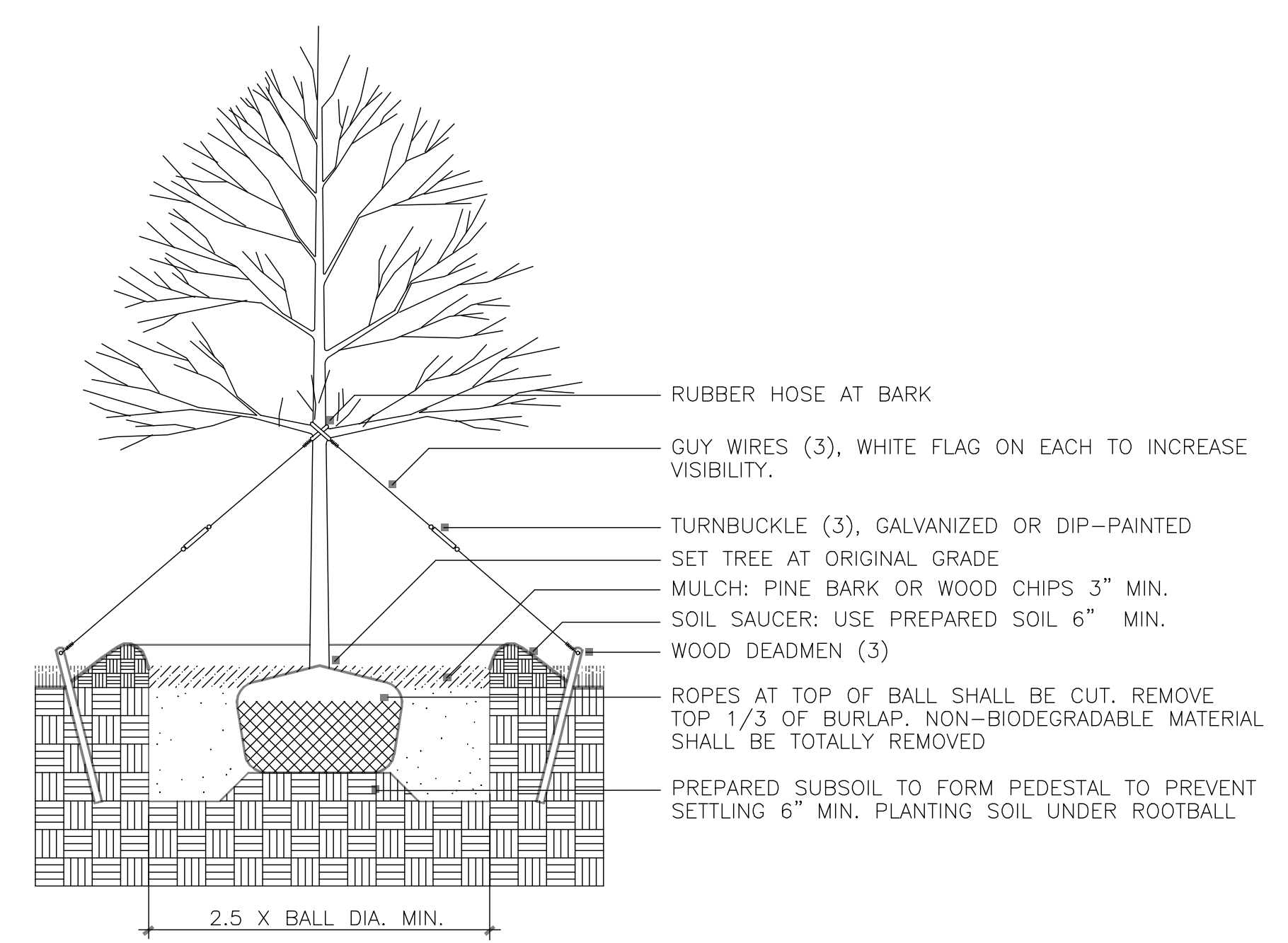




TREE DATA		
1. TREE COUNT	EXISTING: 25	PROPOSED: 30
	NET: 5	
2. TOTAL TREE GAUGE	EXISTING: 459"	PROPOSED: 313"
	NET: -146"	
3. TREE SPAN TOTAL	EXISTING: 705'	PROPOSED: 631'
	NET: -74'	
4. TREE HEIGHT TOTAL	EXISTING: 1062'	PROPOSED: 850'
	NET: -212'	
5. SHRUBS AND PLANTING	EXISTING: 0	PROPOSED: 92
	NET: 92	
6. SPECIES	EXISTING: 24 DEC./1 EV.	PROPOSED: 27 DEC./ 3 EV.

NOTES:

- NON VIABLE AND REMOVED TREES WERE NOT INCLUDED IN DATA SET
- PROPOSED DATA BASED ON INSTALL DATE
- MINIMUM INSTALLED GAUGE OF AT LEAST 2.5 INCHES
- PROPOSED TREE COUNT IS STATIC
- EXISTING TREE COUNT IS COMPRISED OF (1) EVERGREEN (EV.) (SPRUCE) AND (24) DECIDUOUS (DEC.) MAPLE AND OAKS
- HEIGHT AND SPAN ESTIMATED AND BASED ON BROADEST SPAN OF CANOPY IN EXISTING CONDITIONS
- MATURE SPAN WIDTH AND GAUGE OF PROPOSED INVENTORY IS TO MATCH EXISTING CONDITIONS
- SHRUB COUNT TO VARY WITHIN NORMAL LIMITS BASED ON MATURE SPACING AND LAYOUT CODIFICATIONS
- SOUTHEAST CORNER OAK IS INCLUDED IN DATA THOUGH ITS HAS BEEN NOTED TO BE IN DISREPAIR, DEEMED NOT VARIABLE



VILLAGE LIMITED  
39 WEST STREET  
MEDWAY, MA 01746  
P: 508-816-6700  
VILLAGE.LIMITED@OUTLOOK.COM

TREE REMOVAL & EXISTING CONDITIONS (VEG.)  
"20 BROAD STREET"  
MEDWAY, MASSACHUSETTS  
PREPARED FOR  
TOWN OF MEDWAY

NO.	DATE	DESCRIPTION
1.	1/25/19	EX. COND. (A.S. ELLIOT ASSOC.)
2.	9/16/19	LANDSCAPE PLAN (GLM)
3.	11/19/19	LANDSCAPE PLAN (GLM)
4.	2/20/20	LANDSCAPE PLAN (VL)

DATE: 2/20/2020

SHEET: LA-3

PLAN#: 254



# 20 Broad Street – Tree Planting

2-25-20 Notes (version 2)

## 5 trees to be removed from the site

Tree Size - Diameter	Status
19" diameter in front yard of the existing house – Spruce	Already removed by NSTAR. Don't count this toward replanting formula.
21" diameter in northeast corner - Maple	
24" on east side of lot – Maple	This tree is dead and must come down. Don't count this toward replanting formula.
36" in middle of lot – parking area – Oak	
36" in front yard of the new building - Maple or Oak	Questionable condition.
<del>4", 7" &amp; 9" cluster in south center portion of lot</del>	Don't count these. Not larger than 10".
<del>3", 8" &amp; 9" cluster in south center portion of lot</del>	Don't count these. Not larger than 10".

