

January 24, 2017
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	Absent with Notice	X	X	X	X

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator
Gino Carlucci, Planning Consultant
Amy Sutherland, Recording Secretary

Vice Chairman Tucker opened the meeting.

There were no citizen comments.

Minutes:

January 10, 2017:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve the minutes from the January 10, 2017 meeting.

Correspondence and Communication:

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

- DRAFT of Tiny Houses research proposal to MAPC.
- Draft Request for Proposal to update the Medway Open Space and Recreational Plan.
There will be a meeting with the Open Space Committee to discuss this on Wednesday January 23, 2017 at 7:00 pm at Senior Center.

Other Business:

Historical Plaques:

The Historical Commission met with the DRC regarding Commission's plan to establish a program where residents who live within the historic districts can purchase a Medway Historic Home plaque for their house. The design style, format and other aspects of the sign were discussed. This will create a consistent look throughout town.

Salmon ARCPUD Update

Susy spoke with Jeff Robinson from Salmon. The final plans will be completed in the spring for the Board's signature. The open space delineation plan has been provided and a draft of the conservation restriction is under review by the Conservation Agent and legal counsel. The conservation restrictions and language of those may need to be reworded since some the construction at the beginning needs to be done in CR area.

Haven Subdivision:

There was a preconstruction meeting on the Haven Subdivision with the new owners and the contractor. The last page of the subdivision covenant had to be resigned. **(See Attached)**.

Consultant Report:

- Consultant Carlucci will have the letter written about the train schedule in Foxboro for the Board's consideration at the next meeting.

Public Hearing: Pine Ridge Open Space Residential Development and Candlewood Subdivision.

The Vice Chairman opened the public hearing for Pine Ridge.

The Vice Chairman asked for a vote to dispense with the reading of the public hearing notice. **(See Attached)**

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the members voted to dispense of the reading of the public hearing notice.

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

- 1/20/17 memo from Susy Affleck-Childs to PEDB members.
- Public Hearing Notice – sent to all owners in Pine Ridge and owners on Candlewood Drive and Island Rd.
- 12/22/16 PEDB letter to John Claffey
- Candlewood portion of Pine Ridge Plan
- 1/20/17 email communication from Attorney Bill Sack requesting a postponement of the public hearing.

Susy explained the Board that the developer John Claffey has requested a postponement of the public hearing as he will be going to the Conservation Commission on Thursday to discuss this project.

On a motion made by Tom Gay and seconded by Rich Di Iulio, the members voted to continue the hearing for Pine Ridge/Candlewood to Tuesday, February 14, 2017 at 7:15 pm.

Abutter Rich Sousa of 14 Candlewood Drive was present and he was advised to attend the continued hearing on February 14, 2017.

Construction Reports: (See Attached)

- 1/13/2017 memo re: Applegate with photos
- 1/18/17 memo re: Applegate with photos
- 1/20/17 memo re: Millstone
- Construction Report #15 dated 1/13/17 – 2 Marc Road.

Member Hayes indicated that the entrance of Applegate has been cleaned but there continues to be a lot of erosion issues. There is a concern about the sedimentation. The silt sacks are clogged with sediment and debris. Loam is being tracked into the roadway. This will continue to need monitoring.

Zoning Articles:

The members are in receipt of draft warrant articles for the May 2017 annual town meeting. (See Attached).

Recreational Marijuana Moratorium

This is an article to put a moratorium on recreational marijuana establishments through November 30, 2018. This is modeled on the moratorium language which the Board had sponsored several years ago regarding medical marijuana. This article has been provided to town counsel for review.

Member Tucker questioned how the town can put a moratorium on something for which the State has not enacted rules. Once those are enacted, we can then put the local rules and regulations in place. He would rather have a moratorium that would expire “x” number of months after the state issues its rules.

Consultant Carlucci indicated that no recreational marijuana facilities can open before July 2018.

Flood Plain/Wetland Protection District:

Susy explained that she and the Conservation Agent had discussed this section of the zoning bylaw and felt it was important to amend since it was not clear. There is a concern about how this is worded and how the language and process effects the FEMA maps. FEMA maps do not also include the current revisions. We do not want to limit ourselves with outdated mapping.

The following suggestions were made:

- Eliminate the word wetland in the title.
- Delete items 2-5.

ARCPUD Clean-Up

The following suggestions were made:

- Title Planning and Economic Development Board
- Eliminate term *congregate housing*.
- Delete *condominium* and *subdivision*
- Change two *studios* or two *suites* to *apartments*
- Change word *tract* to *parcel*.
- Include word Assisted resident living facility.
- Work on the language for coordinated unit.
- Separate the duplex and multi family dwelling.
- Eliminate the term *cottage*.
- Page 2 eliminate the gray box regarding the buffer area.
- Delete Paragraph H. and #5. Buffer areas required by E.5. (open space area).
- The Board is fine with E. Affordable Housing referenced.

- Take out term *self-contained*.
- Eliminate word *sponsored* and replace with *managed*.

Internal Cross Reference Corrections:

- The Board is fine with how this was presented.

Non-Conforming Uses and Structures:

- The period changed from 6 to 12 months.
- Fix the sentence into three independent sentences.
- Abandonment changes from two to three years.

OSRD Clean up:

- The definition of buffer area was revised with changing the word *blocking* to *reducing*.
- Changing word *land uses* to *properties*.

The members will hold another meeting on Tuesday January 31, 2017 at 7:00 pm to discuss more zoning articles.

On a motion made by Tom Gay and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting.

The meeting adjourned at 9:10 pm.

Future Meetings:

- Regular meetings - February 14 & 28, 2017.
- Special Meeting January 31, 2017.

Respectfully Submitted,



Amy Sutherland
Recording Secretary

Reviewed and edited,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



January 24, 2017
Medway Planning & Economic Development Board
Meeting

Correspondence and Communications

- DRAFT Tiny Houses research proposal to MAPC
- DRAFT Request for Proposal to update the Medway Open Space and Recreation Plan



**SouthWest Advisory Planning Committee (SWAP) in partnership with
Three Rivers Interlocal Council (TRIC)**

Tiny Houses Feasibility Research Project

Request for Technical Assistance under MAPC Technical Assistance Program

I. Project Overview

Communities in the SouthWest Advisory Planning Committee (SWAP)¹ and Three Rivers Interlocal Council (TRIC)² subregions have been experiencing increased housing demand, especially from seniors looking to downsize and younger households seeking starter homes. Housing options affordable to middle-income households, or those earning between 80-135% of area median income (AMI), are limited because municipalities are not producing affordable units at a rate to keep up with housing demand. Residential development in this subregion is often dominated by construction of large, luxury homes whose costs are well beyond affordable price points for seniors and young families.

The recent rise of the “Tiny House” movement has sparked conversations in the Commonwealth on whether these types of dwelling units might be a potential strategy to satisfy pent-up housing demand for smaller, affordable homes. Some communities across the United States are experiencing a great interest in tiny homes – whether on wheels or permanent foundation – as a response to lack of affordable housing options. Communities in Oregon, Colorado, Washington, California, and others have set regulatory precedents in their zoning and building codes to recognize and allow for development of tiny houses, whether individually or as tiny house communities. In Massachusetts, recent proposals for zoning changes to permit tiny houses in the Towns of Nantucket and Hadley had different outcomes. However, tight housing market conditions combined with heightened awareness of environmental issues in the Commonwealth will only continue to drive consumers to consider tiny houses as an affordable housing option. Municipalities are not yet prepared to handle such inquiries.

