

**Thursday, March 24, 2016  
SPECIAL MEETING  
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>X</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  
Amy Sutherland, Recording Secretary

The Vice Chairman opened the meeting at 6:00 pm

**REPORTS**

**Medway Redevelopment Authority:**

The Medway Redevelopment Authority had a meeting on March 23, 2016 at the Thayer House on the Urban Renewal Plan. Member Di Iulio attended the meeting. This meeting was the first of four public forums. The next meeting will be held in the summer. Consultant Russ Burke of the BSC Group provided a presentation with a chronology of the project. There were two proposed options shown with a transitional area. There was discussion of a hotel and apartments for mixed use. There was concern that the forum had not been published enough. The notification was on the Town's website and there were mailings sent out. The current property straddle the ARII and Industrial III zoning districts. There will probably need to be a special zoning overlay district created. There is a steering committee which has been formed with a variety of members of the community.

**40B Application:**

The 40 B application for the Timbercrest development was filed with the Zoning Board of Appeals. The ZBA needs to begin the public hearing within 30 days of this filing.

**Salmon/Willows ARCPUD – Public Hearing Continuation**

The public hearing continuation hearing for the Salmon Health and Retirement ARCPUD special permit was opened at 6:21 pm.

The Board members are in receipt of the updated decision dated March 24, 2016. (See Attached)  
The review started on page 17.

**Recommendations:**

Page 17

K: Suggestion is to remove the first two bullets.

M: Remove the words “and fuller”

Resident Jeremy Barstow was present and he offered clarification on the signage he has proposed.

There was the inclusion of comments from received from Police Sergeant Jeff Watson. (**See Attached**)

The pavilion will have a card swiping system so that only residents can go inside.

Resident Barstow wanted to know if there could be alternative signage near the main entrance and near Village Street.

The signage will say “Private Way” at the main entrance. It was recommended that a “Residents Only” sign be installed at Village Street and Waterside Run.

**Age Restrictions:**

The Board was provided with the comments from Town Counsel. The advice is to remove item c. completely. All are in agreement.

**Tree Preservation:**

There was language added to the decision about the preservation of the identified trees. Some of the black walnut trees need to be added to the list in the tree preservation section of the decision. The applicant noted that the Order of Conditions to be issued through the Conservation Commission will also have a condition relative to the black walnut trees. It was recommended to make reference to the Order of Conditions. This section of the decision will be separated into two sections. Some notes regarding tree replacement were distributed. (**See Attached**). The tree replacement formula was taken from the *Scenic Road Rules and Regulations*. Not including the black walnut trees, the total number of trees to be preserved is four. If these trees were damaged and had to be replaced, the number of replacement trees per the formula would be 329 three inch caliber trees. Per Tree Warden Fred Sibley, one could reasonably estimate a cost of \$250 per replacement tree. This does not include installation. The Board explained that if an identified tree cannot be saved, then this needs to be brought up to the Board. A bond for the trees needs to be cash, surety, or a tri-party agreement. The Town is not comfortable with letters of credit. This provides flexibility. It was suggested to include some time in Tetra Tech’s construction services estimate to be on site while the landscaping is being done. It was also noted that there should be some flexibility to have some gates along the fencing so the landscaping behind the fence can be maintained.

**Open Space Signage:**

There will be signage at the open space areas and the signage design shall be compatible with the Open Space Committee’s standard open space signage.

**Other Edits** - There was language added that the applicant may be required to power wash/clean adjacent properties after the accumulation of dust on driveways, vehicles, and houses as deemed necessary by the building inspector.

**Findings:**

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to approve the Findings as listed.**

**Waivers:**

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to approve the Waivers as listed.**

Resident Barstow wanted to know if there could be a sign at Village Street and Waterside Run stating “Not a Construction Entrance”. This will be on a temporary basis. The Board is comfortable with this recommendation and it will be incorporated into the decision.

**Decision:**

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to approve the ARCPUD special permit with all the conditions, plan modifications and waivers.**

The Board signed the last page of the decision.

