

**February 28, 2017  
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>

**ALSO PRESENT:**

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

There were no Citizen Comments.

**Village Estates Subdivision Project Completion**

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

- As-Built Plan dated January 6, 2017 by O’Driscoll Land Surveying
- Tetra Tech letter and punch list dated January 9, 2017.
- Letter from Tetra Tech dated February 23, 2017

Subdivision developer Russ Santoro was present.

It was communicated that the town has received the as-built plan which was forwarded to Tetra Tech for review. There are a few items which need to be included on the plan. The punch list was also included. Tetra Tech has not re-inspected the site since the punch list was prepared.

Russ Santoro provided information on the following:

- Trufant will be doing the six inch line in the spring.
- The final roadway pavement is down.
- He will paint the word “stop” at the stop sign location.
- Russ will follow-up with the Conservation Agent regarding the Order of Conditions and also Certificate of Compliance.

The roof run off infiltration field has not been installed at this point. The proposed 6 inch deep swale along the eastern property boundary has not been installed correctly. The concern is the condition of the stone. Sean Reardon will check with Steve Bouley. This is different than what is on the plan so it needs to be noted on the as-built. This needs to be double checked. The curb joints along the driveway apron need to be done.

The back of the garage has an overhang that extends into the zoning setback. Mr. Santoro asks if this could be waived since it is an over-hang. He was informed that this is a zoning inspector issue and not the planning board.

There will not be a light post until the house is built.

This matter will be placed on the agenda for the next meeting on March 14<sup>th</sup> at 7:00 pm.

**Continuation**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to continue this matter to Tuesday, March 14, 2017 at 7:00 pm.**

**ANR Plan – Tony Mele for 18 Trotter Drive:**

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

- ANR Application and project explanation dated 2/16/2017.
- ANR Plan dated 2/7/2017 by Colonial Engineering
- PGC Associates review letter dated 2/21/2017.

Attorney Stephen Kenney was present on behalf of the applicant.

The plan shows a five acre parcel being split into two parcels, one is about one acre and the other lot has the remaining land.

The Board reviewed the application and Approval Not Required plan. Consultant Carlucci recommended endorsement.

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to endorse the ANR as presented by Tony Mele for 18 Trotter Drive.**

**Medway Green – 176 & 178 Main Street – Public Hearing Continuation**

The Board is in receipt of the following:

- Revised Plan dated 1-23-2017
- Review letter dated 2-21-2017 from Gino Carlucci
- Review letter dated 2-23-2017 from Tetra Tech
- Email memo dated 2-21-2017 from Fire Chief Jeff Lynch
- Compilation of documents submitted 2-24-2017 from Paul Chelman of 174 A Main Street
- Letter dated 1-30-2017 from Attorney David Lebwith on behalf of the applicant re: access easement on the property to the benefit of 174 Main Street.
- The applicant also submitted a series of waiver requests.

The applicant provided a response letter dated February 28, 2017.

Mr. Tiberi explained the following changes:

- Request a reduction to 15' in order to properly position the buildings on property.
- Review of the Rt. 109 plan and improvements were added in the front.
- The stop distances are better due to the bump out.
- Need to provide easements for sidewalk.
- There is no information on the other side with lot lines.
- The county layout shows infringing onto the corner. The town needs to get input from town counsel. The easement will be the preferable approach.
- Need to get waivers from trees for parking.
- The light poles need to comply with bylaw or a waiver is needed.
- Rain garden needs to be addressed.

Consultant Carlucci provided the following comments:

- Need a waiver for curbing.
- Parking space #8 has been moved to in front of the garage of Unit 3 but it shifts to effect the parking spaces of 2, 3, and 4.
- Need an existing landscape inventory or need to seek waiver.
- Need bicycle parking or a waiver.

Tetra Tech Consultant Sean Reardon noted the following comments:

- The applicant needs to provide dimensioning and metes and bounds of the area.
- Consolidate the sheets into one to reduce overall size of plan set.
- The lighting exceeds the 0.01 foot-candle threshold at the property line at several locations.
- Applicant needs to provide an Emergency Access Plan.
- Conduct a truck turn analysis based on fire apparatus to confirm circulation.
- Recommend concrete pad to prevent asphalt settlement at dumpster location.
- Show the utility plan.
- Include any proposed signage
- Documentation of the proposed rain garden.

The Board was informed that the Design Review Committee met on provided a letter dated February 28, 2017.

The following recommendations were made:

- More detailed plan for landscaping on easterly side.
- A more complete landscaping plan of southeast with low and middle height plantings.
- Proposed fence be natural color with naturalized texture. (photo provided)
- Detail of the proposed benches.
- Recommend down light under the doorway overhang for each unit.
- Recommendations of color options provided for the HardiePlank lap siding.
- Need detail on the dumpster.

Paul Chelman, owner of 174 A Main Street, was present at the meeting. He provided history on the property. It was explained that Mr. Narducci purchased 174A and 176 Main Street to provide parking for the building located at 176 Main St. This “unpaved way” shown on plans from Paul Kenny’s office is an easement by prior use and by prescription and should be used by our customers as an entrance or exit to Mechanic Street for their safety. The drainage in this area is a concern and it is the hope it is addressed.

The applicant indicated that he is willing to work with Mr. Chelman.

Susy will begin drafting the decision for the next meeting.

**Continuation Hearing:**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to continue the hearing for Medway Green to March 14, 2017 at 7:45 pm**

**Zoning Articles:**

The Board explained that a public forum on the zoning articles was held at the Thayer House. This meeting was well attended.

The Board is in receipt of the most recently revised zoning articles dated February 23, 2017. (See Attached)

**Affordable Housing Article:**

The Board is in receipt of the recently revised draft of the Affordable Housing draft dated February 23, 2017.

Affordable Housing Coordinator, Doug Havens and members Bob Ferrari, Sure Rorke and Ann Sherry were also present.

Susy indicated that Mr. Yorkis has some comments at the public forum about various items within the affordable housing bylaw. Mr. Yorkis was sent an email seeking some alternative language. No email was received back.

The following recommendations were made:

- Page 6: Location and comparability of Affordability Housing Units section c. interior finishes etc. All agree that these should be of equal quality and durability based on best practices.
- Suggested to add a section D regarding construction and quality. Add language about as determined by the building inspector.

Affordable Housing member Rorke indicated that the goal is inclusiveness and it should not be obvious that the units are affordable. The workmanship needs to be good quality.

The Board next discussed the remaining zoning articles.

The following recommendations were made:

- Special Permit 5.4 take out the words “air”, “water” and “nuisance.”
- Accessory Uses and Structures: delete wording in section 6.3 B. regarding footprint.



- Definitions “buffer area” take out nuisances and include terms detrimental impacts and include natural, wooded, vegetated, landscaped areas. The numbering of these should be reworked.
- OSRD Clean Up section – Density and dimensional regulations rework the language with the roadways.
- ARCPUD and OSRD keep the 50” setback from the right-of-way of a public way.
- Recommendation is to remove reference to perimeter
- Town Counsel does not like term nuisance and suggest detrimental.
- There is a question about who determines if something is visually offensive. This is somewhat vague and subjective.

The members are in receipt of an email dated February 28, 2017 from Allison Potter regarding recreational marijuana non-binding referendum questions. (**See Attached**) The noted questions will be on the annual town election ballot. It was suggested that the numbering of the questions be changed. It was also suggested to break out the retail questions versus the cultivation. Susy will rework and submit to Allison.

There will be a meeting with the Board of Selectmen on Monday March 6, 2017 to discuss the articles. The Chairman will attend with Susy.

### **Minutes:**

#### **February 14, 2017:**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to accept the minutes from February 14, 2017.**

#### **February 22, 2017:**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to accept the minutes from February 22, 2017.**

### **Adjourn:**

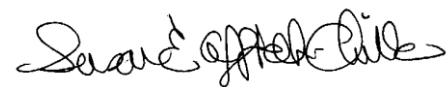
**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting at 9:09 pm.**

Respectfully Submitted,

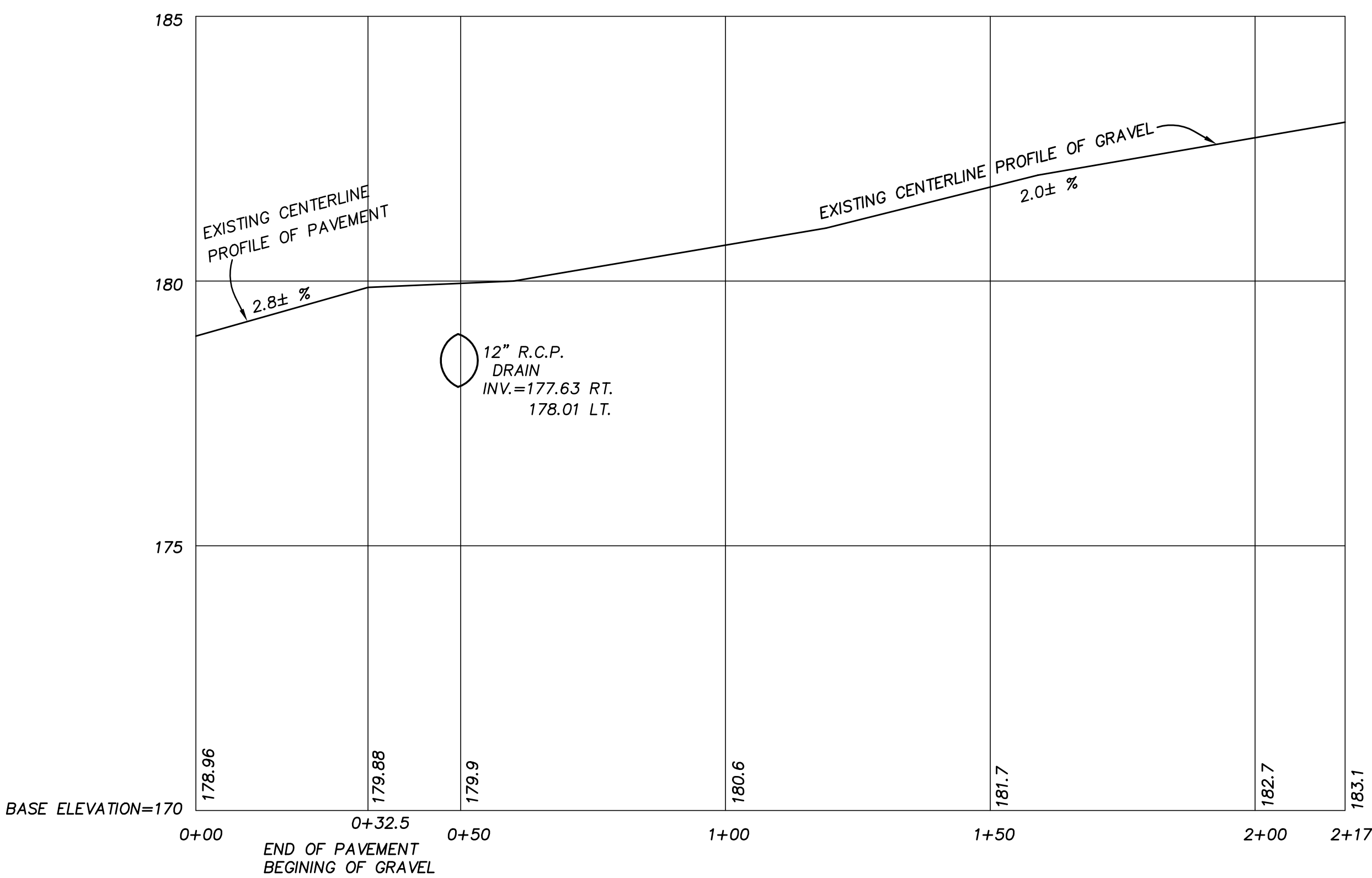


Amy Sutherland  
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



HORIZONTAL SCALE: 1"=20'  
VERTICAL SCALE 1"=2'

DATE \_\_\_\_\_

APPROVAL DATE

PLAN REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS  
PLAN BOOK 460 PLAN No. 7

VILLAGE ESTATES DEFINITIVE SUBDIVISION  
PERMANENT PRIVATE WAY.  
ENDORSED 6/23/2015

SCALE: 1"=20'                      JANUARY 6, 2017

46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

20 0 10 20 40 80 (FEET)

6 3 0 10 20 (METERS)



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

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**Cc:** Russel Santoro - Applicant

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**From:** Steven Bouley, EIT – Tetra Tech 

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**Date:** January 9, 2017

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**Subject:** Village Estates Punch List

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On December 12, 2016 at the request of Mr. Russel Santoro (Applicant), Tetra Tech (TT) performed a punch list inspection of the Village Estates development. The inspection was conducted based upon the approved Village Estates Definitive Subdivision plan set and the Certificate of Action for the project. The following is a list of items and/or issues that should be repaired or resolved.

### **Village Estates Punch List**

1. The proposed sewer service has not been installed. The Applicant stated this item will be installed during house construction once design is finalized.
2. Roof runoff infiltration field has not been installed. The Applicant stated this item will be installed during house construction once design is finalized.
3. Curb joints along the driveway apron shall be pointed.
4. The proposed 6" deep swale along the eastern property boundary has not been installed correctly. The swale shall be graded as designed and upstream soils be protected from washing into the swale from nearby foundation excavation.
5. The shed on the northern side of the existing garage has not been razed.
6. Residential light poles adjacent to the proposed house require installation.
7. The applicant shall remove all erosion controls upon receiving Certificate of Compliance from the Medway Conservation Commission.
8. A Stop Line and the word "STOP" should be painted at the stop sign location.
9. As-built of the project has not been submitted.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

P:\21583\143-21583-15009 (PEDB VILLAGE ESTATES CS)\CONSTRUCTION\PUNCH LIST\MEMO\_VILLAGE ESTATES PUNCH LIST\_2017-01-09.DOC



February 23, 2017

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

**Re: Village Estates  
Site As-Built Review  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

Tetra Tech (TT) is in receipt of an as-built plan (As-Built) titled "As-Built Plan, Bedelia Lane, Medway, Massachusetts", dated January 6, 2017, prepared by O'Driscoll Land Surveying Co. (OLS). The As-Built was reviewed for conformance with good engineering practice and Chapter 100, Section 6.7 of the Planning Board Rules and Regulations.

**The following items reflect comments generated during our review of the As-Built:**

1. The as-built sewer service has not been shown on the As-Built.
2. The As-Built shall be signed by the Professional Land Surveyor.
3. A larger coverage should be shown on the As-Built as grading adjacent to the proposed house(s) should be confirmed as well as confirmation of the rip-rap swale in the northeastern corner of the site.

These comments are offered as guides for use during the Town's review. TT has expressed these comments to the applicant who are in the process of correcting these issues and will provide a revised plan upon completion. If you have any questions or comments, please feel free to contact us at (508)786-2200.  
Very truly yours,

A handwritten signature in blue ink that reads 'Steven Bouley'.

Steven Bouley, EIT  
Senior Project Engineer

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**February 28, 2017**  
**Medway Planning & Economic Development Board**  
**Meeting**

**ANR Plan – 18 Trotter Drive**

- ANR application and project explanation dated 2/16/17
- ANR Plan dated 2/7/17 by Colonial Engineering
- PGC Associates review letter dated 2/21/17

## LAND SUBDIVISION – FORM A

### Application for Endorsement of Plan Believed Not to Require Subdivision Approval (ANR)

Planning & Economic Development Board - Town of Medway, MA

#### **INSTRUCTIONS TO APPLICANT/OWNER**

*This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations.  
Please complete this entire Application.*

*Submit two (2) signed originals of this Application, one copy of the ANR Plan, and one Project Explanation  
to the Town Clerk who will date stamp both Applications.*

*Provide one original ANR Application date stamped by the Town Clerk, one Project Explanation, eight  
copies of the ANR Plan, an electronic version of the ANR plan and the appropriate ANR Filing Fee  
to the Medway Planning & Economic Development office.*

*The Applicant certifies that the information included in this Application is a true, complete and accurate  
representation of the facts regarding the property under consideration.*

*In submitting this application, the Applicant and Property Owner authorize the Planning & Economic  
Development Board and its agents to access the site during the plan review process.*

*The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and  
provide a recommendation to the Planning & Economic Development Board. A copy of that letter  
will be provided to you.*

***You or your duly authorized agent is expected to attend the Board meeting  
when the ANR Plan will be considered to answer any questions and/or submit such  
additional information as the Board may request.  
Your absence may result in a delay in its review.***

February 15, 2017

**TO:** The Planning & Economic Development Board of the Town of Medway, MA

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

#### **ANR PLAN INFORMATION**

Plan Title: Plan of Land in Medway, MA. Scale 1"=50', February 7, 2017

Prepared by: Colonial Engineering, Inc., 11 Awl Street, Medway, MA 02053

P.E. or P.L.S registration #: 30466 Plan Date: February 7, 2017

#### **PROPERTY INFORMATION**

ANR Location Address: Lot 1, Trotter Drive, Medway, MA

The land shown on the plan is shown on Medway Assessor's Map # 54 Parcel # 6A 004

Total Acreage of Land to be Divided: 4.94 Acres

Subdivision Name (if applicable): N/A

Medway Zoning District Classification: Ind. III

Frontage Requirement: 100' Area Requirement: 40,000 S.F.

Is the road on which this property has its frontage a designated **Medway Scenic Road**? No

The owner's title to the land that is the subject matter of this application is derived under deed from: Stanley J. Cere1 and Ruth Q. Cere1 to Anthony and Marguerite Mele dated 9/24/1979 and recorded in Norfolk County Registry of Deeds, Book 5655 Page 568 or Land Court Certificate of Title Number \_\_\_\_\_, Land Court Case Number \_\_\_\_\_, registered in the Norfolk County Land Registry District Volume \_\_\_\_\_, Page \_\_\_\_\_.

#### **APPLICANT INFORMATION**

Applicant's Name: Anthony Mele and Marguerite Mele

Applicant's Signature: Anthony Mele - Marguerite Mele

Address: 203 Main Street  
Medway, MA 02053

Telephone: (508)533-2163

Email: \_\_\_\_\_

The Applicant hereby appoints Stephen J. Kenney to act as its Agent/  
Official Representative for purposes of submitting this application for endorsement of this ANR  
Plan.

#### **PROPERTY OWNER INFORMATION (if different than applicant)**

Property Owner Name: Anthony Mele and Marguerite Mele

Owner's Signature: Anthony Mele - Marguerite Mele

Address: 203 Main Street  
Medway, MA 02053

Telephone: (508)533-2163

Email: \_\_\_\_\_

#### **ENGINEER or SURVEYOR INFORMATION**

Name: Colonial Engineering, Inc. Paul J. DeSimone

Address: 11 Awl Street  
Medway, MA 02053

Telephone: (508)533-1644

Email: \_\_\_\_\_

#### **ATTORNEY INFORMATION**

Name: Stephen J. Kenney, Esq. Kenney & Kenney

Address: 181 Village Street  
Medway, MA 02053

Telephone: (508)533-6711

Email: sjk@kenney-law.com

### PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of how you propose to divide the land, what land transaction will occur, and what land reconfiguration will result from the endorsement and recording of this ANR Plan.

### APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: *(Check all that apply.)*

- ☐ 1. The accompanying plan does not show a division of land.
- ☒ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on Trotter Drive (name of way(s), which is:
- ☒ a. A public way. Date of street acceptance: \_\_\_\_\_
- ☐ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*
- ☐ c. A way shown on a definitive subdivision plan entitled \_\_\_\_\_  
that was previously endorsed by the Planning and Economic Development Board on \_\_\_\_\_ and recorded at the Norfolk County Registry of Deeds on \_\_\_\_\_  
Provide detailed recording information: \_\_\_\_\_
- ☐ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of \_\_\_\_\_ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.
- ☒ 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: \_\_\_\_\_  
Adequate Frontage and Area which has frontage on public way.  
\_\_\_\_\_  
\_\_\_\_\_



**ANR PLAN FILING FEE**

*\$250 plus \$100/lot or parcel for a plan involving three (3) or more lots/parcels,  
not to exceed a maximum of \$750.*

*Please prepare two checks: one for \$95 and one for the balance.  
Each check should be made payable to: Town of Medway*

*Fee approved 11-2-06*

**APPLICATION CHECKLIST – All items must be submitted**

- \_\_\_\_\_ 2 signed original ANR applications (FORM A)
- \_\_\_\_\_ 8 prints of ANR plan – 1 for Town Clerk and 7 for Planning
- \_\_\_\_\_ Electronic version of ANR plan for Planning
- \_\_\_\_\_ Project Explanation - 1 for Town Clerk and 1 for Planning
- \_\_\_\_\_ Application/Filing Fee (2 checks)

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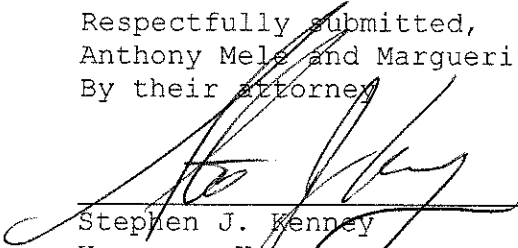
Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic  
Development Board: \_\_\_\_\_.

ANR Application/Filing Fee Paid: Amount: \_\_\_\_\_ Check # \_\_\_\_\_  
Check # \_\_\_\_\_

Project Explanation of ANR Application of Anthony Mele  
and Marguerite Mele for real estate located at Lot 1 Trotter Drive,  
Medway, MA

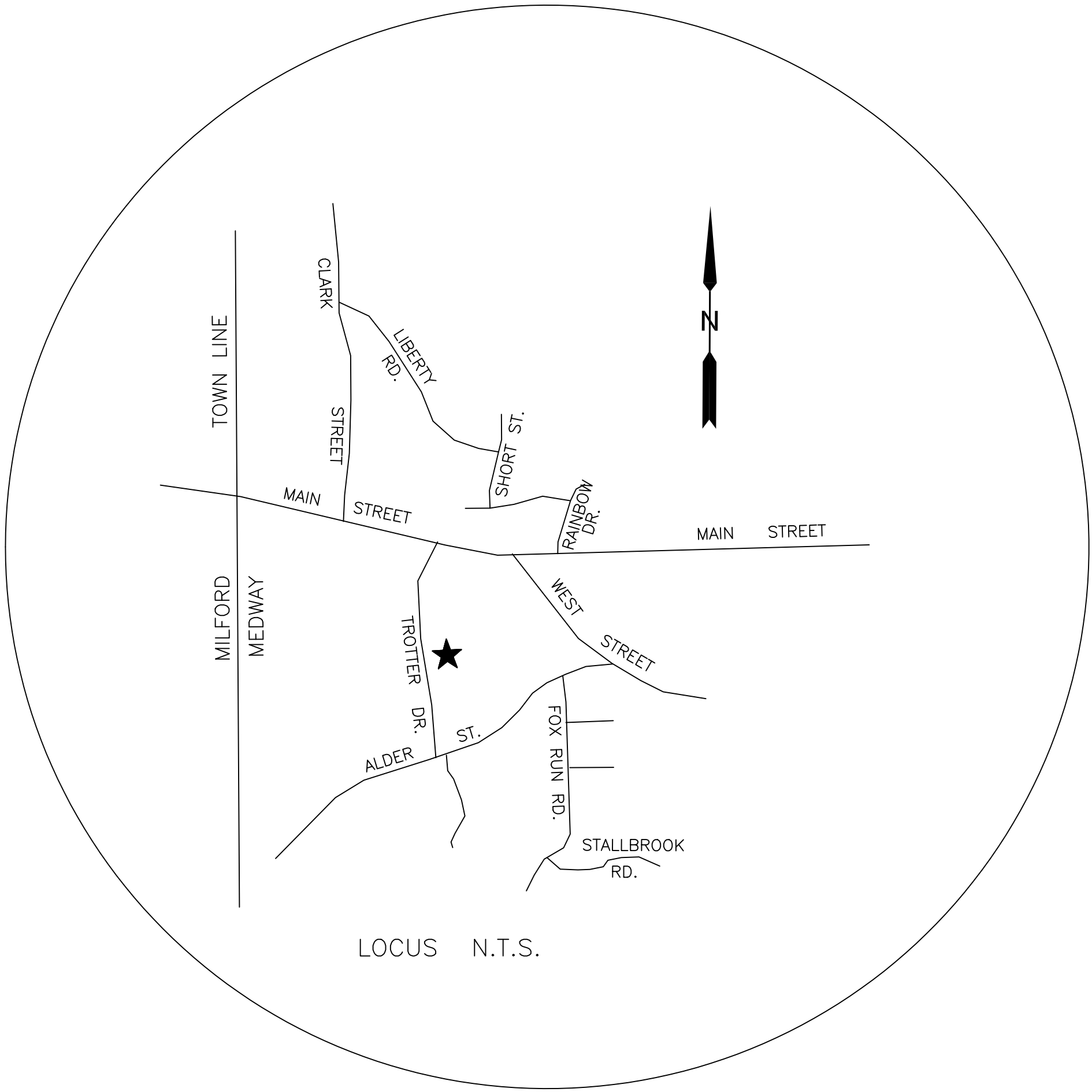
The proposed ANR plan shows a division of land located on Trotter Drive, Medway, MA by dividing the lot into two parcels with Lot 1 containing 47,757 square feet according to the plan dated February 7, 2017. Lot 2, as shown on the plan, would contain 3.94 acres. The petitioner is dividing the land so as to convey Lot 1 to a prospective purchaser.

Respectfully submitted,  
Anthony Mele and Marguerite Mele  
By their attorney



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Stephen J. Kenney  
Kenney & Kenney  
181 Village Street  
Medway, MA 02053  
(508) 533-6711  
BBO# 549507



ZONING IND III  
40,000 S.F. AREA  
100' FRONTAGE  
30' SETBACK  
20' SIDEYARD  
30' REARYARD  
NOT IN FLOOD PLAIN

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: \_\_\_\_\_

APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED.  
DATE APPROVED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

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

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

MILFORD STREET

(60' PUBLIC)

MILFORD

MAP 44 PARCEL 109  
N/F TOWN OF MEDWAY

MAP 54 PARCEL 005  
N/F NEW ENGLAND POWEWR CO.  
40 SYLVAN ROAD WALTHAM

LOT 2  
3.94 Acres  
100% UPLANDS  
NOT A BUILDABLE LOT  
UNDER CURRENT TOWN  
OF MEDWAY ZONING  
BY-LAWS  
(SHAPE FACTOR)

LOT 1  
47,757 S.F.  
LSF=20.44  
100% UPLANDS

L125.66'  
Δ=119°59'39"  
R60.00'

L180.87'  
Δ=25°54'30"  
R400.00'

MAP 54 PARCEL 126  
N/F GARVEY  
19 ALDER STREET

ALDER STREET

(60' COUNTY LAYOUT)

STREET

TROTTER

(50' PUBLIC)

DRIVE

MAP 54 PARCEL 002  
N/F CYBEX INTERNATIONAL INC.  
10 TROTTER DRIVE

MAP 54 PARCEL 001  
N/F CYBEX INTERNATIONAL INC.  
26 ALDER STREET

PLAN OF LAND

IN

MEDWAY, MA.

SCALE:1"=50' FEB. 7, 2017

OWNER:Anthony & Marguerite Mele  
203 Main Street  
Medway, Ma. 02053  
MAP 3 PARCEL 6A  
REGISTRY BK. 5655 PG. 568

COLONIAL ENGINEERING INC.  
11 AWL STREET MEDWAY, MA.



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**PGC ASSOCIATES, LLC.**

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

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**MEMO TO:** Medway Planning and Economic Development Board

**FROM:** Gino D. Carlucci, Jr.

**DATE:** February 21, 2017

**RE:** Mele property on Trotter Drive

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I have reviewed the ANR plan submitted for endorsement Anthony and Marguerite Mele of Medway. The plan was prepared by Colonial Engineering, Inc. of Medway and is dated February 7, 2017. The plan proposes to divide a lot of approximately 5 acres into a lot of 47,757 square feet and lot of 3.94 acres that the plan notes does not meet Lot Shape factor. The property is within the Industrial III district.

I have comments as follows:

1. The plan clearly meets the substantive and technical requirements for ANR endorsement.
2. The scale 1" = 50' rather than 1" = 40' is needed to show the entire 1500-foot long lot on a single sheet.
3. Section 3.2.7 requires that Scenic Roads be identified. Neither Trotter Drive nor Alder Street are Scenic Roads.

I recommend that the plan be endorsed by the Board.



**February 28, 2017**

**Medway Planning & Economic Development Board  
Meeting**

**Medway Green – 176 & 178 Main Street**

- Revised Plan dated 1-23-17
- Review letter dated 2-21-17 from Gino Carlucci
- Review letter dated 2-23-17 from Tetra Tech
- Email memo dated 2-21-17 from Fire Chief Jeff Lynch
- Compilation of documents submitted 2-24-17 from Paul Chelman of 174A Main Street
- Letter dated 1-30-17 from Attorney David Lebwith on behalf of the applicant re: access easement on the property to the benefit of 174 Main Street.

The applicant's engineer has submitted a series of waiver requests but I still need to review those. I should have something on those for you on Tuesday night.

MEDWAY GREENS

176 MAIN STREET  
MEDWAY, MASSACHUSETTS

ZONING TABLE-AR-II

	REQUIRED	PROPOSED
LOT AREA	22500	26136
LOT FRONTAGE	150	274+
LOT WIDTH	NA	220+
FRONT SETBACK	35	15.8
SIDE SETBACK	15	30
REAR SETBACK	15	34
BLDG. HT.	NA	--
LOT COVERAGE (BUILDINGS)	30%	22.1%
LOT COVERAGE (IMPERVIOUS)	40%	58.2%
PARKING	1.5/UNIT	2/UNIT

OWNER/APPLICANT/DEVELOPER:

176 MAIN STREET REALTY TRUST  
57 DRAPER ROAD  
DOVER MA 02030

ARCHITECT:

SFG STUDIOS  
278 ELM STREET  
SUITE 226  
SOMERVILLE MA 02144

LANDSCAPE DESIGN:

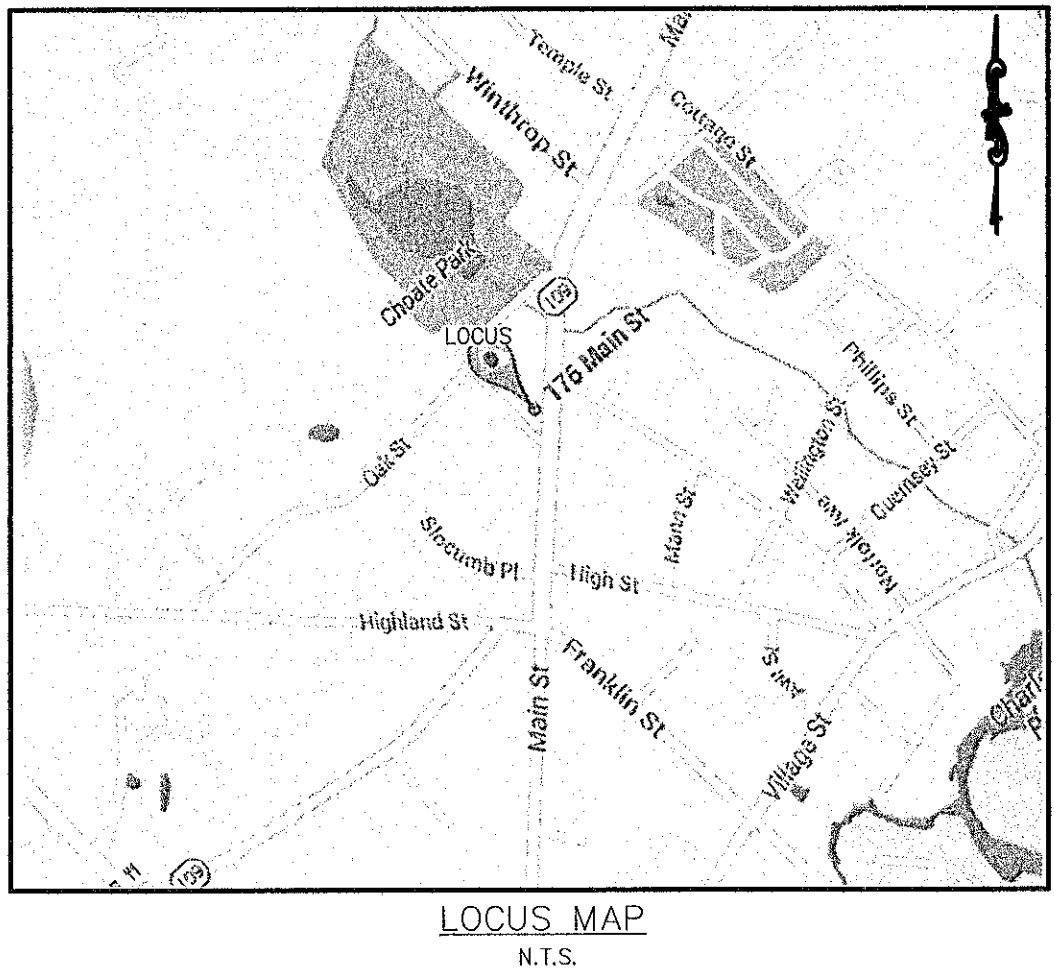
HAMMER+WALSH DESIGN INC.  
281 SUMMER STREET  
BOSTON MA 02210

SURVEY:

CHENEY ENGINEERING CO, INC.  
53 MELLEN STREET  
NEEDHAM MA 02494

ENGINEER:

RONALD TIBERI P.E.  
9 MASSACHUSETTS AVE.  
NATICK MA 01760



PARCELS ONE & TWO  
176 & 178 MAIN STREET  
ASSESSING ID: 47 - 34 & 36  
ZONE: AR-II  
ADAPTIVE USE OVERLAY DISTRICT  
0.6+ ACRES

PLAN INDEX

TITLE SHEET	T-1
SITE CONTEXT	S-1
EXISTING CONDITIONS	S-2
SITE LAYOUT	S-3
SITE GRADING	S-4
SITE DRAINAGE & EROSION	S-5
SITE UTILITIES	S-6
SIGHT DISTANCE PLAN	S-7
DRAINAGE DETAILS	D-1
SITE DETAILS	D-2
LANDSCAPING	L-1.1
LIGHTING	L-2
ARCHITECTURAL COVER	A
FOUNDATION & BASEMENT	A 1.0
1ST & 2ND FLOOR PLANS	A 1.1
ELEVATIONS FRONT	A 2.0
ELEVATIONS REAR & SIDE	A 2.1
NOTES & DETAILS	A 3.0
SECTIONS AND DETAILS	A 3.2
COLOR RENDERING	A 102

AUOD - Waivers Requested -

AUOD, Section 5.6.2  
Thirty-five foot setback requirement

Subsection 5.6.4 B - The requirement of renovating the existing building on site. Layout and proposed use will not sustain existing building

Section 504-4E - Requirement for bicycle parking. Bicycle parking is anticipated to be within the unit garages.