This research project aims to provide thorough background information on tiny houses, which will allow municipal officials and staff in SWAP and TRIC communities, in particular, to proactively plan for demand of tiny house developments in their towns. The project proposes to review the following elements:

- A. Tiny House definitions: sizes, types, locations, and development types (e.g. subdivisions, single units v. multi-unit developments)
- B. Origins and current conditions of the Tiny House Movement
- C. Review of existing regulatory conditions, barriers, and opportunities including but not limited to:
 - Definitions (i.e. accessory dwelling units, mobile homes)

¹ Bellingham, Dover, Franklin, Hopkinton, Medway, Milford, Millis, Norfolk, Sherborn, Wrentham

² Dedham, Dover, Milton, Needham, Randolph, Canton, Stoughton, Sharon, Walpole, Foxborough, Medfield, Norwood, Westwood

- Local infrastructure (e.g. septic/sewer, utilities)
 - Building code
 - Health code
 - Zoning bylaws
- D. Research on Massachusetts communities which have considered zoning for tiny houses
- E. Case studies and overview of best practices for implementation, with a particular focus on how tiny homes relate to existing regulation on mobile homes and mobile home communities
- F. Preliminary recommendations of next steps in SWAP and TRIC

This research project is considered a first of many future steps in understanding and possibly implementation of tiny houses as a viable housing option for communities throughout the Commonwealth. Communities participating in this project acknowledge that tiny houses could be one of many innovative approaches to relieving pressure on affordable housing production and not a sole solution to the affordable housing crisis in Massachusetts.

II. Project Outcomes

SWAP and TRIC communities are anticipating a final deliverable that will provide the following:

- A report on background research to inform municipal officials and staff on typologies, regulatory conditions, and examples of implementation of tiny houses across the country
- Preliminary recommendations on short-term actions to address local demand for tiny houses
- Visually compelling presentation in PowerPoint format to be used as a tool to summarize research findings and inform municipal boards and committees on tiny houses

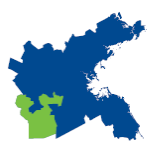
III. Project Timeline and Preliminary Scope of Work

Estimated time for project completion is 6 to 9 months. Proposed tasks include:

- Formation of working group that includes representatives from participating communities in SWAP and TRIC
- Regular working group meetings to discuss research goals, findings, and advise on project deliverables
- A comprehensive literature review, case studies, and interviews with potential stakeholders in SWAP and TRIC
- Drafting and presentation of final deliverables

IV. Community Commitment

Communities in the SWAP and TRIC subregion are committed to providing affordable and diverse housing options in their towns to ensure economic vitality of their communities. As such, the Towns of [tentative list: Medway, Hopkinton, Holliston, Sherborn, Foxborough, Medfield, Norfolk, Wrentham] have expressed their support for this project, as exhibited in the attached Letters of Support. The Medway PEBD Coordinator will be the lead contact on this project, with support from Planning and Economic Development Board staff.



SWAP
SOUTHWEST ADVISORY
PLANNING COMMITTEE



TRIC
Three Rivers Interlocal Council

V. Community Contribution

Town of Medway: in-kind staff time
Sherborn: in-kind staff time
Town of Medfield: \$500
[more to be added]

VI. Contact

The primary contact for this request is Susy-Affleck Childs, Town of Medway Planning and Economic Development Coordinator, Town of Medway, 155 Village Street, Medway MA.

January 9, 2017

DRAFT



TOWN OF MEDWAY

Department of Community and Economic Development
155 Village Street, Medway, MA 02053

DRAFT – January 20, 2017

REQUEST FOR PROPOSALS UPDATE to MEDWAY OPEN SPACE AND RECREATION PLAN

The Town of Medway is requesting Consultant proposals for the preparation of an update to the Medway Open Space and Recreation Plan (OSRP), last produced in 2010. It may be viewed online at the Town's web site as follows:

<http://www.townofmedway.org/sites/medwayma/files/uploads/open.pdf> . Medway's Open Space and Recreation plan will expire in June 2017.

Goals for Updating the OSRP – It is our desire that the process for updating the OSRP will:

- Provide guidance/criteria for the Town to use in considering the future acquisition of land/easements for open space, trails and recreational activities
- Help us establish a plan for managing the Town's open space resources including monitoring, maintenance and enforcement
- Assist the Town in determining the various roles and responsibilities for Town and private entities to manage the Town's open space resources
- Serve as a basis for seeking public and private grants and financial resources to support the acquisition of additional open space and recreational resources

OSRP Update Task Force - The Planning and Economic Development Board will establish an Open Space and Recreation Plan Update Task Force to work on this project with the selected Consultant. The Task Force will include representatives from the Open Space Committee, Conservation Commission, Board of Parks Commissioners, Planning and Economic Development Board, Board of Selectmen, one of the at-large members of the Community Preservation Committee, and an unaffiliated resident along with key Town staff involved in planning, conservation, and operations/maintenance.

The Consultant shall coordinate the preparation of updates to the following standard plan elements of a Massachusetts OSRP based on the most current, readily available information/data:

- Regional context, population characteristics and growth/development patterns

- Environmental inventory, mapping and analysis including identification of the community's unique natural resources
- Inventory, assessment and mapping of Medway's public, private and non-profit conservation, open space and recreation resources and properties of interest
- ADA Self Evaluation Report including an inventory of Medway's facilities and a Transition Plan.
- Analysis of Medway's resource protection and land management needs
- Community's broad open space and recreation goals
- Goals and objectives and 7 year action plan
- Description of public participation/community engagement in the planning process

The Consultant shall also develop the following additional components to the plan:

- Review of other Town planning documents regarding recreation and open space including the 2009 Medway Master Plan, the 2013 Parks, Open Space and Athletic Fields Master Plan Report by Gale Associates, and the Management Goals for Medway's Open Space and Conservation Lands adopted by the Conservation Commission and Open Space Committee in 2015.
- Review of the community's progress toward meeting the goals of the 2010 OSRP
- Review of the Town's current land management plans for Town owned open space parcels

At a minimum, the proposal should describe how the Consultant will approach the following:

- Preparation of the various components of the Open Space and Recreation Plan
 - ❖ Process to be used for development of the OSRP goals and 7 year action plan.
 - ❖ Involvement the Open Space and Recreation Plan Update Task Force, Town staff, and key boards and committees in the development of the plan.
- Preparation of the ADA Self Evaluation Report.
- Public participation. A multi-faceted approach to community engagement is desired beyond the minimum required and should include outreach to residents, key property owners, and various area conservation/open space organizations. At a minimum the outreach should include a public survey regarding the community's vision for open space/recreational facilities and a series of public forums/visioning sessions. Please also propose and describe other forms of community involvement that could be effective.