**Close Public Hearing:**

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to close the public hearing for the Salmon Health and Retirement Community ARCPUD special permit.**

**Adjourn:**

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

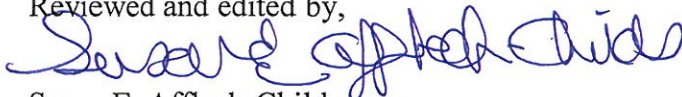
The meeting was adjourned at 7:15 pm.

Respectfully Submitted,



Amy Sutherland  
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

## Susan Affleck-Childs

---

**From:** Sgt. Jeffrey Watson <JWatson@medwaypolice.com>  
**Sent:** Monday, March 21, 2016 12:17 AM  
**To:** Susan Affleck-Childs  
**Cc:** barstowbuilding@gmail.com  
**Subject:** The Willows

Susan,

I had the opportunity to sit down with Medway Resident Jeremy Barstow. He had some safety concerns about the new Proposed Salmon Health and Retirement Community Development off of Village Street.

He stated that he was concerned about the amount of potential traffic that could be on Waterside Run in the development. This road has a number of individual buildings and is located directly behind his house on Narragansett St. He proposed the idea of installing a gate system that would help reduce the unnecessary use of the roadway by service vehicles and employees. I advised him that I understood his concerns, however I felt the gate would create a public safety danger. The gate would delay emergency personnel from gaining access to the residents. It would also create a safety issue when vehicles try to exit the development and are unable to exit because of the gate and will have to turn around.

After looking at the plans I offered an alternative signage resolution. The following would be my recommendation to the planning board that would help alleviate any unnecessary Traffic .

Place a sign stating "Waterside Run Residents Only" at the entrance of Waterside Run off of Village Street.

Place another "Waterside Run Residents Only" on Waterside Run just West of the entrance to the club house parking entrance.

Place a Exit Arrow pointing down Willow Pond at Willow Pond and Waterside Run.

If you have any questions or concerns please contact me.

Respectfully,

Jeffrey W. Watson  
Sergeant  
Medway Police Department



## Possible Tree Replacement at Salmon

4 Trees in Eastern Buffer Area	Radius	Radius Squared		# of Sq. Inches of Tree Replacement	# of 3" caliper trees (Column E divided by 7 sq. inches)
26 inch oak	13	169	x 3.14	530.66	75.8086
24 inch oak	12	144	x 3.14	452.16	64.5943
30 inch oak	15	225	x 3.14	706.5	100.9286
28 inch ash	14	196	x 3.14	615.44	87.92
				2304.76	329.2515

3/24/16 - sac



**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*

REVISED DRAFT – March 24, 2016 (12:40 p.m.)

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

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

**PROJECT DESCRIPTION**

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

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

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

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

## **PROCEDURAL BACKGROUND**

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

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

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

towns on June 24, 2015.

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

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

The Board convened the public hearing on July 14, 2015. The public hearing was continued to 7/28/15, 8/11/15, 8/25/15, 10/13/15, 10/27/15, 11/10/15, 12/8/15, 12/29/15, 1/12/16, 1/26/16, 2/9/16, 2/23/16, 3/8/16, 3/22/16 and 3/24/16 when the public hearing was closed. On each occasion when the public hearing was continued, the Town Clerk was so notified. All persons in attendance were provided the opportunity to comment and present evidence. All members voting on this Special Permit were present at all sessions or provided a Mullins Rule certification when absent.

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

## **EXHIBITS/PLANS/DOCUMENTS**

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

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

- Letter dated 11/5/15 from Dario Designs and CHA Landscaping in response to questions from 10/27/15 hearing.
- Revised site plan dated December 11, 2015

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

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

## **PUBLIC HEARING TESTIMONY**

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

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



- Review letter dated November 4, 2015 from Gino Carlucci/PGC Associates in response to revised plans
- Email communication dated 10/27/15 from Chief Jeff Lynch