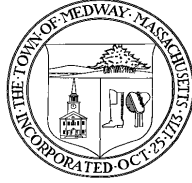
## Site Plan Rules and Regulations

- 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.

*A tree inventory performed by GLM Engineering found that there are three existing trees over 10" in diameter at breast height that need to be cleared from the site to construct the new building and site improvements. The approximate total diameter of those trees is 93". (NOTE - This calculation does NOT include a 24" dead maple tree located at the eastern edge of the property nor the 19" evergreen tree located in the front yard of the existing building that was already removed by NSTAR.*

*Based on the revised landscape plan dated February 20, 2020 prepared by Village Limited of Medway, MA, eight new deciduous trees (5 maples at 2.5" caliper and 3 river birches of unspecified caliper) and 3 blue spruce evergreen trees of unspecified caliper will be planted. In addition, 92 shrubs are planned throughout the site.*

**NOTE – During the Board's discussion on the 2-25-20 meeting, the applicant agreed to plant one more deciduous tree in the lawn area north of the existing building.**



**February 25, 2020**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Construction Reports**

- Field report dated 2-23-20 from SMMA, the Town's project engineer, on DPS Building Construction

## Construction Field Observation

Project: HKA/Medway DPS  
Date/Time Observed: 02-07-20 8:00 AM  
Weather: Light Rain 35 Degrees  
Prepared By: Peter Glick  
Distribution: HKA for Distribution, (MF17.0)

Date: 02-12-20  
Project No.: 18043  
Report No.: 2

☐ Consultant ☐ Field  
☐ Engineer

Present at site: Peter Glick

**The following work was observed to be completed or in progress:**



Temporary sedimentation basin at southeast end of site. Basin receives runoff via temp. underground piping from area south of building



Pump Station and Valve Pit Structures

Project: HKA/Medway DPS  
Date: 02/07/20  
Report No.: 2



East end of Building Under Construction



Southwest corner of Building Foundation Wall



Slope at southwest end of building



South end of culvert under drive adjacent to Wetland B



Project: HKA/Medway DPS  
Date: 02/07/20  
Report No.: 2



West end of Building Under Construction



Temporary swale at north side of drive in front of building



Bioretention basin rough graded to bottom grade.  
Bottom 2 feet to be removed and replaced with  
bioretention media



Temporary swale at north side of drive adjacent to culvert

Project: HKA/Medway DPS  
Date: 02/07/20  
Report No.: 2



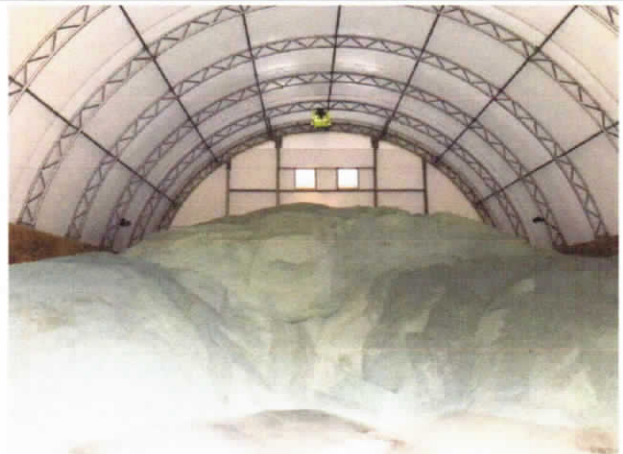
Culvert end at north side of drive adjacent to Wetland A.  
Area prepared to install retaining wall.



Temporary sedimentation basin at northwest end of the site



Ramp and Salt Shed

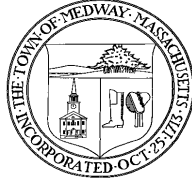


Salt Shed

Project: HKA/Medway DPS  
Date: 02/07/20  
Report No.: 2

**Additional Observations:**

1. Debris along temporary swale at northwest side of the drive needs to be removed creating clear overland path for runoff to reach swale.
2. Wall at north end of culvert is to be installed as soon as possible and area stabilized.
3. South end of culvert adjacent to Wetland B is to be loamed and seeded with wetland seed mix and stabilized with erosion control mats. Once area is completed it is to be protected the construction fence at perimeter so that construction activities do not disturb.
4. Temporary sedimentation basin and structure is to be installed at southeast end of building to divert water from building area into temporary pipes to temporary sedimentation basin.
5. Temporary sedimentation basin at the southeast end of the site needs to be cleaned and temporary outlet exposed. Sedimentation basin is to be monitored and enlarged if necessary.
6. Replacement riser ring on valve pit needs to be coated with bitumastic material.



**February 25, 2020**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Zoning Bylaw Amendments**  
**Continued Discussion**

- Schedule for public hearings, etc.
- Memo from Caroline Wells of Weston and Sampson
- Draft revised bylaw amendments – showing edits
- Draft revised bylaw amendments – CLEAN VERSION
- 2-11-20 email from John Lally



## May 2020 Annual Town Meeting Schedule

ACTIVITY	DATE	DONE
Articles Due to BOS/TA office	2/18/2020	2/14/2020
Post PH legal notice with Town Clerk	3/4/2020	
Post ZBL amendment info to web page	3/4/2020	
Submit legal ad to MDN to publish on 3/9/ and 3/17	3/4/2020	
Meet with BOS	3/16/2020	
PEDB Public Hearing	3/24/2020	
Meet with BOS	4/6/2020	
FINCOM Public Hearing & Meeting	4/8/2020	
Town Meeting	5/11/2020	
DRAFT - 2-18-2020		