The proposal should also include the following:

- Overall schedule for completion of the OSRP update
- What assistance/information/support services are needed from Town staff to undertake this project
- Resumes of key personnel assigned to the project and/or any sub-contractors the consultant will engage for various components of the plan.
- List of three communities for which your firm has compiled an Open Space and Recreation Plan within the last five years and corresponding contact information

The Town of Medway will:

- Coordinate scheduling and logistics of Task Force meetings and community forums.
- Secure a person representing the disabled community who will be present and available for site visits to assist in the preparation of the ADA Self Evaluation Report.
- Produce the needed maps in coordination with the Consultant.
- Handle submittal of the draft OSRP to DCS for review and comment, seek public comment from local and regional planning officials, and incorporate those comments into the final plan.

Budget - The maximum amount allowable for this project is **\$25,000**. Funding is dependent on authorization by Town Meeting of the use of Community Preservation Act funds in May 2017. We request a lump sum proposed budget, which will include all labor and expenses required to complete the project. Please include an hourly estimate of the work hours for each task identified in your scope of work to be performed. The proposal should not exceed fifteen pages.

Time Frame – The project shall be completed within **_____** months after a contract is signed.

Town Leadership – The Consultant shall report to the Medway Community and Economic Development office.

Proposal Submittal - Sealed proposals will be received at the Medway Community and Economic Development office, 155 Village Street, Medway, MA 02053 **until 4:00 PM, _____**. **Five** copies of the proposals are to be submitted in a sealed envelope and marked “Open Space and Recreation Plan Proposal”. An electronic version of the proposal shall also be provided via email. The price proposal shall be provided in a separate sealed envelope.

Review of Proposals - The Open Space and Recreation Plan Update Task Force will review the proposals, rank the applicants, schedule Interviews, and select a finalist to recommend to the Town Administrator/Board of Selectmen. The Town of Medway reserves the right to reject any proposal or any parts thereof deemed not to be in the best interest of the Town of Medway.

Consultant proposals will be evaluated based on the following criteria:

- Familiarity with the OSRP guidelines developed by EOEEA – Division of Conservation Services and experience in preparation of similar plans
- Cost effectiveness of price proposal
- Quality of personnel assigned to the project
- Thoughtfulness and thoroughness of proposed approach to the project

Contract - The selected Consultant will be required to enter into a contract/agreement with the Town of Medway. Upon the acceptance of a Consultant’s proposal, the Town will prepare and submit an Agreement to the successful Consultant for execution. In the event that the successful Consultant fails, neglects, or refuses to execute the Agreement within two weeks after its receipt from the Town, the Town may, at its option, cancel the award and make a new

award to another proposer, or reject all proposals and issue a new RFP, or cancel proposal entirely.

If you have any questions, please contact the Medway Community and Economic Development office at _____.

Revised Draft – January 20, 2017

DRAFT

Witness our hands and seals this _____ day of _____, 2017.

MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

Board Member	Date
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Board Member	Date
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Board Member	Date
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Board Member	Date
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Board Member	Date
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Norfolk, SS.

COMMONWEALTH OF MASSACHUSETTS

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

members of the Medway Planning and Economic Development Board, proved to me through satisfactory evidence of identification, which was_____

to be the persons whose names are signed on the above document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

Notary Public
My commission expires:



January 24, 2017

**Medway Planning & Economic Development Board
Meeting**

**Pine Ridge/Candlewood Default
Public Hearing**

- 1/20/17 memo from Susy Affleck-Childs to PEDB members
- Public Hearing Notice – Sent to all owners in Pine Ridge and owners on Candlewood Drive and Island Road
- 12/22/16 PEDB letter to John Claffey
- Candlewood portion of Pine Ridge Plan
- 1/20/17 email communication from attorney Bill Sack requesting a postponement of the public hearing



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

MEMORANDUM

January 20, 2017

TO: Planning and Economic Development Board Members
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: UPDATE - Pine Ridge/Candlewood default and bond seizure.

On January 12th, as requested by attorney Bill Sack on behalf of John Claffey, a meeting was held with Town staff, John Claffey, Bill Sack, and Paul Yorkis. Town staff present included Town Administrator Mike Boynton, Conservation Agent Bridget Graziano, Building Commissioner Jack Mee, DPS Interim Director Dave D'Amico, Community and Economic Development Director Stephanie Mercandetti, Fire Chief Jeff Lynch, Town Counsel Barbara Saint Andre, and me. Mr. Sack had requested the meeting through Town Counsel in response to the PEDB's December 22nd letter to Mr. Claffey informing him of the Board's January 24th public hearing.

During the meeting, Mr. Claffey stated that he wants to complete the work as specified in the Pine Ridge and Candlewood plans. He indicated he is prepared to do so by July 30, 2018. They acknowledged they need to address this matter with the Conservation Commission. You may recollect that Mr. Claffey had received an Order of Conditions in 2006 for the construction of the emergency access way between Candlewood Drive and Island Road. That work has not been completed and the Order of Conditions has expired. In 2016, they applied to the Conservation Commission for a new Order of Conditions. In September, the Commission denied that Order of Conditions as certain information required by the Commission (delineation of wetlands) had not been provided and no one officially representing the applicant had attended the Commission's public hearings on the project.

At the meeting, attorney Sack proposed that the Conservation Commission issue an enforcement order to direct Mr. Claffey to complete the required work under the former Order of Conditions. This is instead of filing for a new Order of Conditions. Mr. Claffey and team believe an enforcement order will be a less involved and costly approach. They indicated their desire to have the Commission consider this option as soon as possible and were encouraged to make a formal request to the Conservation Agent for some time at the Commission's upcoming 1/26/17 Meeting to discuss this option. That request has been received, the item is included on the agenda and I understand that John Claffey and land surveyor Dan O'Driscoll will attend the meeting. **Friday morning, I received a request from attorney Bill Sack asking that the PEDB postpone the public hearing until after next week's Conservation Commission meeting.** I expect the outcome of that meeting will impact their perspective on the PEDB's default and bond seizure public hearing.



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

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

January 5, 2017

Public Hearing Notice
Tuesday, January 24, 2017 – 7:15 p.m.
Default and Bond Seizure for Pine Ridge Open Space Residential
Development and Candlewood Subdivision
Medway, MA

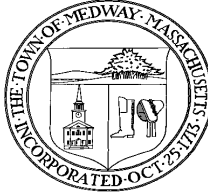
The Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, January 24, 2017 at 7:15 p.m. at Medway Town Hall, 155 Village Street, Medway, MA. The purpose of the hearing is to hear testimony so that the Board may determine whether the developer of the Pine Ridge Open Space Residential Development (OSRD) is in default for failure to complete the construction of ways and installation of utilities and services and the required off-site improvements in accordance with the Pine Ridge OSRD Special Permit, the associated Definitive Plan Certificate of Approval and the Medway *Subdivision Rules and Regulations*. The Board will also determine whether it should take the sureties for the Pine Ridge OSRD and the adjacent Candlewood subdivision that are being held with Charles River Bank of Medway, MA in order to complete the unfinished on-site and off-site work as specified in the Pine Ridge decisions and plan.

Pine Ridge is a twenty unit, townhouse condominium development located off of Candlewood Drive which is off of Farm Street. The development was authorized by a special permit issued by the Planning and Economic Development Board in December 2005.

The developer, John Claffey, has been notified of the public hearing. The general public and abutters are invited to attend. All parties will be given an opportunity to comment and ask questions.