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

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

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

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

#### **Citizen/Abutter Comments**

- Patricia Brennehan, 7 Naumkeag Street
- Tim Choate, 7 Iroquois Street
- William Goodwin, 5 Brookside Rd
- Kathleen Choate, 5 Iroquois Street
- Loretta Wilhelm, 255 Village Street
- Email dated 7-21-15 from Christine Kersnason, 2 Charles River Road
- Jeremy Barstow, 4 Narragansett Street
- Email letter dated 8-4-15 from abutter Tim Choate, 7 Iroquois Street
- Kathleen Hickey, 3 Narragansett Street
- Dan Hooper, 6 Naumkeag
- Kelly Sheba, 5 Nipmuc Street
- Anne Bradford, 3 Mishawaum Street
- David MacMillan, 5 Nipmuc Street
- Sue Rorke, 34 Ellis Street

- Karyl Spiller Walsh, 168 Holliston Street
- Dave Kaeli, 7 Puddingstone Lane
- Jim Wieler, 62 Adams Street

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

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

## **FINDINGS**

To make its findings, decision, and conditions of approval, the Board carefully reviewed the Plan, and all the materials, studies and documentation presented by the applicant, the Board's consultants, letters and testimony from Town officials and boards, together with the comments and correspondence of abutters and members of the public, and carefully analyzed the general purpose of the ARCPUD provisions of the Zoning Bylaw and its specific requirements and standards, the goals and objectives of the Medway Master Plan, as well as the requirements of G.L. c. 40A Section 9 and Section 3.4 of the Medway Zoning Bylaw relating to special permits.

On \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the Board voted to make the following **FINDINGS** regarding this application in accordance with the Medway Zoning Bylaw, SECTION 8.5. Adult Retirement Community Planned Unit Development. The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

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

senior citizen population by offering a greater variety of housing types than the conventional single family detached subdivision home that is customarily provided in the ARII zoning district.

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

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

54 detached cottages	@ 1:1 = 54
15 independent living cottages attached to main building	@ 1:1 = 15
56 congregate apartments	@ 2:1 = 28

60 traditional assisted living apartments	@ 2:1 = 30
40 memory impaired assisted living apartments	@ 2:1 = 20
<b>Total</b>	<b>147</b>

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

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

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

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

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

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



Therefore, the Board finds that this standard is met.

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

4. Subject to Condition #2 specified below, the Board finds that the development will comply with the ARCPUD Age Restriction (Section 8.5. F.).
5. Subject to any conditions specified below, the Board finds that the Salmon Health and Retirement Community complies with the ARCPUD Open Space Requirements (Section 8.5. H.) as follows:

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

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

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

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



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

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

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

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

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

- 6. The Board finds that the Salmon Health and Retirement Community has complied with the required Pre-Application process outlined in Section 8.4 of the Zoning Bylaw. The applicant and their consultants met with the Board for an informal, pre-application discussion during the Board’s regular meeting on February 10, 2015.
- 7. The Board finds that the Salmon Health and Retirement Community has complied with the Four-Step design process outlined in Section 8.4 of the Zoning Bylaw. During the pre-application meeting held with the Board on February 10, 2015, David Thompson of CHA Associates reviewed the four step design process (as required by the ARCPUD bylaw).
- 8. The Board finds that the proposed Salmon Health and Retirement Community has complied with the ARCPUD application requirements as specified in the Board’s *ARCPUD Rules and Regulations* (Section 303). The Board’s Planning Consultant, Gino Carlucci of PGC Associates, reviewed the application materials for completeness. As documented in the PGC Associates completeness review letter dated June 18, 2015, the application package was found to be substantially complete.
- 9. The Board finds that the proposed Salmon Health and Retirement Community meets the purposes, requirements and design standards of Section 8.5 of the Zoning Bylaw.
  - a. It provides a variety of housing types and amenities for senior citizens to accommodate their long-term social, cultural, recreational and continuing care needs.
  - b. The project site exceeds 10 acres and is located within the AR-II zoning district.
  - c. The project provides three (congregate housing, assisted living, and independent living) of the six types of allowed housing exceeding the required minimum of one. It also includes two (detached cottage and multifamily dwelling) of the three housing styles allowed, along with conservation and recreation uses and three (medical offices, adult day

care and community center) of the four types of accessory uses. The accessory uses do not occupy more than 5% of the aggregate floor area of the entire ARCPUD.

- d. The maximum number of units allowed is 171 and 147 are being provided.