# MEMORANDUM

**TO:** Barbara J. Saint Andre, Director of Community and Economic Development  
Susan E. Affleck-Childs, Planning and Economic Development Coordinator

**FROM:** Caroline Wells, AICP

**DATE:** February 18, 2020

**SUBJECT:** Medway Zoning Bylaw - Environmental Standards Update

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## Proposed Amendments to the Zoning Bylaws, Section 7.3, Environmental Standards

The draft changes were reviewed by the Planning and Economic Development Board on February 4, 2020. At that meeting, the Board indicated that, in most cases, it preferred to remove zoning bylaws that replicated already established federal or commonwealth regulations, such as radioactivity or electrical disturbance. Other proposed environmental standards were deemed more appropriate at the planning and permitting review processes. Overall, the PEDB articulated the desire to be reasonable, fair and consistent in their standards, and to have actionable standards rather than those that rely on the “reasonable person” standard. Furthermore, the PEDB and staff wished to place the focus on *uses* rather than individual activities (although zoning bylaws often include both types). For that reason, the attached draft strips out many of Section 7.3’s standards.

Two environmental standards, noise and odor, remain an ongoing concern for the PEDB and residents, and recent special permit applications for 2 Marc Road and 4 Marc Road exposed the ineffectiveness of Section 7.3. Changes to these standards are described below:

- **Noise:** All applications must also comply with the MA DEP Noise Policy and other regulations (310 CMR 7.10). Because Medway does not have a general bylaw that addresses noise, the PEDB was inclined to seek a workable technical standard. Section 7.3 now uses a threshold for noise based on the frequency band range form of noise measurement, which is no longer used. At the time of these applications, Acentech, a noise consultancy, converted the standard to octave bands, which are based on the frequency span of the octave bands and are consistent with the 1980 EPA document [905-R-80-117 Noise Legislation Trends and Implications](#). The PEDB accepted these standards for the Marc Road applications and supported keeping them in Section 7.3. If the Town wishes, these standards could be further broken down by zoning

district (as Cambridge, MA does); however, this would further complicate enforcement for residential abutters to commercial or industrial districts. For simplicity's sake, I have added those standards as they were presented by Acentech.

Because of the science associated with sound frequencies, it is recommended that an on-call noise consultant be utilized for peer review and enforcement of noise standards rather than purchasing equipment and training staff.

- **Odor:** The recent applications for marijuana facilities, as well restaurant smoke and odor, also remains an ongoing concern of the PEDB. The current standard states:

*"In all districts, no emission of odorous gases or odoriferous matter in such quantities as to be discernible outside the property line shall be permitted. Any industrial process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001201 oz. per thousand cubic feet of hydrogen sulfide or any odor threshold as defined in Table III in Chapter 5 of Air Pollution Abatement Manual (copyright 1951 by Manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted."*

Based on these recent experiences, the PEDB seeks a specific and objective standard for non-residential uses. To meet this objective, I would recommend that the Town of Medway consider the purchase of a field olfactometer. Unlike noise meters, field olfactometers are relatively inexpensive (under \$3,000) and can be operated by trained staff. The prevalence of marijuana cultivation and use internationally appears to be driving newer, less expensive technology for enforcement. One example is the [Nasal Ranger](#), which offers training online. I have attached a brochure. Alternatively, staff can hire an on-call consultant.

Although a field olfactometer will help enforcement staff quantify potential violations, this approach may be more aggressive than warranted for every situation. For that reason, I have added an "odor observation" protocol so that enforcement staff can scope out the violation before equipment is needed. Although the PEDB understandably prefers documentable technical standards, the zoning enforcement process explicitly and inherently relies on the judgment of the Building Commissioner/Zoning Officer to interpret bylaws. Furthermore, because the Medway Zoning Bylaws already prohibit uses that produce "disturbing and offensive" environmental impacts. I felt that it was necessary to define "disturbing and offensive" explicitly as those impacts that a reasonable person with normal sensitivity would find objectionable as defined by the Building Commissioner/Zoning Officer. Although the "reasonable person" standard was less desirable to the PEDB, it is practical for the initial stages of enforcement to determine if a violation may or may not exist. Technical standards and verification through on-call assistance or measuring device would be applied for documentation and verification purposes.

## Proposed Amendments to the Zoning Bylaws, Section 2, Definitions

As recommended, new definitions may be added to the **Zoning Bylaws, Section 2, Definitions**. These additions include:

**Air Pollution:** As stated in 310 CMR §7, Air Pollution Regulations – Definitions, air pollution is “the presence in the ambient air space of one or more air contaminants or combinations thereof in such concentrations and of such duration as to: (a) cause a nuisance; (b) be injurious, or be on the basis of current information, potentially injurious to human or animal life, to vegetation, or to property; or (c) unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.”

**Disturbing or Offensive:** Any irritating, worrying or upsetting impact which causes distress, annoyance, discomfort or injury to or which interferes with the comfort or repose of any person of reasonable nervous sensibilities in the vicinity thereof. Disturbing or offensive impacts are measured by the enforcement officer at the property line of any lot on which a use is conducted.

**Noise:** As defined by 310 CMR, § 7, Air Pollution Control Regulations, sound of sufficient intensity and/or duration as to cause or contribute to a condition of air pollution.

**Odor:** As defined by 310 CMR, § 7, Air Pollution Control Regulations, the property of gaseous, liquid, or solid materials that elicit a physiologic response by the human sense of smell.

**Smoke:** As defined by 310 CMR, § 7, Air Pollution Control Regulations, smoke is “the visible aerosol, which may contain fly ash, resulting from the combustion of materials but does not mean condensed water vapor.”

## Catch-All for Items Not Included in Section 7.3

The PEDB noted that many standards would be more appropriate at other levels of review, and I have parked those ideas here so that they would not be lost:

- I have removed the section on light/shadow flicker and would suggest that the application process for any small wind generation system require an assessment for shadow and light flicker on residential receptors, as well as a peer review of studies provided by applications
- Medway may wish to consider a new section in the Zoning Bylaw for the regulation of ground-mounted solar facilities that includes a decommissioning process (and requires a bond). New York published a [guide for municipalities](#) (Decommissioning Solar Panel System) that provides useful information on costs
- For certain uses that may contribute noise, Medway may wish to create a standard requirement for an ambient noise study. This provision would allow staff to consider the use and location of a project and its potential impact on sensitive receptors.