For further information, please contact the Medway Planning and Economic Development office at 508-533-3291.

Andy Rodenhiser
Chairman



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

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

December 22, 2016

Mr. John Claffey
P.O. Box 1
Medway, MA 02053
Certified Mail No. 7007 0710 0001 7275 9784
Return Receipt Requested

Mr. William Sack
Jepsky & Sack
1000 Franklin Village DR - Suite 102
Franklin, MA 02038
Certified Mail No. 7007 0710 0001 7275 9791
Return Receipt Requested

RE: Pine Ridge OSRD

Dear Messrs. Claffey and Sack,

At its meeting on December 13, 2016, the Medway Planning and Economic Development Board discussed the remaining work to be completed at the Pine Ridge OSRD development as set forth in the OSRD Special Permit and the OSRD Definitive Plan Certificate of Action and as shown on the endorsed Village at Pine Ridge Open Space Definitive Plan. The discussion also addressed the status of the required off-site work as specified in the decisions and as shown on the plan.

The Board has determined that the construction of ways and installation of services in accordance with the Pine Ridge Special Permit, the Pine Ridge Certificate of Approval and the Pine Ridge Open Space Definitive Plan have not been completed. The Certificate of Action specified that work was to be completed within two years of plan endorsement. As the Pine Ridge Open Space Definitive Plan was endorsed on September 26, 2006, the original project completion date was September 26, 2008. It is now eight years past that date.

The remaining outstanding work is described as follows (*see attached*):

- 12-8-2016 Tetra Tech punch list/bond estimate for work within the boundaries of the Pine Ridge OSRD
- 12-8-2016 Tetra Tech estimate for the construction of the off-site emergency access-way between Candlewood Drive and Island Road.
- 12-8-2016 Tetra Tech estimate for off-site work on Candlewood Drive

508-533-3291

planningboard@townofmedway.org

The Board believes the above noted Tetra Tech estimates to be a reasonable approximation of the Town's cost to complete the remaining work. In accordance with Section 5.20 of the *Subdivision Rules and Regulations*, the Board also concluded that the amount of surety required for this development include a suitable contingency percentage; the contingency is reflected in the Tetra Tech estimates.

Accordingly, the Board determined that the amount of surety required under G.L. c. 41 §81U for the completion of the Pine Ridge development totals \$127,860. There is presently a total of \$78,971 in surety on hand in the Pine Ridge and Candlewood bond accounts. The Board requires Mr. Claffey to deposit an additional \$48,889 in supplemental surety with the Board in accordance with the Subdivision Control Law and the Board's *Subdivision Rules and Regulations* to ensure that the balance of surety held by the Board equals the amount needed for the Town to complete the work. Said additional surety is to be deposited with the Board immediately - \$31,141 for the Pine Ridge work and the required emergency access-way and \$17,748 for the Candlewood work.

The Board also voted to hold a hearing at its Tuesday, January 24, 2017 meeting as to whether the developer of the Pine Ridge OSRD is in default under the Subdivision Control Law and the Board's *Subdivision Rules and Regulations* for failure to complete the construction of ways and installation of municipal services in accordance with the Pine Ridge OSRD Special Permit, the associated Definitive Plan Certificate of Approval and the *Subdivision Rules and Regulations* and to notify you and Charles River Bank of the hearing. This letter serves as that notification. The hearing is scheduled for 7:15 pm and will take place during the regular meeting of the Planning and Economic Development Board at Medway Town Hall, 155 Village Street.

At the hearing, you will have the opportunity to be heard personally and/or through your counsel as to whether the Pine Ridge development and its associated off-site improvements should be found to be in default. The Board will discuss and determine whether it should take the surety that is being held for the development and the adjacent Candlewood subdivision in order to complete the work as specified in the Pine Ridge decisions and plan.

For the record, the following details pertain to the Pine Ridge development:

- | | |
|---------------------------------|--|
| OSRD Special Permit Approval: | December 13, 2005 |
| Recorded: | March 28, 2006 (Book 23517, Pages 370 – 379) |
| Certificate of Action Approval: | June 22, 2006 |
| Recorded: | NOTE – Cannot find proof of recording at Norfolk County Registry of Deeds |
| Plan Endorsement: | September 26, 2006 (<i>Village at Pine Ridge Open Space Definitive Plan</i> dated March 28, 2006, last revised September 6, 2006) |
| Recorded: | October 6, 2006 (Plan Book 561, page 32) |
- Surety for the subject properties is as follows as of 6-30-2016:
- Pine Ridge \$40,289 (Charles River Bank – formerly Medway Cooperative Bank)
 - Candlewood \$38,682 (Charles River Bank – formerly Medway Cooperative Bank)

Thank you for your attention to this matter. Please advise if you or Mr. Sack will attend the January 24, 2017 hearing.

Best regards,


A handwritten signature in black ink, appearing to read 'Andy Rodenhiser', with a long horizontal line extending to the right.

Andy Rodenhiser, Chairman

cc: Maryjane White, Town Clerk
Barbara Saint Andre, KP Law, Town Counsel
Steve Bouley, Tetra Tech Rizzo
Joanne Russo, Medway Treasurer/Collector
Paul Yorkis, Patriot Real Estate
David D'Amico, Medway DPS
Charlene Hebert, Charles River Bank (*Certified Mail No. 7007 0710 0001 7275 9784 -
Return Receipt Requested*)

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

Cc:

From: Steven Bouley, EIT – Tetra Tech 

Date: April 22, 2016 (revised December 8, 2016)

Subject: Pine Ridge-Candlewood Drive Punch List

On April 11, 2016 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT), Dave Faist of McClure Engineering, Inc (MEI) and Dan O'Driscoll of O'Driscoll Land Surveying Co. (OLS) met at the Pine Ridge Subdivision location and performed a punch list inspection of the development. Nearby Candlewood Drive Subdivision was also included in the inspection. The inspections were conducted based upon the approved Pine Ridge OSRD Development plan set.

On December 8, 2016 at the request of the PEDB, Steven Bouley from TT conducted a follow-up punch list inspection of the Pine Ridge and Candlewood Drive Subdivisions. The inspections were conducted based upon the approved Pine Ridge OSRD Development plan set.

The following is a list of items and issues that should be repaired or resolved:

Pine Ridge

1. Proposed line striping and stop line has not been painted.
2. As-Built of the development should be submitted for review.
3. It is recommended the applicant clean the drainage system. Cleaning includes removing sediment and debris from catch basin structures, pipe and detention facilities.
4. Erosion control should be removed upon receiving certificate of compliance from Medway Conservation Commission.
5. The proposed 4'-wide walking path requires re-clearing as navigating the path is difficult. The path is inconsistent and markers are not present to direct pedestrians through the area.

Candlewood Drive

6. All items shown on Sheet 14 of 23 "Candlewood Drive and Emergency Access Improvements" of the Village at Pine Ridge OSRD Definitive Plan set have not been completed.
7. The emergency access path is proposed through an area that appears to be jurisdictional to the Medway Conservation Commission (culvert crossing). It is recommended the applicant contact the Conservation Agent prior to commencing work to determine if an open Order of Conditions exists for the project or if this area deemed as "Mosquito Control Maintenance Channel" is indeed jurisdictional area.