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

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

**a. General Findings**

- 1) The proposed Salmon Health and Retirement Community ARCPUD is a sizeable development. Spread out over 56.9 acres, it includes 54 cottage style homes in 29 buildings, an 11,475 sq. ft. medical office building, a 3,522 sq. ft. community center/pavilion and a 305,457 sq. ft. main building on four floors including ground level parking. The main building stands 71' feet high at its highest point (55' high to the eave), extends 616 ft. from east to west at its longest, and is 500 ft. wide from north to south at its widest. The ground floor footprint of the main building including the garage and attached cottages consumes 127,023 sq. ft. of the site's 56.9 acres. This constitutes 5.12% of the site's surface area. The main building is set back 1028 ft. into the site from Village Street. The main building's position on the site is 338' ft. from the closest point of the eastern boundary. The closest cottage style dwelling unit is located 50 ft. from the eastern boundary. The pavilion is located 51+ ft. from the property's eastern boundary.

- 2) Due to the age restricted nature of this development, the economic impact of an active adult/senior living community to the Town of Medway is far more beneficial than that of a conventional, family oriented subdivision development which places costly demands on the Medway Public School system.

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

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

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

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

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

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

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

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

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

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

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

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

The Applicant and the Board have endeavored to address these concerns. Over the course of the public hearing, the applicant has revised the plan in an effort to reduce a number of the identified impacts. The stormwater management plan was substantially redesigned to address existing stormwater conditions on the adjacent east/west side streets and properties caused by older, inadequate stormwater management facilities at those locations. Other plan changes have included moving Waterside Run westerly from the eastern boundary, relocating the sidewalk to the west side of Waterside Run, reducing the



number of parking spaces at the community center/pavilion, and including privacy fencing and supplemental landscaping along much of the eastern boundary. The parking layout at the community center/pavilion was reoriented so that vehicle headlights would face away from the Charles River Road neighborhood. Limitations have been established on the use of Waterside Run to not allow its use for employees and deliveries. Additional measures, conditions, safeguards and limitations to address noise and traffic volume on Waterside Run are specified in the Conditions section of this decision to further protect the neighboring properties.

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

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

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

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

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

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

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



on the butters. Concerns about noise are addressed in Conditions # 17, 19 and 21. Further landscaping along the eastern boundary area is noted in Condition #13. No other nuisances have been identified or anticipated.

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

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

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

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

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

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

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

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

12. Subject to Condition #3 specified herein, the Board finds that the applicant will comply with Section 8.6 of the Zoning Bylaw regarding affordable housing. The applicant has agreed to make a payment of \$259,995 to the Medway Affordable Housing Trust in lieu of constructing seven, cottage type affordable dwelling units on site (10% of the 69 cottage units).
13. The Board finds that the applicant will comply with Section 7.1.1. of the Zoning Bylaw regarding parking. The required parking is 2 spaces per dwelling unit. Based on the equivalent

of 149 dwelling units, a total of 298 parking spaces are needed. The Bylaw also requires 1 parking space per 300 square feet of net useable area for other uses. The medical office building requires 32 spaces based on a size of 9,584 sq. ft. of net useable area. The pavilion needs 10 parking spaces based on a size of 2,988 sq. ft. of net useable area. The total number of required parking spaces is 336 spaces.

The table below shows that adequate parking will be provided.

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

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

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

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

## **DECISION**

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

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

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

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

1. The plan shall be revised to include the following information:

- a. Detail on Versa-lok retaining wall pursuant to DRC review letter dated February 9, 2016

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

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

## **CONDITIONS/LIMITATIONS/SAFEGUARDS**

1. Notwithstanding any future amendment of the Medway Zoning Bylaw, G.L. C.40A or any other legislative act:
- a. The maximum number of dwelling units to be constructed under this special permit shall be 225 (54 independent living cottages, 15 independent living cottages attached to the main building, and a combination of 56 independent living apartments, 60 assisted living apartments and 40 memory care apartments in the main building). In addition to the dwelling units there shall be one medical office building and one community center/pavilion, as shown on the Plans.