Site Plan Regulations

Section 204-5 C (3) Existing landscape inventory. Existing landscaping not inventoried.

Section 205-3 C (1) Requirement for 2% grade for 25' at entrance. The existing curb cut at mechanic street is constrained by the existing grades and therefore is requested as a One Way entrance only

Section 205-6 H Granite Curbing requirement. Proposed curbing is concrete and drainage is predicated as sheet flow to vegetated trench in parking area without curbing

Section 205-6 I Travel Lanes 24' wide, due to tight site conditions, travel lanes are reduced to 20', and parking located only on one side on the travel lane.

Section 205-9 Parking Shade trees- due to site constraints and drainage swale at parking areas Shade trees will not fit.

APPROVED BY PLANNING BOARD

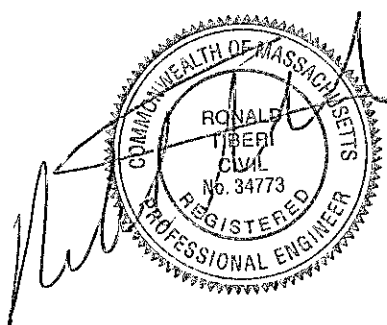
DATE: \_\_\_\_\_

DATE ISSUED:

December 18, 2016

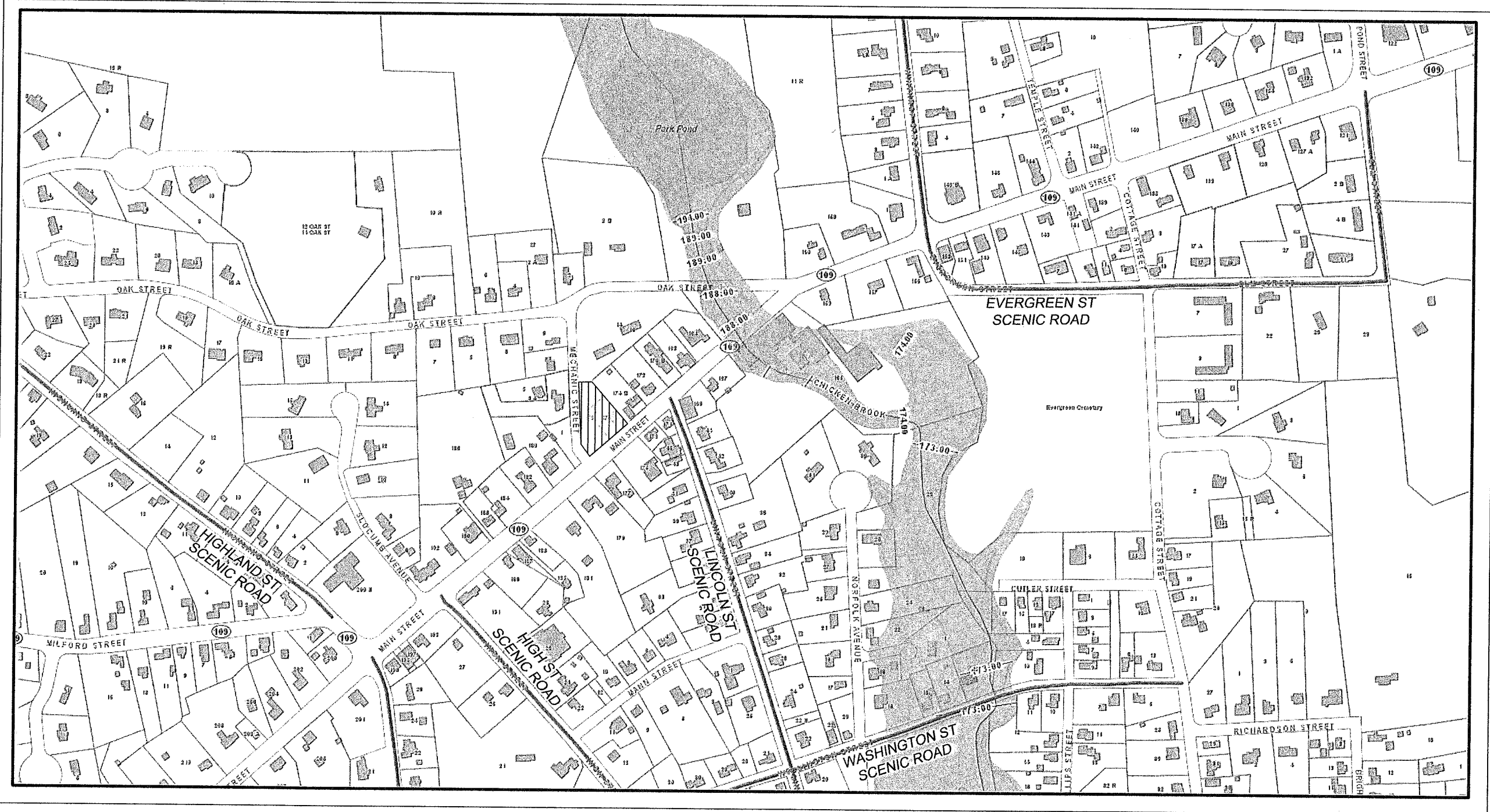
DATE REVISED:

JANUARY 23, 2016



# MEDWAY GREENS

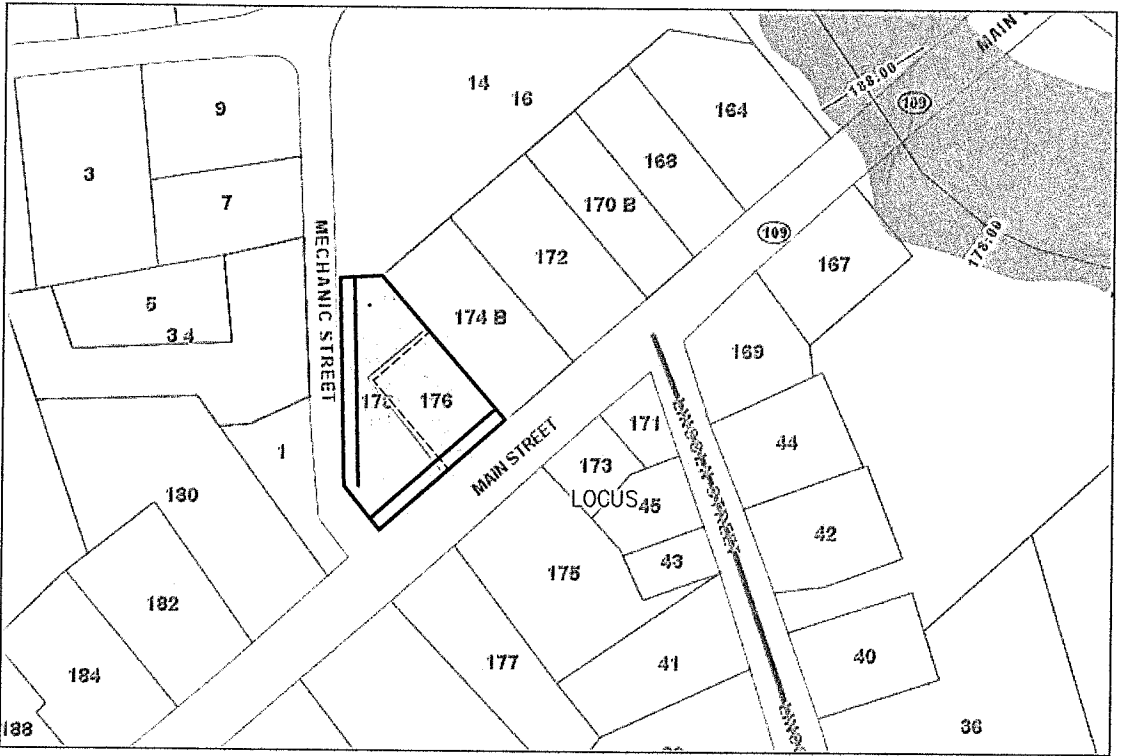
176 MAIN STREET  
MEDWAY, MASSACHUSETTS



LOCUS MAP  
1" = 400'

PARCELS ONE & TWO  
176 & 178 MAIN STREET  
ASSESSING ID: 47 - 34 & 36  
ZONE: AR-II  
ADAPTIVE USE OVERLAY DISTRICT  
0.6+ ACRES

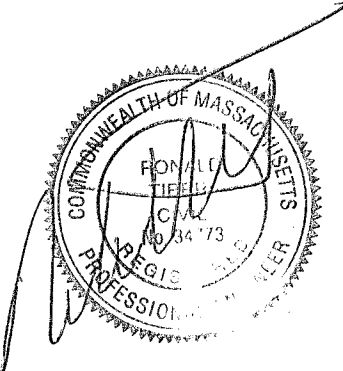
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\_\_\_\_\_  
APPROVED BY PLANNING BOARD  
DATE: \_\_\_\_\_



ABUTTERS LOCUS MAP  
1" = 200'

Parcel ID	Location	Owner
47-093	1 MECHANIC ST	MEDWAY TOWN OF MUNICIPAL
48-112	14 MECHANIC ST	REARDON WILLIAM F & BETTYE C WILLIAM F REARDON 2007 REVOCABLE TRUST
47-082-C001	3 MECHANIC ST	SMITH MATTHEW
47-082-C002	3 MECHANIC ST	RICHARDS MARIE C.
47-082-C003	3 MECHANIC ST	SOMA MARIA C
47-082-C004	3 MECHANIC ST	DAVIES JOHN
47-081	5 MECHANIC ST	WHYTE MARTHA J BAYLISS
47-080	7 MECHANIC ST	DOWLEY JASON DOWLEY MICHELLE L
47-059	9 MECHANIC ST	MASIELLO DILETTA M
48-116-C00A	170 MAIN ST	COWAN ARTHUR
48-116-C00B	170 MAIN ST	HUFFMAN RICHARD R
48-103	171 MAIN ST	DENOMMEE MARK S CAICEDO JOSE W CAICEDO DAMARYS W
48-117	172 MAIN ST	YERED FRANCIS J YERED MARGARET
48-102	173 MAIN ST	LINNELL STEVEN D
47-035-000A	174A MAIN ST	CHELMAN PAUL A COTE ROSE M
47-035-000B	174B MAIN ST	OLIVAL MICHAEL F
48-101	175 MAIN ST	ROSENBERG CHERYL
47-036	176 MAIN ST	GRANT JOSHUA
48-100	177 MAIN ST	BOUWMAN ERIC N BOUWMAN TANYA M
47-034	178 MAIN ST	GRANT JOSHUA
47-043	179 MAIN ST	ATRYZEK VLADIMIR ATRYZEK SUZANNE

ABUTTERS INFORMATION



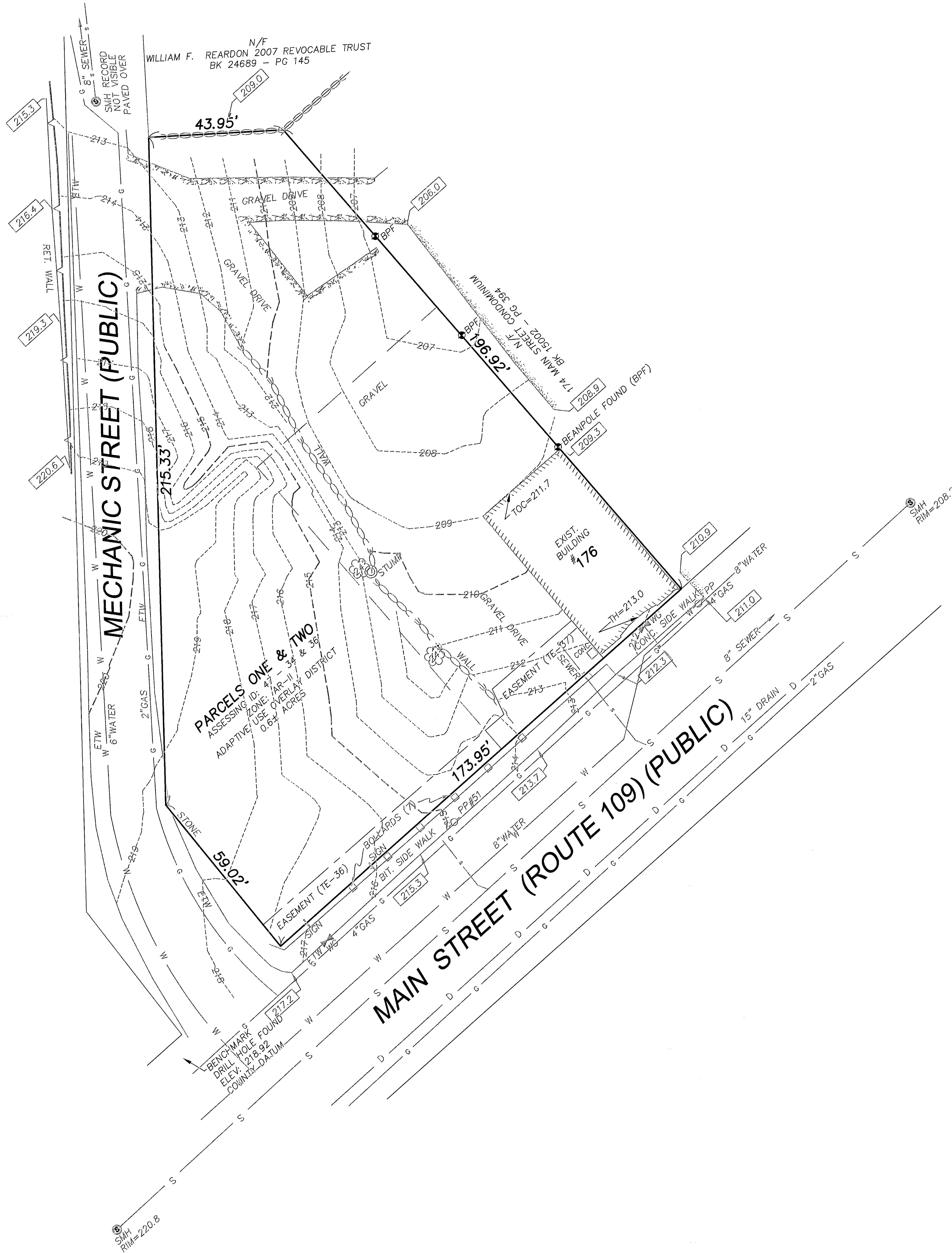
DATE ISSUED:  
December 18, 2016  
DATE REVISED:  
JANUARY 23, 2016



**LEGEND**

BIT. BITUMINOUS  
ETW EDGE OF TRAVELED WAY  
F.F. FINISHED FLOOR  
G.G. GAS GATE  
INV. INVERT  
PP POWER POLE  
SMH SEWER MANHOLE  
GAR. GARAGE  
TH THRESHOLD  
T.O.C. TOP OF CONCRETE  
-100- EXISTING CONTOUR

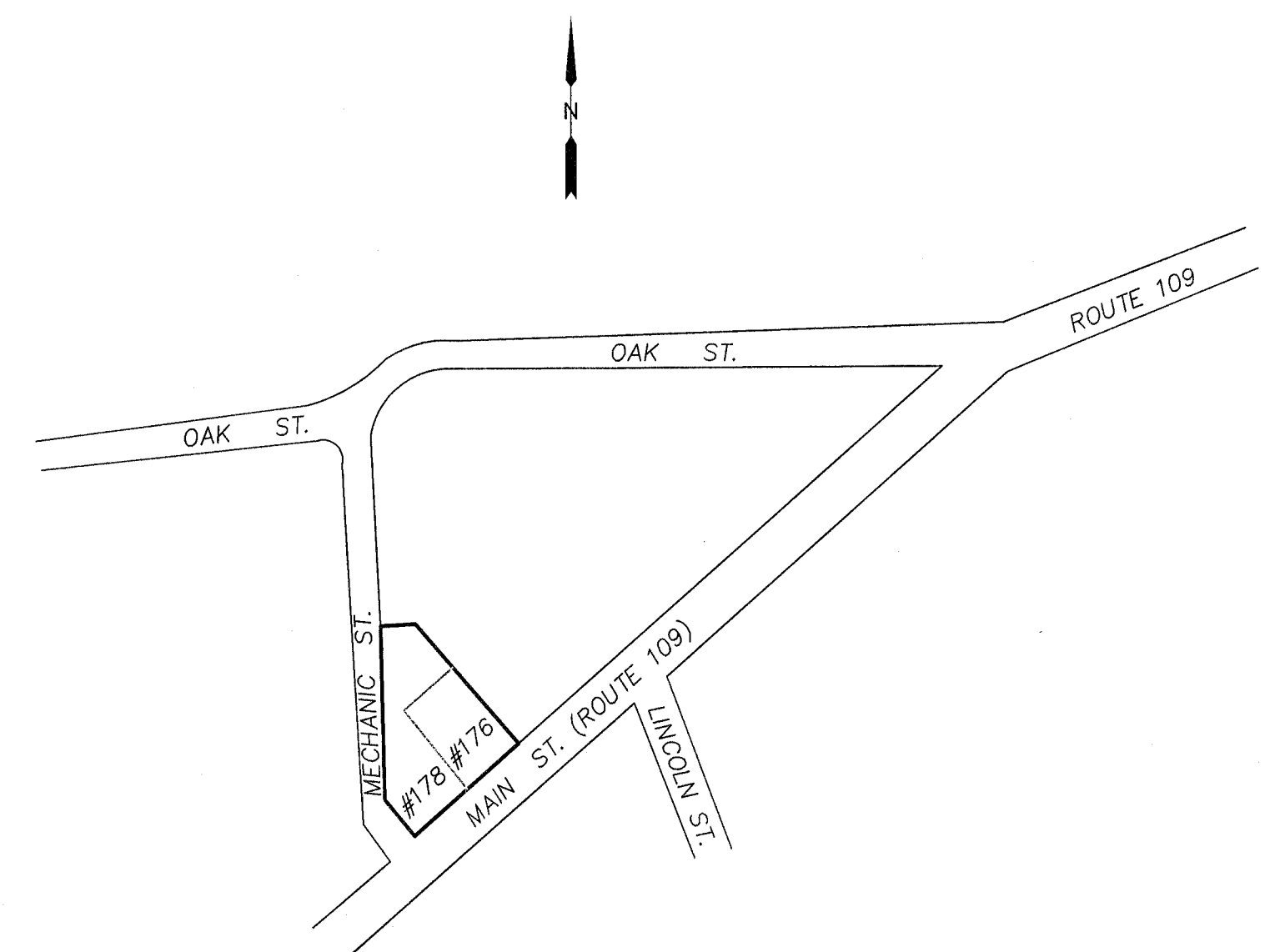
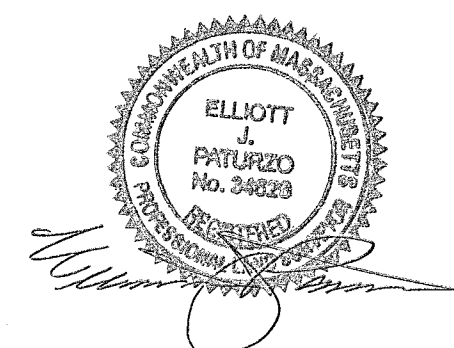
PLBK 598 - PLNO. 57



**NOTES:**

1. SUBJECT TO ANY STATEMENT OF FACT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
2. SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.
3. UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES, IF ANY, HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY AND RECORD LOCATIONS, THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN, SIZE, TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION. CALL TOLL FREE, DIG SAFE CALL CENTER AT 1-888-3444-7233 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION.

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY BY: "CHENEY ENGINEERING CO., INC" AND THE LATEST PLANS AND DEEDS OF RECORD.



**LOCUS PLAN**

SCALE: 1"=200'±

APPROVED BY PLANING BOARD

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

REVISIONS		
No.	DATE	DESCRIPTION
1.	2/1/2017	TOWN COMMENTS

**EXISTING CONDITIONS  
SITE PLAN**

IN  
MEDWAY, MASSACHUSETTS

**176 MAIN STREET**

PREPARED FOR: **176 MAIN STREET LLC  
12 HAVEN STREET  
DOVER MA**

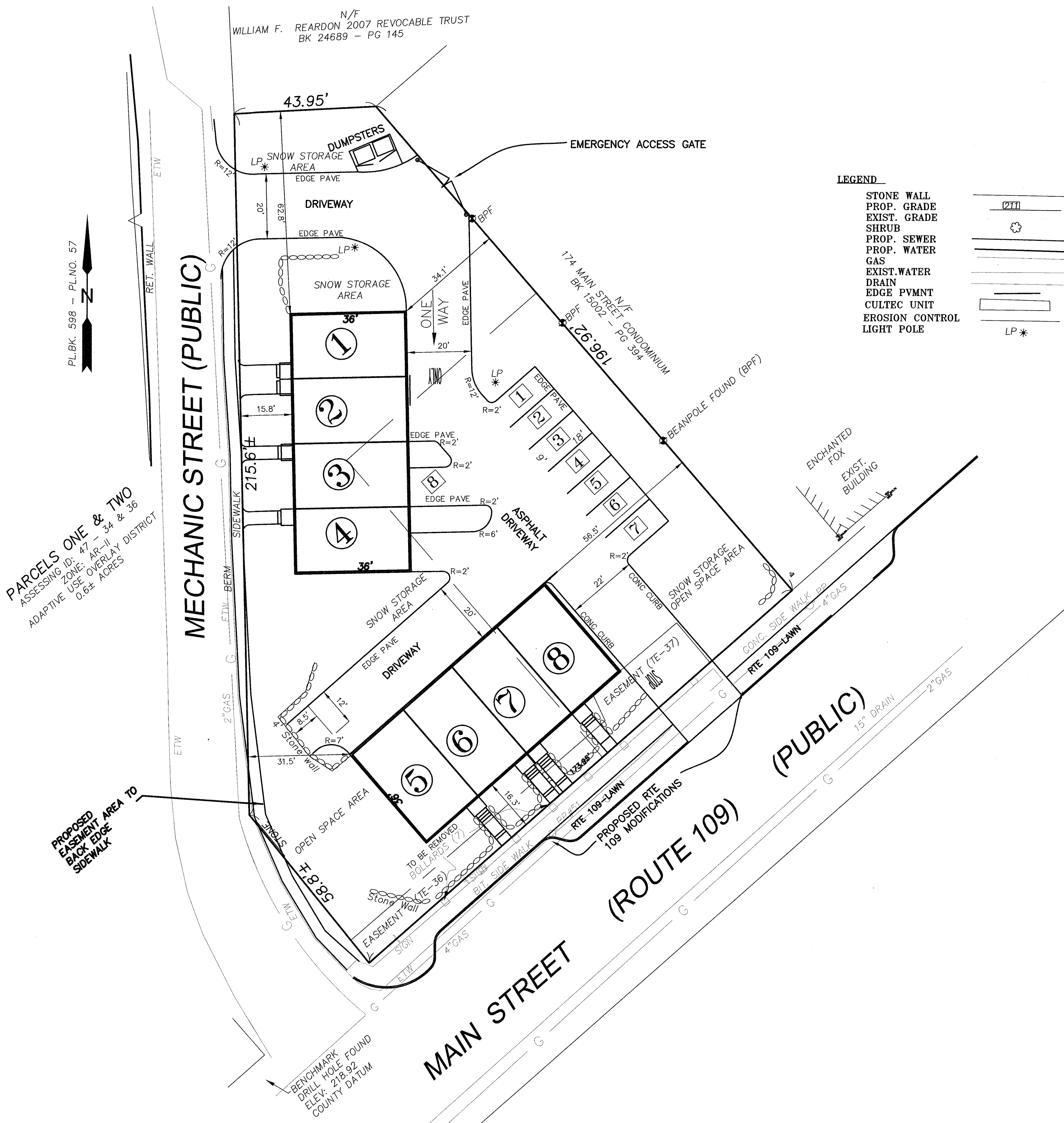
DRAWING SCALE: 1 inch = 20 feet

PROJECT NUMBER: 2316

DATE: DECEMBER 18, 2016

S-2





**LEGEND**

- STONE WALL
- PROP. GRADE
- EXIST. GRADE
- SHRUB
- PROP. SEWER
- PROP. WATER
- GAS
- EXIST. WATER
- DRAIN
- EDGE PVMNT
- CULTEC UNIT
- EROSION CONTROL
- LIGHT POLE

ETW

LP \*

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  - ALL CONCRETE AND BITUMINOUS PATCH AREAS TO MATCH EXISTING GRADES.
  - SOLID WASTE TO BE DISPOSED OF BY CONTRACTOR IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
  - CONTRACTOR IS RESPONSIBLE FOR ALL EXCAVATION TO BE PERFORMED IN ACCORDANCE WITH CURRENT STANDARDS, AS WELL AS ADDITIONAL PROVISIONS TO ASSURE STABILITY OF CONTIGUOUS STRUCTURES.
  - IN CASE OF DISCREPANCIES BETWEEN PLANS, THE SITE PLAN WILL SUPERSEDE IN ALL CASES, NOTIFY ENGINEER OF RECORD OF ANY CONFLICTS.

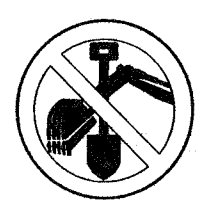
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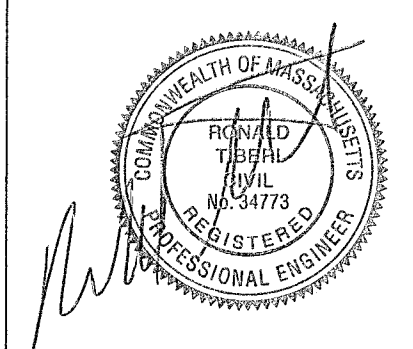
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CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.



APPROVED BY PLANNING BOARD

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



REVISIONS		
No.	DATE	DESCRIPTION
1.	1-23-2017	PER REVIEW LETTER 1-9-2017

**PROPOSED**

**SITE LAYOUT PLAN**

IN

MEDWAY, MASSACHUSETTS

**176 MAIN STREET**

PREPARED FOR: **176 MAIN STREET LLC**  
12 HAVEN STREET  
DOVER MA

PREPARED By: **RONALD TIBERI P.E.**  
9 MASSACHUSETTS AVE.  
NATICK MA 01760

DRAWING SCALE: 1 inch = 20 feet

PROJECT NUMBER: 2316

DATE: DEC. 18, 2016

PL BK. 598 - PL. NO. 57

PARCELS ONE & TWO  
ASSESSING ID: 47 - 54 & 36  
ZONE: AR-II  
ADAPTIVE USE OVERLAY DISTRICT  
0.6± ACRES

MECHANIC STREET (PUBLIC)

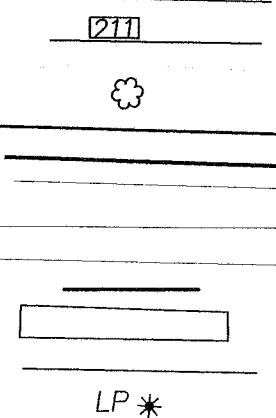
PROPOSED  
EASEMENT AREA TO  
BACK EDGE  
SIDEWALK

N/F  
WILLIAM F. REARDON 2007 REVOCABLE TRUST  
BK 24689 - PG 145

EMERGENCY ACCESS GATE

LEGEND

- STONE WALL
- PROP. GRADE
- EXIST. GRADE
- SHRUB
- PROP. SEWER
- PROP. WATER
- GAS
- EXIST. WATER
- DRAIN
- EDGE PVMNT
- CULTEC UNIT
- EROSION CONTROL
- LIGHT POLE



ENCHANTED FOX  
EXIST. BUILDING

ROUTE 109 (PUBLIC)

MAIN STREET

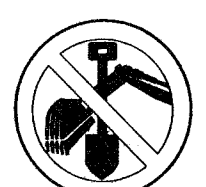
BENCHMARK  
DRILL HOLE FOUND  
ELEV. 218.92  
COUNTY DATUM

GENERAL SITE NOTES

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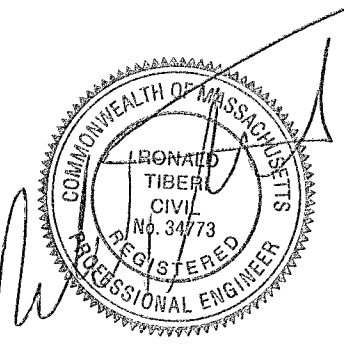
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APPROVED BY PLANNING BOARD

DATE:



REVISIONS

No.	DATE	DESCRIPTION
1.	1-23-2017	PER REVIEW LETTER 1-9-2017

PROPOSED  
SITE GRADING PLAN

IN  
MEDWAY, MASSACHUSETTS

176 MAIN STREET

PREPARED FOR: 176 MAIN STREET LLC  
12 HAVEN STREET  
DOVER MA

PREPARED By: RONALD TIBERI P.E.  
9 MASSACHUSETTS AVE.  
NATICK MA 01760

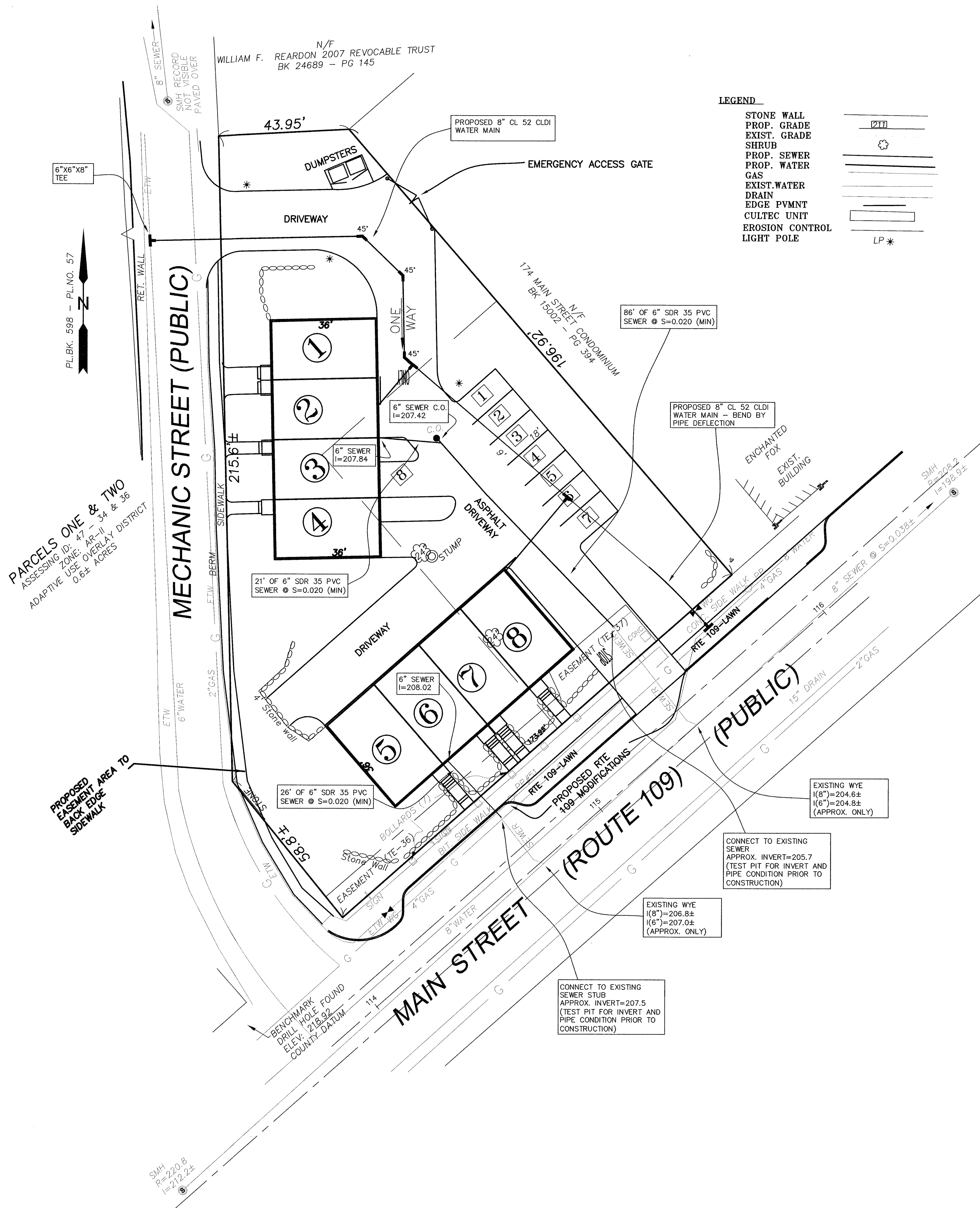
DRAWING SCALE: 1 inch = 20 feet

PROJECT NUMBER: 2316

DATE: DEC. 18, 2016







**LEGEND**

STONE WALL	[Symbol]
PROP. GRADE	[Symbol]
EXIST. GRADE	[Symbol]
SHRUB	[Symbol]
PROP. SEWER	[Symbol]
PROP. WATER	[Symbol]
GAS	[Symbol]
EXIST. WATER	[Symbol]
DRAIN	[Symbol]
EDGE PYMNT	[Symbol]
CULTEC UNIT	[Symbol]
EROSION CONTROL	[Symbol]
LIGHT POLE	[Symbol]