8. In addition to items on Sheet 14, it is recommended the applicant clean the existing drainage system and clear brush/trees from the limit of stormwater detention basins for the subdivision.
9. Upon completion of punch list items, as-built and street acceptance plans should be submitted for review.

Additional Items (2016-12-08)

Pine Ridge

10. Areas of the bituminous concrete roadway are beginning to crack. TT recommends crack sealing these areas to slow migration of cracking.
11. Hydrants shall be painted per town standards (blue and silver), coordinate with Medway DPS.
12. The center island in the cul-de-sac does not contain any larger growth shrubs or trees per the town's standard details, see town detail CD-10. TT has not acquired a landscape plan for the project to determine if landscaping was required at the time of plan approval.

Candlewood Drive

13. The roadway should be crack sealed to prevent further damage.
14. Drain/sewer frames and grates/covers should be replaced to town standard and all grade brick shall be re-grouted. Any frame and grate/cover extending above sidewalk surface shall also be reset to existing grade to prevent tripping hazards.
15. All pipe inverts, lift holes, structure section joints, etc. should be grouted to maintain integrity of pre-cast structures.
16. Electric trenches, which cross the roadway in multiple locations, have settled. These locations should be milled and overlaid.

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\143-21583-16003 (PINE RIDGE CANDLEWOOD)\DOCS\MEMO_PINE RIDGE-CANDLEWOOD PUNCH LIST_2016-04-22 (REVISED 2016-12-08).DOC



Bond Value Estimate
The Village at Pine Ridge
Definitive Subdivision
Medway, Massachusetts
December 8, 2016

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

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Pavement Markings	1	LS	\$500.00	\$500
Clean Drain System	1	LS	\$3,500.00	\$3,500
Remove Erosion Control	1	LS	\$500.00	\$500
Clear Openspace Walking Path	1	LS	\$2,500.00	\$2,500
Crack Sealing	1	LS	\$1,000.00	\$1,000
Paint Hydrants	1	LS	\$500.00	\$500
Cul-De-Sac Landscaping	1	LS	\$2,000.00	\$2,000
As-built Plans	560	LF	\$5.00	\$2,800
Legal Services	1	LS	\$3,000.00	\$3,000
Subtotal				\$15,800
Contingency (10%)				\$1,580
Recommended Bond Value				\$17,380

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 12/2015 - 12/2016.



Construction Estimate
Pine Ridge Emergency Access
Medway, Massachusetts
December 8, 2016

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

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Survey	1	LS	\$2,500.00	\$2,500
Design	1	LS	\$5,000.00	\$5,000
Permitting	1	LS	\$4,500.00	\$4,500
Construction Phase Services	1	LS	\$4,000.00	\$4,000
Construction ¹	1	LS	\$30,000.00	\$30,000
As-Built	1	LS	\$2,500.00	\$2,500
Legal Services	1	LS	\$1,000.00	\$1,000
Subtotal				\$49,500
Contingency (10%)				\$4,950
Recommended Bond Value (min.)				\$54,450

Notes:

1. Pricing based on excavation to one foot (1-foot) below existing grade, installation of geotextile fabric, 8-inches of gravel borrow and 4-inches of dense graded crushed stone with a 5 foot wide, 2-inch depth sidewalk placed along the centerline of the emergency access driveway. Current MassDOT Weighted Average bid pricing used to estimate each construction item. This cost is dependent on whether existing culvert crossing is sufficient or if upgrade is necessary per Medway Conservation Commission requirements.

**TETRA TECH**

Construction Estimate
Candlewood Drive/Island Road Punch List Items
Medway, Massachusetts
 December 8, 2016

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

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Crack Sealing	1	LS	\$6,000.00	\$6,000
Frame & Cover	9	EA	\$750.00	\$6,750
RegROUT Drain Structure Brick/Lift Holes/Pipe/Inv	13	EA	\$250.00	\$3,250
Repair Sinkhole	1	LS	\$500.00	\$500
Mill & Overlay Trenches	1	LS	\$3,500.00	\$3,500
Clean Drain System	1	LS	\$5,000.00	\$5,000
Maintain Drain Basin	1	LS	\$2,500.00	\$2,500
Replace Sidewalk Sections	1	LS	\$8,000.00	\$8,000
Signage	8	EA	\$100.00	\$800
ADA Ramps	3	EA	\$1,000.00	\$3,000
As-Built/Street Acceptance Plans	1,800	LF	\$5.00	\$9,000
Legal Services	1	LS	\$3,000.00	\$3,000