- In terms of odor, possible additions to site plan review and special permit applications could also require applicants to identify odor control technology in the facility's exhaust system and maintenance plans to ensure compliance.
- The examination of the building permit approval process was outside the scope of my work; however, it was noted by the PEDB that building permits should be reviewed for compliance to zoning with specific attention to lighting and sound.
- Although the recently proposed addition to the General Bylaws that would address noise ultimately was not approved, a pared-down standard for noise is typical of many town's general bylaws.



## Nasal Ranger® Field Olfactometer



*Measure odors  
with precision.*



 **NASAL  
RANGER**

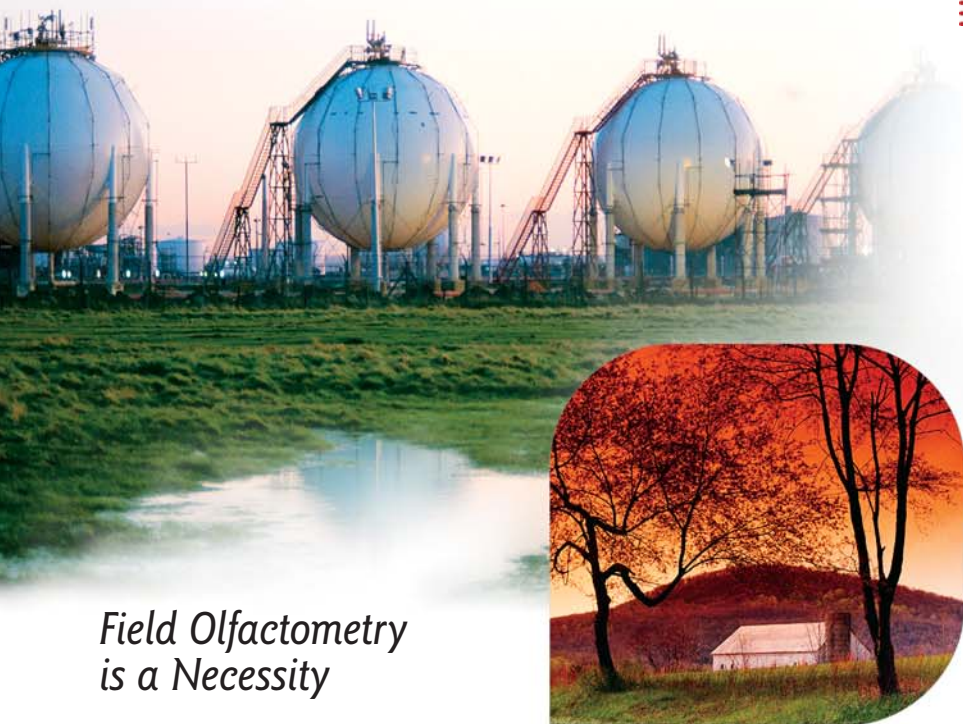
## Nasal Ranger® Field Olfactometer

The Nasal Ranger® is a portable odor-measuring device that allows users to quantify odor strength in nearly any location or circumstance. This essential tool offers an innovative, easy-to-use alternative to guessing at odor strength.

Now, facility operators, community inspectors and neighborhood citizens can conduct complete odor monitoring, regulation, enforcement and documentation in the field. The Nasal Ranger® goes beyond traditional estimation methods, easily measuring odor strength at specific locations surrounding a facility.

In 2003, Central Davis Sewer District (Salt Lake City, UT) implemented odor monitoring with the Nasal Ranger into a comprehensive facility-wide odor management plan at their 10 MGD waste water treatment plant (WWTP). The Nasal Ranger was utilized to assist in identifying odor sources throughout the facility, and, after mitigation actions were taken, the Nasal Ranger was used to quantify the success of these changes through weekly community monitoring. With these changes and a new aggressive complaint response program, the WWTP significantly reduced community odor complaints. CDSO plans to continue use of the Nasal Ranger to maintain their good relationship with the neighboring citizens.

BioCycle, Journal of Composting & Organics Recycling,  
September 2004



## Field Olfactometry is a Necessity

Measuring odor strength is crucial for determining specific odor sources, verifying complaints, monitoring daily industrial operations and documenting specific odor episodes. Its applications are endless: industrial, agricultural, and municipal operations including waste-water treatment, landfills, composting, manufacturing and much more.

With the Nasal Ranger® you can:

- Monitor daily industrial operations
- Evaluate odor mitigation methods
- Create credible, defensible evidence
- Determine and monitor compliance
- Investigate odor control effectiveness
- Verify odor dispersion modeling
- Determine specific odor sources
- Verify odor complaints





## How the Nasal Ranger® Works

The Nasal Ranger® provides a precise odor strength measurement that is consistent from place to place, facility to facility and user to user. It takes the subjectivity out of odor measurement and provides a universal standard for personnel to document odor strength in the field. The Nasal Ranger® provides a cost-effective method to confidently measure odors.

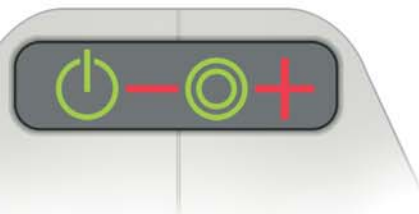
## Dilution-to-Threshold

Using the Nasal Ranger® is a reliable way to quantify odor strength in terms of "Dilution-to-Threshold" (D/T) ratios. The D/T measurement is the most common method of measuring odors. This allows experts to quantify odors on a commonly recognized scale.

To make a D/T measurement, carbon-filtered air is mixed with specific volumes of odorous ambient air. The D/T ratio is a measure of the number of dilutions needed to take the odorous air to its threshold.

## Calibrated for Accuracy

Because sniff rates vary from user to user, the Nasal Ranger® includes a calibrated flow sensor to increase measurement consistency. When in use, the flow sensor assures users that their "sniff rate reading" is at the inhalation target. Each Nasal Ranger® comes with a calibration certificate to guarantee accuracy.



*"The portability and ease of use of the Nasal Ranger allowed the County to quantify odors around a municipal waste handling facility before and after odor mitigation efforts were introduced. The data gave us the confidence that our mitigation efforts were successful and odors from the facility would not impact the neighborhood."*

### Jake Smith

Senior Environmentalist  
Hennepin County, Minnesota

*"We have successfully used the Nasal Ranger to determine odor thresholds at animal feeding operations and other odorous industries in the Southern United States."*

### Susan Schiffman, Ph.D., Durham, NC

Researcher in the area of taste and smell and their relation to mood and well-being. She is recognized in the sensory field and specifically in the area of agricultural odors research.