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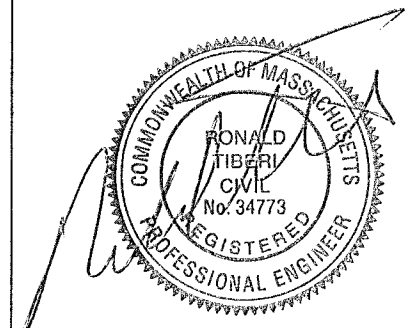
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APPROVED BY PLANNING BOARD

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



REVISIONS		
No.	DATE	DESCRIPTION
1.	1-23-2017	PER REVIEW LETTER 1-9-2017

**PROPOSED  
SITE UTILITIES  
IN  
MEDWAY, MASSACHUSETTS**

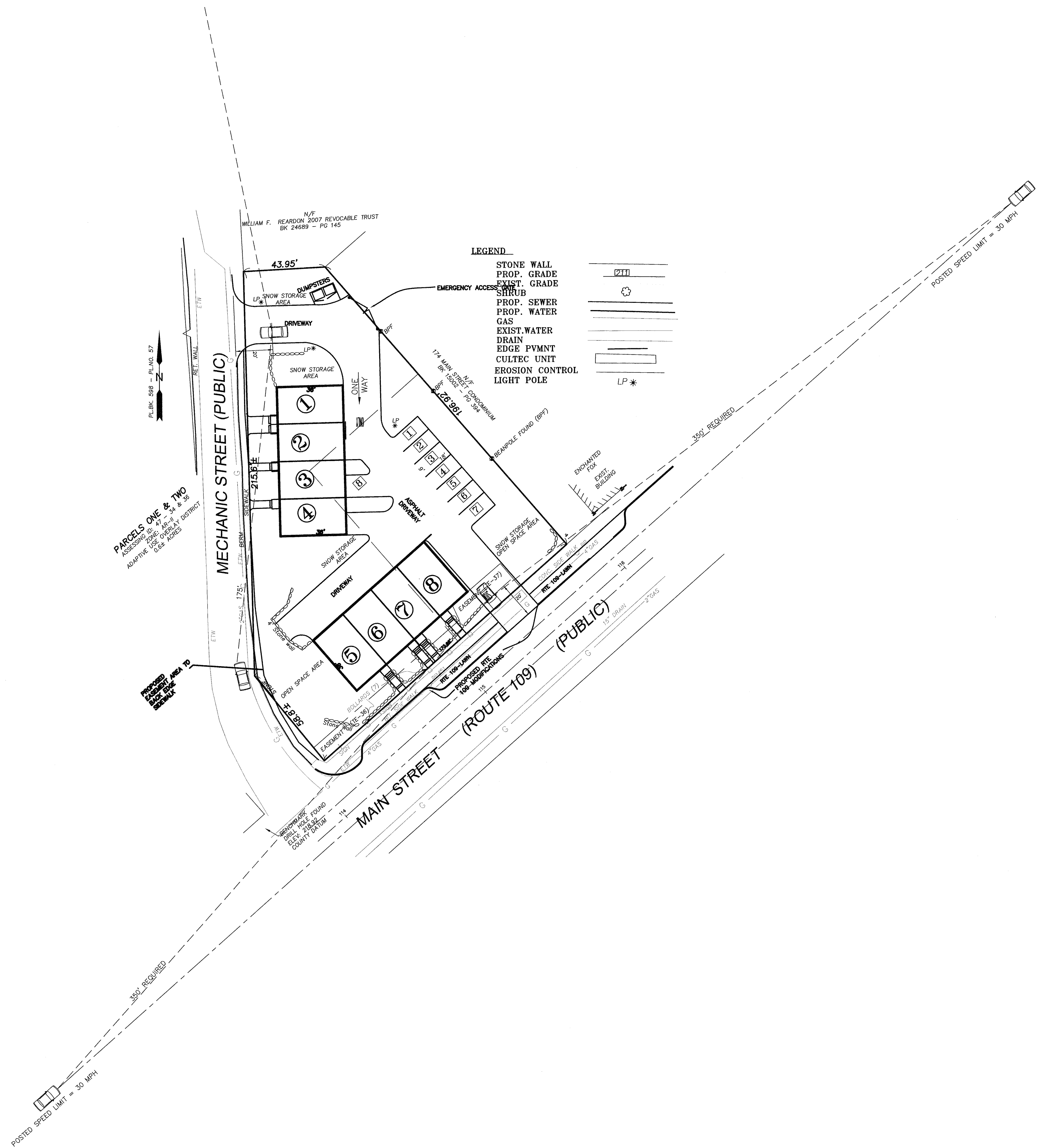
**176 MAIN STREET**

PREPARED FOR: **176 MAIN STREET LLC  
12 HAVEN STREET  
DOVER MA**

PREPARED BY: **RONALD TIBERI P.E.  
9 MASSACHUSETTS AVE.  
NATICK MA 01760**

DRAWING SCALE: 1 inch = 20 feet  
PROJECT NUMBER: 2316  
DATE: DEC. 18, 2016





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#### DIG SAFE NOTE:

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

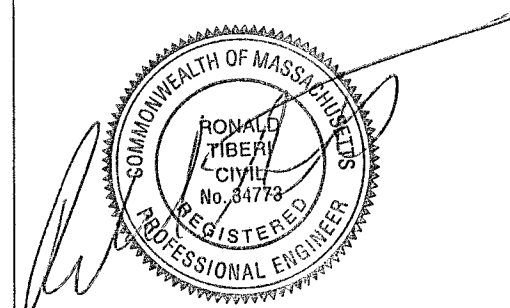
THE OFFSETS AS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES OR FOR THE ESTABLISHMENT OF ANY PROPOSED CONSTRUCTION UNLESS SAID CONSTRUCTION IS SHOWN HEREON.

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

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

APPROVED BY PLANNING BOARD

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



#### REVISIONS

No.	DATE	DESCRIPTION
1.	1-23-2017	PER REVIEW LETTER 1-9-2017

## PROPOSED SIGHT DISTANCE PLAN IN MEDWAY, MASSACHUSETTS

### 176 MAIN STREET

PREPARED FOR: **176 MAIN STREET LLC  
12 HAVEN STREET  
DOVER MA**

PREPARED By: **RONALD TIBERI P.E.  
9 MASSACHUSETTS AVE.  
NATICK MA 01760**

DRAWING SCALE: 1 inch = 30 feet

PROJECT NUMBER: 2316

DATE: DEC. 18, 2016

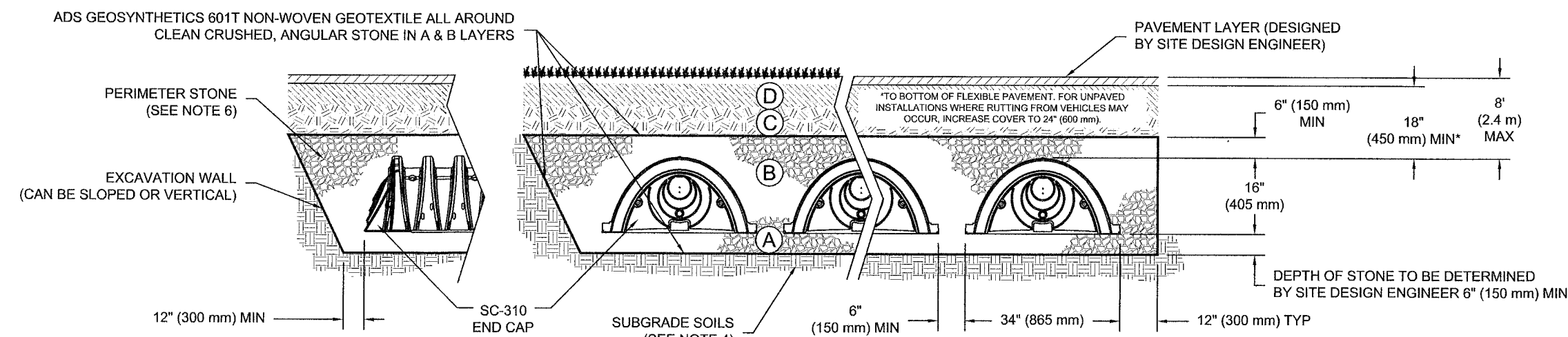
S-7

ACCEPTABLE FILL MATERIALS: STORMTECH SC-310 CHAMBER SYSTEMS

MATERIAL LOCATION	DESCRIPTION	AASHTO MATERIAL CLASSIFICATIONS	COMPACTION / DENSITY REQUIREMENT
D	FINAL FILL: FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER.	N/A	PREPARE PER SITE DESIGN ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRINGENT MATERIAL AND PREPARATION REQUIREMENTS.
C	INITIAL FILL: FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE (B LAYER) TO 18" (450 mm) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER.	AASHTO M145 <sup>1</sup> A-1, A-2-4, A-3 OR AASHTO M43 <sup>1</sup> 3, 357, 4, 467, 5, 56, 57, 6, 57, 68, 7, 78, 8, 89, 9, 10	BEGIN COMPACTIONS AFTER 12" (300 mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 6" (150 mm) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS. ROLLER GROSS VEHICLE WEIGHT NOT TO EXCEED 12,000 lbs (53 kN). DYNAMIC FORCE NOT TO EXCEED 20,000 lbs (89 kN).
B	EMBEDMENT STONE: FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE (A LAYER) TO THE 'C' LAYER ABOVE.	AASHTO M43 <sup>1</sup> 3, 357, 4, 467, 5, 56, 57	NO COMPACTION REQUIRED.
A	FOUNDATION STONE: FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER.	AASHTO M43 <sup>1</sup> 3, 357, 4, 467, 5, 56, 57	PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. <sup>1</sup>

PLEASE NOTE:

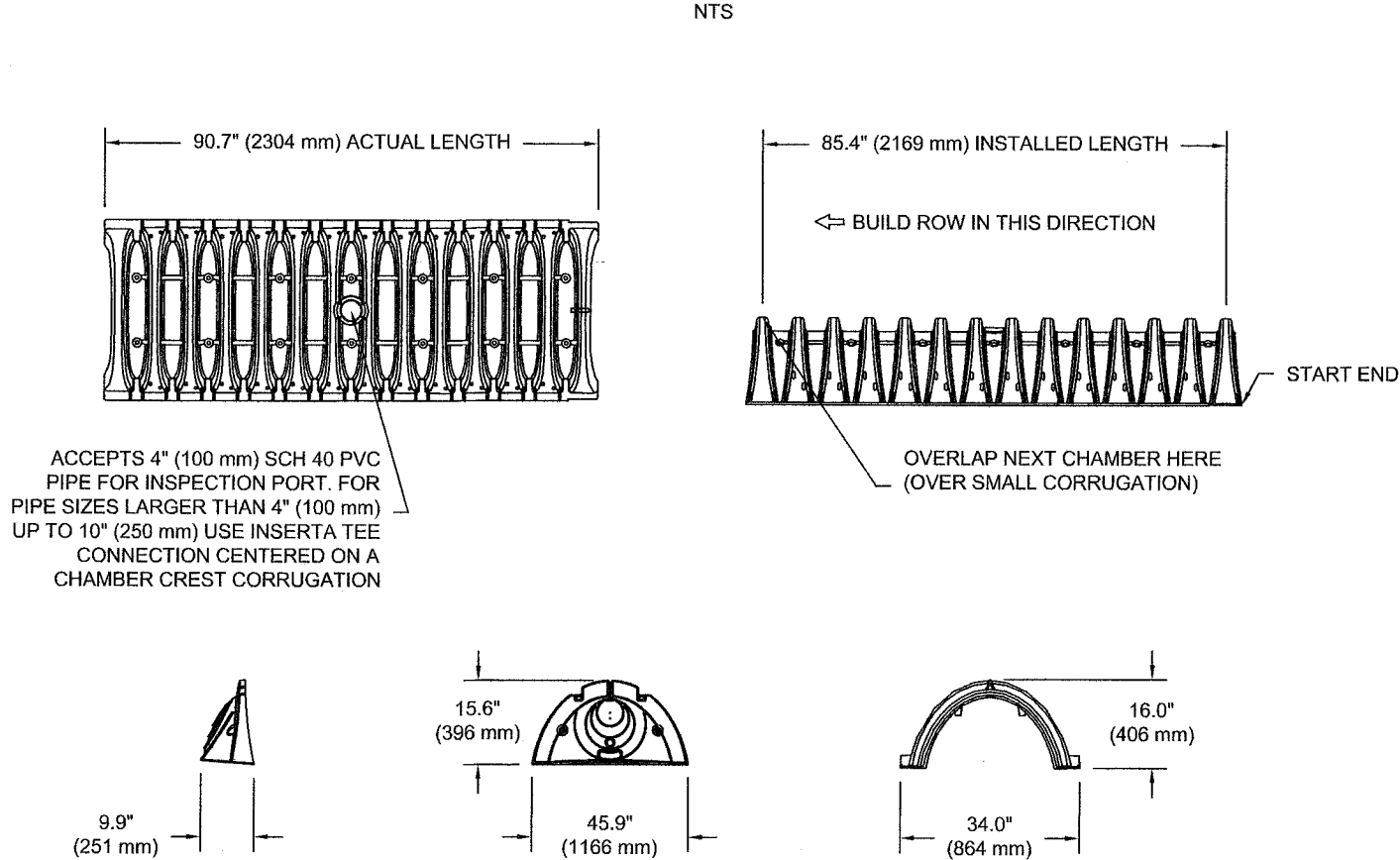
- THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR, NO. 4 (AASHTO M43) STONE.
- STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 6" (150 mm) (MAX) LIFTS USING TWO FULL COVERAGES WITH A VIBRATORY COMPACTOR.
- WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RAKING OR DRAGGING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.



NOTES:

- SC-310 CHAMBERS SHALL CONFORM TO THE REQUIREMENTS OF ASTM F2418 "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS", OR ASTM F2922 "STANDARD SPECIFICATION FOR POLYETHYLENE (PE) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- SC-310 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- "ACCEPTABLE FILL MATERIALS" TABLE ABOVE PROVIDES MATERIAL LOCATIONS, DESCRIPTIONS, GRADATIONS, AND COMPACTION REQUIREMENTS FOR FOUNDATION, EMBEDMENT, AND FILL MATERIALS.
- THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
- PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
- ONCE LAYER 'C' IS PLACED, ANY SOIL MATERIAL CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.

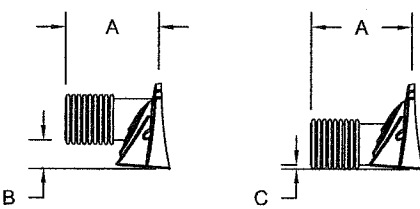
SC-310 TECHNICAL SPECIFICATION



NOMINAL CHAMBER SPECIFICATIONS

SIZE (W X H X INSTALLED LENGTH)	34.0" X 16.0" X 85.4"	(864 mm X 406 mm X 2169 mm)
CHAMBER STORAGE	14.7 CUBIC FEET	(0.42 m <sup>3</sup> )
MINIMUM INSTALLED STORAGE*	31.0 CUBIC FEET	(0.88 m <sup>3</sup> )
WEIGHT	35.0 lbs.	(16.8 kg)

\*ASSUMES 6" (152 mm) ABOVE, BELOW, AND BETWEEN CHAMBERS



STUBS AT BOTTOM OF END CAP FOR PART NUMBERS ENDING WITH "B"

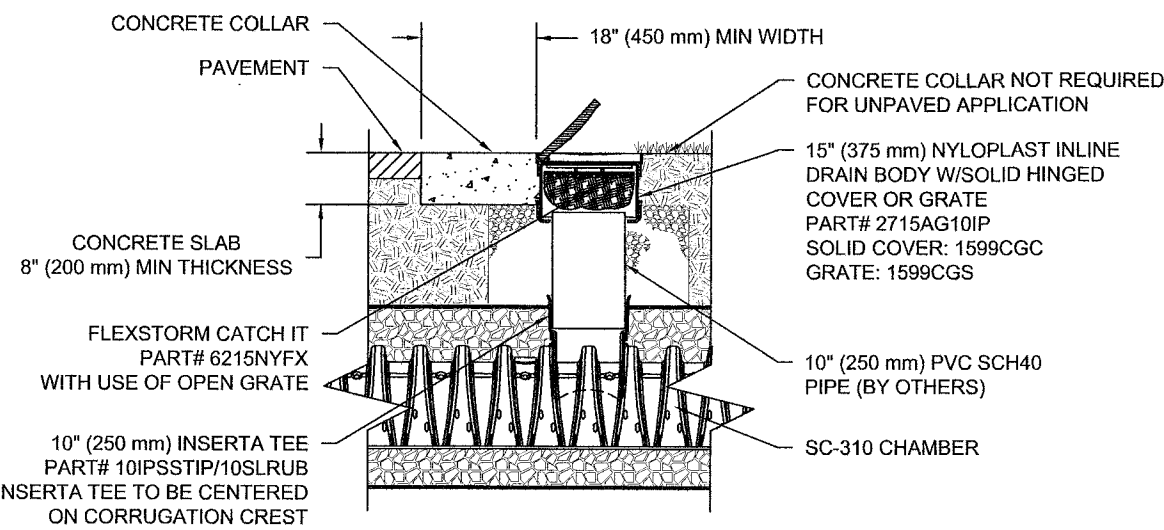
STUBS AT TOP OF END CAP FOR PART NUMBERS ENDING WITH "T"

PART #	STUB	A	B	C
SC310EPE06T / SC310EPE06TPC	6" (150 mm)	9.6" (244 mm)	5.8" (147 mm)	—
SC310EPE06B / SC310EPE06BPC	—	—	—	0.5" (13 mm)
SC310EPE08T / SC310EPE08TPC	8" (200 mm)	11.9" (302 mm)	3.5" (89 mm)	—
SC310EPE08B / SC310EPE08BPC	—	—	—	0.6" (15 mm)
SC310EPE10T / SC310EPE10TPC	10" (250 mm)	12.7" (323 mm)	1.4" (36 mm)	—
SC310EPE10B / SC310EPE10BPC	—	—	—	0.7" (18 mm)
SC310EPE12B	12" (300 mm)	13.5" (343 mm)	—	0.9" (23 mm)

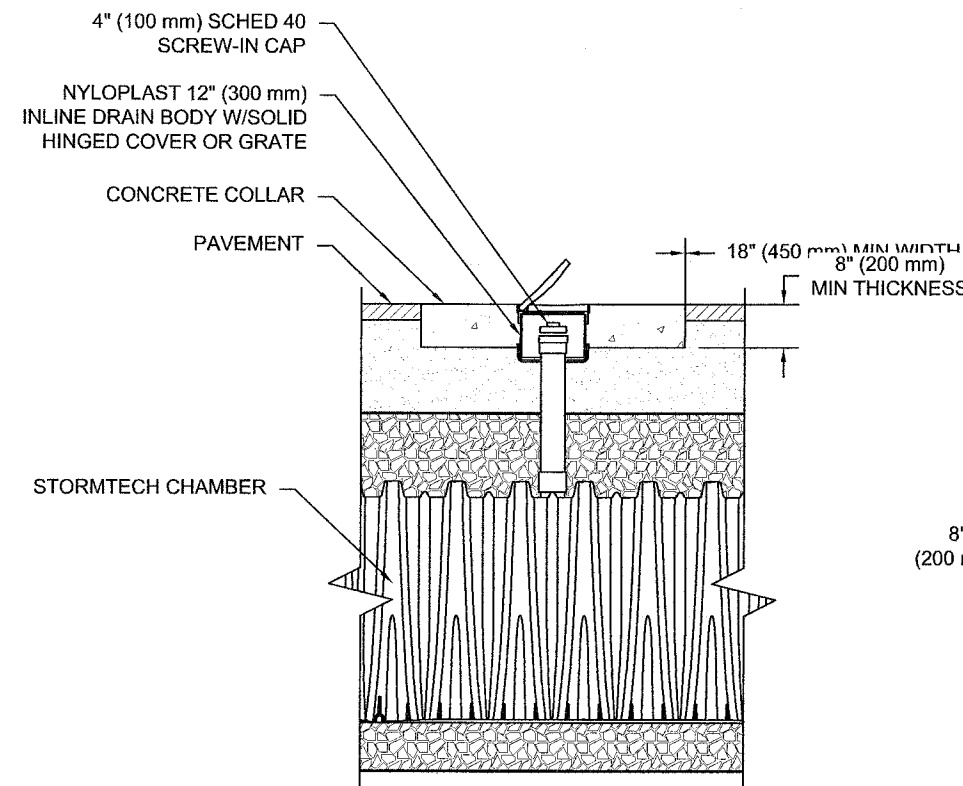
ALL STUBS, EXCEPT FOR THE SC310EPE12B ARE PLACED AT BOTTOM OF END CAP SUCH THAT THE OUTSIDE DIAMETER OF THE STUB IS FLUSH WITH THE BOTTOM OF THE END CAP. FOR ADDITIONAL INFORMATION CONTACT STORMTECH AT 1-888-892-2004.

\* FOR THE SC310EPE12B THE 12" (300 mm) STUB LIES BELOW THE BOTTOM OF THE END CAP APPROXIMATELY 0.25" (6 mm). BACKFILL MATERIAL SHOULD BE REMOVED FROM BELOW THE N-12 STUB SO THAT THE FITTING SITS LEVEL.

NOTE: ALL DIMENSIONS ARE NOMINAL



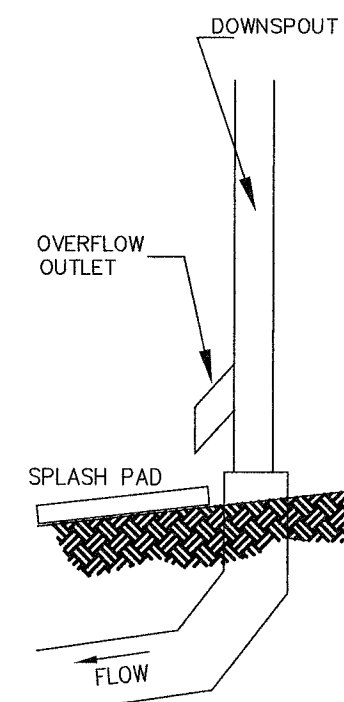
SC-310 10" INSPECTION PORT DETAIL  
NTS



NOTES:

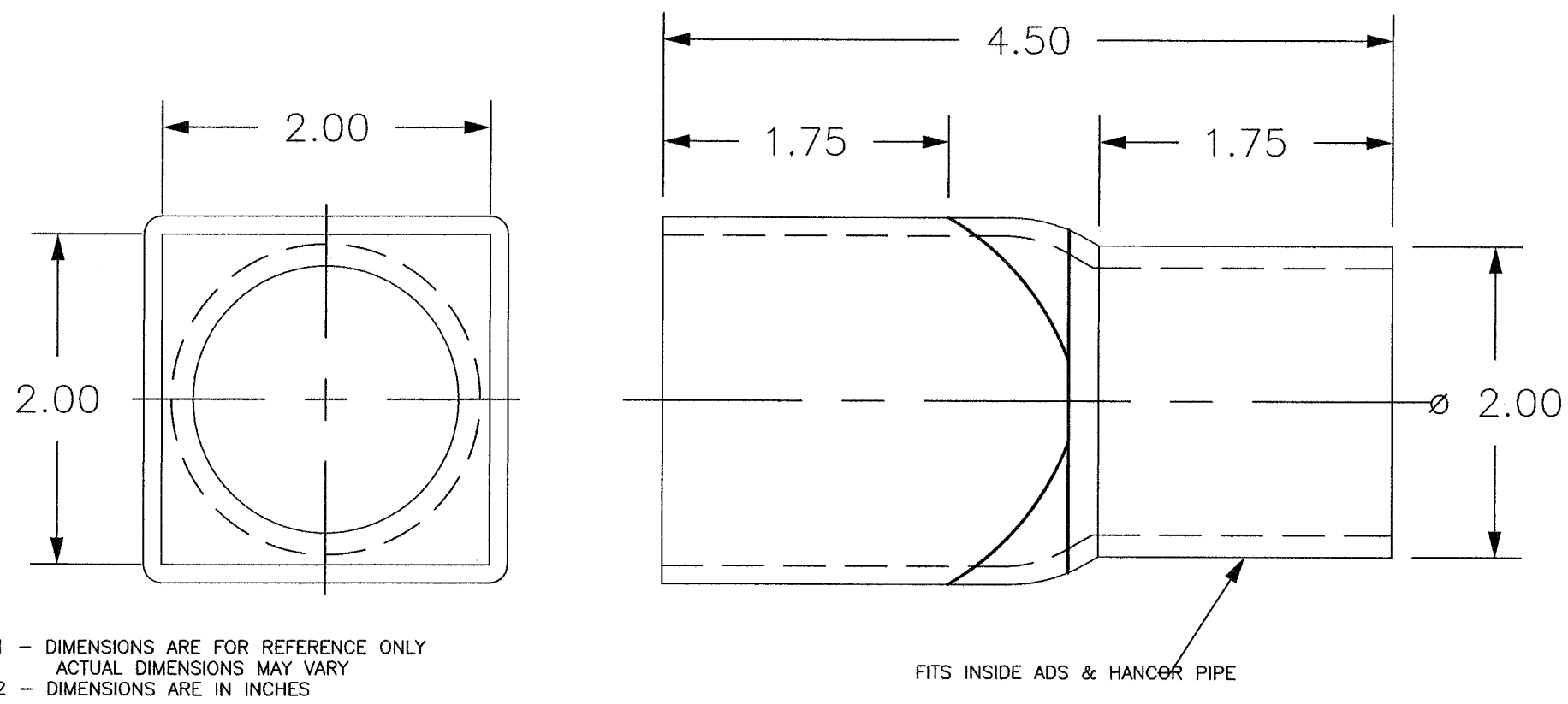
- INSPECTION PORTS MAY BE CONNECTED THROUGH ANY CHAMBER CORRUGATION VALLEY
- ALL SCHEDULE 40 FITTINGS TO BE SOLVENT CEMENTED.

CONNECTION DETAIL  
NTS



PVC PIPE TO CULVERT  
NON-PERFORATED

DOWNSPOUT  
NOT TO SCALE



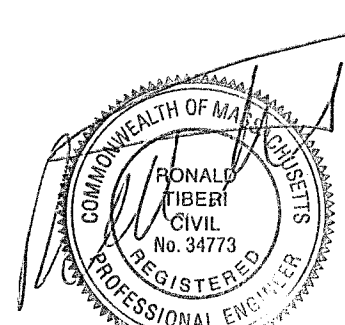
- DIMENSIONS ARE FOR REFERENCE ONLY  
ACTUAL DIMENSIONS MAY VARY
- DIMENSIONS ARE IN INCHES