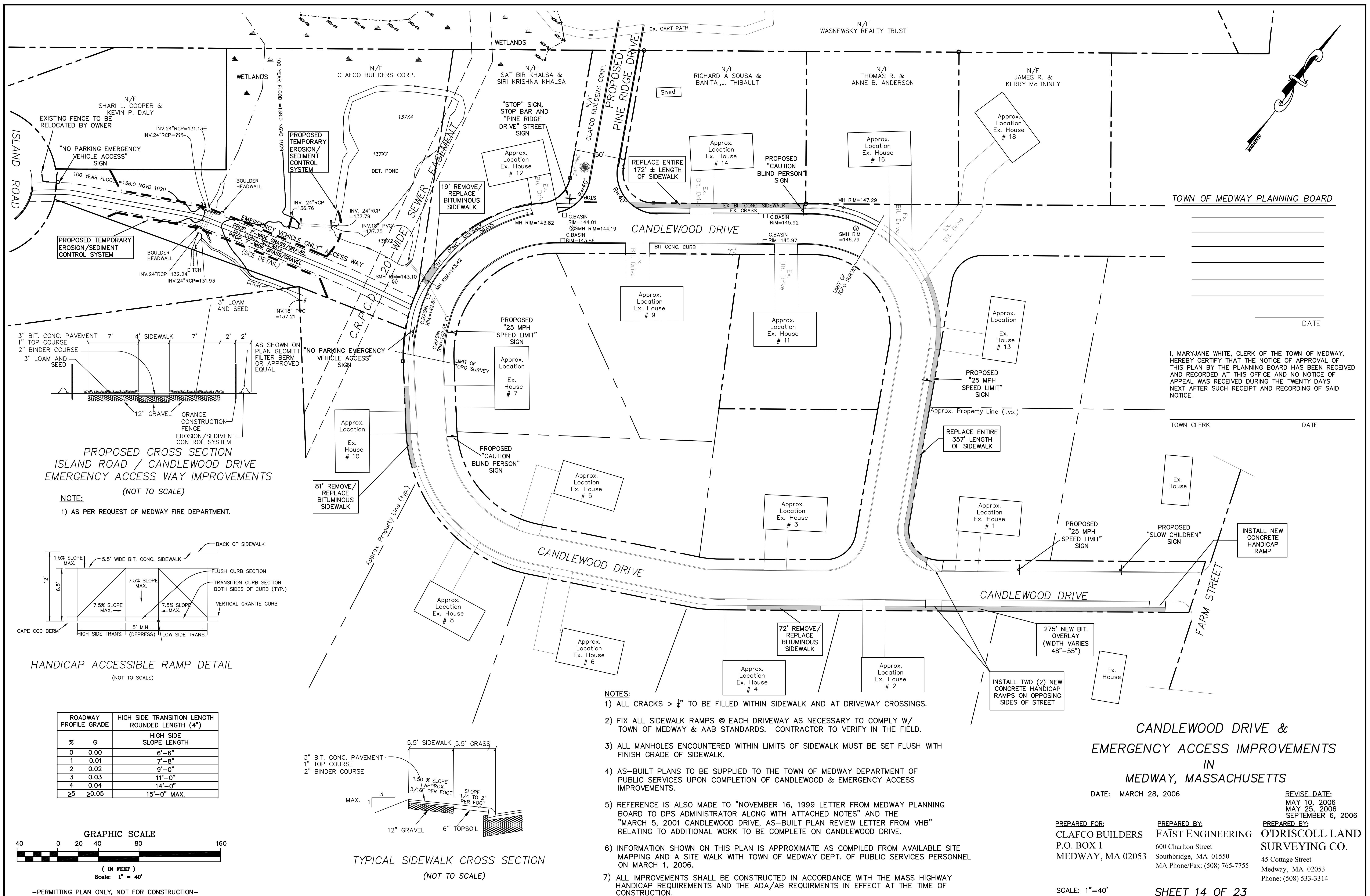
Subtotal \$51,300

Contingency (10%) \$5,130

Recommended Bond Value (min.) \$56,430

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 12/2015 - 12/2016. Items included in this bond estimate are combined from separate TT and Medway DPS punch list inspections as well as items shown on Sheet 14 of 23 "Candlewood Drive and Emergency Access Improvements" of the Village at Pine Ridge OSRD Definitive Plan set.



Susan Affleck-Childs

From: Bill Sack <BSack@jepskysack.com>
Sent: Friday, January 20, 2017 11:26 AM
To: Paul Yorkis; Susan Affleck-Childs
Cc: John Claffey (clafcobld@gmail.com)
Subject: RE: Reminder - Public Hearing re: Pine Ridge and Candlewood

I would request that next week’s Planning Board agenda item on these matters be postponed until we hear from ConCom after its January 26 meeting.

William D. Sack, Esquire
Jepsky & Sack
1000 Franklin Village Drive
Suite 102
Franklin, MA 02038
phone: 508-520-3300
fax: 508-528-6069
Email: bsack@jepskysack.com

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From: Paul Yorkis [mailto:pgyorkis@gmail.com]
Sent: Friday, January 20, 2017 10:03 AM
To: Susan Affleck-Childs
Cc: Bill Sack
Subject: Re: Reminder - Public Hearing re: Pine Ridge and Candlewood

I called the Medway Town Administrator twice last week and received no return call.

Mr. Sack emailed Medway Town Counsel and I do not know if she responded to Mr. Sack.

I have received no information as a result of the recent meeting from anyone.

Mr. Claffey has not received any information from anyone.

I suggest that you contact the town administrator and/or town counsel or Mr Sack.

Paul G. Yorkis
Patriot Real Estate, Inc.
Cell 508-509-7860
2017 MAR President
2011 MAR Realtor of the Year
Sent from my iPhone

On Jan 20, 2017, at 9:31 AM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Good morning,

I am writing to remind you of the public hearing scheduled for Tuesday, January 24, 2017. It will be held at 7:15 in Sanford Hall at Medway Town Hall. <http://www.townofmedway.org/town-clerk/events/22613>

Please let me know who will be attending.

Thanks.

Susy Affleck-Childs

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

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January 24, 2017

**Medway Planning & Economic Development Board
Meeting**

Tetra Tech Construction Reports

- 1/13/17 memo re: Applegate with photos
- 1/18/17 memo re: Applegate with photos
- 1/20/17 memo re: Millstone
- Construction Report #15 dated 1/13/17 – 2 Marc Road

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Friday, January 13, 2017 11:17 AM
To: 'ej@uniquenewhomes.com'; Ralph Costello
Cc: Susan Affleck-Childs; Andy Rodenhiser (andy@rodenhiser.com); Bridget Graziano
Subject: Applegate Erosion Issues
Attachments: Photo 2.jpg; Photo 5.jpg; Photo 6.jpg

Importance: High

Hi Guys,


We are seeing erosion AGAIN at the site, see attached photos. Please clean-up all eroded soils and add erosion control on the downhill portions around the lots currently under construction to prevent this from occurring in the future. Also, please add construction entrances to each lot as loam is being tracked into the roadway.

Steve

Steven M. Bouley, EIT | Senior Project Engineer
Direct: 508.786.2382 | Main: 508.786.2200 | Fax: 508.786.2201
steven.bouley@tetrattech.com

Tetra Tech, Inc. | Water, Environment and Infrastructure
Marlborough Technology Park | 100 Nickerson Road, Suite 200 | Marlborough, MA 01752 www.tetrattech.com

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Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetratech.com>
Sent: Wednesday, January 18, 2017 11:11 AM
To: Ralph Costello; Eric Johnson
Cc: Andy Rodenhiser (andy@rodenhiser.com); Bridget Graziano; Susan Affleck-Childs
Subject: RE: Applegate Erosion Issues
Attachments: Photo 1.jpg; Photo 5.jpg

Ralph,

I went by this morning to check on what is occurring in wet weather at the site. Be sure to have Al also clean out the silt sacks at the bottom of the hill as well since they are becoming/have become clogged with sediment and debris. Aside from installing a construction entrance there will also need to be silt fence or straw wattles/filter tube placed on the downhill portions of those lots and/or as check dams behind the sidewalk. Water is channelizing behind the sidewalk and if we get a good enough storm that entire area will wash out down the hill and potentially undermine the sidewalk as well.

Steve

From: Ralph Costello [mailto:rmc@uniquenewhomes.com]
Sent: Tuesday, January 17, 2017 9:43 PM
To: Eric Johnson <ej@uniquenewhomes.com>; Bouley, Steven <Steven.Bouley@tetratech.com>
Cc: Andy Rodenhiser (andy@rodenhiser.com) <andy@rodenhiser.com>; 'bgraziano@townofmedway.org' <bgraziano@townofmedway.org>; Susan Affleck-Childs (sachilds@townofmedway.org) <sachilds@townofmedway.org>
Subject: Re: Applegate Erosion Issues

Steven, i talked to Al Mendes who is building on the two lots at Applegate Road where there is erosion. He said he would clean it up and add to the construction entrance this week.

Ralph

Get [Outlook for iOS](#)

From: Bouley, Steven <Steven.Bouley@tetratech.com>
Sent: Friday, January 13, 2017 11:16:48 AM
To: Eric Johnson; Ralph Costello
Cc: Susan Affleck-Childs (sachilds@townofmedway.org); Andy Rodenhiser (andy@rodenhiser.com); 'bgraziano@townofmedway.org'
Subject: Applegate Erosion Issues

Hi Guys,

We are seeing erosion AGAIN at the site, see attached photos. Please clean-up all eroded soils and add erosion control on the downhill portions around the lots currently under construction to prevent this from occurring in the future. Also, please add construction entrances to each lot as loam is being tracked into the roadway.