- b. The tract(s) of land on which this ARCPUD is to be located shall not be altered or used except:
- 1) as granted by this special permit
  - 2) as shown on the plan entitled Salmon Health and Retirement Community ARCPUD Special Permit Site Plan, Village Street, Medway, MA, dated 6-12-15, last revised 2-18-16 to be modified as referenced herein; and
  - 3) in accordance with subsequent approved plans or amendments to this special permit.

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

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

**2. Age Restrictions**

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

3. **Affordable Housing Payment in Lieu of Construction** – To fulfill its affordable housing responsibilities pursuant to Section 8.6 of the Bylaw, the applicant shall pay a total of \$259,995 to the Medway Affordable Housing Trust in lieu of constructing seven affordable cottage style dwelling units on site. 1/7 of this amount (\$37,142.15) shall be paid upon occupancy of the 10<sup>th</sup>, 20<sup>th</sup>, 30<sup>th</sup>, 40<sup>th</sup>, and 50<sup>th</sup> cottage unit, and 2/7 of this amount (\$74,284.30) shall be paid upon occupancy of the 60<sup>th</sup> cottage unit.
4. **Payment of Balance of Fees/Taxes** - Prior to plan endorsement, the Applicant shall pay the balance of any fees for outstanding plan review services provided by any outside consultants retained by the Board which assisted in the review of this project. The Applicant shall also pay a fee for construction services to be provided by outside engineering and legal consultants.



The fee shall be established by the Planning and Economic Development Board. The Applicant shall also be current with the Medway Town Treasurer/Collector for all real estate taxes, betterments, charges, obligations, fees and any penalties and back charges resulting from the non-payment of taxes for all property included in this development.

**5. Construction Phasing**

- a. The applicant plans to build out the infrastructure of this project in accordance with the Construction Sequence Plan, Sheet C62 of the Site Plan set, dated 12/11/15, last revised 3/10/16.

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

- b. Any adjustments to the phasing plan require approval of the Board. Such approval may be granted by the Board at a scheduled meeting without a public hearing.

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

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



Conservation Restriction and Easement approved by the Secretary of Energy and Environmental Affairs for maintenance of the open space parcel, trails and parking area.

- g. The applicant will prepare a baseline inventory of the open space area subject to the Conservation Restriction and Easement and provide such to the Conservation Commission for its approval and subsequent use for its annual property inspection. The inventory shall be prepared in accordance with the standards provided by the Medway Conservation Commission and be provided to the Commission at the time the Conservation Restriction and Easement is submitted.

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

## **7. Recording of Plans/Documents**

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

## **8. Drainage/Stormwater Management**

- a. The Applicant and operator shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition, and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of the Planning and Economic Development Board.
- b. The stormwater drainage system, water and sewer systems shall be maintained by the applicant and its successors and assigns and shall not be dedicated to the Town. It is

the intent of the Planning and Economic Development Board and the applicant that these systems not be accepted by Town Meeting.

- c. The applicant and operator shall maintain the stormwater management system in accordance with the following guidelines for the operation and maintenance of the stormwater management system prepared by the applicant's registered professional engineer – *Salmon Health and Retirement Community Stormwater Report*, 6/12/15, last revised 2/18/16, prepared by Coneco Engineers and Scientists.

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

- d. In the event a separate management company is engaged, the stormwater operation and maintenance guidelines shall be incorporated by reference in the management contract.
  - e. In the event that the Applicant, its successors, or agent fails to maintain the stormwater management system in accordance with the applicable guidelines for operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Applicant hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith; if the applicant fails to reimburse the Town, the Town may place a lien on the site to secure such payment.
9. **Scenic Road** – Pursuant to the *Scenic Road Work Permit* approved by the Planning and Economic Development Board on August 25, 2015 on file with the Medway Town Clerk, the applicant shall make a payment of \$600 to the Medway Tree Fund as mitigation for removing one 30" diameter ash tree in the Town's right of way on Village Street adjacent to this project. Such payment shall be made within six months after site construction commences.
  10. **Off-Site Mitigation/Pedestrian Access Improvements on Village Street** – The applicant shall install the following:
    - a. advance warning crosswalk signs on east and westbound Village Streets
    - b. two enhanced crosswalks across Village Street to connect with existing sidewalks on the north side of Village Street with associated rectangular rapid flash beacons (RRFB). One crosswalk will be at the main entrance driveway (Willow Pond Circle) and one will be at the eastern entrance driveway (Waterside Run). Both crosswalks will be fully ADA/AAB compliant. The RRFB fixtures shall be in a style comparable to the fixtures being installed on Main Street as part of the Route 109 reconstruction project.
  11. **Fire Notification Systems:** The applicant shall install a radio master box system to service the Main Residence/Campus Building and the Medical Office Building for fire alarm notifications to the Town. The system is to be specified and designed by the Town under the