FITS INSIDE ADS & HANGER PIPE

4 X 4 X 4 DOWNSPOUT ADAPTER

APPROVED BY PLANNING BOARD

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



REVISIONS		
No.	DATE	DESCRIPTION
1.	1-23-2017	PER REVIEW LETTER 1-9-2017

DRAINAGE DETAILS  
IN  
MEDWAY, MASSACHUSETTS

176 MAIN STREET

PREPARED FOR: 176 MAIN STREET LLC  
12 HAVEN STREET  
DOVER MA

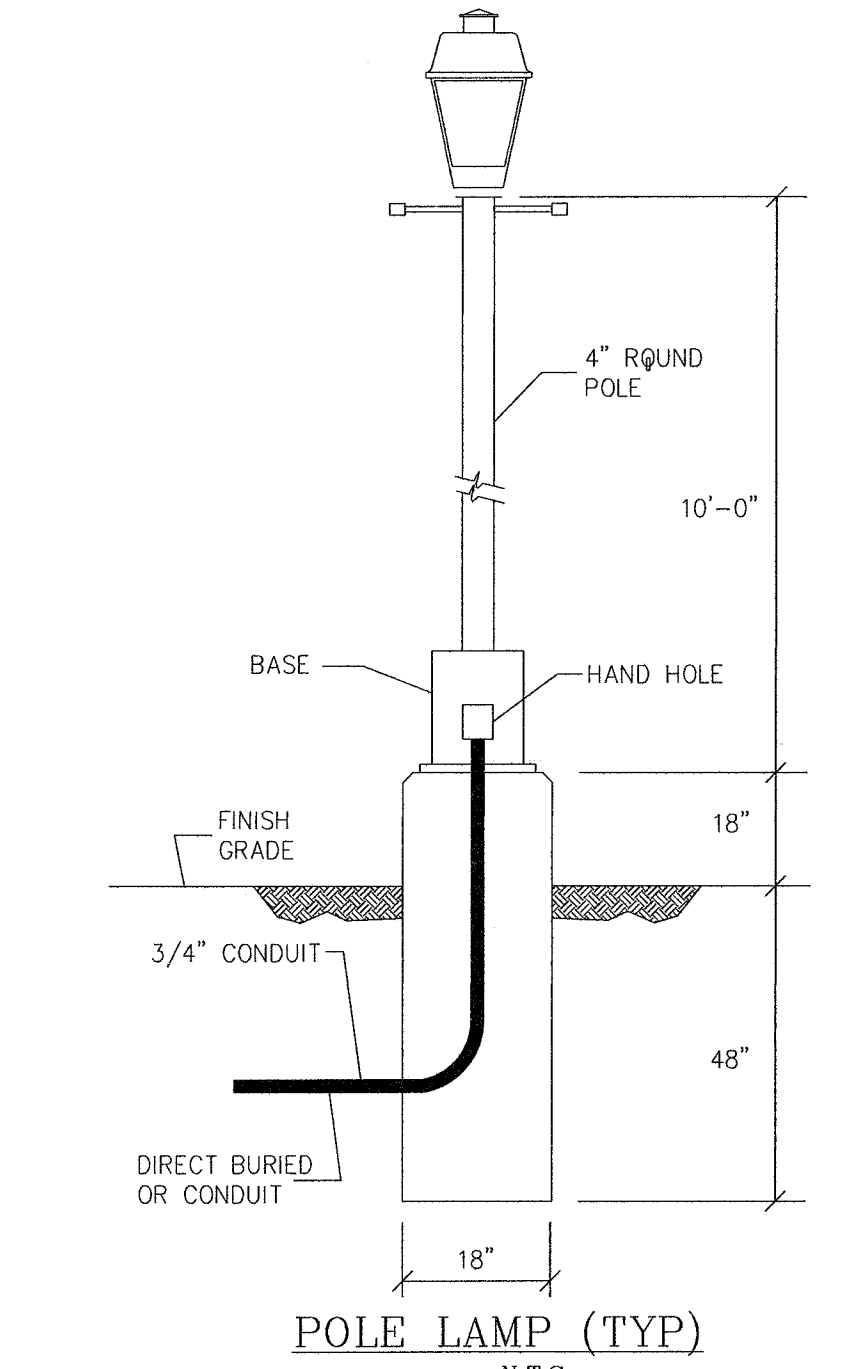
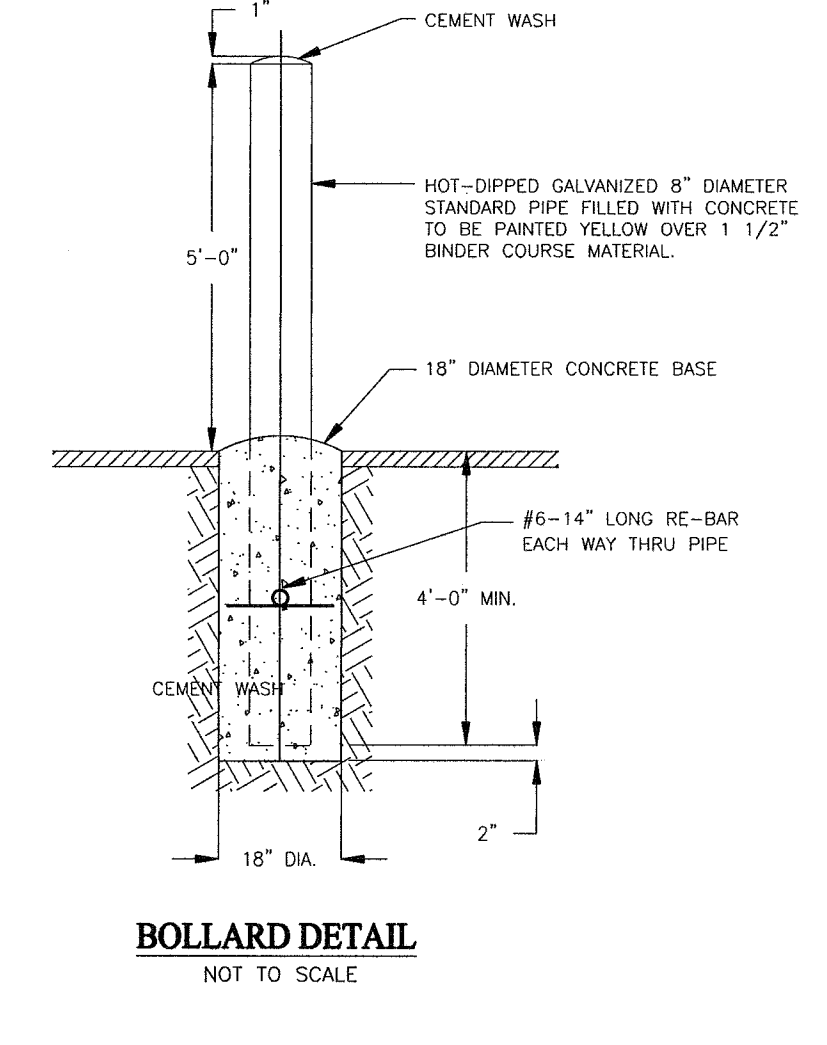
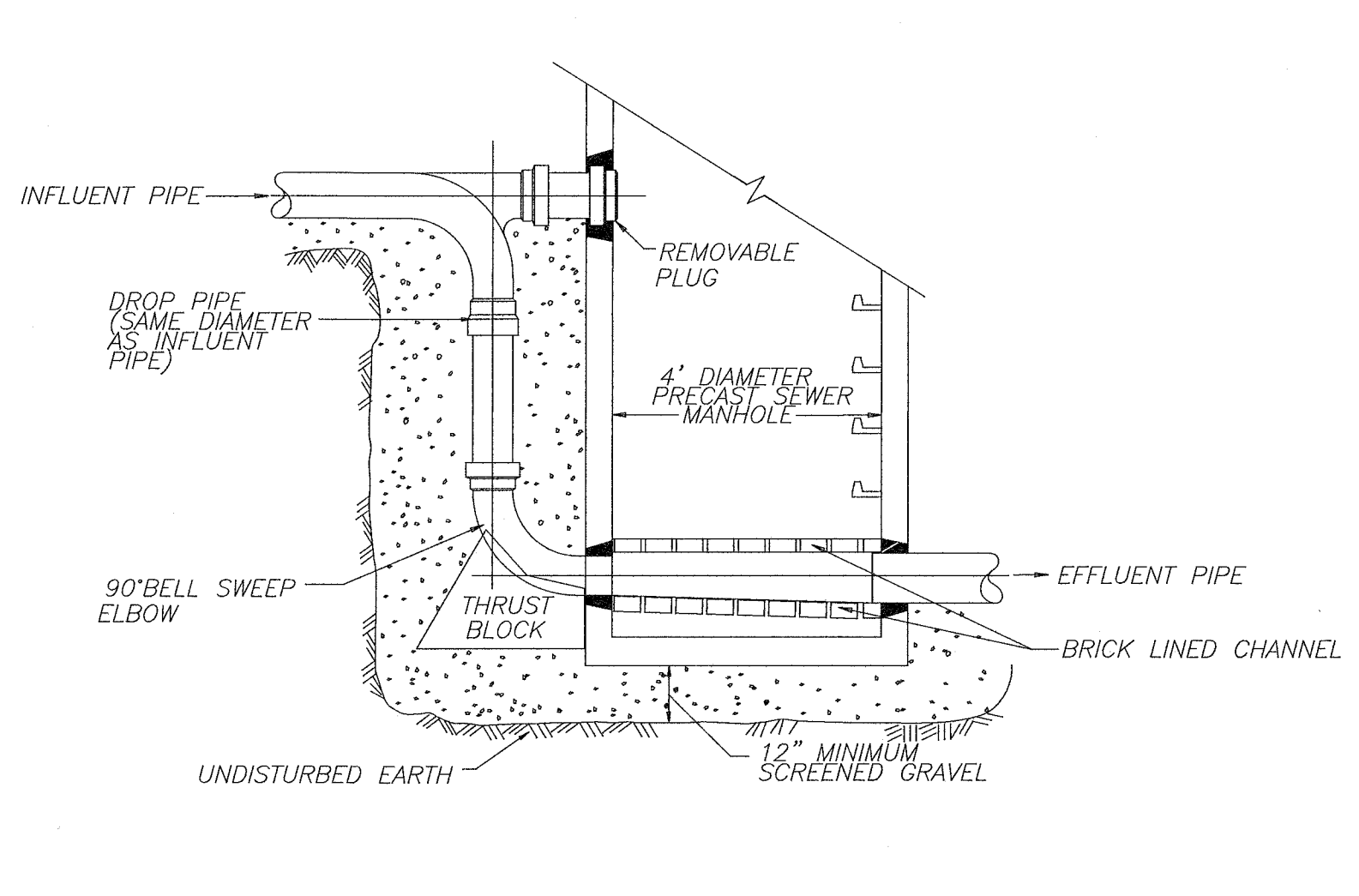
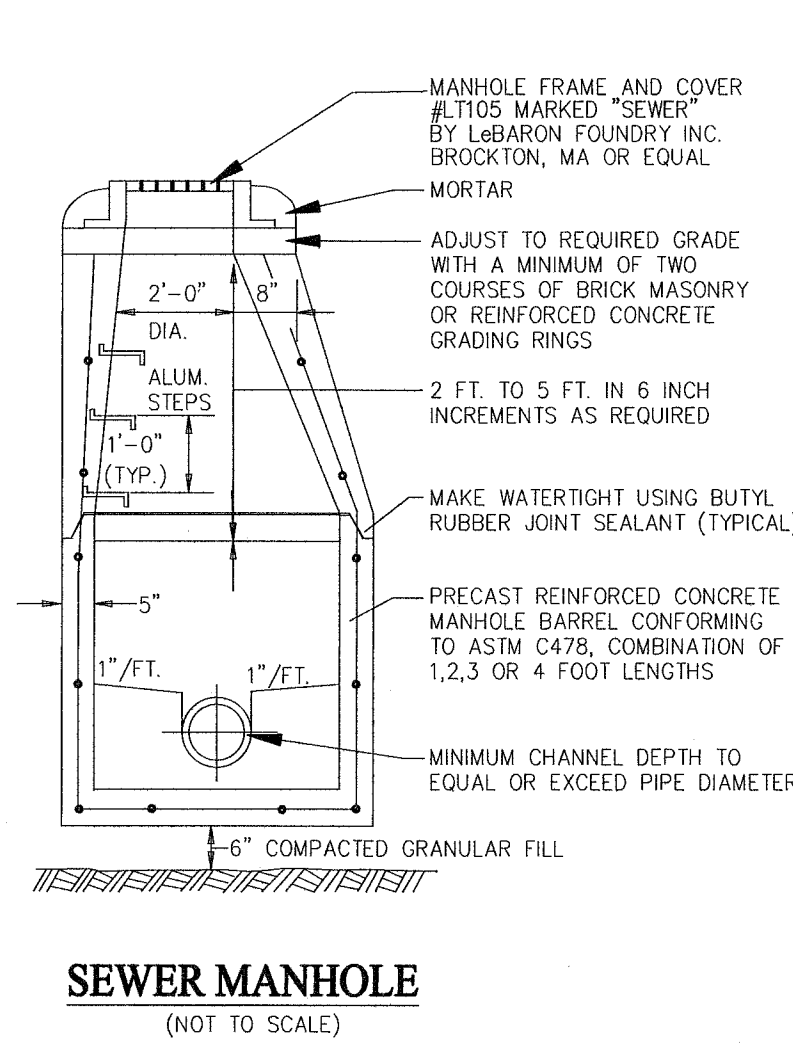
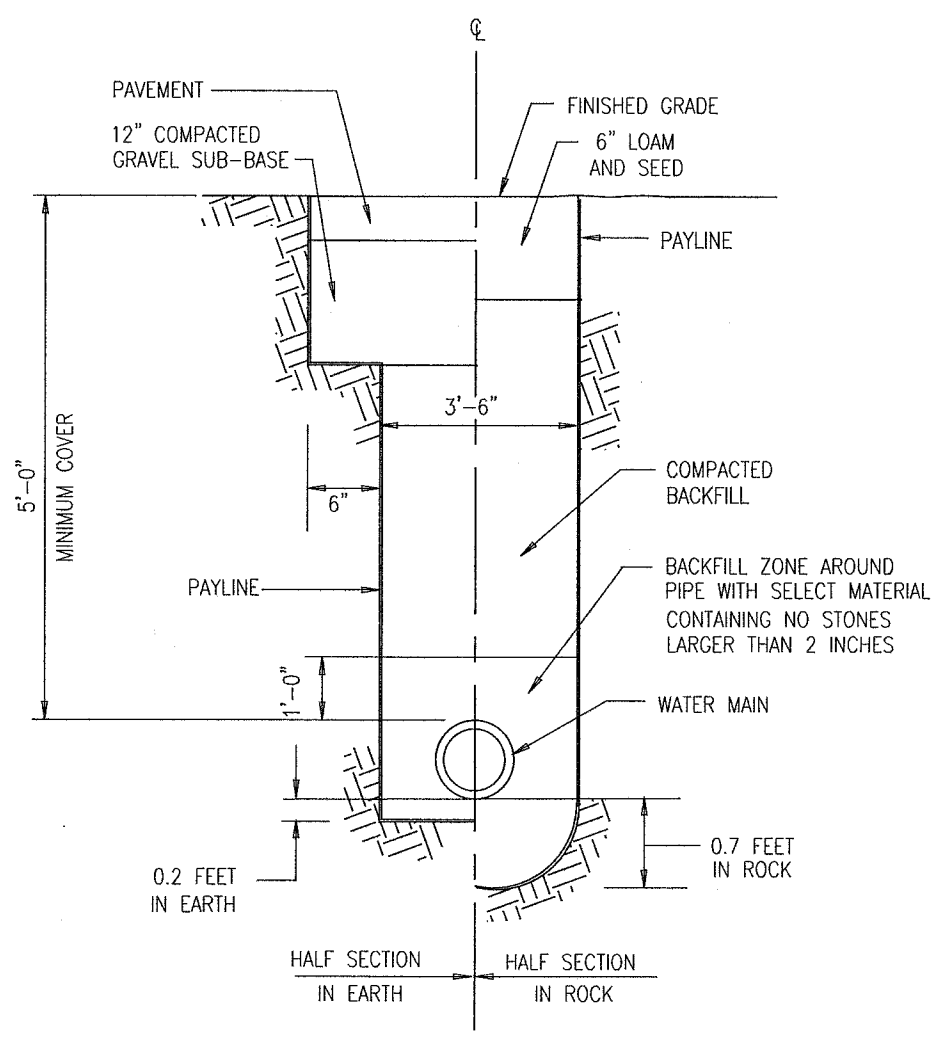
PREPARED By: RONALD TIBERI P.E.  
9 MASSACHUSETTS AVE.  
NATICK MA 01760

DRAWING SCALE: 1 inch = 20 feet

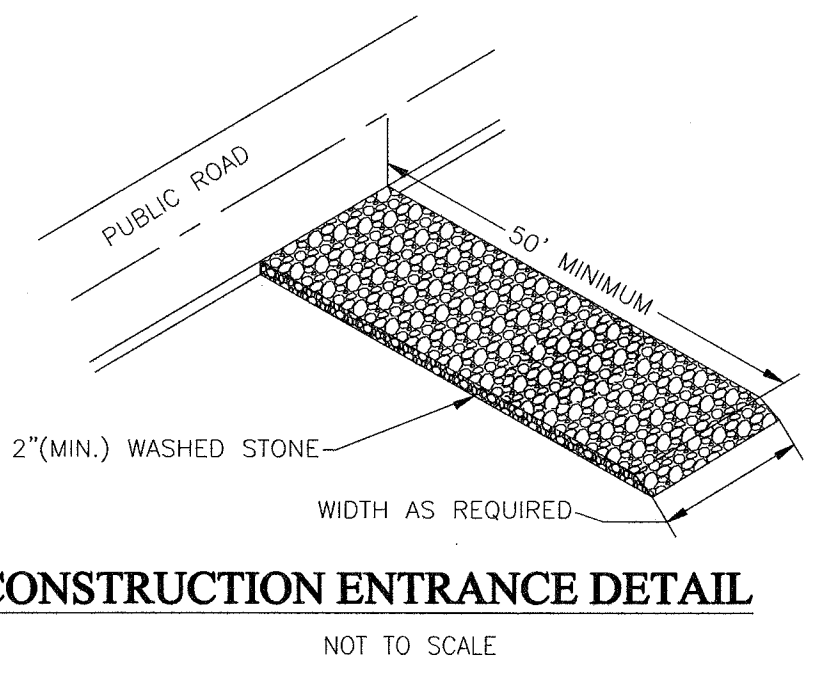
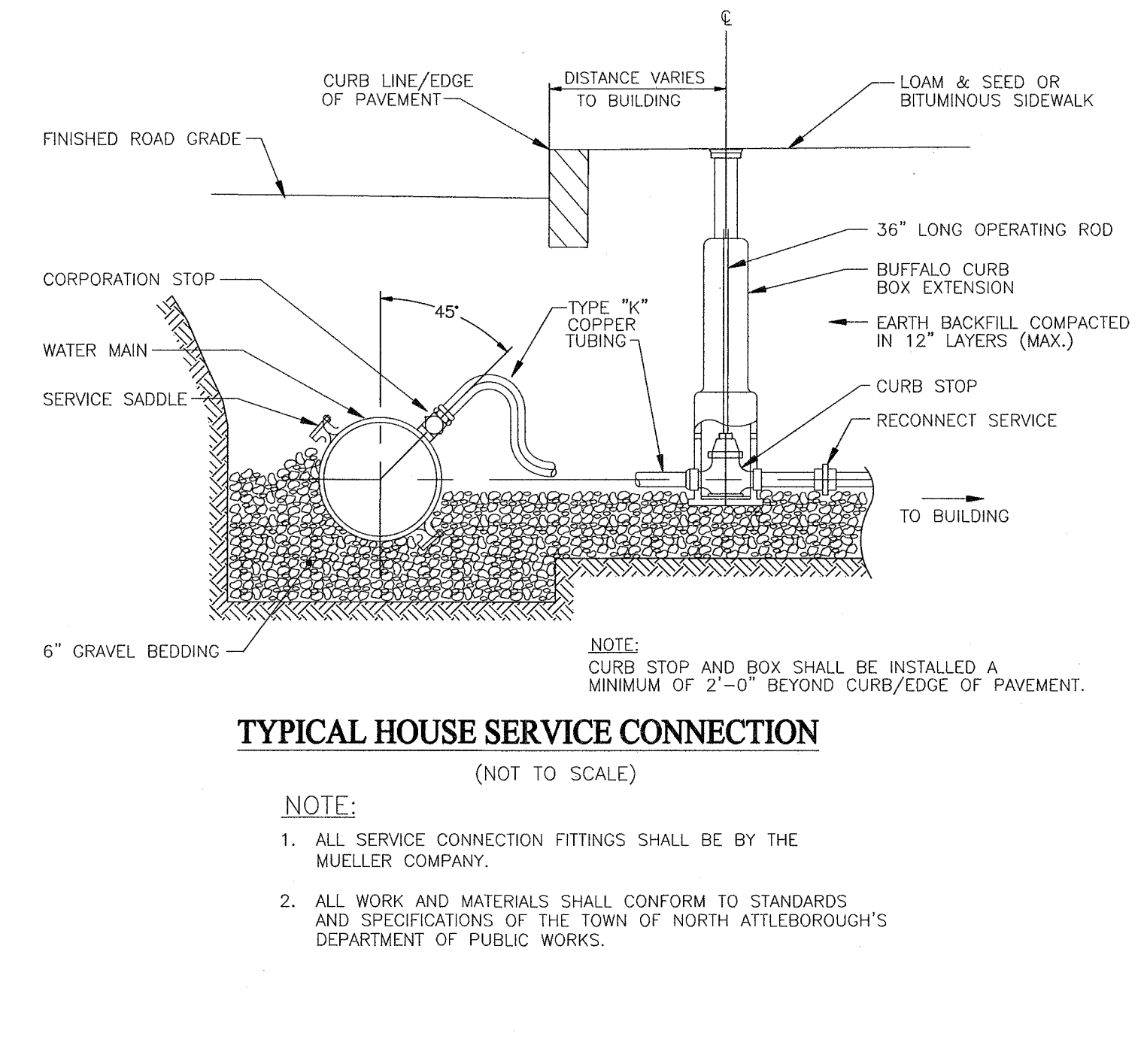
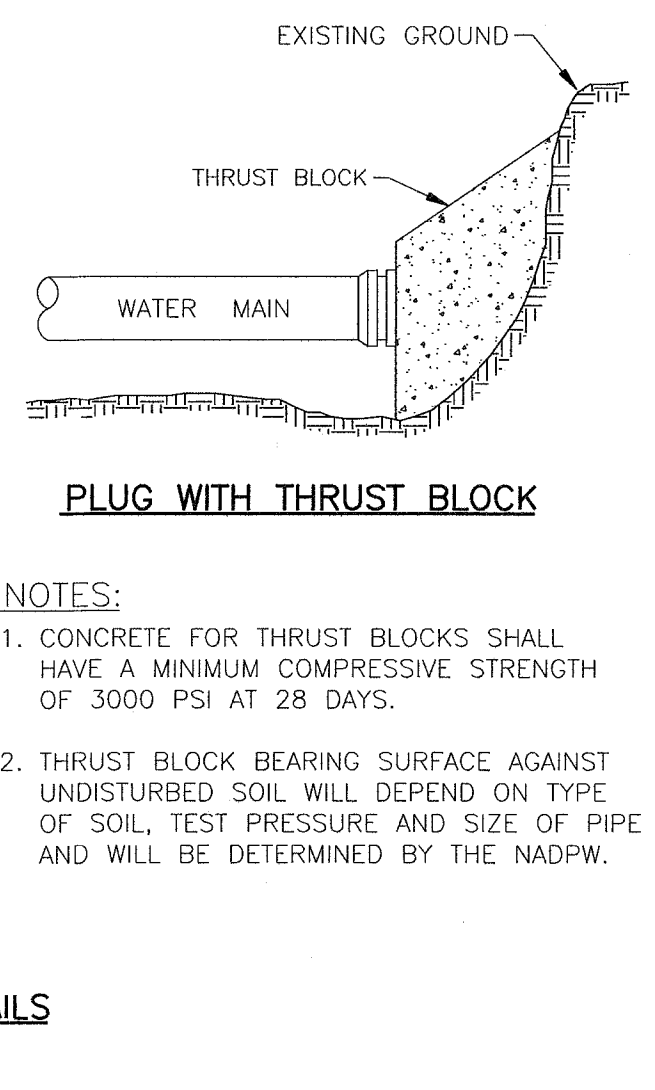
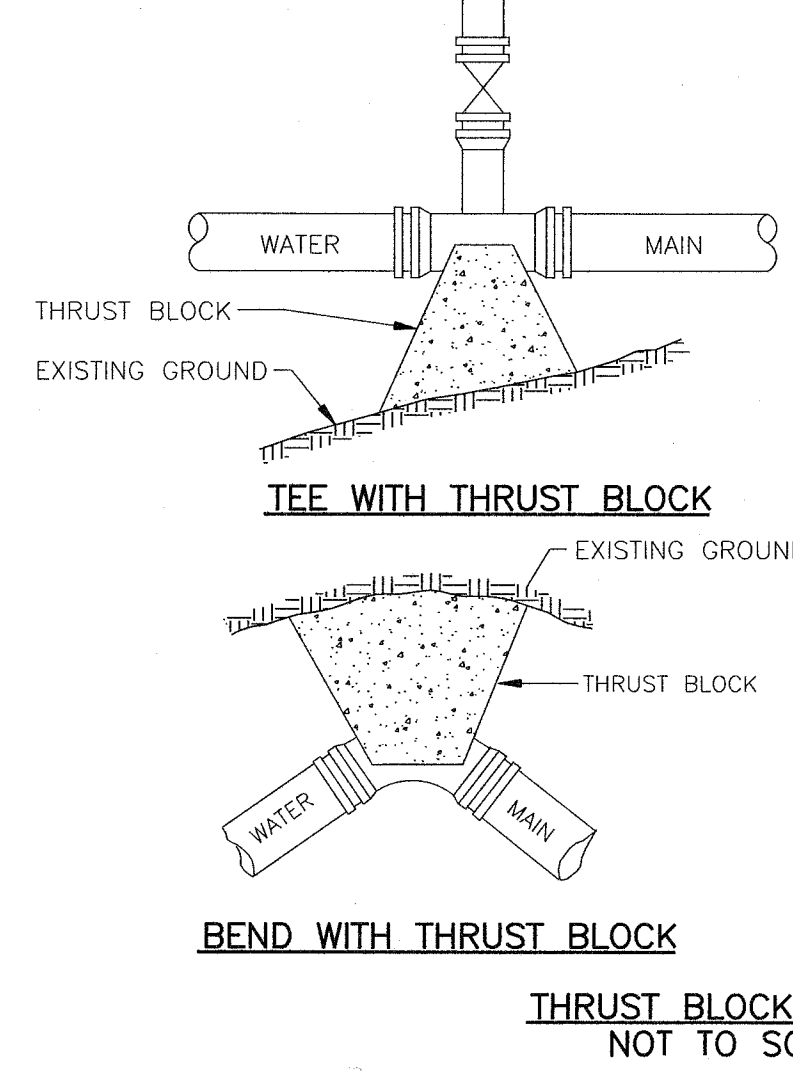
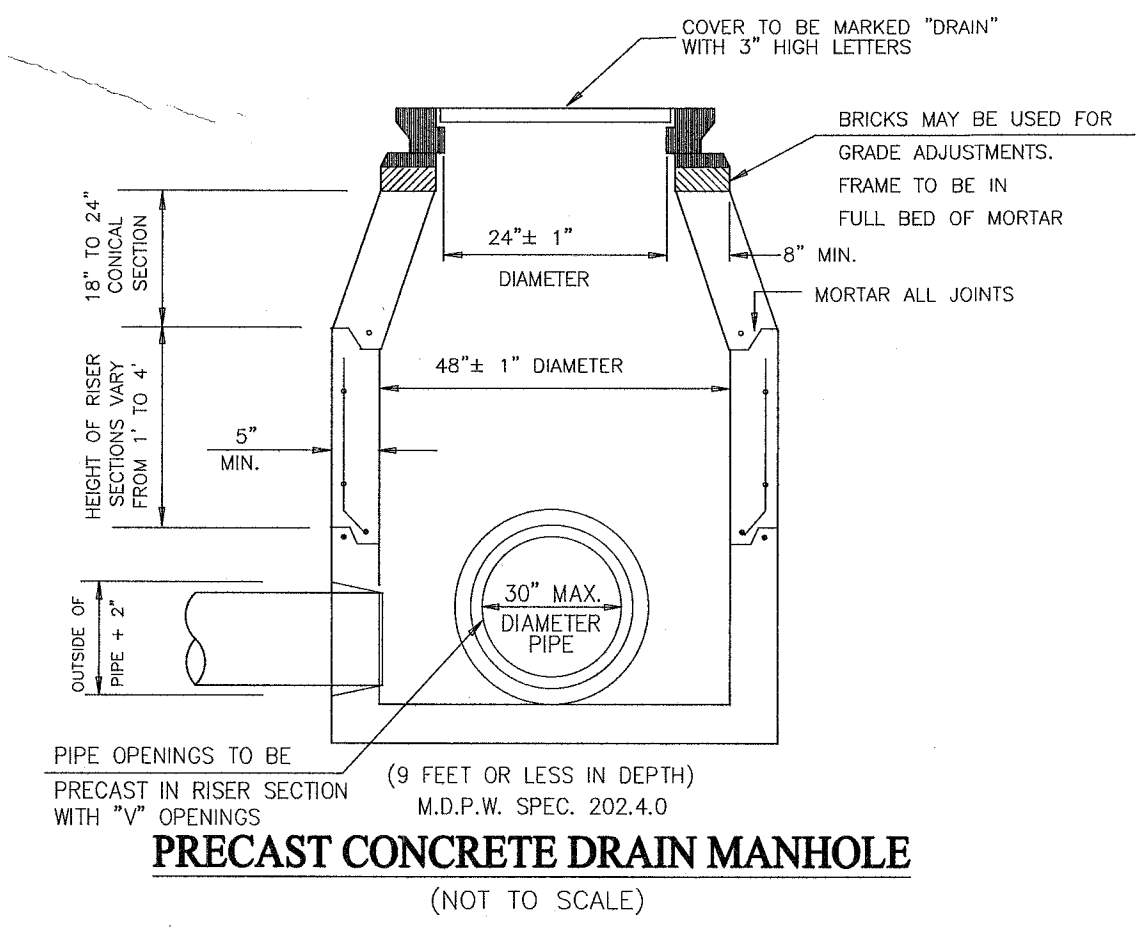
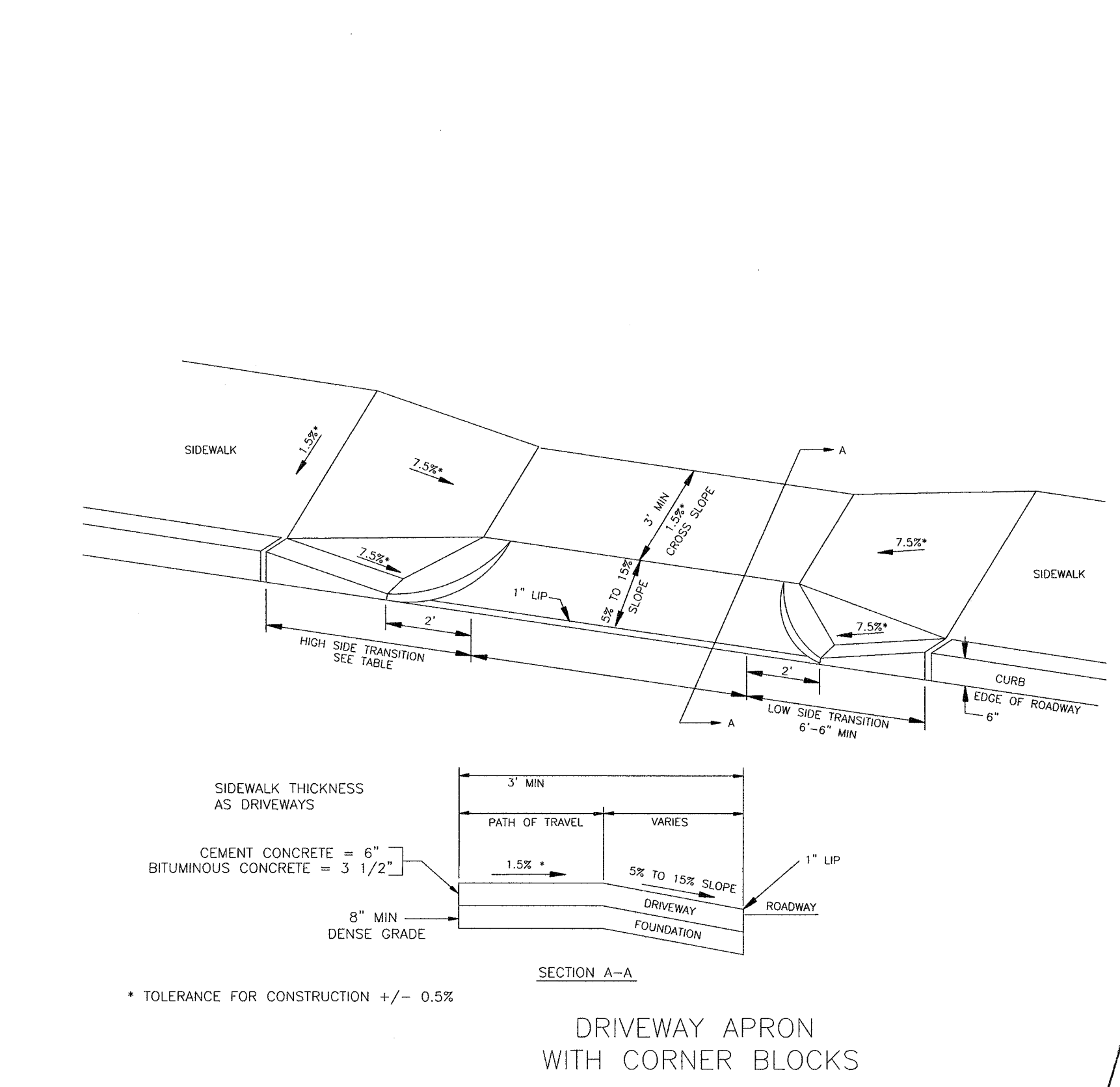
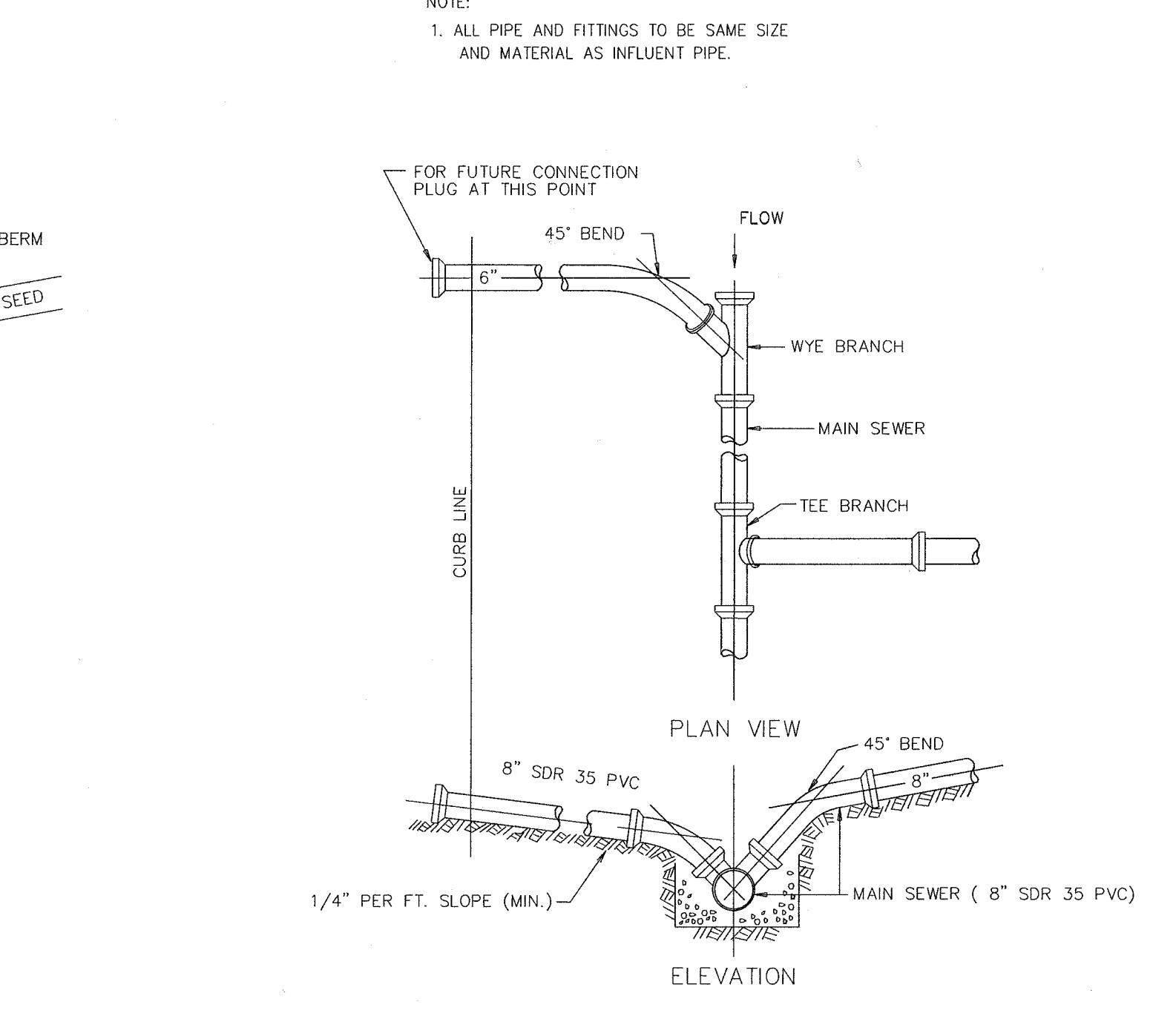
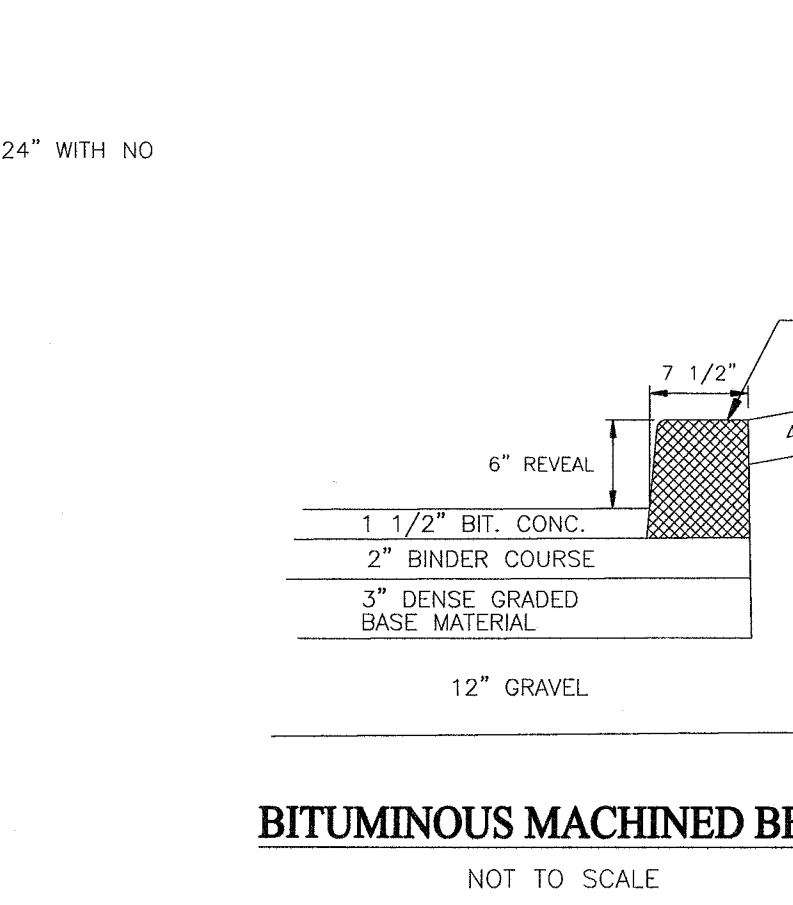
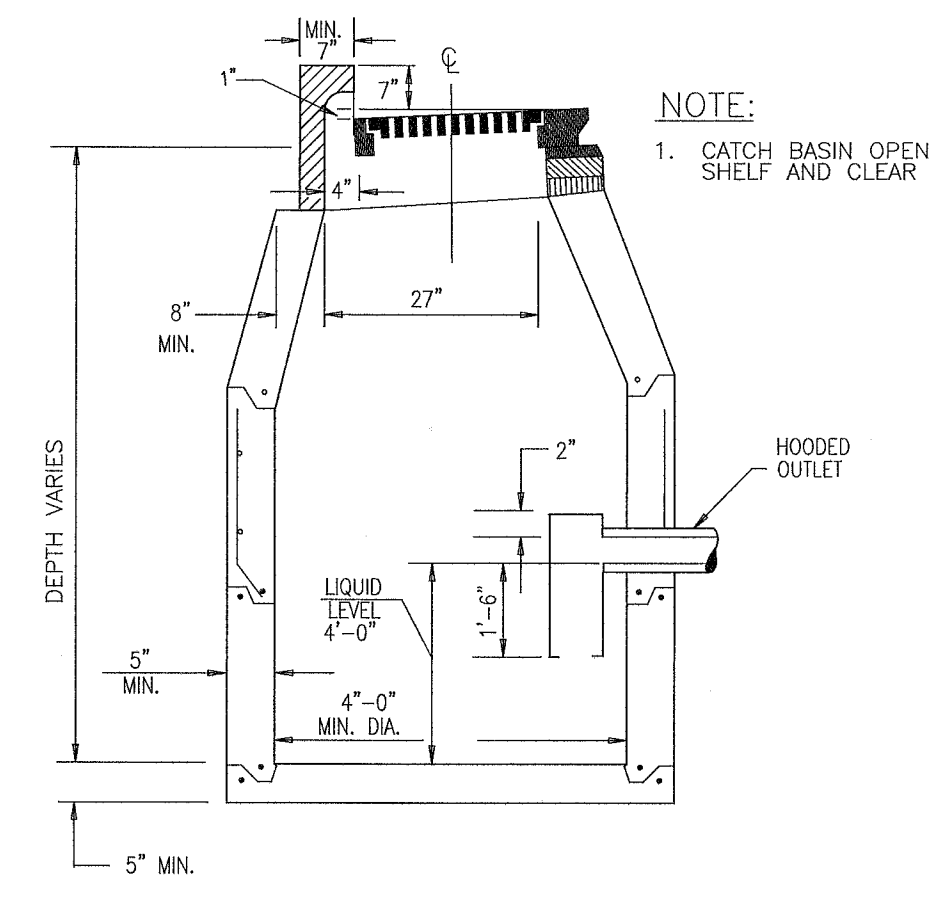
PROJECT NUMBER: 2316