Steve

Steven M. Bouley, EIT | Senior Project Engineer
Direct: 508.786.2382 | Main: 508.786.2200 | Fax: 508.786.2201
steven.bouley@tetratech.com

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Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Friday, January 20, 2017 10:25 AM
To: 'brian-clarke@live.com'
Cc: Susan Affleck-Childs; Andy Rodenhiser (andy@rodenhiser.com); Bridget Graziano
Subject: Millstone Erosion Control

Importance: High

Hi Brian,

I was just at the site and the Phase II roadway is a mess. Please sweep the roadway and plan to continue to sweep to prevent sediment from building up on the roadway. The drainage in that area discharges to the subsurface infiltration chambers and caution should be taken to prevent sediment from reaching those basins. Please make a schedule for sweeping and stick to it as best as possible. Your SWPPP should also require this and that should be kept up to date.

Please let me know if you have any questions and please conduct the sweeping within the next week or prior to the next storm if possible.

Steve

Steven M. Bouley, EIT | Senior Project Engineer
Direct: 508.786.2382 | Main: 508.786.2200 | Fax: 508.786.2201
steven.bouley@tetrattech.com

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Tetra Tech 100 Nickerson Road Marlborough, MA 01752						
Project 2 Marc Road				Date 01-13-2017		Report No. 15
Location Marc Road				Project No. 143-21583-16009		Sheet 1 of 2
Contractor Rosenfeld Jon Rosenfeld				Weather A.M. SUNNY P.M.		Temperature A.M. 40° P.M.
FIELD OBSERVATIONS						
<p>On Friday, January 13, 2017 Steve Bouley from Tetra Tech (TT) visited the project site to inspect the current condition and construction progress. The following observations were made:</p> <p>1. Observations</p> <p>A. The contractor was not conducting site work at the time of the inspection. The contractor plans to conduct interior building work for the next few weeks then plans to move to the exterior for site drainage work.</p> <p>B. The steel frame has been installed for the proposed building and the contractor is in the process of installing interior building utilities.</p>						
CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS		
Sup't		Bulldozer		Asphalt Paver		Dept. or Company
Foreman		Backhoe		Asphalt Reclaimer		Description of Work
Laborers		Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Bobcat		Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator		Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flag persons		Scraper		Rock Crusher		
Surveyors		Articulating Dump Truck		Chipper		
Driller		Conc. Truck		Screener		OFFICIAL VISITORS TO JOB
Blast Crew		Pickup Truck		Drill Rig		
Sewer/Water Tester		Dump Truck 6 Whl		Boom Lift		
Town Inspector		Dump Truck 10 Whl		Water Truck		
		Dump Truck 14 Whl		Lull		
		Dump Truck 18 Whl		Gradall		
Police Details:				RESIDENT REPRESENTATIVE FORCE		
Time on site: 8:30 A.M. – 9:30 A.M.				Name		Name
CONTRACTOR'S Hours of Work:						
				Resident Representative: Steve Bouley		

Project 2 Marc Road	Date 01-13-2017	Report No. 15
Location Marc Road	Project No. 143-21583-16009	Sheet 2 of 2
Contractor Rosenfeld Jon Rosenfeld	Weather A.M. SUNNY P.M.	Temperature A.M. 40° P.M.

FIELD OBSERVATIONS CONTINUED

2. Schedule
 - A. TT will continue to monitor the site as construction continues.
3. New Action Items
 - A. N/A
4. Previous Open Action Items
 - A. Applicant/contractor to determine cause of standing water in swales and ensure final stabilized swales are clean of all sediment. **TT Update: The engineer of record (Dan Merrikin) is aware of the issue and stated he has met with the conservation agent and that the issue will be dealt with spring 2017, TT will follow-up at that time.**
 - B. It is recommended the contractor maintain the construction entrance as well as sweep existing pavement on Marc Road. **TT Update: Ground is frozen at this time and erosion not occurring. TT will follow-up with this item during the spring melt when tracking of sediment can become an issue on nearby roadways.**
5. Materials Delivered to Site Since Last Inspection:
 - A. N/A



January 24, 2017
Medway Planning & Economic Development Board
Meeting

Zoning Articles

- List of possible zoning articles for May 2017 town meeting. Drafts of the yellow highlighted items are provided. I would appreciate having a discussion on those.

NOTE - There are more articles to review at the special PEDB meeting on January 31st.

Zoning Work for 2017 Annual Town Meeting		
Affordable Housing Bylaw revisions	Susy	Committee continues to refine MAPC draft
Zoning district boundaries language	Mackenzie	Need to discuss with Barbara
Accessory/incidental features - what can be allowed within setbacks?	Susy	sac worked on this 1/3/17
Zoning Map clean-up	Susy & Mackenzie	in process
Flood plain/wetlands district clean-up	Susy & Bridget	Draft completed 1/3/17
Definitions (include design review guidelines, buffer)	Susy	in process
Adjust use table to correspond to new definitions	Susy	not yet started
Revisions needed per state zoning law changes from June 2016??	Barbara	received draft from her 1/10/17
Certificate of zoning compliance	Susy & Jack	info provided to Jack; need to discuss with him
Reference to Design Review Guidelines in various sections	Susy	low priority
Payment in lieu of sidewalk construction	Susy	low priority
OSRD - clarify what can be included in open space	Susy	draft completed 1-12-17
ARCPUD - clarify what can be included in open space and 50' buffer area; clarify definitions of congregate housing and independent living, etc.	Susy	draft completed 1-12-17
Revise the standard/default special permit criteria	Stephanie	Steph will work on this the week of 1/16
Fixes for incorrect internal reference numbers	Susy	SAC worked on this 1/12 and 1/16
Recreational marijuana moratorium		Draft completed and sent to Town Counsel for review
Non Zoning items		
Stormwater bylaw		Susy, Dave D, Bridget and Steph working on this with Gino Carlucci
Street acceptance - candlewood drive and island road??		No - wait for fall town meeting
Noise bylaw		Susy working with Allison on this
Public access easement to get drive on Williamsburg Way to get to the Williamsburg open space parcel		TBD
Revisions to EDC General Bylaw		EDC will discuss 1/11/17
1/20/2017		

Recreational Marijuana

1-18-17 DRAFT

ARTICLE (Amend Zoning Bylaw: Section V. Use Regulations, Add Sub-Section BB – Recreational Marijuana Establishments)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION 8. SPECIAL REGULATIONS, by adding Sub-Section 8.10 as follows:

8.10 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

- A. **Purposes.** On November 8, 2016, the voters of the Commonwealth approved Question 4 legalizing the recreational use of marijuana. The vote legalized the personal use of marijuana effective December 21, 2016 for persons at least 21 years of age. A newly established Cannabis Control Commission is to be appointed and adopt regulations by September 15, 2017. The Act authorizes municipalities to adopt ordinances or bylaws regulating the time, place and manner of operations of marijuana establishments. Further it authorizes municipalities to enact ordinances or bylaws or hold local ballot questions to impose additional limitations regarding the types and number of Marijuana Establishments to be allowed in a community and whether to allow for marijuana cafes for the consumption of marijuana and marijuana products on the premises where they are sold.