## Nasal Ranger® Training

A focused Nasal Ranger® training course is available through the St. Croix Sensory "ODOR SCHOOL®". This complete training program gives Nasal Ranger® users extensive knowledge and experience with its various monitoring and measuring capabilities.

## Accessories



*The Nasal Ranger® comes complete with Odor Filter Cartridges (4), Nasal Mask with Check Valves, Comfort Seal and storage pouch, Additional Comfort Seals (5), Isopropyl Alcohol Mask Wipes (10), Barrel Cleaning Brush, 9-Volt Battery, Shoulder Strap and Carrying Case.*



St. Croix Sensory, Inc.

1.800.879.9231  
[ P ] 651.439.0177  
[ F ] 651.439.1065  
[ E ] info@nasalranger.com  
www.nasalranger.com  
www.fivesenses.com

### [ Nasal Mask ]

Teflon coated, replaceable Nasal Mask is ergonomically designed to fit your nose comfortably. Check valves allow comfortable breathing through the mask.

### [ Comfort Seal ]

The Comfort Seal is a disposable foam seal designed to ensure comfort of the Nasal Mask.

### [ Mask Wipes ]

Individual isopropyl alcohol wipes are used to clean Nasal Masks between uses.

### [ Universal Odor-Filter Cartridges ]

The replaceable odor-filter cartridges contain a proprietary blend of granular activated carbon, which is designed to remove odors from the ambient air to create the odor-free dilution air. Individually wrapped pairs of replacement cartridges attach easily to the Nasal Ranger®.

### [ High D/T Dial ]

An alternate orifice dial allows you to expand your measurement capabilities with D/T's of 60, 100, 200, 300, 400 and 500

### [ Odor Sensitivity Kit ]

Originally designed for physicians to measure the sense of smell, this kit has been adapted for use in the olfactometry field to measure a user's sensitivity and to provide measurable proof of a user's appropriateness for odor detection tasks.



**Call today to learn  
more about the Nasal Ranger®  
1-800-879-9231 or visit [www.nasal-ranger.com](http://www.nasal-ranger.com)**



### 7.3. ENVIRONMENTAL STANDARDS

#### ~~A.~~

~~B. A. No land or building shall be used or occupied in any district in any manner which will produce a hazard or nuisance from fire, explosion, radioactivity, electrical disturbance, smoke, fly ash, dust, fumes, vapors, other forms of air pollution, liquid or solid wastes, vibration, noise, odors, or glare in a manner or amount as to affect the surrounding area. Any use may be undertaken and maintained provided that it conforms to the use regulations in Section 5 and to the performance standards listed below:~~

A. Purpose. The intent of this section is to provide standards for uses that may generate impacts that are potentially hazardous, harmful to the environment, disturbing or offensive. Medway Zoning Bylaws, § 5.2, Prohibited Uses, expressly prohibits all uses in any district that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or light and shadow flicker. Furthermore, Medway Zoning Bylaws, § 5.2, Prohibited Uses, B.14 prohibits any use that produces “disturbing or offensive” noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features. For the purposes of this section, “disturbing or offensive” impacts are those that a reasonable person with normal sensitivity would find objectionable, as interpreted by the Building Commissioner/Zoning Officer or his or her designee.

B. Enforcement: Medway Zoning Bylaws, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner to interpret and enforce this Bylaw. In addition, the police department, fire department, or board of health officials are authorized to enforce standards that are based on certain sections of 310 CMR, § 7, Air Pollution Control Regulations. At the discretion of the Building Commissioner/Zoning Enforcement Officer or the Planning and Economic Development Board, a technical consultant may be engaged by the Town of Medway to investigate and document violations.

#### C.

SHADOW (LIGHT) FLICKER: The alternating changes in light intensity that occur at times when the rotating blades of wind turbines cast moving shadows on the ground or on structures.

B. Standards. The following ~~performance~~ standards shall apply to all districts and shall be determined at the location of use:

- ~~1. Fire and Explosion Hazards:~~ All activities and all storage of flammable and explosive materials, at any point, shall be provided with adequate fire fighting and fire suppression equipment and devices. Smoke: No emission of visible smoke of a shade

darker than No. 2 on the *Ringlemann Smoke Chart* published by The U.S. Bureau of Mines shall be permitted.

1. **Smoke, Fly Ash, Dust, Fume, Vapors, Gases, Other Forms of Air Pollution:** Medway Zoning Bylaw, § 5.2, Prohibited Uses, 14, prohibits any use “that produces disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.” In addition, all activities involving smoke, fly ash, dust, fume, vapors, gases, other forms of air pollution, as defined in CMR 310, § 7, Air Pollution Control Regulations, as amended, prohibits ~~No emissions~~ which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point shall be permitted.

2. ~~In no event shall any emission from any chimney or otherwise of any solid or liquid particles in concentration exceeding 0.3 grain per cubic foot of the conveying gas or air be permitted. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 °F and 50% excess air.~~

3.

4. ~~Radioactivity or Electrical Disturbance:~~ No activities which emit dangerous radioactivity at any point shall be permitted. No electrical disturbances (except from domestic household appliances and from communications equipment subject to control of Federal Communications Commission or appropriate federal agencies) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.

5. ~~2. Smoke:~~ No emission of visible smoke of a shade darker than No. 2 on the *Ringlemann Smoke Chart* published by The U.S. Bureau of Mines shall be permitted.

6. ~~3. Fly Ash, Dust, Fume, Vapors, Gases, Other Forms of Air Pollution:~~ No emission which can cause damage to health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point shall be permitted. In no event shall any emission from any chimney or otherwise of any solid or liquid particles in concentration exceeding 0.3 grain per cubic foot of the conveying gas or air be permitted. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 °F and 50% excess air.

4. ~~Liquid or Solid Waste:~~ No discharge, at any point, into a private sewage disposal system, stream, or the ground, of any materials in such a way or of such a nature or temperature as can contaminate any running streams or water supply, or otherwise cause the emission of dangerous or objectionable elements, shall be permitted except in accord

~~with standards approved by the Massachusetts Department of Public Health.~~  
**Noise Disturbance:** No person or persons owning, leasing or controlling the operation of any source or sources of noise shall willfully, negligently, or through the failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment of a condition of noise pollution. In addition, all activities involving noise must also meet the standards of 310 CMR § 7.10, Air Pollution Control Regulations, as amended, which regulates outdoor noise. 7.10(1) of this regulation prohibits any person owning, leasing, or controlling a source of sound to “cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.” Nothing in this bylaw prevents the Planning and Economic Development Board from attaching additional conditions relating to noise to their approval of special permit applications.