direction of the Fire Chief. The applicant has agreed to make a voluntary contribution in the amount of \$59,500 to be used to purchase said system receivers, with said contribution to occur prior to the issuance of the first occupancy permit.

12. **Tree Preservation** – A tree preservation plan shall be prepared by a Massachusetts Certified Arborist (MCA) for all sixteen trees with a diameter of 24” and more as indicated on the Existing Conditions Sheets C4 – C9. The applicant shall make the fullest possible effort to preserve these trees and prevent their removal, demise or damage during construction. The tree preservation plan shall be submitted to the Board for review and approval before the applicant’s pre-construction conference with Town officials.

At a minimum the following trees along the eastern boundary area of the site shall be preserved:

- 26” oak near Mishawaum
- 24” oak and a 30” oak adjacent to the Brenneman property at 7 Naumkeag
- 28” ash adjacent to the Hickey property at 3 Narragansett

If any of the above noted four trees are removed or damaged during construction, the applicant shall be responsible for tree restoration by replacing the removed or damaged trees with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis within (1) year after the tree removal or damage has occurred. The one (1) square inch per two (2) square inch replacement amount is calculated by squaring 1/2 the established diameter of each tree that is removed or damaged and multiplying by 3.14 to determine its trunk area (tree radius squared x pi rounded to 3.14). The resulting figure is halved and that square inch total is the amount of required square inches of the replacement tree(s). The location of the replacement trees shall be recommended by the applicant and approved by the Planning and Economic Development Board and Tree Warden and may be located off site of the subject premises including on adjacent properties. The restoration shall be verified by the Tree Warden as being fully and skillfully performed. The species of replacement tree(s) shall be reviewed and approved by the Tree Warden, or otherwise will be consistent with the species of the removed *tree(s)*.

NOTE – Another question is does the Board want to calculate the cost of such replacement trees now and require a bond to be paid up front before any site work commences.

13. **Landscape Buffer Area** – The Pursuant to Condition #1 regarding plan revisions, landscaping in the buffer area along the eastern boundary of the site shall include the plantings depicted in the supplemental landscape design prepared by CHA Associates submitted on 3/17/16 which will be incorporated into the landscape section of the Plan of Record. Within one year after the landscape installation in this area, the Board shall review and determine if the landscape plantings provide suitable buffering for the adjacent neighbors. At the Board’s initiation, the special permit may be amended to require the applicant to install further landscaping to the Board’s satisfaction.

14. **Energy and Resource Conservation**

- a. The development is relying on the Town’s public water system and the Town is held to its Water Management Act Permit with the Mass Department of Environmental

Protection. To conserve water, at a minimum, the Applicant shall incorporate the following water conservation measures throughout the development: well water for landscape irrigation, rain-gauge controlled irrigation systems, and low flow household fixtures.

- b. All residential appliances throughout the development shall be Energy Star rated.
- c. The indoor parking area shall be equipped with at least four electric vehicle charging stations for use by residents and employees.