DATE: DEC. 18, 2016



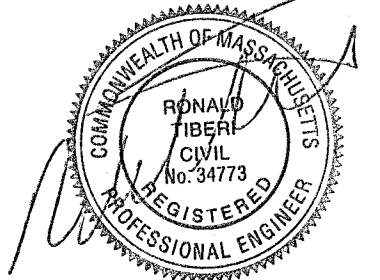


TYPE	MOUNT	VOLT	LAMP	CATALOG #	MANUFACTURER
II	POLE	120	39W	20LEDE10	VALIANT



APPROVED BY PLANNING BOARD

DATE:



REVISIONS		
No.	DATE	DESCRIPTION
1.	1-23-2017	PER REVIEW LETTER 1-9-2017

SITE DETAILS  
IN  
MEDWAY, MASSACHUSETTS

176 MAIN STREET

PREPARED FOR:

176 MAIN STREET LLC  
12 HAVEN STREET  
DOVER MA

PREPARED By:

RONALD TIBERI P.E.  
9 MASSACHUSETTS AVE.  
NATICK MA 01760

DRAWING SCALE: 1 inch = 20 feet

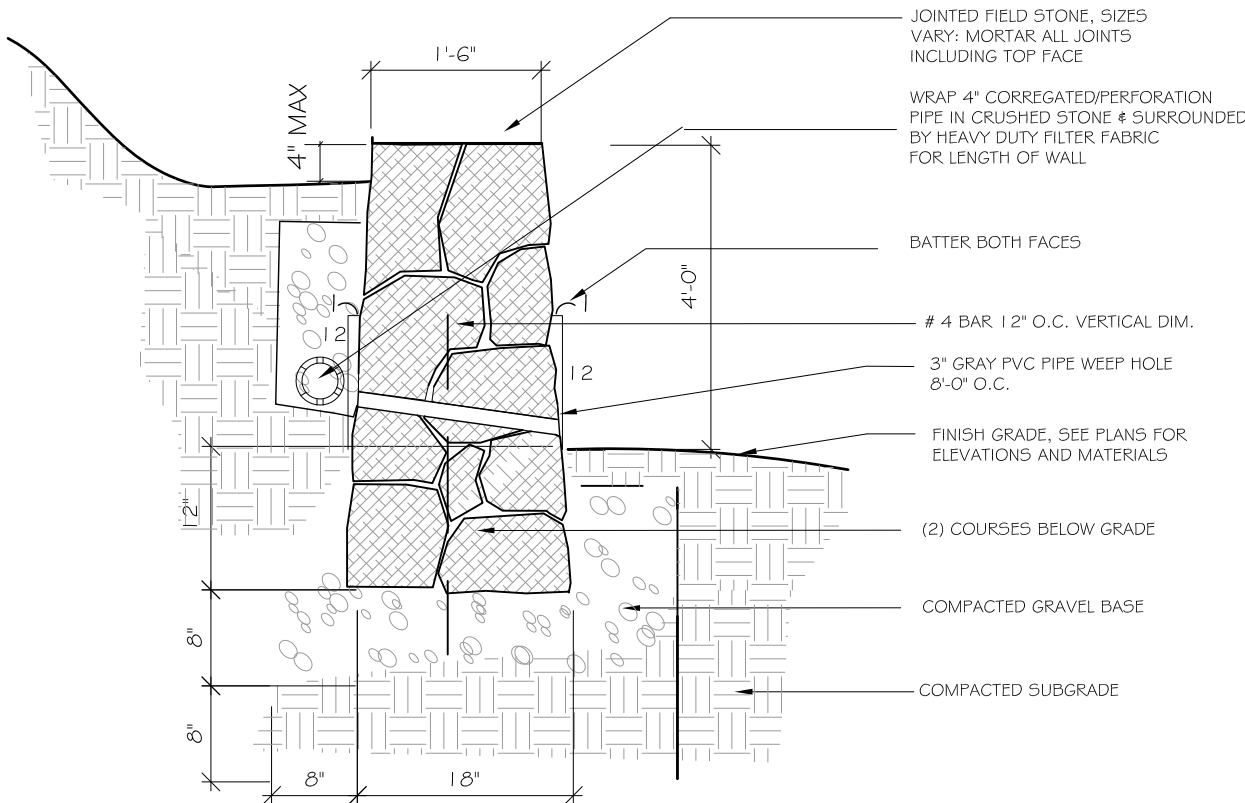
PROJECT NUMBER: 2316

DATE: DEC. 18, 2016



[illegible]

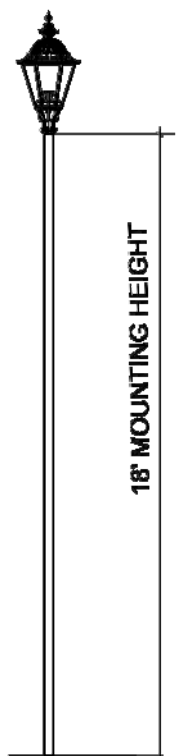
DATE: \_\_\_\_\_



FIELDSTONE RETAINING WALL  
NOT TO SCALE



6' VINYL PRIVACY FENCE  
NOT TO SCALE



PARKING LOT LIGHT FIXTURE  
NOT TO SCALE



WALKWAY LIGHT FIXTURE  
NOT TO SCALE

# PERMIT

LANDSCAPE ARCHITECT:

**Hammer + Walsh Design Inc.**  
Landscape Architecture + Master Planning + Urban Design  
281 Summer Street, 8th Floor, Boston, MA 02210-1539  
(617) 439-0125 [www.hammerwalsh.com](http://www.hammerwalsh.com)

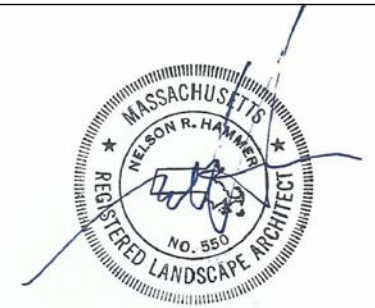
CLIENT:

**176 MAIN STREET LLC**  
**12 Haven Street**  
**Dover, MA**

NOTES:

REVISIONS		
No.	DATE	DESCRIPTION

STAMP



PROJECT:

176 MAIN STREET  
MEDWAY, MA

TITLE:

LANDSCAPE  
PLAN

DATE: 2/1/17

DRAWN BY:

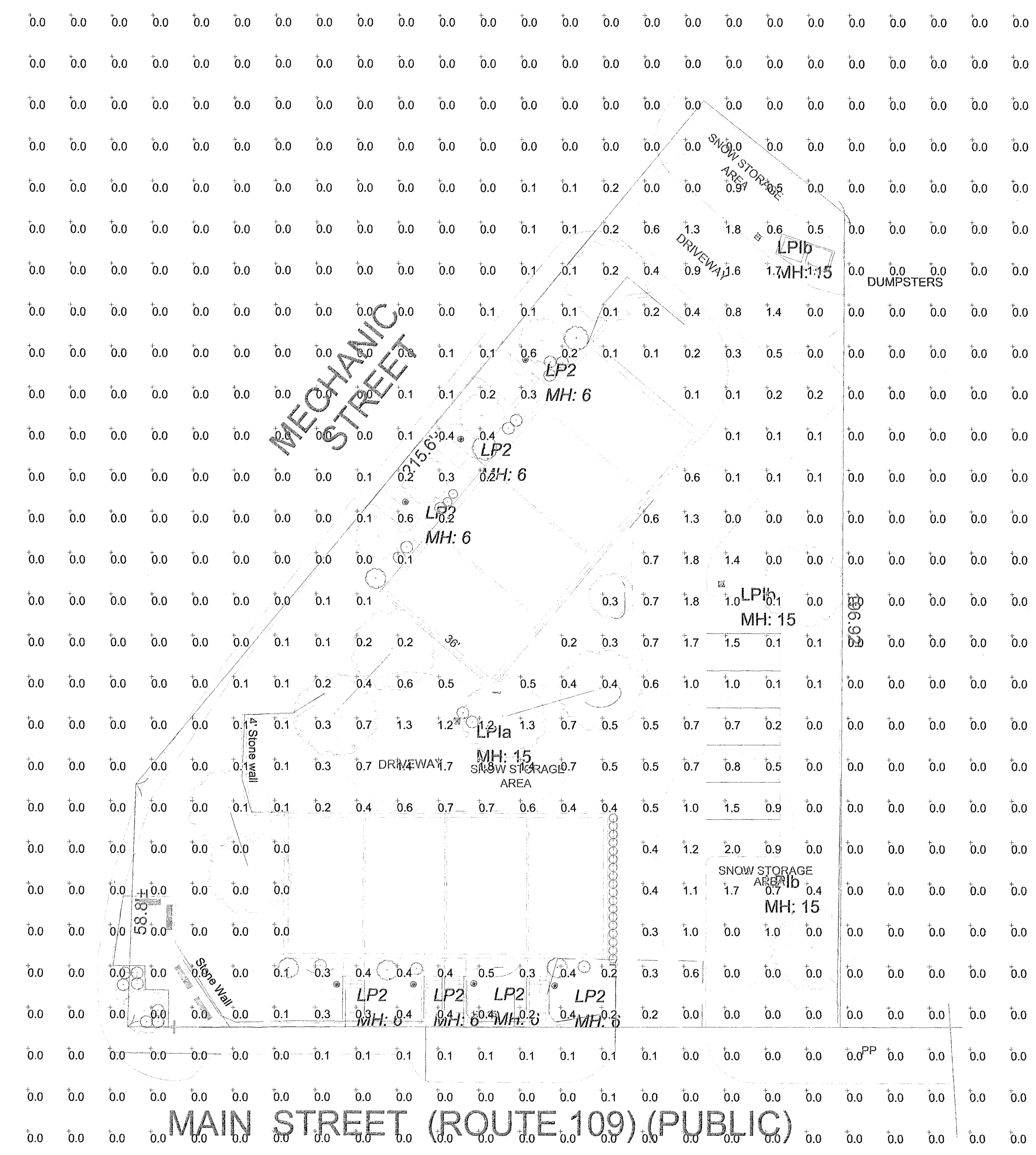
CHECKED BY:  
DMW

SCALE:  
1" = 10'-0"

DRAWING NO.:

# L-1.1





CalcPts\_1

Outdoor Luminaire Schedule						
Symbol	Qty	Label	Description	Lum. Lumens	LLF	Filename
1	1	LP1a	6130LED-4ARC45T2-MDL03-SV2	5522	0.700	6130LED-4ARC45T2-MDL03-SV2.IES
3	3	LP1b	6130LED-4ARC45T2-MDL03-SV2 HHS	5522	0.700	6130LED-4ARC45T2-MDL03-SV2.HHS
7	7	LP2	25 W JJ	1633	0.250	Vor11fpc.ies

Luminaire Location Summary						
LumNo	Label	X	Y	Z	Orient	Tilt
1	LP1a	64.75	108	15	228.976	0
2	LP2	8	78.25	6	0	0
3	LP2	-7.75	59	6	0	0
4	LP2	-21.25	43.75	6	0	0
5	LP1b	56	24	15	181.67	0
6	LP1a	-8.5	-9.25	15	268.21	0
7	LP1b	62	-45.5	15	180	0
8	LP2	-4.25	-72.75	6	0	0
9	LP2	-37.75	-73	6	0	0
10	LP2	-19	-73	6	0	0
11	LP2	15.5	-73.25	6	0	0

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
CalcPts_1	Illuminance	Fc	0.14	2.0	0.0	N.A.	N.A.

PHOTOMETRIC DATA PROVIDED BY:  
**OMNI-LITE, INC.**  
263 WINN STREET BURLINGTON, MA 01803  
PH # 781-272-2300, FAX # 781-272-0759 www.omnilite.com

- GENERAL SITE NOTES**
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS, RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.
  - ALL WORK SHALL CONFORM TO LOCAL, COMMONWEALTH OF MASSACHUSETTS, AND OSHA STANDARDS AND GUIDELINES.
  - LOCATION OF ALL EXISTING AND PROPOSED SERVICES ARE APPROXIMATE AND MUST BE CONFIRMED INDEPENDENTLY WITH LOCAL UTILITY COMPANIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION. ALL UTILITY SERVICE CONNECTION POINTS SHALL BE CONFIRMED INDEPENDENTLY BY THE CONTRACTOR IN THE FIELD PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
  - ALL UTILITY LOCATIONS ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE CONDUITS, PRODUCT PIPING, ETC. PRIOR TO COMMENCEMENT OF EXCAVATION OF ANY TYPE.
  - ALL EXCAVATED UNSUITABLE MATERIAL MUST BE TRANSPORTED TO AN APPROVED DISPOSAL LOCATION.
  - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY "DIG SAFE" (1-888-344-7233) 72 HOURS PRIOR TO ANY EXCAVATION ON THIS SITE. CONTRACTOR SHALL ALSO NOTIFY THE LOCAL DEPARTMENT OF PUBLIC WORKS TO MARK OUT THEIR UTILITIES.
  - THE LIMITS OF WORK SHALL BE CLEARLY MARKED IN THE FIELD PRIOR TO THE START OF CONSTRUCTION OR SITE CLEARING.
  - ALL CONCRETE AND BITUMINOUS PATCH AREAS TO MATCH EXISTING GRADES.
  - SOLID WASTE TO BE DISPOSED OF BY CONTRACTOR IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
  - CONTRACTOR IS RESPONSIBLE FOR ALL EXCAVATION TO BE PERFORMED IN ACCORDANCE WITH CURRENT STANDARDS, AS WELL AS ADDITIONAL PROVISIONS TO ASSURE STABILITY OF CONTIGUOUS STRUCTURES.
  - IN CASE OF DISCREPANCIES BETWEEN PLANS, THE SITE PLAN WILL SUPERCEDE IN ALL CASES. NOTIFY ENGINEER OF RECORD OF ANY CONFLICTS.
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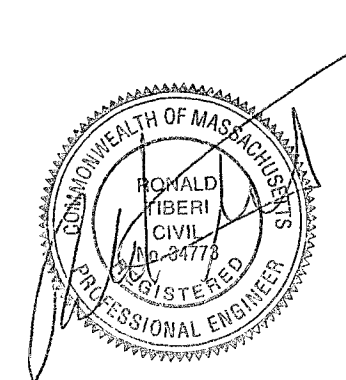
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THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE AND PURPOSE OF THE PARTY STATED HEREON AND SHALL NOT BE USED BY ANY THIRD PARTY WITHOUT THE EXPRESSED WRITTEN PERMISSION OF RONALD TIBERI P.E.

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

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

APPROVED BY PLANNING BOARD  
DATE: \_\_\_\_\_



REVISIONS		
No.	DATE	DESCRIPTION
1.	1-23-2017	PER REVIEW LETTER 1-9-2017

**PROPOSED  
LIGHTING PLAN**  
IN  
MEDWAY, MASSACHUSETTS

**176 MAIN STREET**

PREPARED FOR: **176 MAIN STREET LLC  
12 HAVEN STREET  
DOVER MA**

PREPARED BY: **RONALD TIBERI P.E.  
9 MASSACHUSETTS AVE.  
NATICK MA 01760**

DRAWING SCALE AS NOTED  
PROJECT NUMBER: 2316  
DATE: DEC. 18, 2016



# SFGstudios

Architectural Design Services  
278 Elm Street, Suite 226  
Somerville, MA 02144  
781.956.9773 cell  
SFGstudios@msn.com

PROJECT

## *Medway Green* 176 Main Street Medway, Massachusetts

OWNER

*176 Main St, LLC*  
12 Haven Street  
Dover, Massachusetts

### **Building Code Information**

Occupancy / Use : RESIDENTIAL USE GROUP R-5: TOWNHOUSES

Climate: 5a

Ground Snow Live Load (Pg) : 40

Basic Wind Speed (V): 100

All alterations, repairs and construction methods are to comply with:

International Residential Code 2009 (IRC) with MA Amendments (780 CMR 51.00)

International Fire Code 2009 (IFC)

International Mechanical Code 2009 (IMC)

International Fuel & Gas Code 2009 (IFGC)

International Electrical Code 2009 (IEC)

International Energy Efficiency Code 2012 (IEEC)



APPROVED BY PLANNING BOARD

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





**MEDWAY GREEN**  
**NEW TOWNHOMES**  
176 MAIN STREET  
MEDWAY, MA  
**BASEMENT FLOOR PLAN**

REVISIONS

1. 10/17/16 8-4-UNIT STRUCTURES

OWNER

176 Main LLC  
12 Haven Street  
Dover, MA

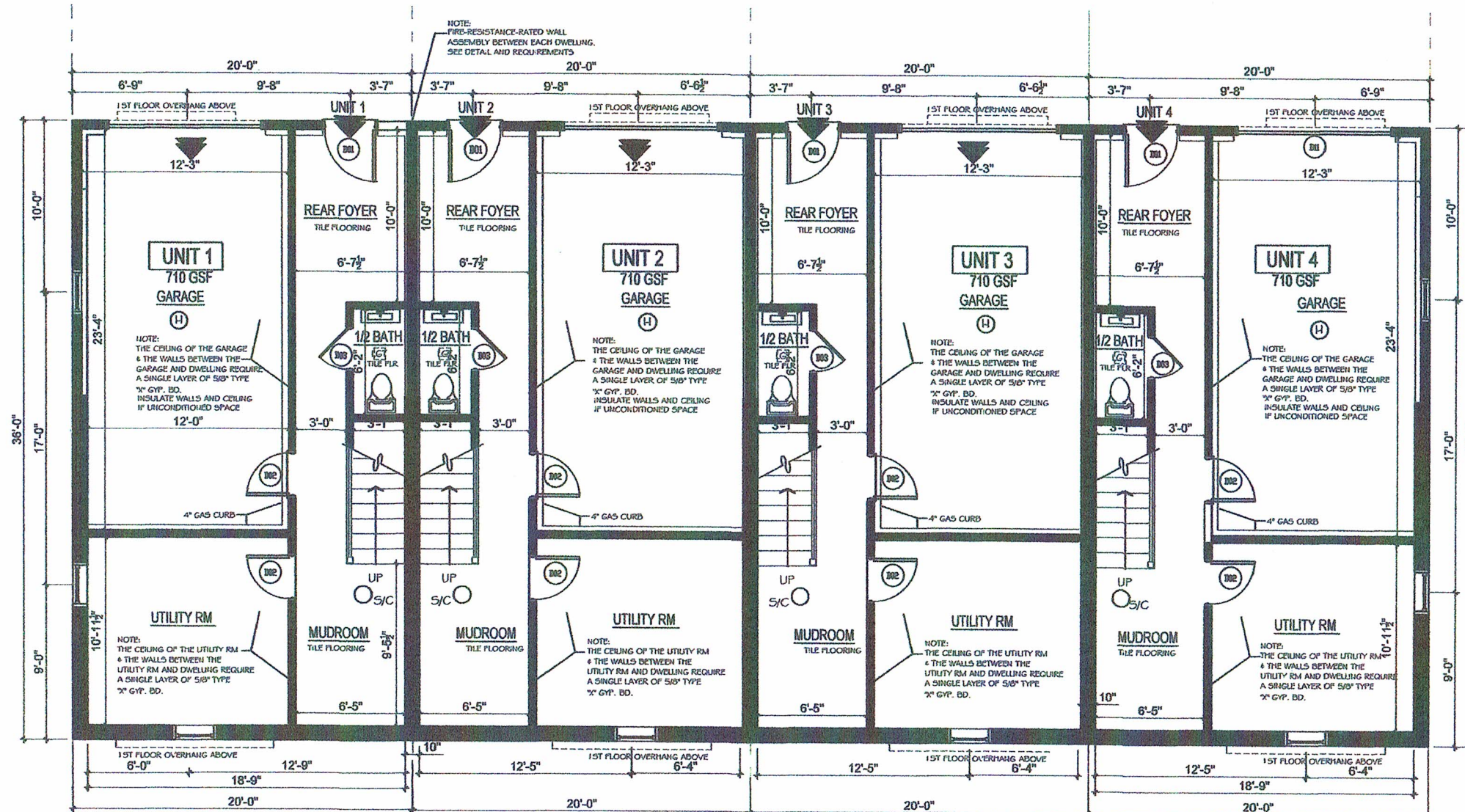
DRAWN BY  
**SFG**

DATE **07/02/2016**

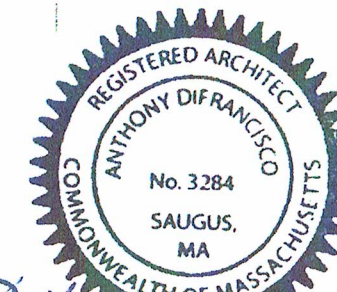
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DRAWING  
No.  
**A 1.0**



**BASEMENT FLOOR PLAN**



*Anthony DiFrancisco*

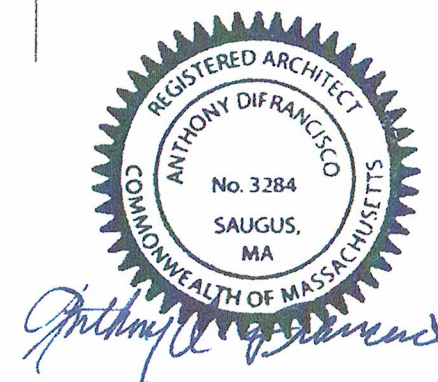
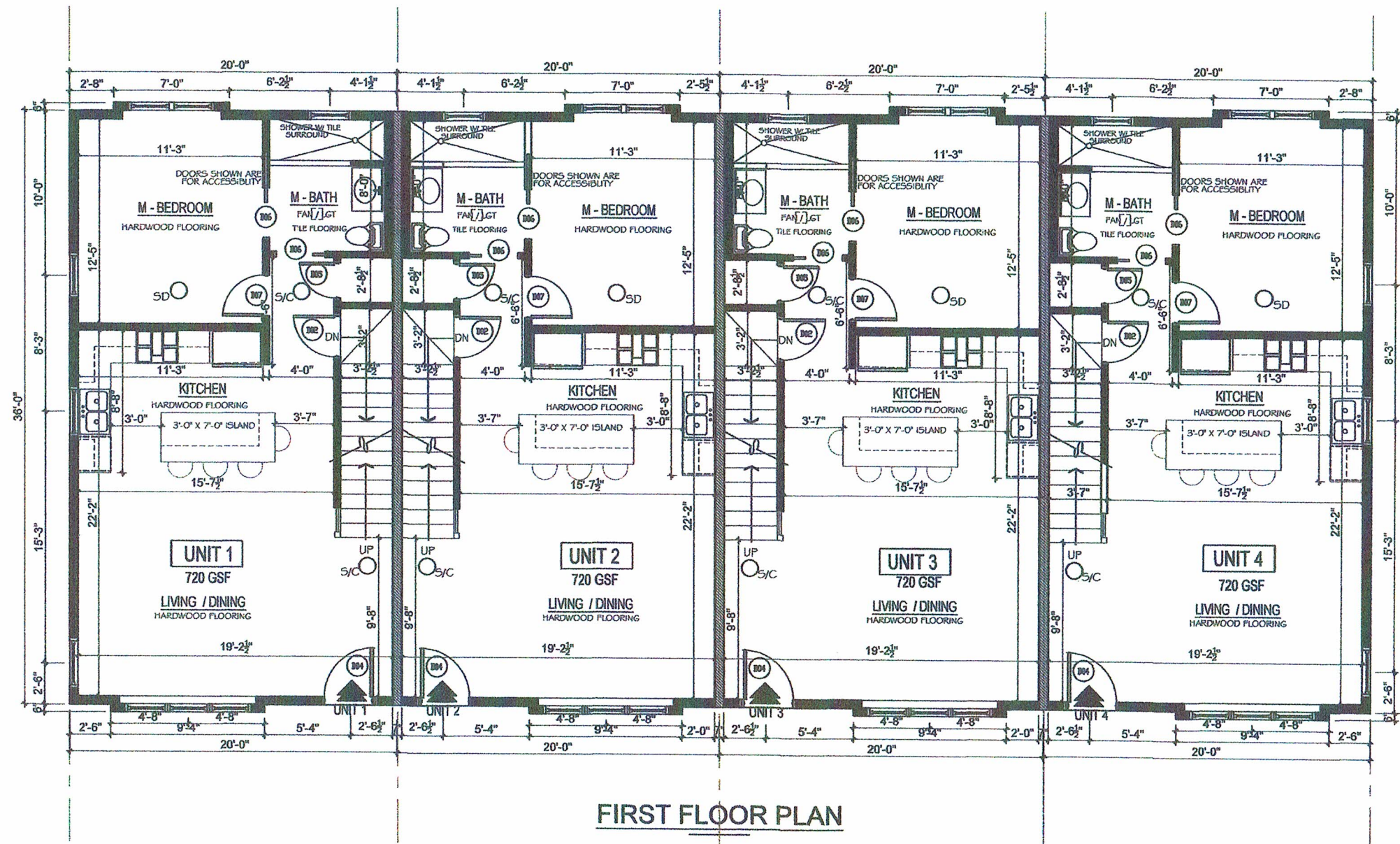
APPROVED BY PLANNING BOARD  
DATE: \_\_\_\_\_



10/17/2016 REVISED STRUCTURES

APPROVED BY PLANNING BOARD

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



SFGstudios  
ARCHITECTURAL DESIGN SERVICES  
978 Elm Street, Suite 226  
Somerville, MA 02144  
781.956.9773 cell  
SFGstudios@msn.com



DESIGNERS - PLANNERS - ILLUSTRATORS

MEDWAY GREEN  
NEW TOWNHOMES  
176 MAIN STREET  
MEDWAY, MA  
FIRST FLOOR PLAN

REVISIONS

1. 10/17/16 9.4-UNIT STRUCTURES

OWNER

176 Main LLC  
12 Haven Street  
Dover, MA

DRAWN BY  
SFG

DATE 07/02/2016

PROJECT  
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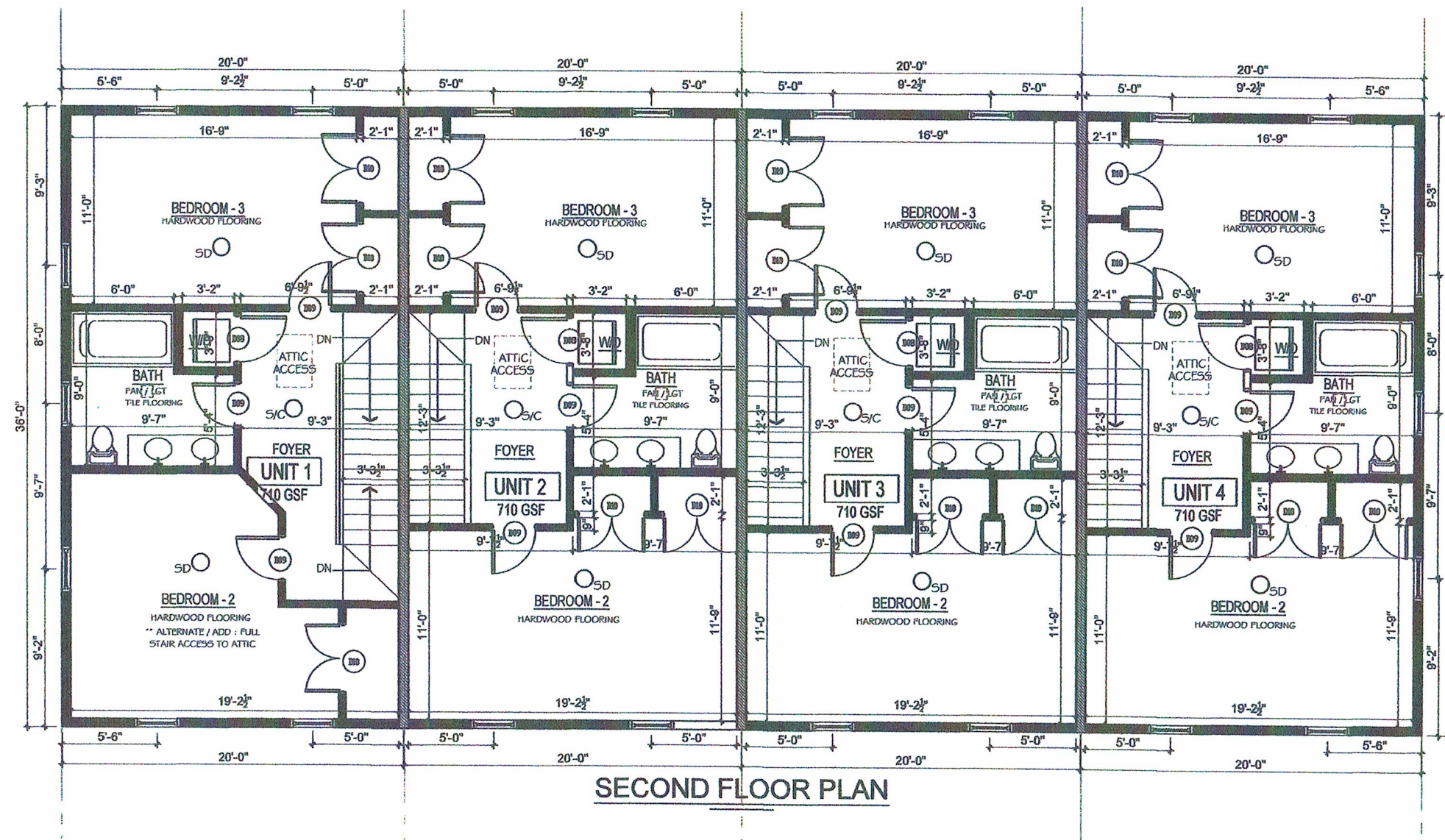
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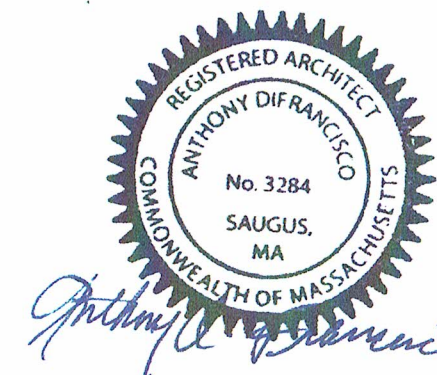
10/17/2016 REVISED STRUCTURES

APPROVED BY PLANNING BOARD

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



SECOND FLOOR PLAN



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Somerville, MA 02144  
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**MEDWAY GREEN**  
**NEW TOWNHOMES**  
176 MAIN STREET  
MEDWAY, MA  
**SECOND FLOOR PLAN**

REVISIONS				
1.	10/17/16	2	4-UNIT STRUCTURES	
2.		3.		
3.		4.		
4.		5.		