- a. **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line to the noise source for noise radiated continuously from the noise source between 9 P.M. and 7 A.M. shall be as follows:

<u>Octave Band Center Frequency (Hz)</u>	<u>Daytime</u>	<u>Nighttime</u>
<u>63</u>	<u>72</u>	<u>67</u>
<u>125</u>	<u>60</u>	<u>55</u>
<u>250</u>	<u>53</u>	<u>48</u>
<u>500</u>	<u>47</u>	<u>42</u>
<u>1000</u>	<u>43</u>	<u>38</u>
<u>2000</u>	<u>40</u>	<u>35</u>
<u>4000</u>	<u>37</u>	<u>32</u>
<u>8000</u>	<u>33</u>	<u>28</u>

Noise caused by agricultural, farm-related, or forestry-related activities as defined by G.L., c 128, Agriculture, § 1A, as amended, is exempt from this restriction.

- b. **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair or demolition operations) between the hours of 9:00 P.M. and 7:00 A.M. The limitation of this section does not apply to any construction,

demolition or repair work on public improvements authorized by a governmental body or agency. Noise caused by agricultural, farm-related, or forestry-related activities as defined by G.L., c 128, Agriculture, § 1A, as amended, is exempt from this restriction.

5. **Vibration:** No vibration which is discernible to the human sense of feeling for 3 minutes or more in any hour between 7 A.M. and 7 P.M. or of 30 seconds or more in any one hour from 7 P.M. to 7 A.M. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range or Table 7, U.S. Bureau of Mines Bulletin NO. 442. Vibrations resulting from temporary construction activity that occurs between 7:00 A.M. and 9:00 P.M. shall be exempt from this section.

C. The following performance standards shall apply to all districts and shall be determined at the property line of the use.

1. **Vibration:** No vibration which is discernible to the human sense of feeling for 3 minutes or more in any hour between 7 A.M. and 7 P.M. or of 30 seconds or more in any one hour from 7 P.M. to 7 A.M. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range or Table 7, U.S. Bureau of Mines Bulletin NO. 442.2. **Noise.**

- a. Maximum permissible sound pressure levels measured at the property line nearest to the noise source for noise radiated continuously from the noise source between 10 PM and 7 AM shall be as follows:

Frequency Band (Cycles per Second)	Sound Pressure Level (Decibels re 0.0002 Dyne/cm <sup>2</sup> )
2 - 72	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28

6. **Odors:** Continuous, frequent, or repetitive odors may not be produced in any zoning district or impact any public space where people live, work or assemble. Nothing in this bylaw prevents the Planning and Economic Development Board from attaching additional conditions relating to odor to their approval of special permit applications.

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- a. **Non-Residential Uses.** Non-residential uses that produce odors must install and maintain odor-eliminating equipment.
- b. **Investigation.** If the Building Commissioner/Zoning Officer determines that an investigation is warranted, an odor observation shall be undertaken to determine if an objectionable odor exists at the property line. For the purposes of an odor observation, the odor threshold is one which is objectionable to a reasonable person with normal sensitivity as determined by the Building Commissioner/Zoning Officer. The Building Commissioner/Zoning Officer or designated staff may use a field olfactometer to document, verify, and enforce odor limits. For the purposes of this section, the odor threshold is a "Dilution-to-Threshold" (D/T) of seven (7) or less using a field olfactometer at the property line from where the odor is created.
- c. **Farming.** Odors resulting from farming practices as defined in Medway General Bylaws, c. 31, § 2, Right to Farm, are exempt.

~~Outdoor lighting is regulated by Medway Zoning Bylaw Section 7.1.2: abutting or neighboring~~01 at any elevation between residential and non residential propertiesOutdoor illumination standard. There shall be no light trespass beyond 0.01 foot candles by a luminaire at the property lines of the lot on which the illumination is located, except as within a street right of way for which there shall be no limit. This requirement shall apply to the illumination of residential properties by another residential property or a non residentially zoned property. This shall not apply between two or more non residentially zoned properties.

~~1. Any outdoor luminaire subject to these provisions with a lamp or lamps rated at a total of more than 2,000 lumens shall be fully shielded and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminary. Temporary emergency and construction lighting is exempt. an abutting or neighboring is permitted. Shadow flicker from a wind turbine shall not occur for more than 30 minutes per day and not more than 30 hours per year at any portion of an adjacent or nearby property. This shall be based on realistic modeling during the application process. A violation of this standard is an enforceable action once the turbine is in operation. The owner of the turbine shall have the burden of proving that this effect does not have a significant impact on neighboring or adjacent uses~~

~~through either siting or mitigation.13. ABATEMENT OF  
NONCOMPLIANT ACTION:~~

~~(a) Any violation of an environmental performance standard defined within this section shall be subject to abatement and enforcement action(s) by the Board, or any other town official so determined to be an authorized agent. The enforcement or abatement action must be presented to the owner or occupant in writing. Authorized agents include but are not limited to police, fire, building and zoning officials, town administrator or Board of Selectman. The authorized agent shall order the owner or occupant of any private premise, at their own expense, to remove any nuisance, sources of public health concerns found thereon with twenty four hours or such other time agreed to by the authorized town agent.~~

~~(b) If the owner or occupant fails to comply with such order, the authorized agent of the Town of Medway may cause the nuisance or public health threat to be removed, and all expenses incurred thereby shall constitute a debt due to the Town of Medway.~~

~~14. ENFORCEMENT:~~

~~(a) The Board, its agents, officers and employees, and any other duly recognized authorized agent by the town, shall have the authority to enter upon privately owned land for the purpose of performing their duties for the administration and review of this section, and may make or cause to made such examinations as deemed necessary.~~

~~(b) Any authorized agent shall have authority to enforce these regulations and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. The cost of which shall be borne by the owner or occupant found in violation of this regulation.~~

~~(c) Unless stated otherwise, any person who violates any provision of this regulation or permits issued hereunder, shall be subject to fine of not more than one thousand dollars. Each day or portion thereof during which a violation occurs or continues shall constitute a separate offense, and each provision of the regulation or permit that is violated shall constitute a separate offense.~~