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

- 15. **Coordination with Medway Conservation Commission** – The applicant shall provide any future plans approved by the Medway Conservation Commission pursuant to an Order of Conditions for this site to the Planning and Economic Development Board. If there is any inconsistency between the endorsed Salmon Health and Retirement ARCPUD Site Plan and any plans approved by the Conservation Commission, the Applicant shall submit an amended plan to the Planning and Economic Development Board for review and approval. Said amended plan shall be accompanied by a letter setting forth a description of any and all changes from the Salmon Health and Retirement ARCPUD Site Plan as approved herein.
- 16. **Open Space Signage** – The applicant shall install signage guiding the public to the open space areas and trails upon consultation with the Medway Open Space Committee. Signage design shall be compatible with the Open Space Committee's standard open space signage.
- 17. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The applicant and its contractors shall at all times use all reasonable means possible to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on outside construction activity shall apply.
  - a. **Construction Time** – Outdoor construction work at the site and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and cease no later than 6 p.m. Monday – Friday and shall commence no earlier than 8 a.m. and cease no later than 4 p.m. on Saturday. No indoor or outdoor construction shall take place on Sundays or federal and state legal holidays without the advance approval of the Inspector of Buildings.
  - b. All erosion and siltation control measures shall be installed by the contractor prior to the start of any site preparation/clearing and construction and shall be observed by the Planning and Economic Development Board's consulting engineer. The erosion and siltation control measures shall be maintained in good repair throughout the construction period.
  - c. The privacy fencing along the eastern boundary of the site shall be installed prior to the issuance of building permits for any of the cottages, main building, and community center/pavilion.



- d. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces. The applicant may be required to power wash/clean adjacent properties after the accumulation of dust on driveways, vehicles and houses as deemed necessary by the Building Inspector.
- e. There shall be no tracking of construction materials onto any public way or adjacent private property. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be

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

responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.

- f. The Applicant is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
- g. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
- h. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Medway Zoning Bylaw*, Section 8.3. C. 2.
- i. *Blasting*
  - 1) The applicant shall follow all procedures as specified by the Massachusetts Department of Fire Services regarding site blasting.
  - 2) The applicant shall provide at least 24 hours written notice of the scheduling blasting to all property owners and residents within 500 feet of the subject parcels.
  - 3) Blasting shall be limited to occur between the hours of 9:00 am and 5:00 pm, Monday through Friday only. No blasting to occur on Saturdays, Sundays or legal holidays.
- j. *Use of Waterside Run* – Except for the houses to be built on Waterside Run, it shall not be used as a route into or out of the site the site for contractors and product deliveries during construction unless Willow Pond Circle is blocked for construction.

## 18. **Neighborhood Relations**

- a. The Applicant shall regularly inform the residents of Village Street and the adjacent neighborhoods (*as listed in the certified list of abutters accompanying the application*)



of the construction schedule.

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

19. **Deliveries**

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

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

- d. Deliveries to the community center/pavilion shall take place only between 8 am and 5 pm.

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

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

22. **Exterior Lighting**

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

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

24. **Landscape Maintenance**

- a. The site's landscaping shall be maintained in good condition throughout the life of facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.

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

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

**25. Snow Storage/Removal**

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

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

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

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

**28. Construction Observation/Inspection**

- a. Inspection by the Town's Consulting Engineer of the construction of the roadways, infrastructure, stormwater management facilities, water and sewer facilities, site amenities including landscaping, and other utilities is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee under G.L. c. 44 §53G to the Town of Medway for such inspections. The Board will use the funds at its discretion to retain professional outside consultants. In addition to inspections, the funds may be used to pay professional outside consultants to review legal documents, prepare bond estimates, and review as-built plans. The amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer and shall be paid prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction services, upon invoice from the

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

Board until the road construction and stormwater drainage system are completed, utilities and site amenities are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.

- b. Planning and Economic Development Board members, its staff, consultants or other duly authorized agents of the Town of Medway shall have the right to enter upon the property to inspect the site at any time, for compliance with the endorsed site plan and the terms, provisions and conditions of this special permit.
- c. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.

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

### 30. **Performance Security Guarantee**

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

- b. *Performance Guarantee* – The Restrictive Covenant may be replaced by one of the types of performance guarantees set forth in G.L. c. 41, Section 81U, the Subdivision Control Law, at such time as the Applicant wishes to obtain a building permit for any Phase IV building and after the Applicant has completed the minimum infrastructure construction as specified in Section 6.6.3 of the *Subdivision Rules and Regulations* for the Phase II area as shown on Sheet 62 Construction Sequence Plan, last revised March 10, 2016. The form or combination of performance security measures shall be selected and from time to time may be varied by the Applicant, in a sufficient amount, source and form acceptable to the Planning and Economic Development Board, Treasurer/Collector, and Town Counsel. Such performance guarantee shall secure the