OWNER  
  
176 Main LLC  
12 Haven Street  
Dover, MA

DRAWN BY  
**SFG**

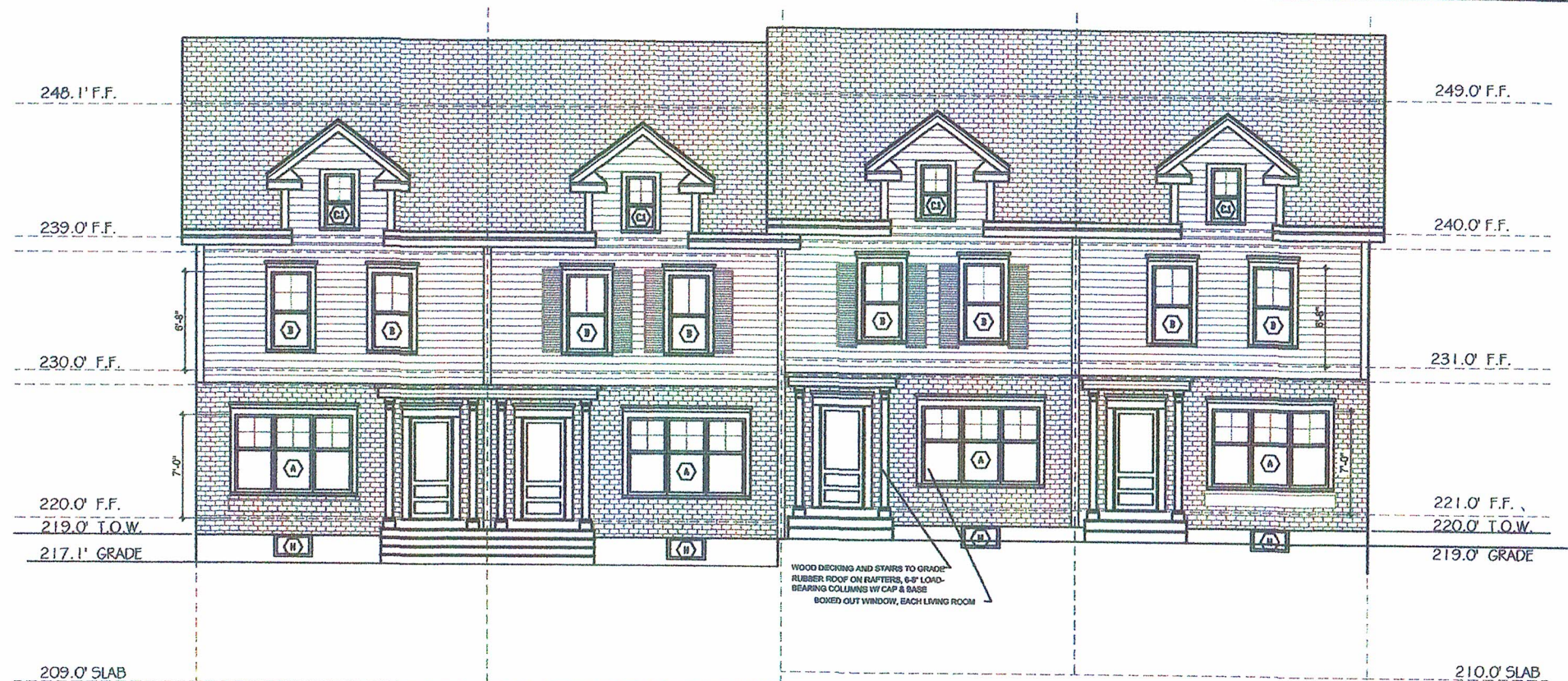
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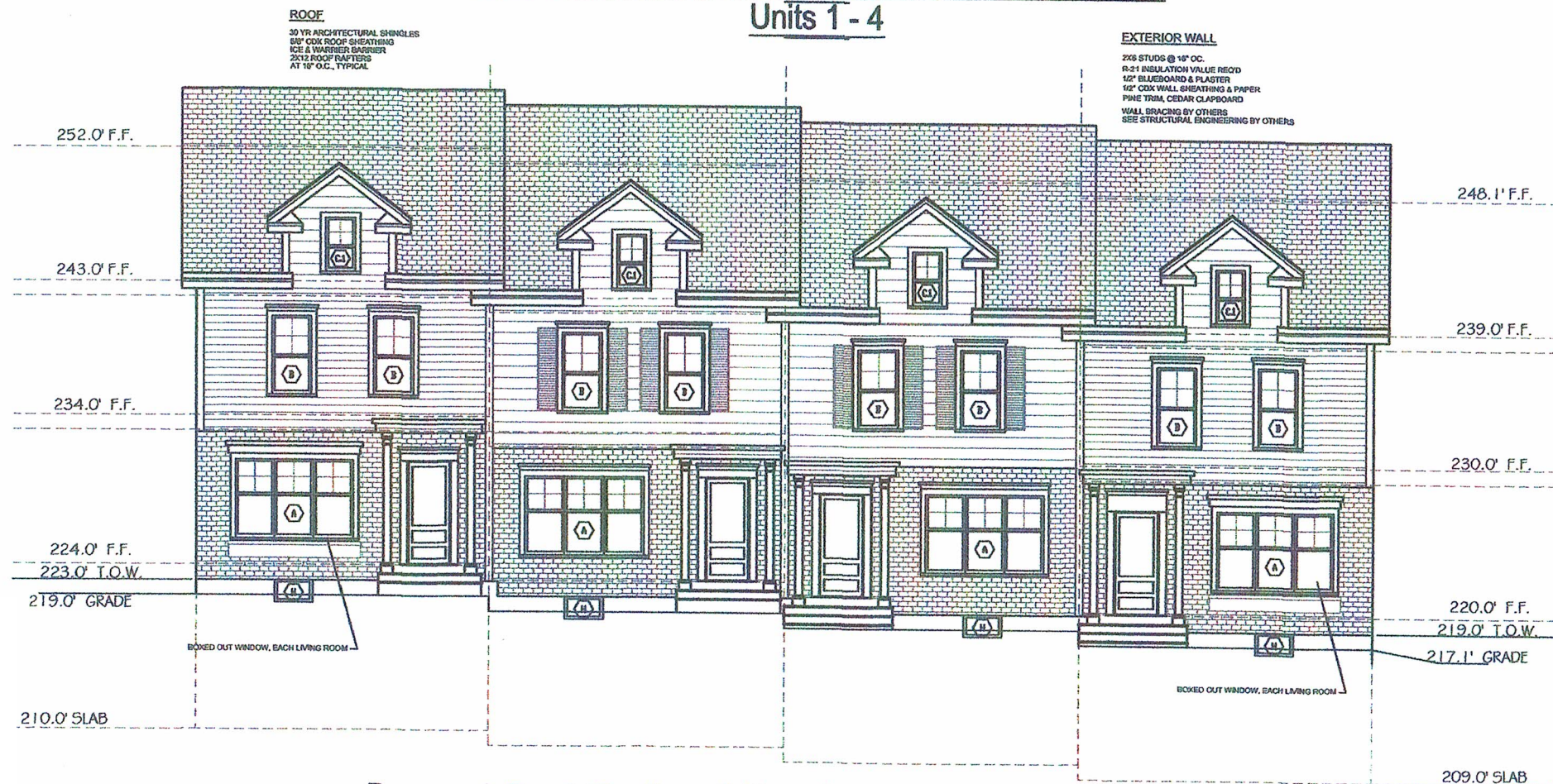
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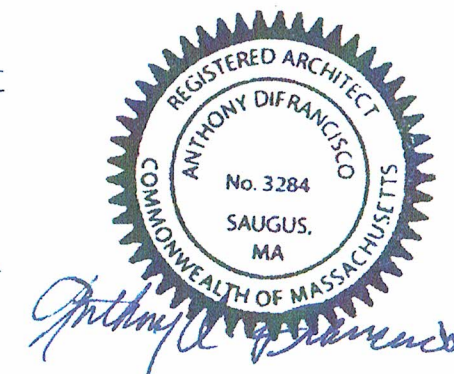




Proposed Front (West) Elevation - Mechanic Street  
Units 1 - 4



Proposed Front (Southeast) Elevation - Main Street Rt 109  
Units 5 - 8



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Somerville, MA 02144  
781.956.9773 cell  
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DESIGNERS • PLANNERS • ILLUSTRATORS

**MEDWAY GREEN**  
**NEW TOWNHOMES**  
176 MAIN STREET  
MEDWAY, MA  
**ELEVATIONS I**

REVISIONS  
1. 10/17/16 8 4-UNIT STRUCTURES

OWNER

176 Main LLC  
12 Haven Street  
Dover, MA

DRAWN BY

SFG

DATE 07/02/2016

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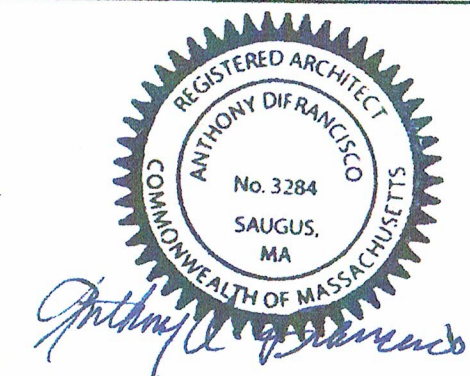
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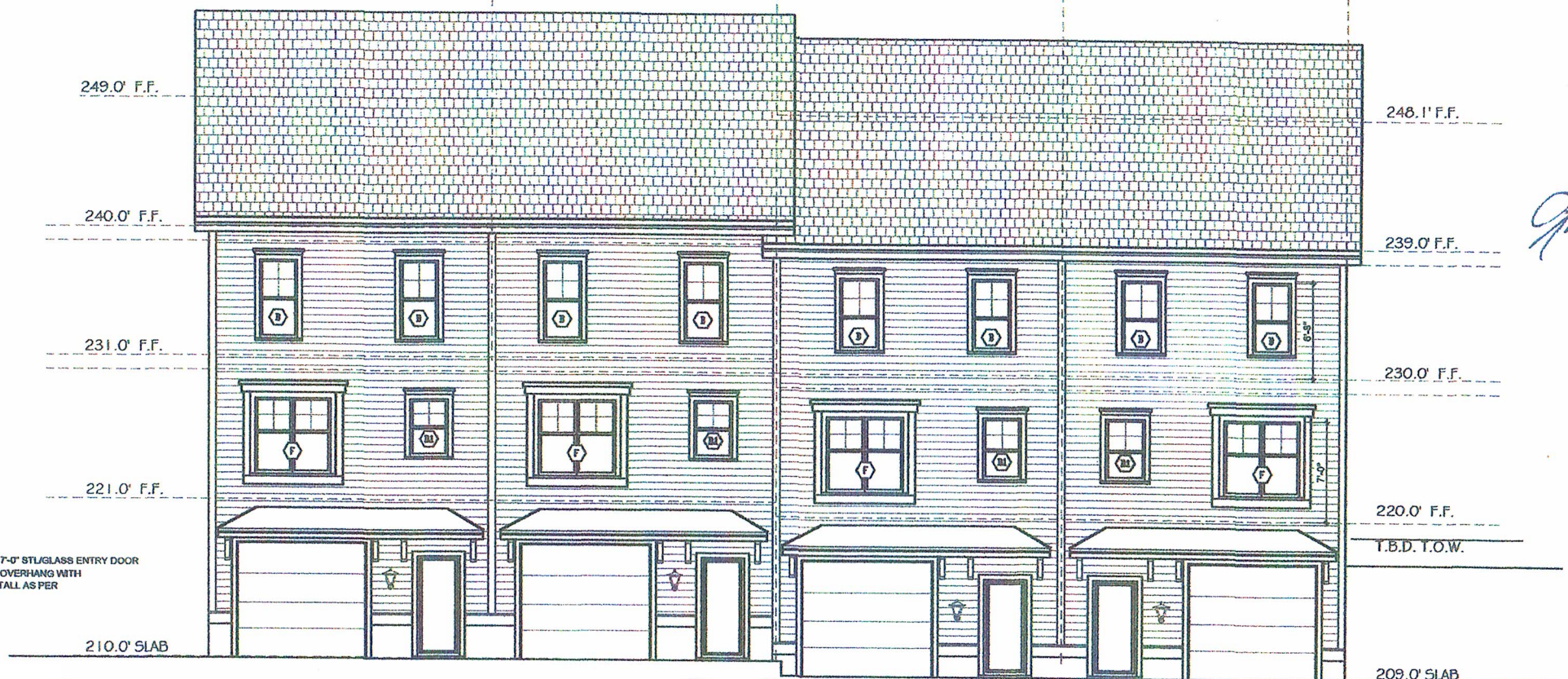
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DATE: \_\_\_\_\_



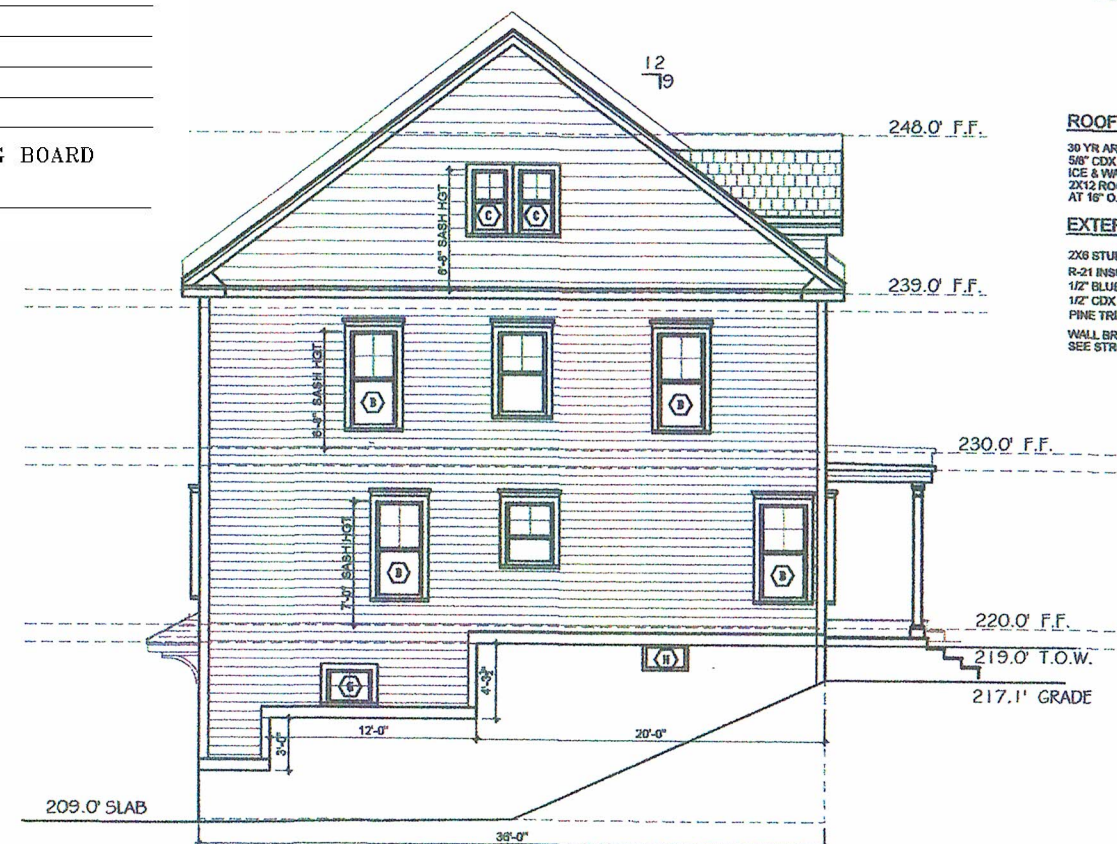


**REAR ENTRIES**  
9'-0" X 8'-0" O.H.D. WITH 2'-0" X 7'-0" STU GLASS ENTRY DOOR  
COPPER OR SHINGLED ROOF OVERHANG WITH  
STRUCTURAL BRACKETS, INSTALL AS PER  
MANUF SPECS, BY OWNER



**Rear Elevation - East**  
**Units 1 - 4**

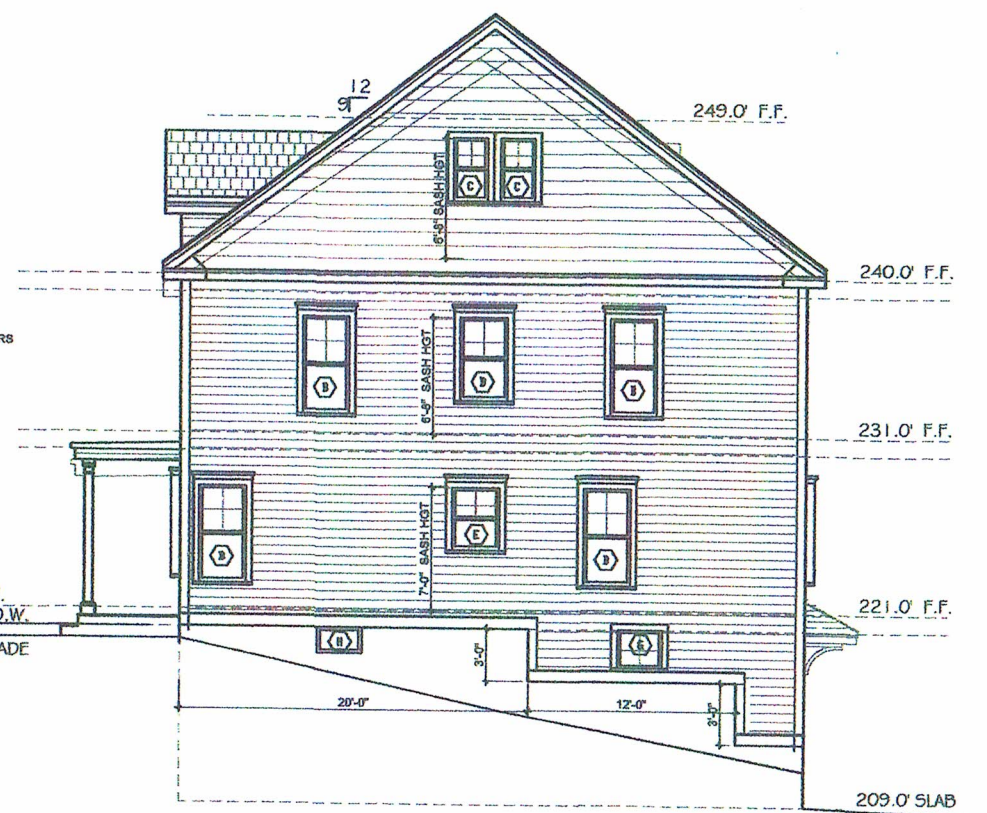
APPROVED BY PLANNING BOARD  
DATE: \_\_\_\_\_



**Side Elevation - North**

**ROOF**  
30 YR ARCHITECTURAL SHINGLES  
5/8" CDX ROOF SHEATHING  
ICE & WATER BARRIER  
2X12 ROOF RAFTERS  
AT 16" O.C., TYPICAL

**EXTERIOR WALL**  
2X6 STUDS @ 16" O.C.  
R-21 INSULATION VALUE REQ'D  
1/2" BLUEBOARD & PLASTER  
1/2" CDX WALL SHEATHING & PAPER  
PINE TRIM, CEDAR CLAPBOARD  
WALL BRACING BY OTHERS  
SEE STRUCTURAL ENGINEERING BY OTHERS



**Side Elevation - South**

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ARCHITECTURAL DESIGN SERVICES  
278 Elm Street, Suite 226  
Somerville, MA 02144  
781.956.9773 cell  
SFGstudios@msn.com



DESIGNERS • PLANNERS • ILLUSTRATORS

**NEW TOWNHOMES**  
**176 MAIN STREET**  
**MEDWAY, MA**  
**ELEVATIONS II**

REVISIONS  
1. 10/17/16 2. 4-UNIT STRUCTURES

OWNER  
**176 Main LLC**  
**12 Haven Street**  
**Dover, MA**

DRAWN BY  
**SFG**  
DATE **07/02/2016**

PROJECT  
No.

SCALE  
**3/32" = 1'-0"**

DRAWING  
No.  
**A 2.1**

10/17/2016 REVISED STRUCTURES





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APPROVED BY PLANNING BOARD



# SFGstudios

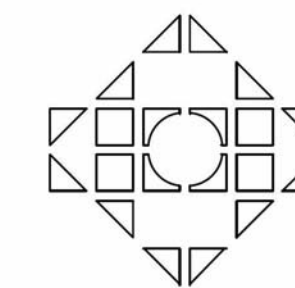
ARCHITECTURAL DESIGN SERVICES

278 Elm Street, Suite 226

Somerville, MA 02144

781.956.9773 cell

SFGstudios@msn.com



[www.KWHdesign.net](http://www.KWHdesign.net)

**KWH design, inc.**  
Keith Hinzman, LEED AP BD+C  
PO BOX 51644  
BOSTON, MA 02205  
(617) 913-4714  
keith@kwhdesign.net  
[www.KWHdesign.net](http://www.KWHdesign.net)

[illegible]

MEDWAY GREEN  
NEW TOWN HOMES

## RENDERINGS PRESENTATION

Project number	Project Number
Date	2016-12-2
Drawn by	Author
Checked by	Checke

A102

Scale



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## PGC ASSOCIATES, LLC

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

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February 21, 2017

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

### **RE: MEDWAY GREENS MULTIFAMILY SPECIAL PERMIT/SITE PLAN**

Dear Mr. Rodenhiser:

I have reviewed the proposed multifamily housing special permit and site plan, as revised, for 8 townhouse units on Main and Mechanic Streets. The applicant is John Kelly of 176 Medway LLC of Dover. The owner is Joshua Grant of Medway.

The proposal is to construct two 4-unit 2 ½-story buildings with a footprint of 2880 square feet each along with associated parking, drainage, lighting, and landscaping. The plan was prepared by Ron Tiberi, P.E. of Natick, Cheney Engineering (surveyor) of Needham, Hammer and Walsh Design (landscape design) of Boston, and SFG Studios (architects) of Somerville. The plan is dated December 18, 2016, with a revision date of January 23, 2017.

The property is located at 176 Main Street in the AR-II, Adaptive Use Overlay and Multifamily Overlay zoning districts. The comments from my January 5, 2017 letter are repeated with new comments in **bold** as follows:

### **ZONING**

#### **Multifamily Housing (Section 5.6.4)**

1. The site is within the Multifamily Housing Overlay District (Section 5.6.4) and thus eligible for a project. **OK**
2. The site has more than 50 feet of frontage on Main Street/Route 109, which has sufficient capacity to handle the additional traffic flow from 8 units. At .6 acres (about 26,136 square feet), it also meets the minimum area requirement of 22,500 square feet. **OK**
3. The plans show setbacks of 16.3' from Main Street and 15.8' from Mechanic Street. The front setback for the AR-II district is 35 feet. The PEDB has the authority to reduce the setback distance with a 4/5 vote. **OK**
4. The building heights shown on the plans are 33' on Main Street and 31' on Mechanic Street which are under the maximum height limit of 40 feet. **OK**
5. The maximum density (before any density bonuses) for multifamily projects is 12 units per acre. With .6 acres, the site is eligible for 7.2 units. The project is not rehabilitating a 75-year-old building nor are 25% of the units to be affordable so it does not qualify for any of the density bonuses offered in Section 5.6.4 Therefore, 8 units exceeds the maximum density allowed since

there is no provision for rounding up in Section 5.6.4. However, the Affordable Housing provisions of Section 8.6 apply to projects of 6 or more units. Section 8.6 requires 10% of the units to be affordable with a density bonus equal to half of the number of affordable units and all fractions rounded up. Since 1 unit will be affordable, the project meets the density requirement because the allowed 7 units would require .7 affordable units and allow a density bonus of .35 units and Section 8.6 provides for all fractions to be rounded UP so that results in a requirement for 1 affordable unit and a density bonus of 1 unit so 8 units is the total allowed. **OK**

#### **Adaptive Use Overlay District (AUOD, Section 5.6.2))**

6. Subsection 5.6.4 B. 1 requires that multifamily projects within the AUOD comply with the AUOD Site Development Standards (Section 504-4 in the AUOD Rules and Regulations). One of those standards (504-4 B) requires that an existing building must be restored or renovated to restore or enhance its architectural integrity. The existing building on the site is proposed for demolition. This requirement is a PEDB regulation so the PEDB may waive it if determines that is in the best interest of the Town. **Again, this provision will need to be waived.**
7. Section 504-4 C of the AUOD standards require that parking be to the side or rear and that it be screened from the public way. The project meets this requirement but may need additional screening as the Landscape Plan shows a single tree and a grass area between the parking area and Main Street. Provision has been made for future linking to adjacent property as required. Also, there are 2 spaces per unit (1 garage space and 1 exterior space). **There is still a single tree and grass area between Main Street and parking lot. Landscape Plan has been tweaked with less groundcover, and more shrubs. The link to adjacent property is now labeled as an “Emergency Access Gate.”**
8. Lighting is of residential scale, and architecturally compatible with the buildings in compliance with Section 504-4 D. **OK**
9. Section 504-4 E prohibits new curb cuts and expansion of existing curb unless the PEDB finds that such changes are necessary to ensure safe access. The existing curb cuts are being used but reduced so this complies with the regulation. **OK**
10. There is significant pedestrian access as there is an existing sidewalk on both abutting streets. However, there is no provision for bicycle parking so the project does not completely comply with Section 504-4 F and no waiver is requested. **I still don’t see any bicycle parking or a waiver request.**

#### **Other**

11. No photometric plan for lighting has been provided to document that the project complies with the Section 7.1.2 (Outdoor Lighting) of the Bylaw. **There is now a photometric plan. Section 7.1.2 E.1 of the Zoning Bylaw prohibits light trespass onto a street. The plan shows 0.1 foot-candles on both Main and Mechanic Streets.**
12. No signage is shown on the plans. **OK**

## SITE PLAN REGULATIONS

(Note: Site plan issues that have been addressed above are not repeated in this section).

13. Section 204-5 B.1 requires a Site Context sheet indicating features within 2000 feet of the perimeter of the site. This was not provided and no waiver was requested. **A Site Context sheet has now been provided that illustrates buildings and parcels, highlights Scenic Roads as well as Chicken Brook and its flood plain.**
14. Section 204-5 C (3) requires an Existing Landscape Inventory. This was not provided and no waiver was requested. **I did not see an Existing Landscape Inventory or waiver request.**
15. Section 204-5 D. (1) requires that setbacks be shown. Other than the front setbacks, the others were not shown. Similarly, setbacks for parking spaces were not shown and no waiver was requested. **OK**
16. Section 204-5 D (14) requires horizontal sight distances at entrances to be shown. This was not done, and no waiver was requested. **This has now been provided.**
17. Section 205-6 G (4)(d) requires a specific turnaround area beyond the last space in a dead-end row of parking spaces. Such areas are provided, but the dimensions are not shown, and no waiver was requested. **The dimensions are now shown.**
18. Section 205-6 H requires vertical granite curbing “or similar type of edge treatment to delineate the parking lot.” The plan indicates asphalt berm. **The plans now show concrete curb along the Main Street entrance. The remaining edges are labeled “Edge Pave” so it is not clear what the material is.**
19. Section 205-9 provides standards for trees and landscaping. Parking lots are required to have 1 tree per 6 spaces, and only trees that shade parking spaces are counted for this requirement. In this instance, 3 trees are required, though only 8 of the spaces are outside so 2 may be sufficient. Seven trees are provided around the perimeter of the access drives and parking lot, but only 2 provide shade to a parking space (and the same space - #8) as required. **This is unchanged.**

## GENERAL COMMENTS

20. The project meets the requirement for 2 parking spaces per unit, or 16 spaces. The Project Description indicates that 20 spaces will be provided. **OK.**
21. I have a bit of a concern about turning radii into the garages from a 20-foot driveway. I am especially worried about Unit 1, and Unit 8 when a car is parked in parking space #8. **Parking space #8 has been moved to in front of the garage of Unit 3. This addresses my Unit 8 concern, but shift it to parking spaces 2, 3 and 4.**
22. While having two entrances is generally essential for public safety purposes, in this case, the front doors of the housing units are within 20 feet of 2 major streets and have driveway access behind them affording nearly maximum public safety access. Eliminating the Main Street entrance would result in a better streetscape as well as eliminate a traffic conflict on a state highway. I recognize that the Mechanic Street access is only 20 feet wide and is one-way in only

and the driveways to the rear are also 20 feet wide while the Main Street access is 22 feet wide and two-way. It may not be possible to make the Mechanic Street entrance suitable for two-way traffic with the stormwater system constraints of the current design but should be considered.

If there are any questions about these comments, please call or email me.

Sincerely,

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

Gino D. Carlucci, Jr.



January 9, 2017  
(revised February 23, 2017)

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

**Re: Medway Greens  
Multifamily Housing Special Permit Review  
176-178 Main Street  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above-mentioned Project at the request of the Town of Medway Planning and Economic Development Board (PEDB). The Project includes construction of two four-unit townhouse style structures and appurtenant infrastructure and is situated on existing partially developed land at 176-178 Main Street at the corner of Main Street and Mechanic Street.

TT is in receipt of the following materials:

- A plan (Plans) set titled "Medway Greens, 176 Main Street, Medway, Massachusetts", dated December 18, 2016, prepared by Ronald Tiberi, P.E. (RT).
- A permit application (Application Forms) titled "Multifamily Housing Special Permit Application", dated December 15, 2016, prepared by RT.
- A description (Projection Description) titled "Project Description" prepared by RT.
- A stormwater management report (Stormwater Report) titled "Stormwater Report" prepared by RT.

The Plans, Stormwater Report and accompanying materials were reviewed for conformance with the Town of Medway Planning Board Rules and Regulations for the Submission and Review of Site Plans (Chapter 200), MA DEP Stormwater Management Standards (Revised January 2008), Town of Medway Water/Sewer Rules and Regulations and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to applicable regulation requirements is given in parentheses following each comment.