~~15. APPEAL:~~

Last Updated: February 20, 2020

~~For noise levels between 7 A.M. and 10 P.M., and if the noise is not smooth and continuous, the following corrections shall be added to each of the decibel levels given above:~~

~~Daytime operation only: +5~~

~~Noise source operated less than 20% of any 1-hour period: +5~~

~~**D. Odors.** In all districts, no emission of odorous gases or odoriferous matter in such quantities as to be discernible outside the property line shall be permitted. Any industrial process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001201 oz. per thousand cubic feet of hydrogen sulfide or any odor threshold as defined in Table III in Chapter 5 of Air Pollution Abatement Manual (copyright 1951 by Manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted~~

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### 7.3. ENVIRONMENTAL STANDARDS

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- A. **Purpose.** The intent of this section is to provide standards for uses that may generate impacts that are potentially hazardous, harmful to the environment, disturbing or offensive. Medway Zoning Bylaws, § 5.2, Prohibited Uses, expressly prohibits all uses in any district that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or light and shadow flicker. Furthermore, Medway Zoning Bylaws, § 5.2, Prohibited Uses, B.14 prohibits any use that produces “disturbing or offensive” noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features. For the purposes of this section, “disturbing or offensive” impacts are those that a reasonable person with normal sensitivity would find objectionable, as interpreted by the Building Commissioner/Zoning Officer or his or her designee.
- B. **Enforcement:** Medway Zoning Bylaws, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner to interpret and enforce this Bylaw. In addition, the police department, fire department, or board of health officials are authorized to enforce standards that are based on certain sections of [310 CMR, § 7](#), Air Pollution Control Regulations. At the discretion of the Building Commissioner/Zoning Enforcement Officer or the Planning and Economic Development Board, a technical consultant may be engaged by the Town of Medway to investigate and document violations.
- C. **Standards.** The following standards shall apply to all districts and shall be determined at the location of use:
1. **Smoke, Fly Ash, Dust, Fume, Vapors, Gases, Other Forms of Air Pollution:** Medway Zoning Bylaw, § 5.2, Prohibited Uses, 14, prohibits any use “that produces disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.” In addition, all activities involving smoke, fly ash, dust, fume, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7](#), Air Pollution Control Regulations, as amended, prohibits emissions which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point.
  2. **Noise Disturbance:** No person or persons owning, leasing or controlling the operation of any source or sources of noise shall willfully, negligently, or through the failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment of a condition of noise pollution. In addition, all activities involving noise must also meet the standards of 310 CMR § 7.10, Air Pollution Control Regulations, as amended, which regulates outdoor noise. 7.10(1) of this regulation prohibits any person owning, leasing, or controlling a source of sound to “cause, suffer, allow, or permit



unnecessary emissions from said source of sound that may cause noise.” Nothing in this bylaw prevents the Planning and Economic Development Board from attaching additional conditions relating to noise to their approval of special permit applications.

- a. **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line to the noise source for noise radiated continuously from the noise source between 9 P.M. and 7 A.M. shall be as follows:

Octave Band Center Frequency (Hz)	Daytime	Nighttime
63	72	67
125	60	55
250	53	48
500	47	42
1000	43	38
2000	40	35
4000	37	32
8000	33	28

Noise caused by agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, is exempt from this restriction.

- b. **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair or demolition operations) between the hours of 9:00 P.M. and 7:00 A.M. The limitation of this section does not apply to any construction, demolition or repair work on public improvements authorized by a governmental body or agency. Noise caused by agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, is exempt from this restriction.
3. **Vibration:** No vibration which is discernible to the human sense of feeling for 3 minutes or more in any hour between 7 A.M. and 7 P.M. or of 30 seconds or more in any one hour from 7 P.M. to 7 A.M. shall be permitted. No vibration at any time

shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range or Table 7, U.S. Bureau of Mines Bulletin NO. 442. Vibrations resulting from temporary construction activity that occurs between 7:00 A.M. and 9:00 P.M. shall be exempt from this section.

4. **Odors:** Continuous, frequent, or repetitive odors may not be produced in any zoning district or impact any public space where people live, work or assemble. Nothing in this bylaw prevents the Planning and Economic Development Board from attaching additional conditions relating to odor to their approval of special permit applications.
  - a. **Non-Residential Uses.** Non-residential uses that produce odors must install and maintain odor-eliminating equipment.
  - b. **Investigation.** If the Building Commissioner/Zoning Officer determines that an investigation is warranted, an odor observation shall be undertaken to determine if an objectionable odor exists at the property line. For the purposes of an odor observation, the odor threshold is one which is objectionable to a reasonable person with normal sensitivity as determined by the Building Commissioner/Zoning Officer. The Building Commissioner/Zoning Officer or designated staff may use a field olfactometer to document, verify, and enforce odor limits. For the purposes of this section, the odor threshold is a "Dilution-to-Threshold" (D/T) of seven (7) or less using a field olfactometer at the property line from where the odor is created.
  - c. **Farming.** Odors resulting from farming practices as defined in Medway General Bylaws, c. 31, § 2, Right to Farm, are exempt.

## Susan Affleck-Childs

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**From:** Lally, John - 0666 - MITLL <jlally@ll.mit.edu>  
**Sent:** Tuesday, February 11, 2020 1:28 PM  
**To:** Susan Affleck-Childs  
**Subject:** Env Stds Update Discussion

Good afternoon Susy,

After further considering the proposed Environmental Standard updates I have grown very concerned, and think a written response is warranted. Below is that response.

I ask that you please forward this email to the PEDB members for their consideration, and of course anyone else as you see fit.

### **SPECIFIC COMMENTS, QUESTIONS and REQUESTS:**

#### **I.) Proposed Section 7.3.D.7 Noise:**

- a. Based on experience with the 2 Marc Rd facility, 310\_CM\_7.10 does not adequately protect Medway residents from nuisance noise. That experience is as follows:
  - i. 2 Marc Rd was determined to be in compliance with the state's noise standards by both the Applicant's and Town's noise consultants, yet there were a considerable number of noise complaints.
  - ii. Complaints were not only from residents nearby the facility but also from residents at a considerable distance from 2 Marc Rd (eg Green Valley Rd). I think Phil Giangarra's house (24 Green Valley Rd) is almost a half mile away "as-the-crow-flies" from 2 Marc Rd and thru a heavily forested area. Phil as I recall, was a complainant at one of the PEDB meetings.
- b. I therefore respectfully request, the PEDB please keep the form of the existing noise performance standards as converted to the modern octave bands, with noise levels appropriate to Medway Community Levels (night & day) as measured at the noise source property lines. I also respectfully request that a "pure-tone" requirement not to exceed 3dB be included in the proposed changes. For specific language see Mass DEP Noise Policy Item 2.
- c. In the event the proposed noise performance standards include both local and state requirements I respectfully request the PEDB please include language that clearly specifies the state requirements are IN ADDITION to local requirements, NOT as an option that can be used as a substitute for local requirements, and that both state and local compliance are determined at the noise source property lines.