Currently under the Medway Zoning Bylaw, a recreational Marijuana Establishment is not a permitted use in the Town of Medway. Any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in establishing suitable regulations. The regulation of recreational Marijuana Establishments raises novel and complex legal, planning, and public safety issues. Questions and concerns have been raised regarding the timeline for implementation, local control mechanisms, regulation of marijuana products, amount of tax, licensing of recreational marijuana establishments, and additional matters. The Town needs time to study and consider the regulation of recreational Marijuana Establishments, to address the potential impact of the State regulations on local zoning, and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of recreational Marijuana Establishments and other related uses.

The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

- B. **Definitions.** As used in this Sub-Section, the following term shall have the following meaning:

Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business.

- C. **Temporary Moratorium.** For the reasons set forth above and notwithstanding any other provision of the Medway Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for recreational Marijuana Establishments. The moratorium shall be in effect through November 30, 2018. During the moratorium period, the Town shall undertake a planning process to consider how the Town will address the potential impacts of recreational Marijuana Establishments in the Town, the Cannabis Control Commission's regulations, and possible amendments to the Medway Zoning Bylaw to address the impact and operation of recreational Marijuana Establishments and related uses in the community.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

REVISED DRAFT 3-26-2013

DRAFT

Flood Plain/Wetland Protection District

Draft Amendments – January 3, 2017

ARTICLE :

To see if the Town will vote to amend the Zoning Bylaw, Section 5.6.1 Flood Plain/Wetland Protection District, by deleting items 2-5 in Paragraph C. Applicability as noted below:

5.6.1 Flood Plain/Wetland Protection District

C. Applicability. The Flood Plain/Wetland Protection District includes:

1. All special flood hazard areas designated as Zone A or AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Medway are panel numbers 25021C - 0136E, 0137E, 0138E, 0139E, 0141E, 0142E, 0413E, and 0144E with a preliminary date of June 12, 2009 and an effective date of July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) with an effective date of July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning and Economic Development Board, Conservation Commission, Building Department and Board of Assessors.
2. ~~All land bordering any natural water body that lies within a horizontal distance of twenty-five feet from the mean high water line except as otherwise defined on the Flood Plain/Wetland Protection District Map.~~
3. ~~All water bodies encircled by boundary lines of the District.~~
4. ~~All that land along the following named brooks and their tributaries: Stall Brook, Hopping Brook, Chicken Brook and certain unnamed brooks and streams that lie within a horizontal distance of twenty five feet of the thread of said brooks and streams except as otherwise defined on the Flood Plain/Wetland Protection District Map.~~
5. ~~All those wetlands which may be described as upland swamps or marshes which lie at the source of the brooks or their tributaries or which lie in surface depressions without drainage outlets, as defined on the Flood Plain/Wetland Protection District Map.~~

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARCPUD CLEAN-UP NEEDED

January 20, 2017

ARTICLE : To see if the Town of Medway will vote to amend the Zoning Bylaw, Sub-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 with 10 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 facility
 - b. e.** Long-term care facility
 - c. d.** Coordinated unit
 - d. e.** Independent living facility
 - e. f.** Residential subdivision
 - f.** Condominium

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 dwelling or cottage
 - b. Townhouse
 - c. **Duplex and/or** multifamily dwelling

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

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 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 shall be constructed within 50 feet from the right-of-way line of a public way or within 50 feet from the perimeter lot line. The 50-foot buffer shall be maintained in its natural state or a landscaped open space.~~

The 50 foot area from the perimeter lot line of the subject parcel shall function as a buffer area as defined in this Bylaw. No buildings, roadways, utilities or other infrastructure may be constructed within this buffer area, however fencing/stone walls and walking paths/trails are permitted. If wooded, the 50 foot buffer area shall be maintained in its natural state. If not, the buffer area shall be substantially landscaped.

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. 5 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.

And 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 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 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 sponsored as a co-ordinated unit by a corporation or organization having among its principal purposes the provision of housing and resident services for retired and/or aging persons.~~

Additional definitions pertaining to ARCPUD can be found in Section 8.5.

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NOTE - The definition for “Assisted Living Facility” in the Medway ZBL refers to Mass General Laws which defines assisted living as follows:

'From Mass GL 19D – “Assisted living residence” or “Residence”, any entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

1. provides room and board; and
2. provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and
3. collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance with the activities of daily living or arranges for the same.

Internal Cross References

Draft – January 13, 2017

ARTICLE : To see if the Town of Medway will vote to amend the Medway Zoning Bylaw at various locations throughout to correct the numbering of internal references to other sections or sub-sections of the Bylaw as follows:

In Section 5.6.2 Adaptive Use Overlay District, E. Medway Mill Conversation Subdistrict.

- In the opening paragraph, by deleting the reference to Section 1 and inserting **5.6.2. A.** in its place.
- In item 1. Permitted Uses, by deleting the reference to Section D(1) and D(2) and inserting **5.6.2.D.1. and D.2.** in its place.

In Section 7.2 Signs, Sub-section 7.2.2 Exempt Signs, A. 16. c., by deleting reference to Paragraphs 7 and 8 and replacing those with **7.2.4 and 7.2.5** in its place.

In Section 7.2 Signs, Sub-section 7.2.6 Administration, A. 1, by deleting reference to Paragraph 5 and inserting **7.2.2** in its place.

In Section 7.3 Environmental Standards, by deleting the reference in A. to Section 3 and inserting **SECTION 5.** in its place.

In Section 8.1 Infill Housing, by deleting the reference in C. Basic Requirements, 4. to Section 5.5.1 and inserting **Section 8.1.** in its place.

In Section 8.4 Open Space Residential Development, H. Special Permit Procedures, 3. Decision, by deleting the reference in a. to Section 5.5.3 and inserting **Section 8.4** in its place.

In Section 8.5 Adult Retirement Community Planned Unit Development, H. Open Space, 2. by deleting the reference to Section 5.5.3.(F) and inserting **Section 8.4.F.** in its place.

Non-Conforming Uses and Structures

Draft – January 20, 2017

ARTICLE ____: To see if the Town will vote to amend Section 5.5.B of its Zoning Bylaw as follows:

B. Commencement of Construction or Operation. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Zoning Bylaw, unless the use or construction is commenced within a period of not more than ~~six~~ **twelve** months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

And by amending Section 5.5. F. as follows:

F. Abandonment or Non-Use. Any nonconforming use that has been abandoned, or not used for more than ~~two~~ **three** years, shall lose any protected nonconforming status, and shall be subject to all of the provisions of this Zoning Bylaw.

or take any other action related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

NOTE - In Town Counsel's opinion, the above proposed amendment to 5.5.B is required by chapter 219 of the Acts of 2016. The proposed amendment to 5.5.F. is an option.

OSRD Clean up

January 20, 2017

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, Sub-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 Sub-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 _____ foot area from the perimeter lot line of the subject parcel shall function as a buffer area as defined in this Bylaw. No buildings, roadways, utilities or other infrastructure may be constructed within this buffer area, however fencing/stone walls and walking paths/trails are permitted. If wooded, the 50 foot buffer area shall be maintained in its natural state to the maximum extent possible. If not, the buffer area shall be substantially landscaped.

NOTE – See proposed definition below for Buffer Area. This will be in a separate article.

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 or to protect adjacent land uses of a different character. A buffer provides a visual and sound barrier between land uses by shielding or blocking noise, lights or other nuisances.