#### TT 2/23/17 Update

RT has supplied TT with a revised submission addressing comments provided in our previous letter including the following site-related documents submitted by the applicant:

- A revised set of plans (Plans) titled "Comprehensive Permit Plan Known as Country Estates of Medfield, MA", dated December 18, 2016, revised January 23, 2017 prepared by RT.
- A stormwater management report (Stormwater Report) titled "Medway Greens Drainage Report, 176 Main Street" dated January 31 2017, prepared by RT.

The revised Plans were reviewed against our previous comment letter (January 9, 2017) and revised documents, comments have been tracked accordingly. Text shown in gray represents information contained in previous correspondence while new information is shown in black text.

## **Conformance with Planning Board Rules and Regulations for Submission and Review of Site Plans (Chapter 200):**

In our opinion, the information provided does not meet the Standards for Site Plan Preparation as clearly listed under Section 204-4 and 204-5 of the Town of Medway Site Plan Review regulations, making it impossible to provide a complete and thorough review at this time. We recommend the applicant review the regulations to ensure all required information is provided and resubmit to the PEDB so a more complete and thorough review can be provided.

In the interest of clarifying expectations, the comments provided below identify specific required information that has not been provided. This list does not constitute all items required as it is the applicant's responsibility to supply this information in full or otherwise request a waiver from the PEDB.

Please note, existing conditions information suggests the Project property extends into the current Mechanic Street travelled way which is an issue that should be clarified before any substantive review is completed.

### **Section 204-4**

- 1) Given the apparent trespass occurring on the subject property we request an existing conditions plan be prepared and stamped by a Massachusetts licensed registered land surveyor. The existing conditions plan should provide all metes and bounds descriptions, reference the NAVD88 vertical datum and include all record easements or other critical site information. This information is required from a licensed land surveyor to meet the "qualified professionals" standard under 204-4A.
  - TT 2/23/2017 Update: The applicant has provided an existing conditions plan stamped by a professional surveyor. This plan shows the subject property extending into the paved area of Mechanic Street in the southwest corner of the property. The applicant has shown an area on Sheet S-3 proposed as an easement. However, the applicant shall provide dimensioning and/or metes and bounds of this area for clarity. Metes and bounds should also be shown for the entirety of the property boundary as well.
- 2) The plans do not include PEDB endorsement/signature block.
  - TT 2/23/2017 Update: This item has been addressed to our satisfaction.

### **Section 204-5**

- 3) Cover Sheet - Cover Sheet does not include map and parcel number, list of requested waivers or PEDB signature block. (Ch. 200 §204-5.A)
  - TT 2/23/2017 Update: The above-mentioned items have been included on the cover sheet. However, the revised plan set includes what appears to be two cover sheets. We recommend the applicant consolidate the sheets into one to reduce overall size of the plan set.
- 4) Site Context Sheet – Not provided
  - TT 2/23/2017 Update: This item has been addressed to our satisfaction.
- 5) Existing Conditions Sheet – Existing Conditions Sheet implies site extends into presumed public way, does not include landscape inventory, does not clearly show all existing site utilities.
  - TT 2/23/2017 Update: See comment at 1 regarding extension of site into public way. The applicant has requested a waiver from the requirement to provide existing landscape inventory. We do not oppose this request due to the existing condition of the site. Site utilities have been included on the plan.
- 6) Proposed Site Plan – The Site Plan is generally unreadable and does not provide specific information listed in the standards such as curb radii, curb type or other readable information to

allow for a clear review. We recommend the applicant provide a proposed Layout and Materials plan detailing proposed surface finishes and their specific limits and locations

- TT 2/23/2017 Update: The applicant has provided a clearly organized Site Plan. This item has been addressed to our satisfaction.
- 7) Site Grading Plan – A Site Grading Plan is not provided. Grading information is included on the Site Plan but lacks readability and detail necessary to conduct a thorough review. We recommend the applicant provide a Grading and Drainage Plan clearly depicting existing and proposed grades and all existing and proposed drainage-related infrastructure.
- TT 2/23/2017 Update: The applicant has provided a clearly organized Grading Plan. This item has been addressed to our satisfaction.
- 8) Drainage and Erosion Plan – A Drainage and Erosion Plan is not provided. Some erosion control measures are shown on the Site Plan but lacks the readability and detail to conduct a thorough review. We recommend the applicant include all proposed drainage improvements on the Grading and Drainage Plan and show all proposed erosion control measures and demolition on the Existing Conditions Plan.
- TT 2/23/2017 Update: The applicant has provided a clearly organized Drainage and Erosion Plan. This item has been addressed to our satisfaction.
- 9) Site Utilities Plan – A Site Utilities Plan is not provided. Partial site utility information is included on the Site Plan but lacks readability and detail necessary to conduct a thorough review. We recommend the applicant provide a Site Utilities Plan showing existing and proposed water, sewer, electric and telecommunications information and referencing relevant details.
- TT 2/23/2017 Update: The applicant has provided a clearly organized Site Utilities Plan. This item has been addressed to our satisfaction.
- 10) Landscape Architectural Plan – Generally meets requirements.
- TT 2/23/2017 Update: No further comment required, this item has been addressed to our satisfaction.
- 11) Architectural Plan – Generally meets requirements.
- TT 2/23/2017 Update: No further comment required, this item has been addressed to our satisfaction.
- 12) Color Renderings – Not provided.
- TT 2/23/2017 Update: The applicant has provided color renderings of the Project. This item has been addressed to our satisfaction.
- 13) Lighting Plan – Not provided.
- TT 2/23/2017 Update: The applicant has provided a Lighting Plan for the Project. However, light levels exceed the 0.01 foot-candle threshold at the property line at several locations.
- 14) Emergency Access Plan – Although not specifically listed, a plan showing site circulation of emergency vehicles is typically required for review by the Fire Department.
- TT 2/23/2017 Update: The applicant has not provided an Emergency Access Plan. The Fire Chief has reviewed the Plans and has confirmed that the site meets applicable codes with regard to access. However, we recommend the applicant conduct a truck turn analysis based on Medway's fire apparatus sizing to confirm circulation through the site can be achieved due to the tight design.

**The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, town stormwater standards or requiring additional information as it relates to site drainage facilities:**

As stated in Item 7 above, the proposed drainage system is lacking detailed information to conduct a thorough review of the Project's stormwater impacts. We recommend the applicant create a Grading and Drainage Plan clearly differentiating between existing and proposed grading and drainage at the site. The applicant is directed to Ch. 200 §205-4 Drainage and Stormwater Management which lists minimum performance standards that must be met and required materials to ensure all applicable guidelines have been met regarding stormwater runoff mitigation.

- 15) The information provided does not adequately address compliance with stormwater standards. The analysis is poorly formatted and hard to follow making a thorough review difficult. In addition, test pits indicate the presence of "B" soil types but analysis applies infiltration rates for subsurface infiltration chambers typical of "A" soils, no information has been provided showing compliance with water quality requirements as water quality BMP's are not shown on the plan. These items should be addressed prior to resubmission.
  - TT 2/23/2017 Update: The applicant has clarified soil types within the site as predominantly "A" type soils, this item has been addressed to our satisfaction.

**The following is a list of general items that TT recommends the applicant take into consideration prior to the next submission:**

- 16) TT recommends the applicant provide proposed plans in grayscale as the colored linework provided is difficult to read/review. Furthermore, a set of site plans should be provided including but not limited to Existing Conditions and Erosion Control Plan, Layout Plan, Grading and Drainage Plan, Utility Plan and Details Plan(s).
  - TT 2/23/2017 Update: This item has been addressed to our satisfaction.
- 17) The eastern edge of Unit 8 is directly coincident with the edge of entry into the property from Main Street. TT recommends placing a curb line or bollards to protect the dwelling from potential contact with vehicular traffic or snow plows.
  - TT 2/23/2017 Update: This item has been addressed to our satisfaction.
- 18) A detail of the proposed stone walls on site has not been provided. Walls are proposed nearly coincident with proposed erosion controls along the Main Street property boundary. We question whether the proposed erosion control can be maintained in that area during construction to mitigate any potential washout of site soils onto Main Street during storm events.
  - TT 2/23/2017 Update: This item has been addressed to our satisfaction.
- 19) It is unclear if the applicant proposes to make a connection to the adjacent lot at the northeast portion of the property. It appears the edge of pavement does not close in this area or may be screened by the erosion control line. Additionally, nearby dumpsters do not appear to have sufficient loading access for trash vehicles.
  - TT 2/23/2017 Update: The applicant is proposing a gate and vinyl fence for screening against abutting properties. Furthermore, it appears the applicant is proposing to place dumpsters on asphalt surface. We recommend a concrete pad to prevent potential asphalt settlement at the dumpster location.



**The following is a list of additional items based on review of the revised documentation:**

- 20) The applicant states the use of porous pavement in the Stormwater Report. However, it is not clear on the plans where the porous pavement is to be used and no detail has been provided.
- 21) The proposed rain garden requires pre-treatment of runoff prior to discharge to the BMP. Based on the design, it appears the applicant is proposing to use a gravel diaphragm and vegetated filter strip as pre-treatment prior to discharge to the rain garden. However, the proposed filter strip does not meet minimum length as required by the Stormwater Handbook.
- 22) The applicant takes TSS removal credit for use of a grassed channel. However, per the Stormwater Handbook grassed channels must be long enough to achieve a 9-minute residence time within the channel.
- 23) It is unclear why catch basin, drain manhole and bollard details are included in the plan set. It does not appear these are proposed for this project. We recommend the applicant include only construction details that are proposed for the Project for clarity.
- 24) Proposed signage has not been shown on the Plans.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

Very truly yours,



Sean P. Reardon, P.E.  
Vice President



Steven M. Bouley, EIT  
Senior Project Engineer

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Susan Affleck-Childs

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**From:** Jeff Lynch  
**Sent:** Tuesday, February 21, 2017 7:39 AM  
**To:** Susan Affleck-Childs  
**Subject:** RE: Revised Plans for 176-178 Main Street

Good Morning Susy, As a follow up to our conversation of Friday, February 17, 2017, I have reviewed the plans for the proposed 8 unit townhouse condo development at 176-178 Main Street and have confirmed the plans as show comply with the Massachusetts Fire Code with regard to access. The plans show two means of access to the development which are remote, at least 20’ wide and will be a hard surface. I have not seen the actual code review plans for the buildings, however, residential buildings with over three units are required to be sprinklered. Thank you for your consideration. Chief Lynch

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**From:** Susan Affleck-Childs  
**Sent:** Monday, February 13, 2017 1:22 PM  
**To:** David Damico; Bridget Graziano; Jeff Lynch; Jeff Watson; Chief Tingley; Jack Mee; Beth Hallal; Donna Greenwood; Joanne Russo; Doug Havens; Matt Buckley  
**Cc:** Michael Boynton; Allison Potter; Stephanie Mercandetti  
**Subject:** Revised Plans for 176-178 Main Street

Hi,

We have received a revised plan for the proposed 8 unit, townhouse condo development at 176-178 Main Street. See attached.

The next public hearing on this project is scheduled for 2/28/17.

The PEDB welcomes your review of the revised plan. Please forward any comments to me by 2/24/17.

Thanks for your help.

Cheers!!

Susy

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

Town of Medway – *A Massachusetts Green Community*

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To: Medway Planning Board



In reference to the proposed construction of two condominium building at 176 Main St and Mechanic street, we would like to make several proposals for you to take under advisement by providing some history to the use of the property.

The Narducci's purchased 176 Main st in the 1970's. They also purchased 174 and 174 A to provide parking for the building located at 176 Main St. At that time customers could park at 174 A and exit either to Main St., a narrow one lane road that provides poor visibility or onto Mechanic St. which is a slower side street that then connects with main street and good visibility.

Mr. Snow purchased the property in 1995 and continued using he unpaved way and improved it by pouring a cement footing at the end of the way to keep dirt from eroding into the parking lot. He would often widen and grade the path that leads to the parking on 174 A.

Rose Cote, and I purchased the building on 174 A in 2001 and were deeded the property in 2010. The “unpaved way” shown on the plot plans

continued to be used during this time as a safer entrance and exit from a parking lot that served both stores.

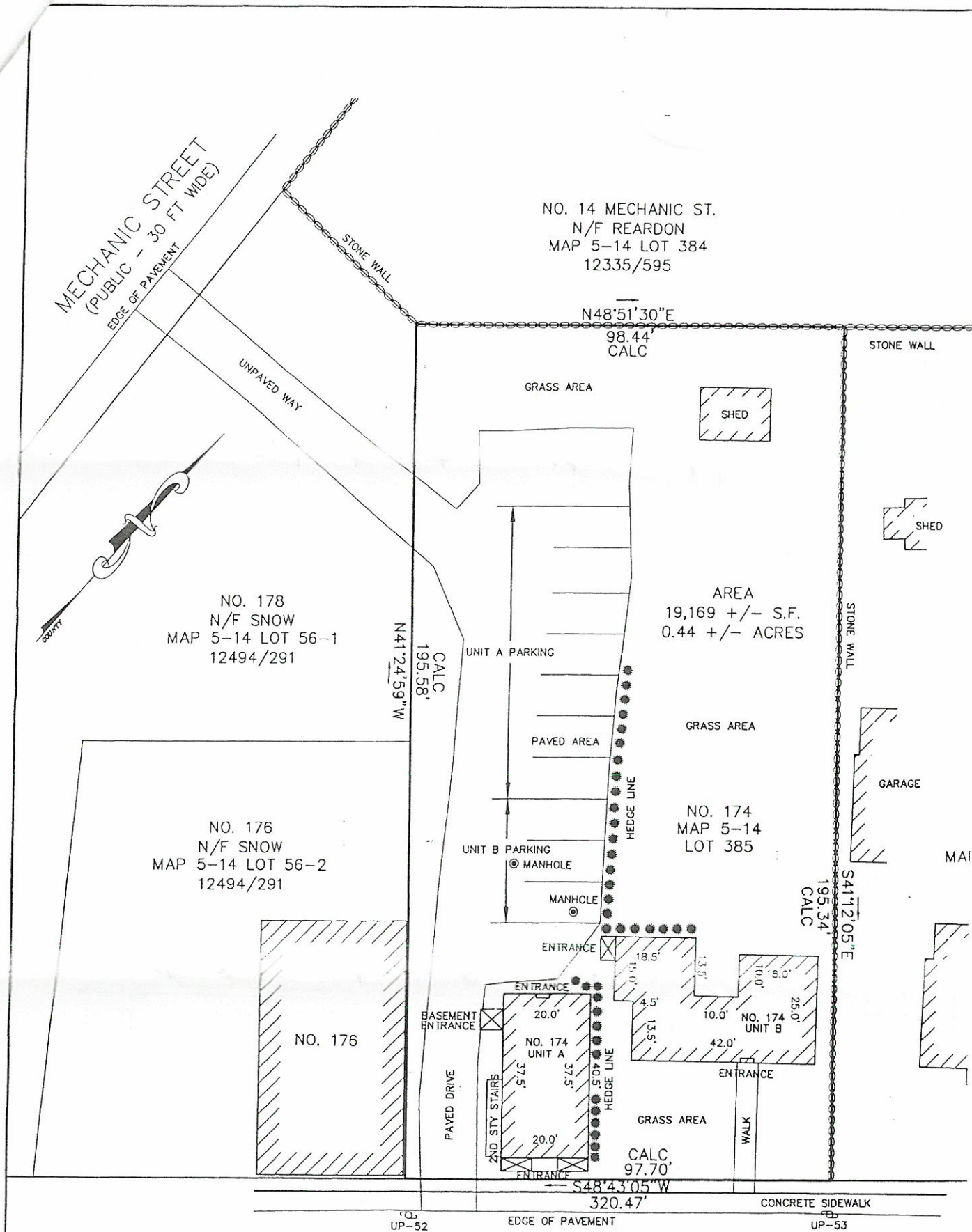
It is our contention that the “unpaved way” as shown on the plans we received from Paul Kenny's office is an easement by prior use and by prescription and should be used by our customers as an entrance or exit to mechanic street for their safety.

Our second concern is the proper drainage and water management coming from this site during and after construction. The 176 Main St building was known for collecting 12” to 18” of water in the basement during and after a season of rain. Rainwater runoff from 176 Main drains onto 174A and pools at the end of our parking lot now. Adding more buildings and asphalt will increase the amount of runoff and have a substantial impact on the already stressed natural drainage patterns of the area.

In summation we are requesting that the planning board acknowledge the established right of way, requiring any future development to incorporate this into there site plans. In addition we would request that the planning board require the contractor to address concerns of drainage and water runoff before a vote is made on the site plans.



easement



47.2  
50.94

N48°51'30"E

50.94

98.44  
CALC

47.50

STONE WALL

UNPAVED WAY

GRASS AREA

**SHED**

**SHED**

178  
SNOW  
LOT 56-1  
4/291

CALC  
195.58'  
N41°24'59"W

UNIT A PARKING

AREA  
19,169 +/- S.F.  
0.44 +/- ACRES

PAVED AREA

GRASS AREA

UNIT B PARKING

© MANHOLE

MANHOLE

NO. 174  
MAP 5-14  
LOT 385

ENTRANCE

**ENTRANCE**

BASEMENT  
ENTRANCE

NO. 176

NO. 174  
UNIT A

2ND STY STAIRS

PAVED DRIVE

ENTRANCE

CALC.  
97.70'

S48°43'05"W  
320.47'

S41°12'05"E  
195.34'  
CALC

## Garage

MAI

ENTRANCE

GRASS AREA

WAL



## Easement by prior use

An easement may also be created by prior use. Easements by prior use are based on the idea that land owners can intend to create an easement, but forget to include it in the deed.

There are five elements to establish an easement by prior use:

1. Common ownership of both properties at one time
2. Followed by a severance
3. Use occurs before the severance and afterward
4. Notice
  1. Not simply visibility, but apparent or discoverable by reasonable inspection (e.g. the hidden existence of a sewer line that a plumber could identify may be notice enough)
5. Necessary and beneficial
  1. Reasonably necessary
  2. Not the "strict necessity" required by an easement by necessity

### Example

A owns two lots. One lot has access to a public street and the second is tucked behind it and fully landlocked. A's driveway leads from the public street, across the first lot and onto the second lot to A's house. A then sells off the first lot but forgets to reserve a driveway easement in the deed.

A originally had common ownership of both properties. A also used the driveway during this period. A then severed the land. Although A did not reserve an easement, the driveway is obviously on the property and a reasonable buyer would know what it is for. Finally, the driveway is reasonably necessary for a residential plot; how else could A get to the street?

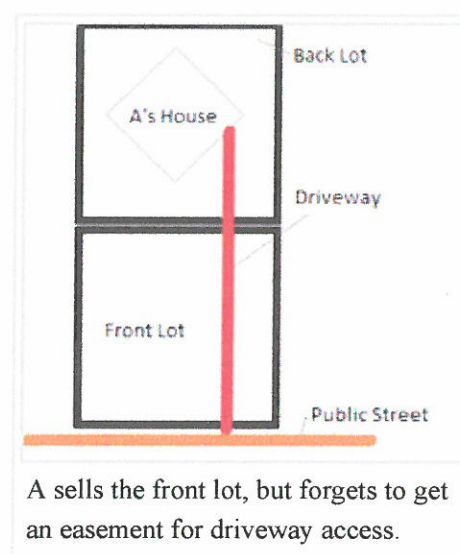
Here, there is an implied easement.

## Easement by prescription

**Easements by prescription**, also called **prescriptive easements**, are implied easements granted after the dominant estate has used the property in a hostile, continuous and open manner for a statutorily prescribed number of years. Prescriptive easements differ from adverse possession by not requiring exclusivity.

Once they become legally binding, easements by prescription hold the same legal weight as written or implied easements. But, before they become binding, they hold no legal weight and are broken if the true property owner takes appropriate acts to defend their ownership rights. Easement by prescription is typically found in legal systems based on common law, although other legal systems may also allow easement by prescription.

Laws and regulations vary among local and national governments, but some traits are common to most prescription laws:



- *open* and *notorious* (i.e. obvious to anyone)
- *actual, continuous* (i.e., uninterrupted for the entire required time period); this does not necessarily require use daily, weekly, etc.
- *adverse* to the rights of the true property owner
- *hostile* (i.e. in opposition to the claim of another; this can be accidental, not "hostile" in the common sense)
- *continuous* for a period of time defined by statute or appellate case law



A metal plaque on the sidewalk of New York City to declare that the crossing onto the private property is a revocable license to protect it from becoming an easement by prescription.<sup>[13]</sup>

Unlike fee simple adverse possession, prescriptive easements typically do not require *exclusivity*. In states that do, such as Virginia, the exclusivity requirement has been interpreted to mean that the prescriptive user must use the easement in a way that is different than the general public, i.e. a use that is "exclusive" to that user, *Callahan v. White*, 238 Va. 10, 381 S.E.2d 1 (1989).

The period of continuous use for a prescriptive easement to become binding is generally between 5 and 30 years depending upon local laws (sometimes based on the statute of limitations on trespass). Generally, if the true property owner acts appropriately to defend their property rights at any time during the required time period the hostile use will end, claims on adverse possession rights are voided, and the continuous use time period will be reset to zero.

In some jurisdictions, if the use is not hostile but given actual or implied consent by the legal property owner, the prescriptive easement may become a regular or implied easement rather than a prescriptive easement and immediately becomes binding. An example of this is the lengthy Irish Lissadell House rights of way case heard since 2010, that extended long-standing consents given to individuals into a public right of way.<sup>[14][15]</sup>

In other jurisdictions, such permission immediately converts the easement into a terminable license, or restarts the time for obtaining a prescriptive easement.

Government or railroad owned property is generally immune from prescriptive easement in most cases, but some other types of government owned property may be subject to prescription in certain instances. In New York, such government property is subject to a longer statute of limitations of action, 20 years instead of 10 years for private property.

In most U.S. jurisdictions, a prescriptive easement can only be determined for an **affirmative** easement not a **negative** easement. In all U.S. jurisdictions, an *easement for view* (which is a negative easement) cannot be created by prescription.

Prescription may also be used to end an existing legal easement. For example, if a servient tenement (estate) holder were to erect a fence blocking a legally deeded right-of-way easement, the dominant tenement holder would have to act to defend their easement rights during the statutory period or the easement might cease to have legal force, even though it would remain a deeded document. Failure to use an easement leading to loss of the easement is sometimes referred to as "non-user."

## Quebec

Under the civil law of Quebec possessors with the animus (will) to be owners can acquire a right of



THE LAW OFFICE OF DAVID L. LEBWITH  
15 COTTAGE AVENUE – 4<sup>TH</sup> FLOOR  
QUINCY, MA 02169  
PHONE: (617) 745-6512  
FAX: (617) 479-2348

January 30, 2017

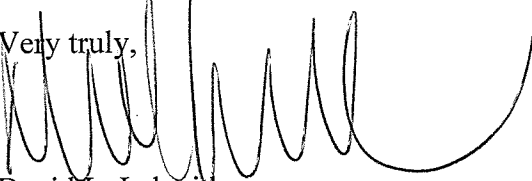
John P. Kelly, Trustee  
176 Main Street Realty Trust  
18 Forest Street  
Sherborn, MA 01770

Re: 176 and 178 Main Street, Medway, MA

Dear John,

With respect to a possible easement that may exist over the ‘unpaved way’ that appears on various plans, please be advised that after researching the records at the Norfolk County Registry of Deeds, it is my opinion that no such easement exists. There is nothing recorded in any chain of property ownership that grants or even mentions an easement; there is nothing recorded that discusses or refers to any person or entity’s rights regarding this unpaved way.

In light of the foregoing, I firmly believe that no rights exist to any abutter regarding access over the unpaved way; as such, you may do as you wish with the area located within your property.

Very truly,  
  
David L. Lebwith

**Medway Planning and Economic Development Board**  
**Request for Waiver from Site Plan Rules and Regulations**  
 Complete 1 form for each waiver request

<b>Project Name:</b>	Medway Greens
<b>Property Location:</b>	176 Main Street
<b>Type of Project/Permit:</b>	Multifamily Special Permit
<b>Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.</b>	Site Plan Rules & Regulations - Chapter 200 Section 204-3 C
<b>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</b>	The slope of the paved entrance way shall not exceed two (2) percent for the first twenty-five (25) feet measured perpendicular from the front property line.
<b>What aspect of the Regulation do you propose be waived?</b>	The requirement for a 2% grade or less for 25 feet from curb
<b>What do you propose instead?</b>	Use of existing curb cut at Mechanic Street with Minor Modifications and a one way entrance designation
<b>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</b>	The existing curb cut does not meet the requirement and full compliance would be difficult due to site constraints
<b>What is the estimated value/cost savings to the applicant if the waiver is granted?</b>	\$5,000
<b>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</b>	Yes, it would minimize grading at the boundaries of the project, which reduces impacts to the abutter
<b>What is the impact on the development if this waiver is denied?</b>	Would require additional retaining walls and grading, along with drainage system changes
<b>What are the design alternatives to granting this waiver?</b>	Providing a single egress to the site
<b>Why is granting this waiver in the Town's best interest?</b>	Maintaining the existing curb cut provides traffic circulation and access for emergency vehicles
<b>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</b>	None
<b>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</b>	Updating the curb cut along with sidewalk construction along Mechanic Street
<b>What is the estimated value of the proposed mitigation measures?</b>	Side walk cost and curb cut updates \$30000
<b>Other Information?</b>	
<b>Waiver Request Prepared By:</b>	Ronald Tiberi P.E.
<b>Date:</b>	2/28/2017
<b>Questions?? - Please contact the Medway PED office at 508-533-3291.</b>	

***Medway Planning and Economic Development Board  
Request for Waiver from Site Plan Rules and Regulations  
Complete 1 form for each waiver request***

7/8/2011

**Medway Planning and Economic Development Board**  
**Request for Waiver from Site Plan Rules and Regulations**  
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<b>Project Name:</b>	Medway Greens
<b>Property Location:</b>	176 Main Street
<b>Type of Project/Permit:</b>	Multifamily Special Permit
<b>Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.</b>	Site Plan Rules & Regulations - Chapter 200 Section 204-5 C (3). Landscape Inventory
<b>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</b>	An Existing Landscape Inventory shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a "mapped" overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.
<b>What aspect of the Regulation do you propose be waived?</b>	The requirement to inventory the existing Landscape features
<b>What do you propose instead?</b>	Use of Existing Conditions sheet in the site plan
<b>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</b>	The inventory is not necessary. Minimal landscape features exist, and what trees do exist will require removal due to site constraints
<b>What is the estimated value/cost savings to the applicant if the waiver is granted?</b>	\$1,000
<b>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</b>	It will result in a more complete landscaping plan for the proposed development.
<b>What is the impact on the development if this waiver is denied?</b>	None
<b>What are the design alternatives to granting this waiver?</b>	Not Applicable
<b>Why is granting this waiver in the Town's best interest?</b>	It would demonstrate the Town's understanding of the site and practical approach to the design
<b>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</b>	Not applicable
<b>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</b>	Substantial landscaping plan for the new development.
<b>What is the estimated value of the proposed mitigation measures?</b>	\$50,000
<b>Other Information?</b>	
<b>Waiver Request Prepared By:</b>	Ronald Tiberi P.E.

***Medway Planning and Economic Development Board  
Request for Waiver from Site Plan Rules and Regulations  
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<b><i>Date:</i></b>	<i>2/28/2017</i>
<b><i>Questions?? - Please contact the Medway PED office at 508-533-3291.</i></b>	
<i>7/8/2011</i>	

**Medway Planning and Economic Development Board**  
**Request for Waiver from Site Plan Rules and Regulations**  
*Complete 1 form for each waiver request*

<b>Project Name:</b>	Medway Greens
<b>Property Location:</b>	176 Main Street
<b>Type of Project/Permit:</b>	Multifamily Special Permit
<b>Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.</b>	Site Plan Rules & Regulations - Chapter 200 Section 205-9 C
<b>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</b>	Parking Areas - Internal landscape planted divisions (islands and peninsulas) shall be constructed within all parking lots to provide shading and buffering. At least one deciduous tree of a minimum two and one-half (2 1/2) inches caliper in diameter shall be provided for every six (6) parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. This requirement may be waived in lieu of the preservation of existing trees subject to approval by the Planning Board.
<b>What aspect of the Regulation do you propose be waived?</b>	Shade trees over Parking Areas
<b>What do you propose instead?</b>	Planting additional trees around property and screening areas
<b>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</b>	Parking area and drainage swale prohibits the planting of trees over parking area
<b>What is the estimated value/cost savings to the applicant if the waiver is granted?</b>	None
<b>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</b>	Allows for parking and drainage configuration
<b>What is the impact on the development if this waiver is denied?</b>	Would require additional grading, along with drainage system changes and additional asphalt, may result in reduced parking
<b>What are the design alternatives to granting this waiver?</b>	Add trees to Screening areas
<b>Why is granting this waiver in the Town's best interest?</b>	Allows developer to provide parking and drainage in Small site area
<b>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</b>	None
<b>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</b>	Trees added elsewhere
<b>What is the estimated value of the proposed mitigation measures?</b>	None
<b>Other Information?</b>	

***Medway Planning and Economic Development Board  
Request for Waiver from Site Plan Rules and Regulations  
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<b><i>Waiver Request Prepared By:</i></b>	Ronald Tiberi P.E.
<b><i>Date:</i></b>	2/28/2017
<b><i>Questions?? - Please contact the Medway PED office at 508-533-3291.</i></b>	
<i>7/8/2011</i>	

**Medway Planning and Economic Development Board**  
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<b>Project Name:</b>	Medway Greens
<b>Property Location:</b>	176 Main Street
<b>Type of Project/Permit:</b>	Multifamily Special Permit
<b>Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.</b>	Site Plan Rules & Regulations - Chapter 200 Section 205-6 I
<b>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</b>	I. Travel lanes in the parking area shall be a minimum of twenty-four (24) feet wide
<b>What aspect of the Regulation do you propose be waived?</b>	Reduction of travel lane width
<b>What do you propose instead?</b>	Reduce Travel lanes to 20'
<b>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</b>	Reduce speeds in parking area, reduce impervious areas and maintain a smaller village appearance
<b>What is the estimated value/cost savings to the applicant if the waiver is granted?</b>	\$5,000
<b>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</b>	Yes, it would minimize runoff, reduce traffice speeds and expanse of asphalt areas
<b>What is the impact on the development if this waiver is denied?</b>	Would require additional grading, along with drainage system changes and additional asphalt
<b>What are the design alternatives to granting this waiver?</b>	20' width
<b>Why is granting this waiver in the Town's best interest?</b>	Smaller drive would discourage pass thru traffic and turn arounds in lot
<b>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</b>	None
<b>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</b>	Increase in Green space areas
<b>What is the estimated value of the proposed mitigation measures?</b>	Additional Grean Space and sitting park \$8000
<b>Other Information?</b>	
<b>Waiver Request Prepared By:</b>	Ronald Tiberi P.E.
<b>Date:</b>	2/28/2017
<b>Questions?? - Please contact the Medway PED office at 508-533-3291.</b>	



**Medway Planning and Economic Development Board**  
**Request for Waiver from Site Plan Rules and Regulations**  
 Complete 1 form for each waiver request

<b>Project Name:</b>	Medway Greens
<b>Property Location:</b>	176 Main Street
<b>Type of Project/Permit:</b>	Multifamily Special Permit
<b>Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.</b>	Site Plan Rules & Regulations - Chapter 200 Section 205 B (6)
<b>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</b>	6) The perimeter of the driveway shall be bounded with vertical granite curb or similar type of edge treatment
<b>What aspect of the Regulation do you propose be waived?</b>	The requirement for granite curbing
<b>What do you propose instead?</b>	Use of existing concrete curb cut at Main Street and entrance and use of asphalt berm along Mechanic Street sidewalk, with no curbing in interior parking to promote sheet flow drainage
<b>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</b>	The curbing selcted would provide the desired effect economically
<b>What is the estimated value/cost savings to the applicant if the waiver is granted?</b>	\$5,000
<b>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</b>	Yes, it would minimize grading at the interior and promoter better drainage patterns
<b>What is the impact on the development if this waiver is denied?</b>	Would require additional grading, along with drainage system changes
<b>What are the design alternatives to granting this waiver?</b>	Concrete Curb and Asphalt Berm
<b>Why is granting this waiver in the Town's best interest?</b>	Maintaining the existing curb cut provides traffic circulation and access for emergency vehicles
<b>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</b>	None
<b>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</b>	Updating the curb cut along with sidewalk construction along Mechanic Street
<b>What is the estimated value of the proposed mitigation measures?</b>	Side walk cost and curb cut updates \$30000
<b>Other Information?</b>	
<b>Waiver Request Prepared By:</b>	Ronald Tiberi P.E.
<b>Date:</b>	2/28/2017
<b>Questions?? - Please contact the Medway PED office at 508-533-3291.</b>	

***Medway Planning and Economic Development Board  
Request for Waiver from Site Plan Rules and Regulations  
Complete 1 form for each waiver request***

7/8/2011

**RONALD TIBERI P.E.**

9 Mass Avenue

Natick MA 01760

Ph: (508) 361-5077

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February 28, 2017

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

**RE: Medway Greens  
176 Main Street  
Adaptive Use Overlay District (AUOD, Section 5.6.2))**

Dear Chairman Rodenhiser,

As requested, we are requesting waivers as part of the multi-family special permit application.