#### **II.) Clarification of Noise Nighttime/Daytime Intervals:**

- a. The Noise nighttime/daytime interval specifications seem to have two purposes:
  - i. With regard to Medway Zoning Bylaw: It's used to specify the time intervals when Nighttime & Daytime noise levels apply.
    1. My suggestion of changing the Nighttime/Daytime transition hour from 7am to 5am IS NOT intended to apply to this specification. I doubt there'd be much public support for allowing more noise at 5am, I certainly would not support that.
  - ii. With regard to the Mass DEP Noise Policy: It's used to specify the time intervals when Nighttime & Daytime background noise levels are measured. These time intervals do not seem to be specified by the state. Therefore, it appears the Nighttime/Daytime intervals for this specification are best defined by the community.

1. My suggestion of changing the Nighttime/Daytime transition hour from 7am to 5am IS intended to apply to this specification.
2. The reason for this suggestion is due to commuter traffic noise from 5am to 7am being so much louder than during the middle of the night. If 5am to 7am were included in the Nighttime background noise measurement a non-representative elevated Nighttime background noise level would result. This would allow for elevated noise to be produced throughout the entire night, increasing the risk of sleep disturbance. Please recall that the states noise limit is set at 10dBA above background. Therefore, noise level increases would be allowable throughout the entire night in direct proportion to the non-representative elevated background noise caused by the contribution of the 5am to 7am interval.
  - a. It is recognized that background noise is determined in such a way so as to diminish the impacts of transient noise, nevertheless 2 hours is a considerable time interval and unlikely to get “averaged-out”, especially considering that the noise levels during the 5am to 7am interval are so much louder than the middle of the night.
- iii. Of course, the above is rendered irrelevant if the proposed noise changes do not contain anything that references background noise levels.

### **III.) Proposed Section 7.3.D.8 Vibration:**

- a. I strongly support the sentiments expressed by the PEDB members to keep the specific vibration limits specified in the existing bylaw.

### **IV.) Proposed Section 7.3.D.9 Odors:**

- a. Will the proposed changes from instrument measured limits to human sensed limits, result in decreased or increased odor limits?
  - i. If unknown, I respectfully request an answer is provided before a change is proposed.
  - ii. If decreased or increased, then by how much and what’s the basis for that assessment?
  - iii. Instead of replacing the existing measurement based criteria with human sensed criteria how about making the human sensed criteria in addition to the measurement based criteria? i.e. the requirement is to satisfy both instrument measured and human sensed.
- b. Why does the proposed bylaw omit “Any industrial process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system”?
  - i. It seems to be a common requirement in odor control bylaws.
  - ii. Wouldn’t it be better to include and waive if appropriate, rather than not include at all?
  - iii. I have observed that the PEDB is not inclined to deviate from the Medway Zoning Bylaws, even for special permits. Therefore, it seems appropriate to keep these safeguards in place. That way the PEDB won’t have to remember “oh we took that safeguard out, so we need to remember to put it back in as a condition for xyz special permit...”.

### **GENERAL COMMENTS, QUESTIONS and CONCERNS:**

I have to say Susy and PEDB members, I am terribly concerned about the proposed changes in the draft Environmental Standards. If not for the experience with 2 Marc Rd it’s likely I (and perhaps others) would have looked at the proposed changes and assumed, “Great, we’re finally updating our environmental regs, we residents of Medway should really be protected now”. Little would we have known how exposed we had just become, and how much our quality of life was about to suffer. If not for some long ago Planning Board and Town Meeting voters, who had the foresight to include specific noise requirements for Medway (and most importantly the will of the current PEDB to apply those

requirements), it's not clear that all the mitigation now going on at 2 Marc Rd would be happening. As bad as it is now (and has been), at least we know relief is around the corner.

Now comes proposed changes to the very protections that were so instrumental in getting the 2 Marc Rd issues resolved. As experience has shown, these changes would render the updated protections ineffective. To this day I'm mystified by how such a loud noise source could possibly meet our states noise requirements, and yet these are the noise requirements proposed in the draft Environmental Standards. I plead with you, do not replace our local noise standards with the states noise standards.

Based on the inadequacy of the state regs to protect Medway residents from noise, one is left wondering about other proposed state and federal regs in the draft Environmental Standards, such as:

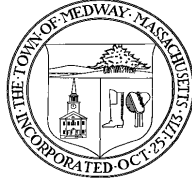
- 1.) Do the proposed changes provide lower or higher limits to the various hazards and nuisances as compared to the existing limits?
- 2.) Has an analysis been done to determine the appropriateness of the changes to the hazard and nuisance limits for a town like Medway?
- 3.) Do the new limits (whatever they are?) reasonably balance protection for residents while not being overly burdensome on commercial and industrial interests?
- 4.) Are the new limits sufficiently specific and measurable to provide clear guidance for prospective investors in Medway development, and for compliance officers for definitive compliance determinations? i.e. for consistent application and enforcement: One person's reasonable could be another person's unreasonable, etc..

As you folks are aware more than most, these Environmental Standard updates have the potential to impact the character of Medway and the quality of life of its residents for years or perhaps decades to come.

I trust and hope, the PEDB and Town Staff will navigate the complexities of the Environmental Standard updates so in the end the Town of Medway's Environmental Standards will provide adequate protection for its residents while enabling a thriving business community.

Respectfully Submitted,  
John Lally  
35 Coffee Street  
Medway, MA 02053





**January 28, 2020**  
**Medway Planning & Economic Development Board**  
**Meeting**

**RE-ENDORSEMENT**  
**Salmon Site Plan Modification**

You endorsed a paper set of the Salmon Site Plan Modification on January 7, 2020 and a MYLAR set on January 28<sup>th</sup>. The Registry of Deeds declined to accept them as recordable plans. So, the plan set has been further revised to meet Registry requirements – borders, Registry box, etc.