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

Applicant's completion of the construction of the remaining roadways and installation of the remaining stormwater management facilities, utilities, services, pedestrian facilities/ trails/pathways, all appurtenances thereto, and all site amenities including but not limited to lighting, landscaping (except for individual cottage landscaping) and fencing and any off-site improvements all as shown on the Plan of Record and the maintenance thereof. The performance guarantee agreement shall:

- 1) define the obligations of the developer and performance guarantee company;
- 2) specify a scheduled date by which the applicant shall complete construction in accordance with the Plan of Record;
- 3) state that it does not expire until released in full by the Planning and Economic Development Board; and
- 4) include procedures for collection upon default.

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

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

- 1) the estimate of the Town's Consulting Engineer of the cost to complete the work; plus



2) a twenty-five percent (25%) contingency.

- d. *Adjustment of Performance Guarantee* - At the Applicant's written request, the amount of the performance guarantee may be reduced, from time to time, by the Board and the obligations of the parties thereto released by the Board in whole or in part, upon the partial completion of the roadways and infrastructure improvements as defined herein. In order to establish the amount to adjust the performance guarantee, the Town's Consulting Engineer shall prepare an estimate of the current cost for the Town to complete all work as specified in the Plan of Record that remains unfinished at the time the estimate is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the MassDOT. The

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

estimate shall also include the cost to maintain the roadways, stormwater management system and other infrastructure in the event the developer fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. The estimate shall also include the estimated cost to produce as-built plans and for project closeout services. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount:

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

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

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

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

32. **Timetable for Project Completion**

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



least thirty (30) days prior to the specified expiration date. The Board herewith reserves its right and power to grant or deny such an extension, to issue any appropriate changes to the special permit, and to require any appropriate modifications of the Plans.

33. **Project Completion** – Upon completion of all work, and prior to the issuance of the final certificate of occupancy and release of the last \$40,000 of performance guarantee, the following items shall be completed to the Board’s satisfaction:

- a. *As-Built Plans* – The Applicant shall prepare and provide an as-built plan of the roadways, utilities and other infrastructure prepared in accordance with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, for review by the Town’s Consulting Engineer and Board approval. The as-built plan shall be prepared by a Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts.

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

- b. *Engineer’s Certification* – The Applicant shall provide a written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all buildings, site work, infrastructure and site amenities have been constructed and completed in substantial compliance with the Plan of Record as may be amended by the Board.
- c. *Certificate of Site Plan Completion* – The Board shall prepare a Certificate of Site Plan Completion which serves as the Planning and Economic Development Board’s confirmation that the completed work conforms to the approved Plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements.
- d. The applicant shall be current with the Town of Medway for any taxes/fees associated with the subject parcels.

34. **Enforcement** - The Planning and Economic Development Board or its agent(s) may use all legal options available to it, including referring any violation to the Inspector of Buildings/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Special Permit and Conditions of Approval.

**WAIVERS** – The Applicant has requested a series of waivers from the *Site Plan Rules and Regulations*. The requests were reviewed by the Planning and Economic Development Board during a duly called and properly posted public hearing on \_\_\_\_\_. On \_\_\_\_\_, the Planning and Economic Development Board, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ the Applicant’s *Requests for Waivers*. The motion was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed. Waivers from the following sections of the *Site Plan Rules and Regulations* were approved:

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

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

**Findings -**

\*\*\*\*\*

**Section 204-5 C. 3 - Existing Conditions Sheets** – An Existing Landscape Inventory shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a mapped overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.  
*Salmon Health and Retirement Community ARCPUD Special Permit*  
*March 24, 2016*

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

**Findings** – The Board is amenable to a middle ground whereby the applicant will conduct an inventory of trees 18 inches in diameter and present that to the Board.

\*\*\*\*\*

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

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

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

\*\*\*\*\*

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

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

## **Findings -**

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

After the appeals period has expired, the applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed at the Registry of Deeds with this special permit. A copy of said recording must be returned to the Town Clerk to complete the file.

DRAFT

**MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

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

---

---

---

---

---

DRAFT