**Subsection 5.6.4 B. 1 of the Zoning Bylaw** requires that multifamily projects within the AUOD comply with the AUOD Site Development Standards (Section 504-4 in the AUOD Rules and Regulations). One of those standards (504-4 B) requires that an existing building must be restored or renovated to restore or enhance its architectural integrity. The existing building on the site is proposed for demolition. The proposed development use and site constraints require the removal of the existing structure on the site.

**Section 7.1.2 (Outdoor Lighting) of the Zoning Bylaw.** There is now a photometric plan. Section 7.1.2 E.1 of the Zoning Bylaw prohibits light trespass onto a street. The plan shows 0.1 foot-candles on both Main and Mechanic Streets. Ornamental lights are set at the end of the walkways and will shine a small amount of light over the sidewalk areas. If this waiver is denied we can remove them from site plan.

**Front Setback for the AR-II district is 35 feet.** We request a reduction to 15' in order to properly position the buildings on the property

Any further question, please do not hesitate to call our office.

Very Truly Yours;



Ronald Tiberi P.E.  
Project Manager



**February 28, 2017**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Zoning Bylaw Amendments**

- Revised Special Permits article
- Revised Accessory Uses and Structures article
- Revised definition for buffer
- Revised OSRD article
- ARCPUD article – This may need to be revised based on what you decide for OSRD re buffer area and setbacks
- Revised Affordable Housing article

Based on the feedback received at Wednesday night's Community Forum, I have revised several articles for your consideration. I have asked members of the AH Bylaw Update Advisory Committee for feedback on the issue raised by Paul Yorkis about the requirement for interior finishes, flooring, fixtures and appliances of the affordable housing units to be the same as the standard offerings for a base model unit in a development. I also asked Paul to offer some alternative language for your review. He has agreed to do so. I hope to have that for you Tuesday night.

Also, Town Counsel is reviewing all the articles and I expect she will have some feedback for us. I will forward her comments to you upon receipt!

# SPECIAL PERMITS

Revised Draft – February 23, 2017

ARTICLE \_\_\_\_: To see if the Town will vote to amend Paragraphs B, C and D in Section 3.4. SPECIAL PERMITS of the Zoning Bylaw as follows:

## 3.4 SPECIAL PERMITS

B. **Public Hearing.** The special permit granting authority shall hold a public hearing within sixty-five days of receipt of a special permit application, and shall issue a decision no later than ninety days from the ~~close date~~ of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.

C. **Decision Criteria.** Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed 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. In making its determination, the special permit granting authority, in addition to any specific factors that may be set forth in other sections of this Zoning Bylaw, shall make findings on all of the applicable criteria specified below: ~~The determination shall include findings that all of the following criteria for granting a special permit are met:~~

1.2. The ~~proposed site use is in an appropriate location for such a use. and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.~~

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

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

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

5.4. The proposed use will not ~~constitute a nuisance be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, flooding, odors, dust, smoke, noise, vibration, sewage, refuse materials, or any other visual, site or operational features. or other nuisances.~~

6. The use as developed will not adversely affect the surrounding neighborhood and does not significantly alter the character of the zoning district.

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

8.6. 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.

D. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Zoning Bylaw. Such conditions may include but shall not be limited to the following:

1. Deadline to commence construction.
2. Dimensional standards more restrictive than those set forth in Section 6 of this Zoning Bylaw.
3. Limitations on signage, number of vehicles or parking spaces, noise, or hours of operation of construction equipment.
4. Limitation of size, method or hours of operation, extent of facilities, or other operating characteristics of a use.
5. Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, wastewater disposal or water supply, bond or other performance guarantee.
6. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Inspector, if necessary to ensure continuing compliance with the conditions of a special permit or of this Zoning Bylaw.
7. Term for years with or without automatic renewals, to the extent allowed by law.
8. The date of when the special permit shall commence.
9. On-site and off-site mitigation **measures** of traffic concerns and/or infrastructure mitigation to ensure that the petitioner properly ~~mitigates~~ **alleviates** the development's impacts on the Town and/or neighborhood.
10. Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD



## ACCESSORY USES and STRUCTURES

Revised Draft – February 23, 2017

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, SECTION 2.

DEFINITIONS by deleting the existing definition of *Accessory Building or Use* and by inserting the following definitions instead:

~~**Accessory Building or Use:** A building or use customarily incidental to and located on the same lot with a principal building or use or on an adjoining lot under the same ownership.~~

**Accessory Building or Structure:** A detached building or structure located on the same lot as the principal building or on an adjoining lot under the same ownership and in the same zoning district, which is customarily incidental and subordinate to the principal building

**Accessory Use:** A use of land or of a building or structure or a portion thereof located on the same lot as the principal use or on an adjoining lot under the same ownership and in the same zoning district, which is customarily incidental and subordinate to the principal use.

And by adding a new Section 6.3 Accessory Buildings and Structures in SECTION 6 DIMENSIONAL REGULATIONS as follows:

### 6.3 Accessory Buildings or Structures

- A. In a residential zoning district, there shall be no more than five accessory buildings or structures on any lot unless authorized by special permit from the Zoning Board of Appeals.
- B. In a residential zoning district, ~~the total combined size of accessory buildings or structures~~ an accessory building or structure shall not exceed 3,000 sq. ft. in gross floor area or have a building footprint in excess of a 3,000 sq. ft. unless authorized by special permit from the Zoning Board of Appeals.
- C. In a residential zoning district, the gross floor area of any single accessory building or structure shall not exceed the gross floor area of the principle residential building on the premises unless authorized by special permit from the Zoning Board of Appeals.
- D. In any zoning district, the primary and accessory buildings and structures shall not exceed the maximum lot coverage requirements specified in TABLE 2 DIMENSIONAL AND DENSITY REGULATIONS of this Bylaw.
- E. In reviewing special permit applications for accessory buildings or structures in residential zoning districts, the Zoning Board of Appeals shall consider the *Medway Design Review Guidelines* applicable to residential zones.

And by amending Section 6.1 TABLE 2. DIMENSIONAL AND DENSITY REGULATIONS as follows:

TABLE 2. DIMENSIONAL AND DENSITY REGULATIONS										
Requirement	AR-I	AR-II	VR	CB	VC	C-V	BI	I-1	I-2	I-3
Maximum Lot Coverage (pct. of lot) (Primary and accessory buildings- and structures)	25%	30%	30%	80%	80%	40%	40%	NA	NA	NA

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

February 23, 2017

### **Current Draft**

**Buffer Area** – Natural wooded, vegetated, landscaped or open areas, earthen berms or mounds, or any combination thereof including fences and walls, used to physically separate or screen one use or property from another use or property. A buffer area provides a visual and sound barrier between adjacent properties by shielding or reducing noise, lights or other nuisances.

### **Suggested revision (2)**

**Buffer Area** – ~~Natural~~ Wooded, vegetated, landscaped or open areas, earthen berms or mounds, or any combination thereof including fences and walls, used to physically separate or screen one use or property from another use or property. ~~A buffer area~~ and which provides a visual and sound barrier between adjacent properties by shielding or reducing noise, lights, or other nuisances.

**OSRD Clean up  
REVISED – February 23, 2017**

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 8.4, Open Space Residential Development (OSRD) as described below:

**By inserting a new Paragraph D. Affordable Housing as follows and relabeling Paragraphs D through J to become E through K.**

**D. Affordable Housing.** An OSRD is subject to Section 8.6 Affordable Housing of this Bylaw.

**And by revising existing Paragraph E. Density and Dimensional Regulations, Item 3. as follows:**

**E. Density and Dimensional Regulations**

3. ~~There shall be a buffer area at least 15 feet side, consisting of natural vegetation, earthen materials and/or landscaping and/or fencing, located along the boundary of the site where it abuts existing neighborhoods unless waived by the Planning and Economic Development Board.~~ The fifteen foot area from the perimeter lot line of the subject parcel shall serve as a buffer area as defined in this Bylaw. No buildings, structures, roadways, utilities or other infrastructure shall be constructed within this buffer area, however fencing/stone walls and walking paths/trails are permitted.

**And by inserting a new Item 4 as follows and relabeling the current item #4 to become #5.**

4. No buildings or structures shall be constructed within fifty feet from the right-of-way line of a public way or within fifty feet from the perimeter lot line.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

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**2-23-17 - Possible revision**

**E. Density and Dimensional Regulations**

3. ~~There shall be a buffer area at least 15 feet side, consisting of natural vegetation, earthen materials and/or landscaping and/or fencing, located along the boundary of the site where it abuts existing neighborhoods unless waived by the Planning and Economic Development Board.~~ The fifteen foot area from the perimeter lot line of

the subject parcel shall serve as a buffer area as defined in this Bylaw. No buildings, structures, roadways, above-ground utilities or other infrastructure shall be constructed within this buffer area, however fencing/stone walls and walking paths/trails are permitted. The Planning and Economic Development Board may adjust the size of the buffer area if such adjustment will result in a more desirable site design for the development or provide enhanced buffering for adjacent residential properties.

4. No buildings or structures shall be constructed within fifty feet from the right-of-way line of a public way or within fifty feet from the perimeter lot line. The Planning and Economic Development Board may exempt certain accessory structures from this requirement including but not limited to community mailbox shelters, bus shelters, or other incidental accessory features of the development.

**NOTE – I would ask that you revisit the required 50' setback from the right-of-way of a public way. This seems excessive compared to the standard 35' front setback in ARI and ARII. We borrowed this provision from the ARCPUD section of the bylaw in an effort to be consistent between ARCPUD and OSRD. I am not convinced it is suitable for ARCPUD either!?!?**

## ARCPUD CLEAN-UP NEEDED

Revised – February 23, 2017

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, SECTION 2 DEFINITIONS by amending the definition for Adult Retirement Community Planned Unit Development (ARCPUD) in SECTION 2 DEFINITIONS as follows:

**Adult Retirement Community Planned Unit Development (ARCPUD):** A master-planned development of land as a unified, self-contained for a residential community, constructed expressly for use and residency by persons who have achieved a minimum age requirement for residency of fifty-five years of age or older in accordance with G.L. c. 151B, § 4 and also incorporating the preservation and/or establishment of natural open space areas as an integral element of the development. ~~An ARCPUD shall be permitted only in an Adult Retirement Community Overlay District and only upon the granting of a special permit by the Planning and Economic Development Board. An ARCPUD shall include at least one of the Adult Retirement Community Residential Uses defined below in this Section 2 of the Zoning Bylaw. The Planning and Economic Development Board in its granting of the ARCPUD special permit may specifically authorize other appropriate uses.~~ An ARCPUD may include a variety or combination of housing types that may be sold or leased to individual residents, or may be operated or managed sponsored as a coordinated unit by a corporation or organization having among its principal purposes the provision of housing and resident services for retired and/or aging persons.

And by amending Section 8.5, Adult Retirement Community Planned Unit Development as specified below:

**By amending Paragraph B. Applicability to read as follows:**

B. Applicability. The Planning and Economic Board may grant a special permit for an Adult Retirement Community Planned Unit Development (ARCPUD), ~~ARCPUD-Assisted Living Residence Facility, ARCPUD-Congregate Living Facility, or ARCPUD Long Term Care Facility~~ for any tract of land with ten 40 or more acres, whether in one parcel or a set of contiguous parcels in the AR-I and AR-II district.

**And by amending Paragraph D. Use Regulations, item 1. to read as follows:**

1. The ARCPUD shall include at least one of the following residential uses.

- a. ~~Congregate housing~~
- a. b. Assisted living residence facility
- b. e. Long-term care facility
- c. d. Coordinated unit
- d. e. Independent living residence facility
- e. f. Residential s Subdivision

**And by amending Paragraph D. Use Regulations, item 2. to read as follows:**

2. The ARCPUD may include any one or more of the following:
  - a. Detached single-family house dwelling or cottage
  - b. Townhouse
  - c. Two-family house/duplex Multifamily dwelling
  - d. Multifamily dwelling or apartment house
  - e. Conservation, agricultural, and recreation uses
  - f. Accessory uses, provided that aggregate floor area for accessory uses shall not exceed 5 percent of the total gross floor area of the buildings in the ARCPUD:
    - i. Local convenience retail, up to a maximum of 4,500 sq. ft. of gross floor area
    - ii. Medical office or clinic
    - iii. Adult day care
    - iv. Community center

**And by amending Paragraph E. Density and Dimensional Regulations, item 2. as follows:**

2. For purposes of this Section 8.5, a housing unit shall be defined as equal to:
  - a. A home site in an ARCPUD Subdivision, a dwelling unit in an ARCPUD Independent Living Residence Facility, an ARCPUD Coordinated Unit, a townhouse, or a dwelling unit as defined in Section 2 of this Zoning Bylaw;
  - b. Two studios or suites of rooms apartments/suites in an ARCPUD Assisted Living Residence Facility or Congregate Living Facility;

**And by amending Paragraph E. Density and Dimensional Regulations, item #5 as follows:**

5. No buildings or structures shall be constructed within fifty 50 feet from the right-of-way line of a public way or within fifty 50 feet from the perimeter lot line. The 50-foot buffer shall be maintained in its natural state or a landscaped open space.

**And by amending Paragraph E. Density and Dimensional Regulations by inserting a new item #6 as follows and relabeling current items #6 and #7 to become items #7 and #8.**

6. The fifteen foot area from the perimeter lot line of the subject parcel shall serve as a buffer area as defined in this Bylaw. No buildings, structures, roadways, utilities or other infrastructure shall be constructed within this buffer area, however fencing/stone walls and walking paths/trails are permitted.

**And by amending Paragraph H. Open Space, by adding item 5. as follows:**

- H. Open Space. At least 40 percent of the total land area of the ARCPUD shall be set aside and maintained as open space in accordance with the following standards:
  5. Buffer areas required by E. 6 may be included in the required open space area.



**And by inserting a new Paragraph E. Affordable Housing as follows and relabeling Paragraphs E through M to become F through N.**

**E. Affordable Housing.** Except for a long-term care facility, an ARCPUD is subject to Section 8.6 Affordable Housing of this Bylaw.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

## Affordable Housing

### Revised Draft – February 23, 2017

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw by adding or revising the definitions in SECTION 2 DEFINITIONS as follows:

**Affordable Housing Unit:** A dwelling unit that is affordable to and occupied by a low or moderate income household and meets the requirements for inclusion on the Massachusetts Department of Housing and Community Development (DHCD) Chapter 40B Subsidized Housing Inventory. ~~Affordable units shall remain as affordable units in perpetuity. These units shall have the same construction methods, physical characteristics as, and be intermingled with other units in the subdivision or development.~~

~~**Affordable Housing Trust Fund:** An account established and operated by the Town for the exclusive purpose of creating or preserving affordable housing units in the Town of Medway.~~

**Area Median Income (AMI):** The median income for households within the designated statistical area that includes the Town of Medway, as reported annually and adjusted for household size by the U.S. Department of Housing and Urban Development for the Boston Standard Metropolitan Statistical Area.

**Deed Rider:** A legally binding instrument in a form consistent with **LIP** ~~DHCD~~ requirements which runs with the land to ensure the long-term affordability of an affordable housing unit. It specifies the terms and conditions under which an affordable housing unit may be occupied, refinanced, improved, marketed and sold. A deed rider is appended to the deed of any affordable housing unit and recorded with the relevant registry of deeds or land court registry district.

**DHCD:** Massachusetts Department of Housing and Community Development and its successors, as established and currently existing pursuant to G.L. c. 23B and c. 6A.

**Eligible Household:** Any household whose total income does not exceed eighty (80) percent of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Affordable Housing Trust Fund. Also referred to as Qualified Purchasers and Renters.

~~**Equivalent Affordable Housing Unit Value:** An amount equal to the difference between the median sale price for market rate single family homes sold in Medway during the thirty six months preceding the date of application, as determined by the Board of Assessors based on deeds recorded with the Norfolk Registry of Deeds for arms length transactions, and the purchase price of a home that is affordable to a qualified purchaser as determined by (DHCD), assuming a household size of four, or one person per bedroom plus one additional person with the number of bedrooms being the average number in the development, whichever is less. For developments other than single family detached structures (e.g. duplexes or multifamily condominiums) the Planning and Economic Development Board may substitute the median sale price of the applicable type of market rate dwelling unit for the median sale price of single family homes in the preceding formula.~~

**LIP:** Massachusetts Local Initiative Program pursuant to G.L. c. 40B.

**Medway Affordable Housing Trust:** An organization established by the Town of Medway pursuant to G.L. c. 44, § 55C to support the creation and preservation of affordable housing in order to secure rental and homeownership opportunities for low- and moderate-income households.

**Medway Affordable Housing Trust Fund:** A fund established by the Town of Medway pursuant to G.L. c. 44, § 55C for the purpose of receiving, holding, investing, and/or expending funds to reduce the cost of housing for Qualified Purchasers and Renters, or for the purpose of encouraging, creating, preserving, or subsidizing the construction or rehabilitation of housing for Qualified Purchasers and Renters. Sources of receipts for the Fund shall be as specified in Section 2.18 of the Medway General Bylaws.

**Mixed-Income Housing:** Residential development that includes a combination of market-rate housing units and Affordable Housing Units

**Mixed-Use Development:** A development project that combines retail/commercial, service, and/or office uses with residential in the same building or on the same site.

**Off-Site Unit:** An Affordable Housing Unit produced by the applicant on a site other than the primary residential development in compliance with Section 8.6 of the Medway Zoning Bylaw.

**Regulatory Agreement:** A tri-party contract provided by DHCD and entered into by DHCD, the Town of Medway and the developer of Affordable Housing Units. The Agreement specifies the rights and responsibilities of the three parties throughout a housing unit's term of affordability including compliance monitoring, enforcement of affordable housing restrictions, and affirmative fair housing marketing requirements. A Regulatory Agreement is recorded with the relevant registry of deeds or land court registry district.

**And by replacing Section 8.6 Affordable Housing in its entirety as follows:**

## **8.6 AFFORDABLE HOUSING**

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A. **Purpose and Intent.** The purpose of this Affordable Housing Bylaw is to create housing opportunities in Medway for people of varying ages and income levels; to increase the supply of affordable housing for eligible households with low and moderate incomes; to promote a mix and geographic distribution of affordable housing throughout the town; to provide housing options for people who work in Medway; and to create housing units eligible for listing in the Massachusetts Department of Housing and Community Development (DHCD) Chapter 40B Subsidized Housing Inventory. At a minimum, affordable housing produced through this Section should comply with the requirements set forth in G.L. c. 40B §§20-24 and related regulations and other affordable housing programs developed by the Commonwealth of Massachusetts or the Town of Medway.

**B. Applicability.**

1. In applicable zoning districts, this Section shall apply to the following uses:
  - a. Any two-family or multifamily residential or mixed-use development that results in a net increase of six or more dwelling units, whether by new construction or by the

alteration, expansion, reconstruction, or change of existing residential or non-residential space, whether on one or more contiguous parcels.

- b. Any development of detached single-family dwellings that results in a net increase of ten or more dwelling units.
  - c. Multifamily, mixed-use, or single-family developments shall not be segmented to avoid compliance with this Section. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of ten or more lots or dwelling units above the number existing thirty-six months earlier on any parcel or set of contiguous parcels held in common ownership on or after the effective date of this Section.
  - d. Open Space Residential Development (OSRD) approved pursuant to an OSRD special permit under Section 8.4 of this Zoning Bylaw.
  - e. Adult Retirement Community Planned Unit Development (ARCPUD) approved pursuant to an ARCPUD special permit under Section 8.5 of this Zoning Bylaw.
2. This Section shall not apply to the construction of single-family dwellings on individual lots if said lots were in existence prior to the effective date of this Section.
  3. For projects not listed herein, Affordable Housing Units may be provided voluntarily in exchange for density bonus pursuant to a special permit from the Planning and Economic Development Board.

#### C. Mandatory Provision of Affordable Housing Units.

1. In any development subject to this Section, the percentage of Affordable Housing Units required will be as specified in Table 11, *Affordable Housing Units Required by Project Size*:

TABLE 11	
Affordable Housing Units Required by Project Size	
Project Size (Units)	Percent Affordable Units
6-12*	10%
13-17	12%
18-20	15%
21 and over	20%

\*Projects consisting of less than 10 single-family detached units do not require an affordable set-aside.

2. The table above may generate a fractional Affordable Housing Unit. A fractional Affordable Housing Unit of 0.5 or higher shall be rounded up to the next whole number. Fractional housing units of less than 0.5 shall require a payment equal to the product of the fraction multiplied by the cash contribution for a whole Affordable Housing Unit as specified in Paragraph D. 3. herein. The applicant may choose to have the fractional housing unit of less than 0.5 rounded up to the next whole number, rather than converted to a cash payment.
3. **Deed rider.** Any Affordable Housing Unit shall have a deed rider to regulate the future resale of the property. The applicant is required to prepare a deed rider for each Affordable Housing Unit that is consistent with that used in the Local Initiative Program (LIP) and the

Regulatory Agreement approved by DHCD for recording with the appropriate Registry of Deeds or Registry District of the Land Court.

**D. Methods of Providing Affordable Housing Units.** The Planning and Economic Development Board in consultation with the Affordable Housing Trust and Affordable Housing Committee may authorize one or more of the following methods for providing Affordable Housing Units, alone or in combination.

1. **On-site affordable housing units.** Construction of Affordable Housing Units within the development shall be permitted by right.
2. **Off-site affordable housing units.** Creation of Affordable Housing Units on a lot or parcel that is not included in the subject development.
  - a. Off-site units may be constructed by the applicant or be an existing dwelling unit that is rehabilitated.
  - b. Off-site units need not be located in the same zoning district as the development.
  - c. The **Planning and Economic Development** Board shall approve the location of the off-site Affordable Housing Unit(s).
  - d. The applicant shall provide a demonstration of site control, documenting that the applicant or a related entity holds title, ground lease, option, or contract for purchase.
  - e. The applicant shall demonstrate that the land is developable and suitable for the number of Affordable Housing Units required in conformance with this Zoning Bylaw and any relevant state and local regulations governing the property.
  - f. The applicant shall provide a demonstration of the necessary financing to complete the off-site development or rehabilitation.
  - g. The applicant shall provide an architect's conceptual site plan with unit designs and architectural elevations, a demonstration that the site plan can meet the Site Plan Review standards set forth in Section 3.5 of this Zoning Bylaw.
  - h. Preservation of existing dwelling units for affordable housing, rather than construction of off-site units, may be accomplished by purchasing deed restrictions and providing funds for capital improvements.
  - i. The Planning and Economic Development Board may require that the applicant submit appraisals of the off-site property in question, as well as other data relevant to the determination of equivalent value.
3. **Payment of a fee in lieu of Affordable Housing Units**
  - a. Such payments shall be made to the Medway Affordable Housing Trust.
  - b. The payment shall be an amount equal to the required number of Affordable Housing Units multiplied by the median **sales** price of a Medway market-rate home comparable in type, size, and number of bedrooms over a period of eighteen months prior to the date of application submission. **Data for sales price shall be that provided by the Medway Assessing Department.**

- c. Payments in lieu of affordable units shall not be accepted as part of a rental development, either mixed-use or multifamily.
  - d. Payments in lieu shall be made according to ~~the Provision of Units~~ **Table 12 - Schedule for Completion of Affordable Housing Units** set forth in Paragraph I herein.
4. In no event shall the total value of newly constructed or rehabilitated off-site Affordable Housing Units and/or cash payments provided be less than the median price of a Medway market-rate home comparable in type, size, and number of bedrooms over a period of eighteen months prior to the date of application submission multiplied by the number of affordable units required under Paragraph C.1.

**E. Density Bonus; Affordable Housing Special Permit.**

1. The Planning and Economic Development Board may grant an Affordable Housing special permit, by a four-fifths vote, to modify or waive this Bylaw's dimensional and density requirements as specified in Section 6.1 in order to increase the number of market-rate units to help offset the affordable housing requirement:
  - a. **On-site provision of Affordable Housing Units.** A density bonus may be granted to increase the number of market-rate units by the required number of Affordable Housing Units under Paragraph C. For example, for a development that must provide two Affordable Housing Units, and the developer chooses to include those on the premises, two additional on-site market-rate units may be allowed.
  - b. **Off-site provision of Affordable Housing Units.** A density bonus may be granted to increase the number of market-rate units by one-half the required number of affordable units under Paragraph C. For example, for a development that must provide two Affordable Housing Units and the developer chooses to provide those off-site, one additional on-site market rate unit may be allowed.
  - c. No density bonus shall be granted when the requirements of this Section are met with a payment in lieu of Affordable Housing Units pursuant to Paragraph D. 3.
  - d. The density bonus may be granted for a development not subject to this Section where Affordable Housing Units are provided voluntarily.
2. **Adjustment of Dimensional Requirements.** **When the subject development is a subdivision,** the Board may adjust the minimum lot area, minimum lot frontage, and minimum front, rear, and side setbacks required in the underlying zoning district for the subject development to allow for the increase in total number of dwelling units as long as the layout of all lots meets ~~both~~ **each** of the following requirements:
  - a. No individual lot shall be reduced in area or frontage to less than eighty percent of the required minimum in the district, and
  - b. Any lot with an Affordable Housing Unit shall be no smaller in area and frontage than the median of the lot area and frontage of all the lots in said development.
3. **Type of Dwelling Unit.** The Board may authorize types of dwelling units not otherwise permitted in the underlying zoning district to allow for the increase in the total number of market rate dwelling units. For example, in a district where only single-family dwellings are allowed by right, a development with an affordable housing density bonus may be

designed to include duplexes, townhouses, or multi-family dwellings for both the market rate and Affordable Housing Units.

**F. Location and Comparability of Affordable Housing Units.**

1. The permit application for the proposed development shall include a plan showing the proposed locations of the Affordable Housing Units.
2. On-site Affordable Housing Units shall be proportionately distributed throughout a development in terms of location and unit type, size and number of bedrooms in accordance with the LIP requirements. For example, a development consisting of a mix of single-family detached homes, attached townhouses, and apartments shall include affordable units of each housing type in proportion to the market-rate units.
3. On-site Affordable Housing Units shall be as conveniently located to the development's common amenities as the market rate units.
4. Newly constructed on and off-site Affordable Housing Units shall comply at a minimum with the LIP Design and Construction Standards as they may be amended, including the requirement that Affordable Housing Units shall be indistinguishable from market-rate units as viewed from the exterior.
5. On-site Affordable Housing Units shall:
  - a. Be comparable to the market-rate units in terms of design, quality of construction and materials, mechanical systems, and energy efficiency; and
  - b. Include a garage(s) and/or parking space if the market-rate units include a garage(s) and/or parking space; and
  - c. Contain interior finishes, flooring, fixtures and appliances that are provided as standard features in the base-model market rate units.
6. Off-site rehabilitated units for affordable housing shall comply at a minimum with the following criteria:
  - a. Exterior renovations/improvements shall reflect the character of the surrounding neighborhood.
  - b. DHCD's HOME/HSF/CIPF/CATNHP Construction/Rehabilitation Guidelines as may be amended.
  - c. ~~International~~ State Building Code (~~IBC~~)—2009 as amended by Massachusetts regulations 780 CMR, as may be amended.
7. Newly constructed affordable units shall contain at least the minimum amount of interior living space, excluding basement space, as specified in the LIP Design and Construction Standards. The Planning and Economic Development Board may make reasonable exceptions for the size and number of bedrooms of existing dwelling units that are purchased and resold or rented as Affordable Housing Units with an appropriate deed restriction.
8. The owners and tenants of market-rate and on-site affordable units shall have the same rights and privileges to use any common amenities within the development.



## G. Affordable Purchase and Rental Prices.

1. The initial affordable purchase price shall comply with the LIP Guidelines in effect when the Regulatory Agreement is filed with DHCD. The calculations used to determine an affordable purchase price shall be consistent with the terms, rates, fees, down payments, and other requirements of first-time homebuyer mortgage products available from lending institutions ~~located in or serving Medway~~ licensed by the Commonwealth of Massachusetts, in accordance with the requirements of DHCD.
2. The initial affordable rent shall comply with DHCD requirements and LIP Guidelines in effect when the affordable housing special permit application is filed.

## H. Applicant Responsibilities.

1. **Marketing Plan for Affordable Housing Units.** The applicant shall select qualified purchasers or qualified renters via lottery under an Affirmative Fair Housing Marketing Plan prepared and submitted by the applicant and approved by the Planning and Economic Development Board in consultation with the Medway Affordable Housing Committee or the Medway Affordable Housing Trust. The marketing plan shall comply with LIP Guidelines in effect on the date of filing the Regulatory Agreement with DHCD.
2. **Regulatory Agreement.** For both ownership and rental projects, the applicant shall prepare the Regulatory Agreement in consultation with ~~and for approval by~~ the Town of Medway and DHCD. Said Regulatory Agreement will be executed by DHCD, the Town of Medway, and the applicant. The applicant shall record the Regulatory Agreement with the Norfolk County Registry of Deeds or Registry District of the Land Court.
3. **Deed Restriction.** The applicant shall prepare a deed rider for each Affordable Housing Unit that is consistent with that used in the LIP and the Regulatory Agreement to be recorded with the ~~appropriate~~ Norfolk County Registry of Deeds or Registry District of the Land Court.

## I. Timing of Construction of Affordable Housing Units

1. On-site Affordable Housing Units shall be constructed in accordance with Table 12 below. Proportionality shall be determined by the number of building permits issued for affordable and market-rate units. In accordance with the table below, affordable units shall not be the last units to be built in any development that is subject to this Section.

TABLE 12	
Schedule for Completion of Affordable Housing Units	
Percent Market-Rate Units	Percent Affordable Units
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

2. Construction or rehabilitation of off-site affordable units shall be completed prior to issuance of the building permit for the unit representing fifty-one percent of the development triggering this Section.
3. In the case of payments in lieu of affordable units, the following methods of payment may be used at the option of the applicant:
  - a. The total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit; or,
  - b. The total amount due shall be divided by the total number of market rate units in the development. The resulting quotient shall be payable at, or prior to, the closing of each market rate unit; or,
  - c. A combination of the above methods if approved by the Planning and Economic Development Board.

**J. Preservation of Affordability.**

1. Homeownership and rental affordable housing units provided under this Section shall be subject to a DHCD approved affordable housing deed rider that complies with LIP requirements as they may be amended for inclusion in the Chapter 40B Subsidized Housing Inventory and is enforceable under G.L. c. 184, § 26 or §§ 31-32. Units required by and provided under the provisions of this Section shall remain affordable to the designated income group in perpetuity, or for as long as legally permissible.
2. No building permit for any unit in a development subject to this Section shall be issued until the Town has approved the Regulatory Agreement and the applicant has submitted it to DHCD. Further, the building permit representing fifty-one percent of the development shall not be issued until the Regulatory Agreement has been approved by DHCD and recorded with the Norfolk **County** Registry of Deeds.
3. For homeownership units, issuance of the certificate of occupancy for any Affordable Housing Unit is contingent on a DHCD-approved affordable housing deed rider signed by the qualified purchaser.
4. Subsequent resale of an Affordable Housing Unit shall be made to a qualified affordable housing purchaser in accordance with the deed restriction.
5. The purchaser of an affordable unit shall execute an affordable housing deed rider in a form provided by the DHCD, granting the Town of Medway the right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be found.

Susan Affleck-Childs

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**From:** Allison Potter  
**Sent:** Tuesday, February 28, 2017 1:09 PM  
**To:** Susan Affleck-Childs  
**Subject:** FW: Recreational Marijuana - Non-binding Referendum Questions

Hi Susy,  
We are adding discussion of non-binding, rec. marijuana referendum questions to the March 6 BOS agenda. Since the questions obviously impact the PEDB with respect to zoning, do you want to share this with the PEDB and let me know if there is any feedback?  
Thanks,  
Allison

**Allison Potter**  
Asst. Town Administrator  
Town of Medway

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**From:** Barbara J. Saint Andre [mailto:BSaintAndre@k-plaw.com]  
**Sent:** Thursday, February 16, 2017 4:06 PM  
**To:** Allison Potter  
**Cc:** Michael Boynton  
**Subject:** RE: Recreational Marijuana - Non-binding Referendum Questions

Allison, in terms of non-binding public opinion advisory questions on the annual town election ballot, the Board of Selectmen may vote to place such questions on the ballot at least 35 days prior to the date of the election. Here are some suggested questions based on your email below:

1. Should the town prohibit all non-medical marijuana establishments, including marijuana cultivators, marijuana product manufacturers, marijuana testing facilities, marijuana retailers and any other type of licensed marijuana related business in the town?
2. Should the town limit the number of non-medical marijuana retailers allowed in the town to no more than one?
3. Should the town prohibit all non-medical marijuana retail sales in the town?
4. Should the town approve on-premises consumption of non-medical marijuana sold on the premises, such as a so-called marijuana “café”?

I did not include the proposed ban on marijuana accessories, since many of these accessories can be legally sold at retail stores and it may be difficult to define. However, if this is a high priority, please let me know and we can work on something.

Barbara J. Saint Andre, Esq.  
**KP | LAW**  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 556 0007  
F: (617) 654 1735  
[bsaintandre@k-plaw.com](mailto:bsaintandre@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

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